

PRESELECTION BALLOT HANDBOOK

FOR STATE AND LOCAL GOVERNMENT ELECTIONS

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1. Introduction

This handbook is issued by the Electoral Commission of Queensland (ECQ) to help registered political parties comply with the provisions under the *Electoral Act 1992* relating to the conduct of preselection ballots.

In providing this information, the ECQ seeks to ensure the integrity of Queensland's electoral processes, and ensure registered political parties have adequate information to enable them to comply with their legislated obligations and responsibilities.

Assistance and enquiries

The ECQ's Funding, Disclosure and Compliance Division is available to provide general guidance and information in relation to preselection ballot compliance matters. The ECQ will not provide specific legal, financial or other professional advice. Registered political parties should seek their own legal advice if they are in doubt about how the law applies to their particular circumstances.

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2. Overview of preselection ballots

Preselection is the process by which a political party chooses an individual to become a candidate endorsed by the party for a particular election.

Registered political parties are free to adopt any form of preselection process that they wish, provided the rules associated with the preselection process are clearly stated in their constitutions.

If part or whole of the preselection process involves conducting a preselection ballot for either a state or local government election, the registered political party must comply with the requirements under the *Electoral Act 1992* (the Act).

Part 9 of the EA provides for the ECQ to oversee the conduct of preselection ballots by performing inquiries or audits. Please refer to Section 5 and Section 6 of this handbook for further information about these processes.

What is a preselection ballot?

Under the Act, a preselection ballot means:

- the process, or that part of the process, of selecting a candidate to be endorsed by a political party for an election, or an election for a local government, in which a member of the party votes in a ballot in his or her capacity as a member of the party, rather than as a member of a committee (however called) of the party, for the candidate; and
- includes matters preparatory to the ballot and the scrutiny and counting of votes in the ballot.

If the selection of a candidate for an election involves a poll of the party members followed by the endorsement of the poll result by a party committee, only the poll is a preselection ballot.

However, where a poll is in substance a poll of party members for the purpose of preselecting a candidate for endorsement by the party, the ECQ will consider the poll to be a preselection ballot and will require compliance with the obligations provided for under Part 9 of the EA, irrespective of whether the party calls the poll a preselection ballot.

3. Notification of preselection ballots

If a registered political party is to conduct a preselection ballot for a candidate in relation to a state or local government election, the party's registered officer must notify the ECQ of this in writing at least seven days before voting in the ballot is to be held.

Additionally, if a registered political party endorses a candidate in a state general election or by-election, the party's registered officer must, within 30 days of polling day for the election for which the candidate is endorsed, notify the ECQ whether the selection of the candidate involved a preselection ballot. Even if the party did not conduct a preselection ballot as part of the selection process, the ECQ must still be notified.

Penalty for failure to notify the ECQ of a preselection ballot (section 167(1) of the Act)

The registered officer of a registered political party must give the ECQ at least seven days written notice of when voting in a preselection ballot is to be held. Non-compliance carries a maximum penalty of 40 penalty units (\$6,452 as at 1 July 2024).

Penalty for failure to notify the ECQ whether selection of a candidate for a state election involved a preselection ballot (section 170 of the Act)

The registered officer of a registered political party must, not later than 30 days after the polling day for an election in which the party endorsed a candidate, notify the ECQ whether the selection of the candidate involved a preselection ballot. Non-compliance carries a maximum penalty of 40 penalty units (\$6,452 as at 1 July 2024).

4. Rules for preselection ballots

The ECQ can examine, as part of an inquiry or audit, whether a preselection ballot was conducted in accordance with:

- the model procedures, as prescribed under the Electoral Regulation 2024; and
- the party's constitution.

Model procedures

The procedures prescribed for the conduct of a preselection ballot are set out under schedule 1 of the Electoral Regulation 2024. These are known as the 'model procedures'.

Please note that the Electoral Regulation 2013 expired on 31 August 2024 and on 1 September 2024 the Electoral Regulation 2024 came into effect.

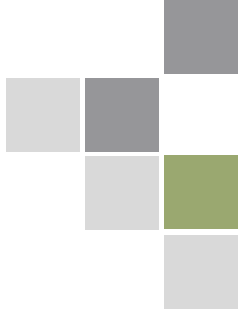
As a result of this, the procedures prescribed for the conduct of a preselection ballot have changed:

1. For preselection ballots where the call for nominations was issued prior to 1 September 2024, the model procedures prescribed under schedule 1 of the Electoral Regulation 2013 apply.
2. For preselection ballots where the call for nominations was issued on or after 1 September 2024, the model procedures prescribed under schedule 1 of the Electoral Regulation 2024 apply.

The ECQ provides a copy of the model procedures to the registered officer of a registered political party when it is first registered.

If the registered political party is to conduct a preselection ballot for an election, the registered officer of the party must provide a copy of the model procedures to each person who is a candidate in the ballot. The candidate must give the registered officer written acknowledgement of receipt of the model procedures.

Under the model procedures, the party's registered officer must certify that the members on the preselection roll were on the membership roll at the closing time for the membership roll and were eligible to vote in a preselection ballot under the party's constitution.



The model procedures also require that the returning officer for a political party's preselection ballot must certify the result of the preselection ballot and prepare a report for the party on the conduct of the preselection ballot.

The requirements above are not exhaustive. Please refer to [Appendix 1](#) for a full listing of the model procedures prescribed under the Electoral Regulation 2013. Please refer to [Appendix 2](#) for a full listing of the model procedures prescribed under the Electoral Regulation 2024.

Party's constitution

All registered political parties in Queensland must have a constitution that complies with the statutory requirements set out in section 76(1) of the Act. One of these requirements stipulates that the constitution must contain a rule for selecting a candidate to be endorsed by the party for an election. If part or whole of the preselection process involves conducting a ballot of party members, the constitution must also contain a rule requiring that a preselection ballot must satisfy the general principles of free and democratic elections as set out in section 76(2) of the Act.

The general principles of free and democratic elections as applied to a preselection ballot are as follows —

- only members of the party who are electors may vote;
- only members of the party who are eligible to vote in the ballot under the party's constitution may vote;
- each member has only 1 vote;
- voting must be done by secret ballot;
- a member must not be improperly influenced in voting;
- a member's ballot paper must be counted if the member's intention is clear;
- members' votes must be accurately counted;
- each person who is seeking selection may be present personally, or may be represented by another person, at the ballot and for the scrutiny, and counting, of votes.

Registered political parties are required to provide a quarterly report to the ECQ to advise about any changes made to their constitution and to provide the ECQ with updated copies if applicable. Party constitutions are made available for public inspection on the ECQ's website.

5. Inquiries of preselection ballots

The ECQ may inquire into a preselection ballot of a candidate for a state or local government election, to assess whether it has been conducted in accordance with the model procedures and the party's constitution. An inquiry may be conducted by the ECQ on its own initiative or following the receipt of a complaint from a candidate or a party member who is eligible to vote in the ballot.

A complaint about a preselection ballot must be made to the ECQ in writing within 30 days after the voting in the ballot taking place, and it must state the grounds on which the complaint is made. The ECQ may decide not to investigate a complaint if it does not comply with these requirements, or if the ECQ considers the complaint to be frivolous or made vexatiously.

The ECQ may inquire into a preselection ballot before or after the voting in the ballot takes place. As part of an inquiry, the ECQ may require the registered officer to:

- provide a list of the names and addresses of the members of the party who voted, or are eligible to vote, in the ballot;
- certify that each member listed was, at the time of the ballot, or is, eligible to vote in the ballot under the party's constitution;
- provide copies of party records that are reasonably necessary for the ECQ to ensure the information provided is accurate.

Following the conclusion of an inquiry, the ECQ will provide a report to the Minister, stating whether the ballot was conducted in accordance with the model procedures and the party's constitution. This report is required to be tabled in Parliament.

Any membership lists or party records requested as part of the inquiry will be returned to the registered political party.

Penalty for failure to comply with a requirement relating to a preselection ballot inquiry (section 168(7) of the Act)

The registered officer must comply with a requirement to give the ECQ records in relation to a preselection ballot for the purposes of an inquiry, unless the registered officer has a reasonable excuse. Non-compliance carries a maximum penalty of 400 penalty units (\$64,520 as at 1 July 2024).

6. Audits of preselection ballots

After each state general election or by-election, the ECQ will undertake a random audit of preselection ballots to identify whether the ballots were conducted in accordance with the model procedures and the party's constitution.

As soon as practicable after the 30th day after polling day, the ECQ will decide how many of the total number of preselection ballots it will audit, before undertaking a random draw to select the ballots. The ECQ will notify the registered political parties of the date, time, and place of the draw so that any candidate or their representative who wishes to observe the draw may attend.


The ECQ will notify the party's registered officer of the ballots that were selected for the audit. The registered officer then has one month to:

- provide a list of the names and addresses of the members of the party who voted in the ballot; and
- certify that, at the time the ballot took place, each member listed was eligible to vote in the ballot under the party's constitution.

In addition, the ECQ may require the registered officer to provide, within a stated reasonable period, copies of party records that are reasonably necessary for the ECQ to ensure the information provided is accurate.

Following the conclusion of an audit, the ECQ will provide a report to the Minister that identifies any preselection ballot in which someone voted in contravention of the model procedures or the party's constitution. This report is required to be tabled in Parliament.

Any membership lists or party records requested as part of the audit will be returned to the registered political party.



Penalty for failure to give the ECQ a list of members who voted in a preselection ballot and certify that they were eligible to vote in the ballot (section 172(2) of the Act)

The registered officer, within 1 month after receiving a notice that a preselection ballot is to be audited, must give the ECQ a list of the names and addresses of members of the party who voted in the ballot and certify to the ECQ that, at the time the ballot took place, each member listed was eligible to vote in the ballot under the party's constitution. Non-compliance carries a maximum penalty of 400 penalty units (\$64,520 as at 1 July 2024).

Penalty for failure to comply with a requirement relating to a preselection ballot audit (section 172(4) of the Act)

The registered officer must comply with a requirement to give the ECQ records in relation to a preselection ballot for the purposes of an audit, unless the registered officer has a reasonable excuse. Non-compliance carries a maximum penalty of 400 penalty units (\$64,520 as at 1 July 2024).

Appendix 1

Model procedures for preselection ballots

Schedule 1 – Electoral Regulation 2013

Please see below a copy of the model procedures for preselection ballots extracted from the Electoral Regulation 2013.

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

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.

- (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

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- (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—

- (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

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- (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.

Appendix 2

Model procedures for preselection ballots Schedule 1 – Electoral Regulation 2024

Please see below a copy of the model procedures for preselection ballots extracted from the Electoral Regulation 2024.

Schedule 1 Model procedures for preselection ballots

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 for the ballot under section 6(1)(f) or as amended under section 7.

address for receipt of postal votes, for a preselection ballot, means the address stated in the procedure notice for the ballot under section 13(1)(c)(i) or as amended under section 14.

call for nominations, for a preselection ballot, means a notice calling for nominations of candidates for the ballot.

closing time—

- (a) for nominations for a preselection ballot—means the time stated in the call for nominations for the ballot under section 6(1)(d) or as amended under section 7; or
- (b) for postal voting for a preselection ballot—means the time stated in the procedure notice for the ballot under section 13(1)(c)(ii) or as amended under section 14; or
- (c) for a preselection ballot—means the time stated in the procedure notice for the ballot under section 13(1)(e) or as amended under section 14.

declaration envelope, for a postal vote in a preselection ballot, means an envelope that complies with section 23(1) in relation to the vote.

electronic voting system, for a preselection ballot, means an electronic system, accessible on a website, by which electronic voting for the ballot is conducted.

eligible postal voter, for a preselection ballot, means an eligible voter for the ballot who, under the constitution of the political party for which the ballot is being held, is eligible to vote in the ballot by postal vote.

eligible voter, for a preselection ballot, means a person—

- (a) whose name is stated in the preselection roll for the ballot; and
- (b) who is not an excluded member of the political party, or the section of the political party, for which the ballot is being held.

excluded member, of a political party or a section of a political party for which a preselection ballot is being held, means a member of the party or section who, under the party's constitution, is ineligible to vote in the ballot.

give, for voting material for a postal vote in a preselection ballot, includes send.

notice means written notice.

non-candidate, for a preselection ballot, means a 'no candidate' voting option on a ballot paper for the ballot.

preselection roll, for a preselection ballot, means the preselection roll prepared for the ballot under section 15.

procedure notice, for a preselection ballot, see section 12(1).

return envelope, for a postal vote in a preselection ballot, means an envelope that complies with section 23(2) in relation to the vote.

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

sealed ballot box means a ballot box that is sealed in a way that complies with section 21(2)(b).

voting material, for a postal vote in a preselection ballot, means each of the following—

- (a) a ballot paper for the ballot;
- (b) a declaration envelope for the vote;

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

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 in that way.
- (3) Otherwise—
 - (a) the returning officer must be appointed by resolution of the political party, or the section of the political 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

The returning officer for a preselection ballot is eligible to vote in the ballot unless the officer—

- (a) is not a member of the political party, or the section of the political party, for which the ballot is being held; or
- (b) is ineligible under the constitution of the political party for which the ballot is being held.

Part 3 Nomination of candidates

5 Giving of call for nominations

- (1) There must be a call for nominations for a preselection ballot.
- (2) The returning officer for the preselection ballot must give the call for nominations—
 - (a) by a single notice; and
 - (b) to each member of the political party, or the section of the political party, for which the preselection ballot is being held.
- (3) If the political party's constitution states the way the call for nominations must be given to a member mentioned in subsection (2)(b), the call must be given to the member in the stated way.
- (4) If subsection (3) does not apply in relation to a member mentioned in subsection (2)(b), the call for nominations may be given to the member—
 - (a) electronically; or

Examples—

- 1 by email or electronic newsletter
 - 2 on the political party’s website
- (b) by advertisement in a daily newspaper circulating in the electoral district, local government area or division of the local government area for which the preselection ballot is being held; or
- (c) if the political party gives the member, free of charge, a journal or newsletter other than by electronic means—by advertisement in the journal or newsletter.
- (5) In this section—

division, of a local government area, includes a ward of Brisbane.

ward, of Brisbane, see the *Local Government Electoral Act 2011*, section 6(2).

6 Matters to be stated in call for nominations

- (1) A call for nominations for a preselection ballot must state the following matters—
- (a) if the number of candidates required to be selected by the ballot is more than 1—the number;
 - (b) if the constitution of the political party for which the ballot is being held states criteria about who may nominate as a candidate—
 - (i) the criteria; or
 - (ii) where the criteria can be found;

Examples for subparagraph (ii)—

- 1 in the party’s constitution
 - 2 on the party’s website
 - 3 in a nomination form provided by the party
- (c) the time at which nominations of candidates for the ballot open;

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- (d) the time at which nominations of candidates for the ballot close;
 - (e) that a nomination of a candidate for the ballot must be made as required under section 8;
 - (f) the address where nominations of candidates for the ballot must be received;
 - (g) any other matter the party's constitution requires to be stated.
- (2) For subsection (1)(f), the address may be an electronic address.

Examples of an electronic address—

email address, website address

7 Amending call for nominations

- (1) The returning officer for a preselection ballot may, by notice given to each person required to be given a copy of the call for nominations for the ballot under section 5(2)(b), amend—
 - (a) the address for receipt of nominations for the ballot; or
 - (b) the closing time for nominations for the ballot.
- (2) For subsection (1)(b), the closing time for nominations may only be amended to a later time.
- (3) The notice must be given to each person in the way the call for nominations was given to the person under section 5.
- (4) The amendment takes effect at the time stated in the notice.
- (5) For subsection (4), the stated time must be—
 - (a) after the end of the last day the notice is given to a person under subsection (1); and
 - (b) at least 48 hours before the closing time for nominations for the ballot stated in the call for nominations.
- (6) If the address for receipt of nominations, or the closing time for nominations, for a preselection ballot is amended under this section, a reference in this schedule to the address or

closing time is taken to be a reference to the address or closing time as amended.

8 Requirements for nominations

The nomination of a candidate for a preselection ballot must—

- (a) be in writing; and
- (b) state—
 - (i) the nominee’s full name as it appears on the electoral roll on which the nominee is enrolled; or
 - (ii) if the nominee would prefer a different name by which the nominee is commonly known to appear on ballot papers—the preferred name; and
- (c) comply with any criteria stated in the call for nominations for the ballot under section 6(1)(b); and
- (d) comply with any requirements for the nomination stated in the call for nominations for the ballot under section 6(1)(g); and
- (e) be signed by the nominee; and
- (f) if the constitution of the political party for which the ballot is being held requires the nomination to be made electronically—be made in that way; and
- (g) be received at the address for receipt of nominations for the ballot by the closing time for nominations for the ballot.

9 Withdrawal of nomination

- (1) A nominee may withdraw their nomination for a preselection ballot by giving notice of the withdrawal.
- (2) The withdrawal is effective if the notice of the withdrawal is received at the address for receipt of nominations for the preselection ballot by the closing time for nominations for the ballot.

- (3) A nomination withdrawn under this section is taken never to have been made.

10 Dealing with nominations

- (1) As soon as practicable after the closing time for nominations for a preselection ballot, the returning officer for the ballot must, for each nomination, decide to—
 - (a) accept the nomination; or
 - (b) refuse to accept the nomination.
- (2) However, the returning officer may refuse to accept a nomination under subsection (1)(b) only if the nomination does not comply with section 8.
- (3) If the returning officer decides to accept a nomination under subsection (1)(a), the officer must give a notice to the nominated candidate stating—
 - (a) the decision; and
 - (b) if part 4 applies in relation to the ballot—
 - (i) that the ballot will be conducted under that part; and
 - (ii) that the candidate may appoint a scrutineer to act for the candidate under section 31.
- (4) If the returning officer decides to refuse to accept a nomination under subsection (1)(b)—
 - (a) the officer must give the candidate a notice stating the decision; and
 - (b) the nomination is taken never to have been made.

Part 4 **Preparation for preselection ballot**

11 **Application of part**

This part applies if the number of nominations of candidates for a preselection ballot of a political party accepted under section 10(1)(a) is greater than the number of candidates required to be selected in the ballot.

12 **Procedure notice**

- (1) As soon as practicable after the closing time for nominations for the preselection ballot, the returning officer for the ballot must give the following persons a notice that complies with section 13 (a *procedure notice*) for the ballot—
 - (a) each member of the political party, or section of the political party, for which the preselection ballot is being held;
 - (b) each candidate for the ballot who is not a member of the section.
- (2) The procedure notice must be a single notice.

13 **Matters to be stated in procedure notice**

- (1) The procedure notice for the preselection ballot must state the following matters for the ballot—
 - (a) how votes in the ballot may be cast;
 - (b) if the ballot will include attendance voting—the address where, and each day on which, an eligible voter for the ballot may vote in person;
 - (c) if the ballot will include postal voting—
 - (i) the address where postal votes for the ballot must be received; and
 - (ii) the day and time by which postal votes must be received at the address;

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- (d) if the ballot will include electronic voting—
 - (i) that electronic voting for the ballot is to be conducted using the electronic voting system for the ballot; and
 - (ii) how to access the electronic voting system for the ballot; and
 - (iii) the day and time by which electronic votes in the ballot must be cast;
 - (e) the time at which the ballot closes;
 - (f) whether the ballot is to be decided by compulsory or optional preferential voting or on a first-past-the-post basis;
 - (g) any other matter, required under the political party's constitution, to be included in the notice.
- (2) If the preselection ballot will include postal voting and 1 or more other ways of voting, the day stated in the procedure notice under subsection (1)(c)(ii) must not be later than 10 days after the last day for voting in the ballot in another way.
- (3) Also, the procedure notice must state that a candidate for the preselection ballot, or a member of the political party or the section of the political party for which the ballot is being held, may, during the 30-day period starting on the day after the closing time for nominations for the ballot, inspect the preselection roll, free of charge—
- (a) at the electronic address stated in the notice; or
Example of an electronic address—
website address
 - (b) at a stated address, other than an electronic address, at the times stated in the notice.

14 Amending procedure notice

- (1) The returning officer for the preselection ballot may, by notice (an ***amendment notice***) given to each person required to be

given a copy of the procedure notice for the ballot under section 12(1), amend the procedure notice.

- (2) However, the returning officer may not amend the procedure notice under subsection (1) in a way that is inconsistent with section 13(2) or (3).
- (3) The amendment takes effect on the day stated in the amendment notice.
- (4) For subsection (3), the stated day must be—
 - (a) after the last day the amendment notice is given to a person under subsection (1); and
 - (b) at least 2 days before voting in the preselection ballot starts.
- (5) For subsection (4)(b), if the preselection ballot includes postal voting, voting in the ballot is taken to start on the day voting material for a postal vote in the ballot is first given to an eligible postal voter for the ballot under section 22.
- (6) If a detail stated in a procedure notice under a provision of this schedule is amended under this section, a reference in this schedule to the detail is taken to be a reference to the detail as amended.

15 Preselection roll

- (1) As soon as possible after the closing time for nominations for the preselection ballot, the returning officer for the ballot must prepare a preselection roll for the ballot.
- (2) The preselection roll may only state the names of members of the political party, or the section of the political party, for which the preselection ballot is being held at the closing time for nominations for the ballot.
- (3) In preparing the preselection roll, the returning officer must record on the roll—
 - (a) the exclusion from the roll of each excluded member of the section; and
 - (b) the reason for each excluded member's ineligibility.

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- (4) The preselection roll must contain the address of each eligible voter for the preselection ballot as shown in the political party's records.
 - (5) The political party's registered officer must certify that the members whose names are recorded on the preselection roll and who are not excluded members of the section—
 - (a) were members of the political party, or the section of the political party, for which the ballot is being held at the closing time for nominations for the preselection ballot; and
 - (b) are eligible to vote in the ballot.
 - (6) The certification must be given by the earlier of the following times—
 - (a) the end of the day that is 7 days after the preselection roll is prepared under this section;
 - (b) immediately before voting in the preselection ballot starts.
 - (7) For subsection (6)(b), if the preselection ballot includes postal voting, voting in the ballot is taken to start on the day voting material for a postal vote in the ballot is first given to an eligible postal voter for the ballot under section 22.
 - (8) The returning officer may, before certifying the preselection roll under this section, amend the roll to correct an error.

16 Inspection of preselection roll

- (1) This section applies if the returning officer for the preselection ballot gives the certification under section 15(5) for the preselection roll for the ballot.
- (2) The returning officer must make a copy of the preselection roll available for inspection by a candidate for the preselection ballot or a member of the political party, free of charge, at the address stated in the procedure notice for the ballot under section 13(3).
- (3) If a candidate for the preselection ballot or a member of the political party asks for a copy of all or part of the preselection

roll, the returning officer must give the candidate or member the copy free of charge.

- (4) The returning officer must omit the street address of each member of the political party from the copy before it is made available for inspection under subsection (2) or given under subsection (3).
- (5) However, the returning officer need not omit the suburb, town, city or other locality, or State, of a member from the copy.

17 Preselection ballot papers

- (1) As soon as practicable after the closing time for nominations for the preselection ballot, the returning officer for the ballot must—
 - (a) if the ballot will include postal voting or attendance voting—prepare ballot papers for the ballot; and
 - (b) if the ballot will include electronic voting—ensure an electronic form of ballot paper for use by the electronic voting system for the ballot is prepared.
- (2) Each ballot paper must include the following—
 - (a) for a candidate for the preselection ballot in relation to whom section 8(b)(ii) applies—the candidate’s preferred name;
 - (b) for another candidate for the ballot—the candidate’s full name;
 - (c) a description of how an eligible voter for the ballot must mark the ballot paper so that the voter’s intention is clear;
 - (d) if, under the constitution of the political party, eligible voters for the ballot are permitted to vote for no candidate for the ballot—a ‘no candidate’ voting option;
 - (e) if, under the constitution of the political party, the ballot is to be decided by preferential voting—a statement about how the numbers on the ballot paper must be numbered to indicate the voter’s preferences.

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- (3) The order of names of candidates on a ballot paper for the preselection ballot must be decided as follows—
 - (a) for an electronic form of ballot paper on which the order can be decided, by chance, by the electronic voting system for the ballot—by the system in that way;
 - (b) for another ballot paper—by chance in the way the returning officer determines.
 - (4) Any ‘no candidate’ voting option on a ballot paper for the preselection ballot must appear last on the ballot paper.
 - (5) However, if the political party’s constitution states a way by which the order of names of candidates, and any ‘no candidate’ voting option, on ballot papers for the preselection ballot must be decided—
 - (a) subsections (3) and (4) do not apply; and
 - (b) the order must be decided in the stated way.

18 Electronic voting system

- (1) This section applies if the preselection ballot will include electronic voting.
- (2) As soon as practicable after the closing time for nominations for the preselection ballot, the returning officer for the ballot must ensure the electronic voting system for the ballot—
 - (a) can be accessed by a scrutineer under section 31(3); and
 - (b) is able to—
 - (i) facilitate electronic voting for the ballot in the way mentioned in section 26; and
 - (ii) count and record the votes for each candidate for the ballot; and
 - (iii) record the name of each eligible voter for the ballot who casts an electronic vote using the system; and
 - (c) does not permit electronic voting for the ballot in the name of a person who—

- (i) has already cast a postal vote in the ballot under section 24; or
- (ii) has been given a ballot paper for an attendance vote in the ballot under section 25; or
- (iii) has already cast an electronic vote in the ballot under section 26; and
- (d) includes instructions, about how to cast an electronic vote in the ballot, on—
 - (i) the webpage on which the electronic form of ballot paper is accessed; or
 - (ii) another webpage from which the webpage mentioned in subparagraph (i) can be accessed.

Part 5 Voting

19 Requirements for voting—general

- (1) Voting in a preselection ballot must be by secret ballot.
- (2) An eligible voter for a preselection ballot has only 1 vote in the ballot.
- (3) A vote in a preselection ballot is informal only if—
 - (a) the ballot paper is marked in a way that allows the eligible voter to be identified; or
 - (b) the eligible voter’s intention is not clear from the ballot paper; or
 - (c) if subsection (4) applies—the eligible voter does not cast a vote as required under that subsection.
- (4) If the constitution of the political party for which the preselection ballot is being held provides that the ballot is to be decided by preferential voting, an eligible voter’s vote in the ballot must be cast—
 - (a) if the constitution states how the vote must be cast—in that way; or

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- (b) otherwise—under subsection (5).
- (5) A vote in a preselection ballot to which subsection (4)(b) applies must be cast by writing on the ballot paper—
- (a) the number 1 in the square opposite the name of the candidate or any non-candidate for the ballot to indicate the voter's first preference; and
 - (b) either—
 - (i) for a preselection ballot to be decided by compulsory preferential voting—the numbers 2, 3 and so on in the squares opposite the names of all the other candidates, and any non-candidate, for the ballot to indicate the order of the eligible voter's preferences for them; or
 - (ii) for a preselection ballot to be decided by optional preferential voting—the numbers mentioned in subparagraph (i), to the extent the eligible voter wishes to indicate the order of the voter's preferences.

20 How preselection ballot result is decided

- (1) The result of a preselection ballot for a political party, or a section of a political party, is decided as follows, having regard to the votes recorded for each candidate for the ballot under this part—
 - (a) if the constitution of the party provides that the ballot is to be decided by compulsory or optional preferential voting—in that way;
 - (b) otherwise—on a first-past-the-post basis.
- (2) Subsection (3) applies if the result of the preselection ballot decided under subsection (1)(b) is a tie.
- (3) The successful candidate for the preselection ballot is decided as follows—
 - (a) if the constitution of the political party provides for how the successful candidate is to be decided in the event of a tied result—in that way;

- (b) otherwise—by chance in the way the returning officer for the preselection ballot decides.

21 Ballot box required for postal voting or attendance voting

- (1) This section applies if a preselection ballot includes postal voting or attendance voting.
- (2) The returning officer for the preselection ballot must—
 - (a) use 1 or more ballot boxes for the ballot; and
 - (b) seal each ballot box in a way that—
 - (i) allows ballot papers for the ballot, and declaration envelopes and return envelopes for postal votes in the ballot, to be inserted into the box; and
 - (ii) prevents the ballot papers, declaration envelopes and return envelopes from being—
 - (A) inserted into the box after the closing time for the ballot; or
 - (B) removed from the box until the votes are to be counted; and
 - (c) keep each ballot box in a secure location until all postal votes and attendance votes in the ballot have been counted; and
 - (d) subject to paragraphs (a), (b) and (c), comply with the requirements, if any, under the constitution of the political party for which the ballot is being held relating to ballot boxes for the ballot.

22 Giving of voting material for postal vote

- (1) The returning officer for a preselection ballot must give voting material for a postal vote in the ballot to each eligible postal voter for the ballot.
- (2) The voting material must be given to the eligible postal voter—
 - (a) in a sealed envelope; and

-
- (b) before the earlier of—
 - (i) attendance voting in the preselection ballot opening; or
 - (ii) electronic voting in the preselection ballot closing; and
 - (c) in time for the voter to cast a postal vote in the preselection ballot under section 24 using the material.
- (3) The voting material must be given to the eligible postal voter—
- (a) if the voter attends the returning officer’s place of business and asks to receive the voting material personally—in that way; or
 - (b) if the voter gives the returning officer notice of another address for the voter that is different from the address for the voter shown on the preselection roll—at the other address; or
 - (c) otherwise—at the voter’s address shown on the preselection roll.
- (4) Despite subsections (1) to (3), the returning officer must not give the voting material to an eligible postal voter for the preselection ballot who—
- (a) has been given a ballot paper for an attendance vote in the ballot; or
 - (b) has used the electronic voting system for the ballot to cast an electronic vote in the ballot.
- (5) If, at an eligible postal voter’s request, the returning officer gives the voter duplicate voting material for a postal vote, the returning officer must note on the preselection roll beside the voter’s name that the voter has been given the duplicate voting material.

23 Declaration envelope and return envelope for postal vote

- (1) A declaration envelope for a postal vote in a preselection ballot must include—

- (a) the name of the eligible postal voter casting the vote using the envelope; and
 - (b) a statement to the effect that the voter has voted on the ballot paper accompanying the envelope; and
 - (c) a space for the voter's signature below the statement.
- (2) A return envelope for a postal vote in a preselection ballot must—
- (a) be large enough to contain a declaration envelope and ballot paper for the vote; and
 - (b) be sealable; and
 - (c) be addressed to the address for receipt of postal votes for the ballot; and
 - (d) be able to be posted to the address, free of charge, by the eligible postal voter casting the vote.

24 Postal voting

- (1) To cast a postal vote in a preselection ballot, an eligible postal voter for the ballot must—
- (a) complete a ballot paper prepared for the ballot under section 17 as required under section 19; and
 - (b) complete the declaration envelope for the vote; and
 - (c) put the declaration envelope and the completed ballot paper inside the return envelope for the vote; and
 - (d) post or deliver the return envelope to the address for receipt of postal votes for the ballot so that the envelope is received by the closing time for postal voting for the ballot.
- (2) For subsection (1)(c), it does not matter whether the completed ballot paper is inside the declaration envelope.
- (3) The returning officer for the preselection ballot must ensure a return envelope for a postal vote in the ballot returned under subsection (1)(d) is deposited, without being opened, in a sealed ballot box for the ballot.

25 Attendance voting

- (1) To cast an attendance vote in a preselection ballot, an eligible voter for the ballot must, on a day stated in the procedure notice for the ballot under section 13(1)(b)—
 - (a) complete a ballot paper prepared for the ballot under section 17 as required under section 19; and
 - (b) place the completed ballot paper in a sealed ballot box for the ballot.
- (2) The returning officer or an issuing officer for the preselection ballot must—
 - (a) before giving a person a ballot paper—
 - (i) be satisfied of the person’s identity and that the person is an eligible voter for the ballot; and
 - (ii) be satisfied the person has not already—
 - (A) cast a postal vote in the ballot under section 24; or
 - (B) been given a ballot paper for an attendance vote in the ballot under this section; or
 - (C) cast an electronic vote in the ballot under section 26; and
 - (iii) initial the ballot paper; and
 - (b) if the officer gives the person a ballot paper—note beside the person’s name on the preselection roll for the ballot that the person has been given a ballot paper for an attendance vote in the ballot.
- (3) If the returning officer or issuing officer replaces a ballot paper that is spoiled, the officer must keep the spoiled ballot paper for the purposes of sections 32 and 33.
- (4) In this section—

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

26 Electronic voting

- (1) To cast an electronic vote in a preselection ballot, an eligible voter for the ballot must do both of the following using the electronic voting system for the ballot—
 - (a) complete the electronic form of ballot paper prepared for the ballot under section 17 as required under section 19;
 - (b) submit the form.
- (2) The electronic form of ballot paper must be completed and submitted under subsection (1) by the time stated in the procedure notice for the ballot under section 13(1)(d)(iii).

27 Voting assistance

- (1) This section applies if an eligible voter for a preselection ballot 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.

28 Steps before counting votes in preselection ballot that includes postal voting

- (1) This section applies in relation to a preselection ballot that includes postal voting.
- (2) As soon as practicable after the closing time for postal voting for the preselection ballot, the returning officer for the ballot must—
 - (a) open the ballot box containing the return envelopes for postal votes in the ballot; and
 - (b) for each return envelope—
 - (i) open the envelope; and
 - (ii) take out the declaration envelope for a postal vote in the ballot and, if a ballot paper is in the return envelope but not the declaration envelope, the ballot paper; and

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- (iii) ensure the declaration on the declaration envelope is signed; and
 - (iv) be satisfied of the following for the person who signed the declaration—
 - (A) the person's identity;
 - (B) that the person is an eligible voter for the ballot; and
 - (v) make a note on the preselection roll, beside the voter's name, to indicate that a declaration envelope and ballot paper have been received from the voter; and
- (c) take the ballot papers out of the declaration envelopes or return envelopes for postal votes in the ballot in a way that ensures the secrecy of the ballot; and
 - (d) place the ballot papers in another sealed ballot box.
- (3) Subsection (4) applies if—
- (a) a declaration envelope for a postal vote in the preselection ballot has not been signed by the voter; or
 - (b) the voter who signed a declaration envelope for a postal vote in the preselection ballot—
 - (i) has been given a ballot paper for an attendance vote in the ballot; or
 - (ii) has used the electronic voting system for the ballot to cast an electronic vote in the ballot; or
 - (c) a note on the preselection roll for the preselection ballot indicates that a declaration envelope for a postal vote in the ballot and a ballot paper for the ballot have already been received from the voter who signed the envelope.
- (4) The returning officer for the preselection ballot must—
- (a) put aside the declaration envelope and ballot paper; and
 - (b) keep the envelope and ballot paper for the purposes of sections 32 and 33.

29 Counting and recording postal votes and attendance votes

- (1) This section applies in relation to a preselection ballot that includes postal voting or attendance voting.
- (2) However, this section does not apply until—
 - (a) if the preselection ballot includes postal voting—the returning officer for the ballot has complied with section 28 in relation to the ballot; or
 - (b) otherwise—the ballot has closed.
- (3) The returning officer for the preselection ballot must—
 - (a) open each ballot box containing ballot papers for the preselection ballot; and
 - (b) admit the formal votes, and reject the informal votes, from the ballot box; and
 - (c) count the number of informal votes.
- (4) As soon as practicable after complying with subsection (3), the returning officer must—
 - (a) if, under section 20(1)(b), the preselection ballot is to be decided on a first-past-the-post basis—
 - (i) count the formal votes for each candidate, and any non-candidate; and
 - (ii) record the number of votes for each candidate and any non-candidate; or
 - (b) otherwise—count, transfer and record votes in the ballot—
 - (i) in the way stated in the constitution of the political party for which the ballot is being held; or
 - (ii) to the extent the constitution does not state the way the votes must be counted, transferred or recorded—under subsections (5) and (6).
- (5) For a preselection ballot in relation to which subsection (4)(b)(ii) applies, the returning officer must—

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- (a) count the first preference votes for each candidate, and any non-candidate, for the ballot on all of the formal ballot papers; and
 - (b) if the count indicates that a majority of the first preference votes is for 1 candidate or a non-candidate—record the number of first preference votes for each candidate and any non-candidate.
- (6) If subsection (5)(b) does not apply in relation to the preselection ballot, the returning officer must—
- (a) exclude the candidate or non-candidate for the ballot who has the fewest first preference votes on the formal ballot papers; and
 - (b) transfer each first preference vote for the excluded candidate or non-candidate on a formal ballot paper to the candidate or non-candidate next in the order of the relevant eligible voter’s preferences; and
 - (c) count the transferred vote as a first preference vote for the candidate or non-candidate to whom it was transferred; and
 - (d) if the count mentioned in paragraph (c) does not indicate that a majority of the first preference votes, including votes transferred under paragraph (b), is for 1 candidate or a non-candidate—repeat the process set out in paragraphs (a) to (c) until a count gives that indication; and
 - (e) when a count gives the indication mentioned in paragraph (d)—record the number of first preference votes for each candidate and any non-candidate that has not been excluded under paragraph (a).

30 Counting and recording of electronic votes

- (1) This section applies in relation to a preselection ballot that includes electronic voting.
- (2) The electronic votes for each candidate, and any non-candidate, for the preselection ballot must be counted and recorded by the electronic voting system for the ballot.

- (3) For subsection (2), the electronic voting system must count and record the electronic votes for each candidate, and any non-candidate, for the preselection ballot in the same way the returning officer for the ballot must count and record postal or attendance votes in the ballot under section 29.
- (4) The electronic voting system must, as soon as practicable after counting and recording the votes, generate an extract showing—
 - (a) the name of each person who accessed the electronic form of ballot paper prepared for the ballot using the system; and
 - (b) the name of each person who cast an electronic vote in the ballot; and
 - (c) the number of electronic votes cast for each candidate, and any non-candidate, for the ballot; and
 - (d) the number of informal electronic votes cast in the ballot.

31 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 in the ballot—when a ballot paper is given to an eligible voter for the ballot;
 - (b) for a postal vote in the ballot—when a return envelope for the vote is opened and a declaration envelope for the vote or a ballot paper for the ballot is scrutinised;
 - (c) for an electronic vote in the ballot—when the electronic voting system for the ballot generates an extract in relation to the ballot under section 30(4);
 - (d) when a ballot box is opened;
 - (e) when votes, other than electronic votes, for the ballot are scrutinised and counted.
- (2) Also, if the preselection ballot includes attendance voting, a scrutineer for the ballot may be present, where ballot boxes

for the ballot are situated, for as long as is reasonably necessary to check whether the ballot boxes are empty and secure immediately before attendance voting for the ballot starts.

- (3) In addition, if the preselection ballot includes electronic voting, a scrutineer for the ballot may access the electronic voting system for the ballot, for as long as is reasonably necessary to check whether the electronic voting system for the ballot complies with section 18(2)(b) and (c) immediately before electronic voting for the ballot starts.
- (4) Only 1 scrutineer for each candidate in the preselection ballot may—
 - (a) be present at a time mentioned in subsection (1) or (2); or
 - (b) access the electronic voting system for the ballot under subsection (3).
- (5) A person's appointment as a scrutineer for the preselection ballot must be—
 - (a) in writing; and
 - (b) signed by the appointing candidate; and
 - (c) given to the returning officer for the ballot before the person acts as scrutineer.

32 Certification of result and preselection ballot report

- (1) As soon as practicable after the result of a preselection ballot is decided under section 20, the returning officer for the ballot must—
 - (a) certify the result of the ballot; and
 - (b) give each of the following persons notice of the result—
 - (i) a member of the political party, or the section of the political party, for which the ballot was held;
 - (ii) a candidate for the ballot who is not a member of the party or section; and

- (c) publish notice of the result on the party's website; and
 - (d) prepare a report for the party about the conduct of the ballot.
- (2) The notice mentioned in subsection (1)(b) and the report mentioned in subsection (1)(d) must include a document showing that, at the closing time for the preselection ballot—
- (a) the total of the following was equal to the number of ballot papers printed for the ballot—
 - (i) the number of ballot papers, including duplicate and replacement ballot papers, given to eligible voters for the ballot under section 22 or 25;
 - (ii) the number of ballot papers put aside and kept under section 28(4);
 - (iii) the number of unused ballot papers for the ballot; and
 - (b) the total of the following was equal to the number of participating voters for the ballot—
 - (i) the number of ballot papers for the ballot that were put aside and kept under section 28(4) for the reason mentioned in section 28(3)(a);
 - (ii) the number of formal votes in the ballot;
 - (iii) the number of informal votes in the ballot.
- (3) A copy of the notice and report must be included in the minutes of the next meeting of the political party, or the section of the political party, for which the preselection ballot was held.
- (4) In this section—
- participating voter***, for a preselection ballot, means an eligible voter for the ballot—
- (a) whose name has been recorded by the electronic voting system for the ballot under section 18(2)(b)(iii); or
 - (b) for whom the returning officer for the ballot has made a note on the preselection roll for the ballot under section 25(2)(b) or 28(2)(b)(v).

33 Giving and keeping of documents

- (1) The returning officer for a preselection ballot must, regardless of whether the ballot is actually held, give the following documents to the registered officer of the political party for which the ballot is or was to be held—
 - (a) if the returning officer was appointed in the way provided for under the party's constitution—a copy of the document evidencing the returning officer's appointment;
 - (b) if the returning officer was appointed under section 3(3)(a)—a copy of the minutes of the meeting in which the appointment was recorded;
 - (c) a copy of the call for nominations for the ballot;
 - (d) a written statement about the way the call for nominations is given under section 5;
 - (e) a copy of each nomination of a candidate for the ballot, including any nomination that is withdrawn or not accepted;
 - (f) a copy of any document evidencing the withdrawal of a nomination of a candidate for the ballot;
 - (g) a copy of the certification required under section 15(5) in relation to the ballot.
- (2) Also, if the preselection ballot is held, the returning officer must give the following documents to the registered officer—
 - (a) a copy of—
 - (i) the procedure notice for the ballot; and
 - (ii) any amendment notice given under section 14(1) in relation to the procedure notice;
 - (b) a copy of the preselection roll for the ballot;
 - (c) a copy of any document evidencing the exclusion, under section 15(3), of an excluded member of the section of the party for which the ballot is held;
 - (d) if the ballot includes postal voting—

- (i) the declaration envelopes and ballot papers received at the address for receipt of postal votes for the ballot; and
 - (ii) a written notice stating the number of declaration envelopes, if any, received at the address for receipt of postal votes for the ballot after the closing time for postal voting for the ballot;
- (e) if the ballot includes attendance voting—the ballot papers used for the attendance voting;
- (f) if the ballot includes electronic voting—a copy of the extract generated by the electronic voting system in relation to the ballot under section 30(4);
- (g) for each scrutineer for the ballot—a copy of the appointment given to the returning officer under section 31(5)(c);
- (h) a document showing—
 - (i) the total number of formal votes in the ballot; and
 - (ii) the total number of informal votes in the ballot; and
 - (iii) the total number of ballot papers put aside and kept under section 28(4) for the ballot; and
 - (iv) if the ballot is decided on a first-past-the-post basis—the number of formal votes recorded for each candidate, and any non-candidate, for the ballot; and
 - (v) if the ballot is decided by preferential voting—
 - (A) the order in which 1 or more candidates for the ballot were, or a non-candidate for the ballot was, excluded from the vote count for the ballot; and
 - (B) how each vote for an excluded candidate or non-candidate was transferred as part of counting the votes in the ballot;
- (i) a copy of the certification and notice mentioned in section 32(1) for the ballot;

- (j) a copy of the minutes mentioned in section 32(3).
- (3) The returning officer must give the registered officer the documents required under subsection (1) and (2)—
 - (a) if the preselection ballot is held—
 - (i) as soon as reasonably practicable after the closing time for the ballot; and
 - (ii) in any event, before the day the registered officer is next required to notify the commission under section 170 of the Act; or
 - (b) otherwise—before the day mentioned in paragraph (a)(ii).
- (4) The registered officer must keep the documents—
 - (a) for a preselection ballot for an election for a local government—until the day notice of the next quadrennial election of the local government after that election is published under the *Local Government Electoral Act 2011*, section 25; or
 - (b) for a preselection ballot for another election—until the day the writ is issued for the next general election after that election.

ENDNOTES

- 1 Made by the Governor in Council on 29 August 2024.
- 2 Notified on the Queensland legislation website on 30 August 2024.
- 3 The administering agency is the Department of Justice and Attorney-General.

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