

ALL ELECTION PARTICIPANTS**How-to-vote cards**

Unless otherwise stated, all references to legislation are to the *Electoral Act 1992* (EA). The information in this fact sheet does not replace legislation. If you are concerned about your circumstances, you should seek independent legal advice.

What is a how-to-vote card?

How-to-vote cards have a specific definition under Schedule 1 of the EA for state government elections and by-elections.

A how-to-vote card is a card, handbill or pamphlet that:

- contains a representation or intended representation of a ballot paper, or part of a ballot paper

or

- lists the names of any or all candidates with numbers indicating an order of voting preference against the names of any or all of the candidates

or

- directs or encourages the casting of preference votes, other than a first preference vote.

A how-to-vote card that is to be distributed during the election period must meet specific legislative requirements set by the EA – the card's authorisation must be compliant, the card must not mislead voters, and it must not induce the casting of an informal vote.

What is the distribution of a how-to-vote card for election purposes?

Distribution of how-to-vote cards is also defined by the EA. A person distributes a how-to-vote card if they make the card available for people to take away. A how-to-vote card is not considered distributed if it is only displayed publicly.

Examples of distribution include handing out cards outside a polling booth, leaving a stack of cards in a shop for people to pick up, or including a how-to-vote card in a mail-out to electors.

Do how-to-vote cards need to be submitted to the ECQ?

A how-to-vote card that will be distributed on **election day** must be submitted to the ECQ for acceptance prior to its distribution on election day.

How-to-vote cards may be distributed at any other time during the election period without the ECQ's acceptance, but they must still meet the legislative requirements for how-to-vote cards (see below).

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More information

If you need more information relating to Funding, Disclosure and Compliance, please contact ECQ on 1300 881 665 or by emailing fad@ecq.qld.gov.au.



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While all how-to-vote cards must comply with the requirements under the EA, only those that will be distributed on election day need to be submitted to the ECQ for acceptance.

How must a how-to-vote card be authorised?

If an election participant intends to distribute a how-to-vote card during an election period, section 182 of the EA requires an authorisation to appear at the end of each side of the card that contains print.

The authorisation must state the name and address (not a post office box) of the person who authorised the card, and –

If the card is authorised for:	The authorisation must state:	Example given in section 182 of the EA:
A registered political party or their endorsed candidate	The party's full name or their registered abbreviation, as they appear on the ECQ's register of political parties	Authorised P. Smith, 100 Green Street Brisbane for <i>[name of registered political party]</i>
A candidate who is not endorsed by a registered political party	The candidate's name, and the word candidate	Authorised R. Jones, 1 Green Street Brisbane for R. Jones (candidate)

Section 182 also sets out the authorisation's required font sizes for different how-to-vote card sizes. The authorisation must appear in prominent and legible characters, in print of at least:

- 10-point font if the card is A6 or smaller
- 14-point font if the card is larger than A6 up to A3 size (DL, A5 and A4 cards are in this range)
- 20-point font if the card is larger than A3

A double-sided how-to-vote card must have an authorisation on each side of the card containing print. There should be distinct contrast between the colour of the authorisation text and the background.

Cards, pamphlets or other materials that do not meet the EA's specific definition of a how-to-vote card may still be considered to be election matter. Election matter does not need to be accepted by the ECQ prior to distribution on election day but must still carry proper authorisation. Please refer to [Fact sheet 1 – Authorisation of election matter](#) for more information.

How-to-vote card content

How-to-vote cards must not mislead voters, as set out in section 185 of the EA. During its scrutiny of how-to-vote cards, the ECQ will consider the ways in which a how-to-vote card may mislead voters – in the ways of voting, by inducing a voter to cast an informal vote, or by some other means.

More information on state government elections

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Accepted cards are published to the ECQ's website which is also considered during the scrutiny of how-to-vote cards – for example, cards must not contain obscene or offensive content.

Care should also be taken with the spelling of candidate and party names, which must reflect how they will appear on the ballot. If a how-to-vote card includes a representation of a ballot paper or part thereof, listed names must appear in ballot order. Once a ballot draw is completed, ballot order and naming/spellings will be published on the [ECQ's website](#).

The ECQ's [How-to-vote card policy – state government elections](#) provides further information about the scrutiny of how-to-vote cards.

Submitting a how-to-vote card to the ECQ for acceptance

A how-to-vote card that will be distributed on election day must be accepted by the ECQ prior to its distribution on election day. The card must be submitted to the ECQ by **no later than 5pm on the Friday that is 7 days before election day** for the election.

For example, election day is Saturday 26 October. A how-to-vote card must be submitted no later than 5pm on Friday 18 October.

The submission must include:

- either a hard copy or high-resolution soft copy of the card which accurately reflects the size at which the card will be distributed

and

- a completed Form 53 – Lodgement of how-to-vote cards, which includes the statutory declaration required for lodgement (section 183 of the EA) and an optional checklist for compliance guidance.

Note: how-to-vote cards in languages other than English must be submitted with a written translation.

How-to-vote cards from endorsed candidates and registered political parties must be submitted to the ECQ's head office. How-to-vote cards from non-endorsed candidates can either be submitted to the ECQ's head office or to the candidate's local Returning Officer. Lodgement to head office can be made in person or via email to HTVCards@ecq.qld.gov.au.

The EA does not set a specific timeframe for the ECQ to accept or reject a submitted how-to-vote card. An outcome will generally be provided within a few business days, but timeframes may vary during the election period. The ECQ will advise the card's authoriser and candidate (if different) of their decision to accept or reject via email (including reasons for rejection).

Accepted cards will immediately be made available by the ECQ for public inspection on the ECQ website.

If a rejection is issued, the card can be revised and resubmitted by no later than 5pm on the Wednesday before election day. The ECQ will make every effort to accept or reject the resubmission as soon as possible (again, timeframes may vary) and advise the card's authoriser of their decision via email (including reasons for rejection).

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If a how-to-vote card will be distributed both during early voting **and** on election day, the ECQ recommends submitting the card for approval prior to any distribution.

Any printing costs incurred before the ECQ accepts a how-to-vote card will be at the candidate or registered political party's risk.

Only how-to-vote cards that are authorised for candidates and registered political parties, and that will be distributed on election day, are required to be lodged with the ECQ.

How-to-vote cards produced by third parties do not require acceptance by the ECQ but must still meet legislative requirements for how-to-vote cards: the card's authorisation must be compliant, the card must not mislead voters, and it must not induce the casting of an informal vote.

Compliance

Under the EA, electoral staff on election day may require a person to produce a how-to-vote card for inspection and may confiscate cards which have not been accepted by the ECQ.

Publishing or distributing any material during an election period that does not carry a proper authorisation or is likely to mislead an elector about the ways of voting is an offence.

Breaking these rules carries penalties for non-compliance. Please see [Fact sheet 1 – Authorisation of election matter](#) or [Fact sheet 30 – Offences relating to electoral advertising](#) for further information.



RELATED FACT SHEETS AND RESOURCES

Fact sheet 1 – Authorisation of election matter

Fact sheet 30 – Offences relating to electoral advertising

Form 53 – Lodgement of how-to-vote cards

ECQ's [How-to-vote card policy – state government elections](#)

Fact sheets and forms can be found on the [ECQ website](#).

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