



Queensland

Electoral Regulation 2013

Subordinate Legislation 2013 No. 13

made under the

Electoral Act 1992

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[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Electoral Regulation 2013*.

Part 2 Electoral rolls

2 Restricted information—Act, s 2

For section 2 of the Act, definition *publicly available part of an electoral roll*, paragraph (b), the following information about a person whose name is on the electoral roll is declared to be restricted information—

- (a) the person's sex, occupation and date of birth;
- (b) the date the person is enrolled on the electoral roll.

3 Electoral rolls—Act, s 58

- (1) For section 58(3)(e) of the Act, the other information prescribed for each person is the date the person is enrolled on the electoral roll.
- (2) For section 58(7) of the Act, the following government entities are prescribed—
 - Brisbane City Council
 - Gold Coast City Council
 - Ipswich City Council
 - Logan City Council
 - Residential Tenancies Authority
 - the department in which the *Transport Operations (Road Use Management) Act 1995* is administered.

Part 3 Registration of political parties

4 Documents for application for registration—Act, s 71

- (1) For section 71(4)(g) of the Act, the documents prescribed for an application for registration of a political party that is not a Queensland parliamentary party are—
 - (a) for each person who is an elector, and whose name is set out in the application as being a member of the party, each of the following—
 - (i) a copy of the person’s application for party membership;
 - (ii) unless the party’s constitution provides that acceptance of an application for party membership is automatic, a document that is evidence of the party’s acceptance of the person as a member under the constitution;
 - (iii) if the application for registration is made more than 1 year after the person’s application for party membership, a document that is evidence of the person’s current membership; and
 - (b) a list of the party’s associated entities.
- (2) In this section—

associated entity has the same meaning as in section 197 of the Act.

Part 4 Preselection ballots

5 Model procedures for preselection ballots—Act, s 166

The procedures in schedule 1 are prescribed as the model procedures for the conduct of a preselection ballot.

[s 6]

Part 5 Election funding and financial disclosure

6 Qualifications or experience for auditors—Act, s 197

For section 197 of the Act, definition *auditor*, the following qualifications are prescribed—

- (a) registration as an auditor under the Corporations Act;
- (b) membership of CPA Australia and an entitlement to use the letters ‘CPA’ or ‘FCPA’;
- (c) membership of the Institute of Public Accountants and an entitlement to use the letters ‘MPA’ or ‘FIPA’;
- (d) membership of The Institute of Chartered Accountants in Australia and an entitlement to use the letters ‘CA’ or ‘FCA’.

7 Times for disclosure period—Act, s 198

- (1) For section 198(1)(a) and (b) of the Act, the prescribed time before the polling day mentioned in the section is 4 years.
- (2) For section 198(1)(a) and (c) and (2) of the Act, the prescribed time after the polling day mentioned in the section is 30 days.

8 Words for prescribed statement—Act, s 259

For section 259(2) of the Act, definition *prescribed statement*, the prescribed words are—

‘Warning: it is an offence for a person to make a political donation - that is a gift intended for use for campaign purposes for a State election - if the donation exceeds the applicable donation cap provided for in the *Electoral Act 1992*.

Information on applicable donation caps may be obtained by contacting the Electoral Commission Queensland by

telephone on 1300 881 665 during normal business hours, or on the commission's website at <www.ecq.qld.gov.au>.

9 Time for giving returns of political donations and gifts—Act, s 261

For section 261(1) of the Act, the prescribed time after the polling day for the election is 15 weeks.

10 Time for being taken to remain a candidate—Act, s 271

For section 271(5) of the Act, the time prescribed is 30 days after the polling day for the election.

11 Time for giving returns of electoral expenditure—Act, s 283

For section 283(1), (2) and (3) of the Act, the prescribed time is 15 weeks after the polling day for the election.

12 Time for giving returns for reporting periods by registered political parties—Act, s 290

For section 290 of the Act, the prescribed time is 8 weeks after the end of the reporting period.

13 Time for giving returns for reporting periods by associated entities—Act, s 294

For section 294(1) of the Act, the prescribed time is 8 weeks after the end of the reporting period.

[s 14]

Part 6 **Fees**

14 **Fees**

The fees in schedule 2 are payable to the commission.

Part 7 **Repeal**

15 **Repeal**

The Electoral Regulation 2002 SL No. 125 is repealed.

Schedule 1 Model procedures for preselection ballots—Act, s 166

section 5

Part 1 Preliminary

1 Definitions

In this schedule—

address for receipt of nominations, for a preselection ballot, means the address stated in the call for nominations as the address at which nominations must be received.

address for receipt of postal votes, for a preselection ballot, means the address stated in the call for nominations as the address at which postal votes must be received.

call for nominations means a call for nominations of candidates for a preselection ballot.

closing time, for each of the following, means the time, stated in a call for nominations, when—

- (a) for a membership roll—a political party's membership roll closes for a preselection ballot;
- (b) for a preselection ballot—the preselection ballot closes;
- (c) for nominations—nominations close;
- (d) for postal voting—postal votes must be received at the address for receipt of postal votes.

eligible postal voter, for a political party's preselection ballot, means an eligible preselection voter who, under the party's constitution, is eligible to vote in the party's preselection ballot by postal vote.

eligible preselection voter means a member of a political party who, under the party's constitution, is eligible to vote in the party's preselection ballot.

give, for a postal vote, includes send.

issuing officer means a person authorised by a returning officer to give preselection ballot papers to eligible preselection voters.

preselection roll see section 14(1).

return envelope means an envelope given to an eligible postal voter by the returning officer so that the voter may comply with section 22.

returning officer means a returning officer appointed for a preselection ballot under section 3.

sealed ballot box means a ballot box that complies with section 18(b).

voting material, for a postal vote, means—

- (a) a ballot paper; and
- (b) a declaration envelope; and
- (c) a return envelope; and
- (d) notice of—
 - (i) the closing time for postal voting; and
 - (ii) the address for receipt of postal votes.

Part 2 Returning officer

2 Returning officer for a preselection ballot

- (1) There must be a returning officer for a preselection ballot.
- (2) The returning officer is responsible for ensuring the appropriate conduct of the preselection ballot.
- (3) The returning officer must not improperly influence the outcome of the preselection ballot.

3 Appointment of returning officer

- (1) A returning officer may be appointed for a particular preselection ballot or for all preselection ballots that close during a particular period.
- (2) If a political party's constitution provides for the way a returning officer is to be appointed, the returning officer must be appointed under the constitution.
- (3) Otherwise—
 - (a) the returning officer must be appointed by resolution of the party, or the section of the party for which the preselection ballot is being held, at a meeting held under the party's constitution; and
 - (b) the appointment must be recorded in the minutes of the meeting.
- (4) For an appointment under subsection (3), the following must be recorded in the minutes—
 - (a) the returning officer's name;
 - (b) the address of the returning officer's place of business;
 - (c) if the appointment is for a particular preselection ballot—the preselection ballot;
 - (d) if the appointment is for all preselection ballots that close during a particular period—the period.

4 Eligibility of returning officer to vote in preselection ballot

- (1) If a person appointed as the returning officer for a political party's preselection ballot is otherwise eligible to vote in the preselection ballot, the person remains eligible to vote despite the appointment.
- (2) Subsection (1) does not apply if, under the party's constitution, a returning officer is ineligible to vote because of the appointment.

Part 3

Nomination of preselection ballot candidate

5 Calling for nominations of candidates

- (1) A returning officer must call for nominations of candidates for a preselection ballot in writing.
- (2) If a political party's constitution provides for the way nominations of candidates are to be called for, nominations must be called for under the constitution.
- (3) Otherwise, the call for nominations must be—
 - (a) if the party publishes and gives its members a journal or newsletter free of charge—by advertisement in the journal or newsletter; or
 - (b) by advertisement in a daily newspaper circulating in the area for which the preselection ballot is to be held.

6 Matters to be stated in call for nominations

A call for nominations must state the following—

- (a) the number of candidates required to be selected by the preselection ballot;
- (b) any criteria about who may nominate as a candidate;
- (c) when nominations open;
- (d) the closing time for nominations;
- (e) the address for receipt of nominations;
- (f) that a nomination must—
 - (i) be in writing; and
 - (ii) state the nominee's surname and given names as they appear on the electoral roll on which the nominee is enrolled; and
 - (iii) if the nominee would prefer names by which the nominee is commonly known to appear on ballot

-
- papers instead of the nominee's given names—state the preferred names; and
- (iv) be signed by the nominee; and
 - (v) be received at the address for receipt of nominations by the closing time for nominations;
- (g) that if the preselection ballot is necessary because the number of nominations accepted is greater than the number of candidates required to be selected by the preselection ballot—
- (i) how the preselection ballot will be held; and
 - (ii) the closing time for the party's membership roll; and
 - (iii) any criteria about who is eligible to vote in the preselection ballot; and
 - (iv) the time, and address where, the preselection roll will be available for inspection; and
 - (v) if the preselection ballot includes attendance voting, when and where an eligible preselection voter may vote; and
 - (vi) if the preselection ballot includes postal voting—
 - (A) the address for receipt of postal votes; and
 - (B) the closing time for postal voting; and
 - (vii) the closing time for the preselection ballot;
- (h) any other matter required under the party's constitution to be included in a call for nominations.

7 Matters to be stated in nominations

The nomination of a candidate for a political party's preselection ballot must—

- (a) be in writing; and
- (b) state the nominee's surname and given names as they appear on the electoral roll on which the nominee is enrolled; and

- (c) if the nominee would prefer names by which the nominee is commonly known to appear on ballot papers instead of the nominee's given names—state the preferred names; and
- (d) be signed by the nominee; and
- (e) be received at the address for receipt of nominations by the closing time for nominations; and
- (f) comply with—
 - (i) any criteria stated in the call for nominations under section 6(b); and
 - (ii) any other requirement for a nomination under the party's constitution.

8 Withdrawal of nomination

- (1) A nominee may withdraw their nomination by giving written notice of the withdrawal.
- (2) The withdrawal is effective if received at the address for receipt of nominations by the closing time for nominations.
- (3) A nomination withdrawn under this section is taken never to have been made.

9 Acceptance of nominations

- (1) As soon as practicable after the closing time for nominations, the returning officer must decide whether to accept each nomination.
- (2) The returning officer must and may only accept a nomination if the nomination complies with section 7.
- (3) If a nomination is not accepted, the nomination is taken never to have been made.

10 Closing time for membership roll

The membership roll for a section of a political party for which a preselection ballot is being held must close at least 7 days before the closing time for nominations.

Part 4 Preparation for preselection ballot**11 Application of pt 4**

This part applies if the number of nominations of candidates for a political party's preselection ballot accepted under section 9 is greater than the number of candidates required to be selected in the preselection ballot.

12 Notice to candidates

As soon as practicable after the closing time for nominations, the returning officer must give written notice to each candidate for the preselection ballot whose nomination is accepted.

13 Matters to be stated in notice to candidates

- (1) A notice given under section 12 must state the following—
 - (a) how the preselection ballot will be held;
 - (b) if voting is to be entirely by attendance voting, when and where an eligible preselection voter may vote;
 - (c) if voting is to be entirely by postal voting—
 - (i) the closing time for postal voting; and
 - (ii) the address at which postal votes must be received;
 - (d) if voting is to be conducted by both attendance voting and postal voting—the information mentioned in paragraphs (b) and (c);

- (e) that a candidate for the preselection ballot or a party member may inspect the preselection roll—
 - (i) free of charge; and
 - (ii) at the address stated; and
 - (iii) at the times stated and during the period that starts on the day after the closing time for nominations and ends 30 days after the closing time for the preselection ballot;
 - (f) that a candidate may appoint a scrutineer to act for the candidate;
 - (g) any other matter required under the party's constitution to be included in a notice to candidates about a preselection ballot.
- (2) The information in the notice, including, for example, when and where a person may vote, must be consistent with the information in the call for nominations.

14 Preselection roll

- (1) The returning officer must, for the section of the party for which the preselection ballot is being held, prepare a roll in compliance with this section (the *preselection roll*) of members as at the closing time for the membership roll.
- (2) The returning officer must—
 - (a) cross off the preselection roll the name of a party member who is on the membership roll at the closing time for the membership roll but is ineligible to vote in the preselection ballot; and
 - (b) note against the name of the party member the reason for the member's ineligibility.
- (3) The preselection roll must contain the name and address of each eligible preselection voter as shown in the party's records.

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- (4) A person who is not on the membership roll at the closing time for the membership roll is ineligible to vote in the preselection ballot.
 - (5) The party's registered officer must certify that the members on the preselection roll—
 - (a) were on the membership roll at the closing time for the membership roll; and
 - (b) are eligible to vote in the preselection ballot under the party's constitution.

15 Inspection of preselection roll

- (1) The returning officer must make the preselection roll available for inspection by a candidate for the preselection ballot or a party member—
 - (a) free of charge; and
 - (b) at the address stated in the call for nominations; and
 - (c) at the times stated in the call for nominations and during the period that starts on the day after the closing time for nominations and ends 30 days after the closing time for the preselection ballot.
- (2) If a candidate for the preselection ballot or a party member asks for a copy of the roll, or part of the roll, the returning officer must give the candidate or party member the copy free of charge.

16 Preselection ballot papers

- (1) The returning officer must, as soon as practicable after the closing time for nominations, prepare the ballot papers for the preselection ballot.
- (2) The ballot papers must—
 - (a) either—
 - (i) state the nominee's surname and given names as they appear on the electoral roll; or

- (ii) if a nomination states the nominee's preferred names—state the nominee's surname and preferred names; and
 - (b) describe how a voter must mark the ballot paper so that the voter's intention is clear.
- (3) The returning officer must decide by lot the order of names of candidates on the ballot papers.

Part 5 Preselection ballot

17 Voting

- (1) Voting in a preselection ballot must be by secret ballot.
- (2) An eligible preselection voter has only 1 vote in a preselection ballot.
- (3) A vote in a preselection ballot is informal only if—
 - (a) the ballot paper is marked in a way that allows the voter to be identified; or
 - (b) the voter's intention is not clear from the ballot paper.

18 Preselection ballot box

The returning officer must—

- (a) use 1 or more ballot boxes for a preselection ballot; and
- (b) seal the ballot box in a way that—
 - (i) allows ballot papers and any other voting material to be inserted into the ballot box; and
 - (ii) prevents ballot papers and any other voting material from being—
 - (A) inserted into the ballot box after the closing time for the preselection ballot; or

- (B) removed from the ballot box until the votes are to be counted; and
- (c) keep the ballot box in a secure location.

19 Issuing ballot papers

The returning officer or an issuing officer must initial a ballot paper for a preselection ballot before it is given to an eligible preselection voter.

20 Issuing a postal vote

- (1) The returning officer must give voting material to each eligible postal voter in time for the voter to receive the voting material and return the ballot paper to the address for receipt of postal votes by the closing time for postal voting.
- (2) If, at an eligible postal voter's request, the returning officer gives the voter duplicate voting material, the returning officer must note on the preselection roll beside the voter's name that the voter has been given the material.
- (3) The returning officer must give voting material in a sealed envelope—
 - (a) if an eligible postal voter attends the returning officer's place of business and asks to receive the voting material personally—to the voter personally; or
 - (b) if an eligible postal voter gives the returning officer written notice of another address for the voter that is different from the address for the voter shown on the preselection roll—to the voter at the other address; or
 - (c) otherwise—to an eligible postal voter at the voter's address shown on the preselection roll.

21 Declaration envelope for postal vote

The declaration envelope for a postal vote must include—

- (a) the voter's name; and
- (b) the following statement—

‘I certify that I am the person whose name appears on this envelope and I have voted on the enclosed ballot paper.’; and

- (c) a space for the voter’s signature below the statement mentioned in paragraph (b).

22 Postal voting

- (1) To make a postal vote in a preselection ballot, an eligible postal voter must—
 - (a) complete the ballot paper for the preselection ballot; and
 - (b) put the completed ballot paper inside the declaration envelope; and
 - (c) complete the declaration envelope; and
 - (d) put the declaration envelope inside the return envelope; and
 - (e) return the return envelope to the address for receipt of postal votes so that it is received by the closing time for postal voting.
- (2) The returning officer must ensure any return envelope received at the address for receipt of postal votes by the closing time for postal voting is deposited, without being opened, in a sealed ballot box for the preselection ballot.

23 Attendance voting

- (1) The returning officer or an issuing officer must—
 - (a) before giving a person a ballot paper for attendance voting for a preselection ballot, be satisfied about the person’s identity and that the person is on the preselection roll; and
 - (b) note beside the person’s name on the preselection roll that the person has been issued with a ballot paper for an attendance vote.
- (2) The returning officer or an issuing officer must ensure that—

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- (a) upon completion of the ballot paper, the person places the ballot paper in a sealed ballot box for the preselection ballot; and
 - (b) any spoiled ballot paper for which a replacement ballot paper is given is kept by the returning officer or issuing officer for sections 28 and 29.

24 Voting assistance

- (1) This section applies if an eligible preselection voter can not vote without the help of another person.
- (2) A person may help the voter to vote but must not attempt to improperly influence the voter in voting.

25 Counting votes for a preselection ballot

- (1) Before counting the votes, if a preselection ballot includes postal voting, the returning officers must—
 - (a) open the ballot box containing the return envelopes; and
 - (b) for each return envelope—
 - (i) open the return envelope; and
 - (ii) take out the declaration envelope; and
 - (iii) ensure the declaration on the declaration envelope is signed; and
 - (iv) be satisfied about the identity of the person who signed the declaration; and
 - (v) ensure the preselection roll does not show that the voter mentioned on the declaration envelope has previously voted; and
 - (vi) put aside the declaration envelope if it is rejected because—
 - (A) it has not been signed; or
 - (B) the voter has previously voted; and

- (vii) note on the preselection roll, beside the voter's name, that a declaration envelope has been received from the voter; and
 - (viii) place the declaration envelope in a sealed ballot box unless it is put aside under subparagraph (vi); and
 - (c) ensure a declaration envelope put aside under paragraph (b)(vi) is kept for sections 28 and 29.
- (2) After the closing time for the preselection ballot, if the preselection ballot includes postal voting, the returning officer must—
 - (a) open the ballot box containing the declaration envelopes; and
 - (b) take the ballot papers out of the declaration envelopes in a way that ensures the secrecy of the ballot; and
 - (c) place the ballot papers in another sealed ballot box.
- (3) Subsection (4) applies—
 - (a) if the preselection ballot includes postal voting—after the returning officer has complied with subsection (2); and
 - (b) after the closing time for the preselection ballot.
- (4) The returning officer must—
 - (a) open the ballot box or boxes containing the ballot papers; and
 - (b) admit the formal ballot papers and reject the informal ballot papers; and
 - (c) count the votes for each candidate for the preselection ballot on all formal ballot papers and record the number for each candidate; and
 - (d) count the number of informal ballot papers.
- (5) In this section, a voter is taken to have *previously voted* if a note beside the voter's name on the preselection roll shows that—

- (a) a declaration envelope has already been received from the voter; or
- (b) the voter has been issued with a ballot paper for an attendance vote.

26 Scrutineers for a preselection ballot

- (1) A scrutineer for a preselection ballot may be present at any of the following times—
 - (a) for an attendance vote—when a ballot paper is given to an eligible preselection voter;
 - (b) for a postal vote—when a return envelope is opened and a declaration envelope is scrutinised;
 - (c) when a ballot box is opened;
 - (d) when votes are scrutinised and counted.
- (2) At each time mentioned in subsection (1), there may be only 1 scrutineer present for each candidate.
- (3) A scrutineer for a preselection ballot may be—
 - (a) a candidate; or
 - (b) a person appointed by a candidate to act as a scrutineer for the candidate.
- (4) A person's appointment as a scrutineer must be—
 - (a) in writing; and
 - (b) signed by the candidate; and
 - (c) given to the returning officer before the person acts as scrutineer.

27 How preselection ballot result is decided

- (1) The result of a political party's preselection ballot is decided in the way provided for under the party's constitution.
- (2) If the party's constitution does not provide a way for deciding the result, the result is decided on a first-past-the-post basis,

having regard to the number of formal ballot papers recorded for each candidate.

- (3) If the party's constitution does not provide a way for deciding a tied result, the returning officer must decide by lot which of the tied candidates is the successful candidate.

28 Certification of result and preselection ballot report

- (1) The returning officer for a political party's preselection ballot must—
 - (a) certify the result of the preselection ballot; and
 - (b) prepare a report for the party on the conduct of the preselection ballot.
- (2) The report on the conduct of the preselection ballot must—
 - (a) include a reconciliation of the ballot papers at the closing time for the preselection ballot; and
 - (b) be included in the minutes of the next meeting of the party, or the section of the party for which the preselection ballot was held, after the report is prepared.
- (3) In this section—

issued means given to a voter under section 20 or 23.

reconciliation, of the ballot papers, means a document showing the total of the following is equal to the number of ballot papers printed—

- (a) the number of ballot papers issued (including duplicate and replacement ballot papers);
- (b) the number of ballot papers unused.

29 Documents to be kept

- (1) The returning officer must give the following documents to the party's registered officer—
 - (a) if section 3(2) applies, a copy of a document that is evidence of the appointment of the returning officer;

- (b) if section 3(3) applies, a copy of the minutes;
 - (c) a copy of the call for nominations;
 - (d) a written statement about the way nominations were called for under section 5;
 - (e) all nominations of candidates including nominations that were withdrawn or not accepted;
 - (f) any withdrawal of a nomination;
 - (g) if a preselection ballot is held—
 - (i) a copy of the membership roll, for the section of the party for which the preselection ballot is held, at the closing time for the membership roll; and
 - (ii) a copy of the notice to candidates given under section 12; and
 - (iii) the preselection roll; and
 - (iv) all ballot papers; and
 - (v) if the preselection ballot included postal voting, any declaration envelopes received at the address for receipt of postal votes; and
 - (vi) for each scrutineer for the preselection ballot appointed to act for a candidate, a copy of the appointment given to the returning officer; and
 - (vii) a document showing the total number of formal votes, the number recorded for each candidate and the total number of informal votes; and
 - (viii) the certification and report mentioned in section 28(1); and
 - (ix) a copy of the minutes mentioned in section 28(2)(b).
- (2) The registered officer must keep the documents—
- (a) for a preselection ballot for an election for a local government—until the cut off day for the voter’s roll for the next quadrennial election of the local government after that election; or

- (b) for a preselection ballot for another election—until the day the writ is issued for the next general election after that election.
- (3) In this section—
cut off day for the voter's roll, for a quadrennial election of a local government, means 31 January in the year of the quadrennial election.

Schedule 2 Fees

section 14

\$

- 1 Supply under section 61(1), table, item 7 of the Act to a local government of a copy of the most recent version of the entire electoral roll for an electoral district wholly or partly within the local government’s area 390.00
plus the
additional
applicable
amount

- 2 Supply under section 61(1), table, item 8 of the Act to a local government of a copy of changes to the most recent version of the entire electoral roll for an electoral district wholly or partly within the local government’s area— for each calendar year.. . . . 390.00
plus the
additional
applicable
amount

- 3 In this schedule—
additional applicable amount means \$29.00 for each 1000 (or part of 1000) electors enrolled for the local government area on 31 August immediately before the request for supply.

ENDNOTES

- 1 Made by the Governor in Council on 7 February 2013.
- 2 Notified in the gazette on 8 February 2013.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.

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