

How-to-vote card policy – local government elections

Version 2.0

Approval



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Electoral Commissioner

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Version history

Version	Notes	Author	Date of Change
1.0A	Draft	Project Manager (how-to-vote cards), Funding, Disclosure and Compliance	November 2023
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Review

This policy will be reviewed **every four years** from the approval date, or if the relevant regulatory frameworks change in a way that means this policy is no longer contemporary.

Purpose

To provide guidance on how the Electoral Commission of Queensland (ECQ) staff will administer how-to-vote cards for local government elections under the *Local Government Electoral Act 2011* (LGEA).

Rationale

Part 9, division 3 of the LGEA contains provisions relating to how-to-vote cards for local government elections in Queensland, including how cards must be authorised and given to the ECQ for acceptance prior to their distribution on a day when votes may be cast. Additionally, schedule 2 of the LGEA sets out definitions of how-to-vote cards and the distribution of how-to-vote cards for application in other provisions.

Guiding Principles

The ECQ conducts transparent, fair and democratic elections under the *Electoral Act 1992* (the EA), the LGEA and the *Referendums Act 1997* in accordance with these guiding principles:

1. **Efficiency of administrative procedures.** Administrative mechanisms and procedures, including administrative paperwork, should be efficient, user-friendly, and compliant with legislative requirements.
2. **Collection of personal information.** Ensure collection, storage, use and disclosure of personal information aligns with *the Information Privacy Act 2009*, as well as the privacy provisions in the EA and the LGEA.
3. **Public confidence in elections must be preserved.** Election procedures should be open and subject to review so public confidence in the integrity of the electoral system and election outcomes can be maintained.
4. **Neutrality of election officials.** The conduct and administration of elections should not be influenced by political considerations. Persons responsible for conducting elections, including enabling activities, should be politically neutral in their dealings with all election participants.
5. **Right to review other decisions made by the ECQ.** Judicial and administrative review procedures are available to all election participants who wish to query or review a decision made by the ECQ that affects them.

A Human Rights Impact Assessment, in accordance with section 58(5) of the *Human Rights Act 2019*, has been conducted to identify any human rights that may be affected by the actions recommended in this policy. The human rights that were identified are the right to freedom of expression, and the right to participate in the conduct of public affairs, directly or through freely chosen representatives. Although it places limits in some respect to those rights, it does so overall, to enhance public participation in public life and so is compatible with human rights.

Policy

This policy provides the relevant LGEA sections and definitions relating to how-to-vote cards, with additional interpretation where required. The LGEA requires candidates, groups of candidates or registered political parties to submit how-to-vote cards to the ECQ for acceptance prior to the card's distribution on a day when votes may be cast. The ECQ must review each submitted card to ensure it meets its legislative requirements (as below) and is fit for publication to the ECQ's website, then advise the card's authoriser of the outcome.

How-to-vote cards cannot be distributed on a day when votes may be cast prior to the ECQ's acceptance.

Third parties are able to distribute how-to-vote cards without approval from the ECQ. Third party how-to-vote cards must still be authorised and must not mislead electors about the ways of voting in the election.

1. Relevant LGEA definitions

1.1 A how-to-vote card¹ is a card, handbill or pamphlet, that:

1.1.1 In relation to an election where optional-preferential voting applies –

- a) Is or includes a representation of or a representation intended to represent a ballot paper or part of a ballot paper, or
- b) Lists the names of any or all of the candidates for the election with a number indicating an order of voting preference against the names of any or all of the candidates, or
- c) Otherwise directs or encourages the casting of preference votes (other than first-preference) in a particular way.

1.1.2 In relation to an election where first-past-the-post voting applies –

- a) Is or includes a representation of or a representation intended to represent a ballot paper or part of a ballot paper, or
- b) Directs or encourages the casting of a vote for a number of particular candidates equal to the number of candidates to be elected.

1.2 A card can meet any of the listed criteria for its relevant election type in sections 1.1.1 or 1.1.2 above in order to satisfy the definition.

1.3 It should be noted that a how-to-vote card must meet the above definition for its relevant election type, and has additional compliance requirements as set out in sections 4 and 5 below.

¹ LGEA, Schedule 2 Dictionary

- 1.4 A how-to-vote card is distributed² when it is made available to other persons but does not include simply displaying the card. For example, a card is distributed if it is handed out to other people to take away; a card is not distributed if it is attached to a wall for display only.
- 1.4.1 Neither the LGEA's definition of a how-to-vote card nor its definition of distribution currently reference electronic distribution (e.g. via social media, on a website or linked to via a QR code). If an electronic item would meet the how-to-vote card definition (see 1.1 above) when printed, and includes directions for a voter to print the card, the ECQ will consider this to have met the definition for distribution (see 1.4 above).
- 1.4.2 The ECQ also considers that how-to-vote cards within other media (e.g. a mail-out flyer, a newspaper advert) are included in the definition of distribution (see 1.4 above).
- 1.4.3 How-to-vote cards which are intended to be distributed at a location other than a polling booth (such as via mail box drop, or in a newspaper) must still be submitted for approval if that distribution is to happen on a day when votes may be cast.

2. Authorisation of how-to-vote cards

- 2.1 A person must not distribute a how-to-vote card that is not correctly authorised³, with the authorisation appearing at the end of each side of the card containing print⁴.
- 2.1.1 The ECQ considers "the end" of each side containing print to include any edge of the card. For cards with folds, the authorisation must appear at the end of each side facing outward when the card is folded.
- 2.2 The authorisation must state the name and address⁵ (not a PO Box⁶) of the person who authorised the card. There are additional requirements for the content of a how-to-vote card's authorisation provided (with examples) in the LGEA.
- 2.3 A how-to-vote card's authorisation must meet the minimum font size requirements⁷ as pertains to the size of the card.
- 2.3.1 A known issue occurs when a Microsoft Word or Publisher document is converted to PDF – font size may be automatically adjusted very slightly smaller or larger (in the decimal points of a font size). The person who created the card may not be aware of this as the font size will look the same visually, and this small difference can only be detected when measuring font size. If the font size is only a matter of millimetres (or fractions of millimetres) smaller than the required font size, the ECQ will consider that has having the correct font size.

² LGEA, Schedule 2 Dictionary

³ LGEA, section 178(1)

⁴ LGEA, section 178(5)(a)

⁵ LGEA, section 178(2)

⁶ LGEA, section 178(4)(a)

⁷ LGEA, section 178(5)(b)

2.3.2 In determining the size of a how-to-vote card, the ECQ will deem DL-sized cards (i.e. one-third size of an A4) as being larger than A6. A6 measures 105mm by 148mm, with a surface area of 15,540mm². DL measures 99mm by 210mm, with a surface area of 20,790mm². While a DL card is 6mm narrower than an A6, it is 62mm longer and its surface area is roughly one-third larger than A6.

3. Lodging how-to-vote cards with the ECQ

- 3.1 The person who authorised a how-to-vote card for a candidate (endorsed or not), group of candidates or registered political party must submit the following to the ECQ⁸:
- If submitting in hard copy – the required number of how-to-vote cards (12 more than the number of polling booths within the local government area where the cards will be distributed if submitted via hard copy⁹)
 - a statutory declaration stating the origin and nature of any financial contributions received in relation to the production of the how-to-vote card. QLG54 – Form 54 Lodgement of how-to-vote cards is provided for this purpose.
- 3.1.1 Hard copy submissions can be made to either the Returning Officer for the local government area where the card will be distributed, or to the ECQ's head office. Registered political parties must submit their cards to the ECQ's head office.
- 3.1.2 Soft copy submissions can be made either via the Self Service Portal or by email to HTVCards@ecq.qld.gov.au. For security reasons, the ECQ will not accept submissions via USB stick or other external storage methods. The requirements for soft copy submission are per 3.1 above, however the submission of multiple soft copies is not required.
- 3.1.3 If a how-to-vote card has been submitted via soft copy, the card's authoriser may later submit the required number of approved how-to-vote cards (see 3.1 above) to their local Returning Officer. This additional submission of hard copy cards after approval is only required if the card's authoriser wishes for the card to be available¹⁰ during mobile polling in Declared Institutions.
- 3.2 How-to-vote cards must be submitted between the start of the election period and at least 7 business days before the how-to-vote card is to be distributed¹¹ (either on election day or at an early voting location).
- 3.2.1 Cards submitted after the deadline in section 3.2 may still be considered at the discretion of the ECQ. The ECQ may consider the following in their decision to accept a card after deadline:
- limitations on access to a local Returning Officer for support

⁸ LGEA, section 179(1) and (2)

⁹ LGEA, section 179(9)

¹⁰ LGEA, section 180(6) and (7)

¹¹ LGEA, section 179(1) and (2)

- limitations on access to local printing facilities, internet, or a signatory for a statutory declaration
- severe weather events or other community hardships, or
- personal extenuating circumstances, such as a health episode or a bereavement.

The ECQ's consideration of late submissions will also depend on the processing capacity of the ECQ after submission dates, relative to polling days.

- 3.3 If a language other than English is printed on a how-to-vote card that is required to be submitted to the ECQ, a written translation must be included with the how-to-vote card submission. The ECQ will review the translation and approve the how-to-vote card on that basis. The ECQ may acquire assistance in translating the original-language document on a case-by-case basis.
- 3.4 The ECQ will either accept or reject the submitted card within 5 business days of receipt and advise the card's authoriser of the card's acceptance or rejection by email. If a card is rejected, the outcome email will include the reason/s for rejection.
- 3.4.1 A person whose how-to-vote card submission was rejected can submit a revised card to the ECQ for reconsideration at least 2 business days before polling day by repeating 3.1 above¹². The ECQ will repeat 3.4 above within 2 business days to provide an outcome for the revised card¹³.
- 3.5 Accepted how-to-vote cards will be displayed on the ECQ's website for public reference¹⁴. Due to the prevalence of mobile devices, the ECQ considers how-to-vote cards' availability on a public-facing website as sufficient to meet other public inspection requirements¹⁵.
- 3.6 Given the legislated approval timelines, the ECQ cannot guarantee that how-to-vote cards which are submitted late will be reviewed and approved before election day, or the desired distribution date. Priority will be given to how-to-vote cards which are submitted on-time or due to extenuating circumstances.

4. Scrutiny by ECQ

- 4.1 The ECQ will complete two levels of scrutiny to ensure a how-to-vote card:
- meets its authorisation requirements¹⁶
 - is not likely to mislead or deceive an elector in voting¹⁷ (e.g. by directing the casting of an informal vote),
 - is not a group campaign activity relating to a candidate who isn't a member of a group¹⁸, and

¹² LGEA, section 179(5)

¹³ LGEA, section 179(5A)

¹⁴ LGEA, section 179(6)(b)

¹⁵ LGEA, section 179(6) and (7)

¹⁶ LGEA, section 178(2) – (5)

¹⁷ LGEA, section 178(3)(b)(i)

- does not contain any content that the ECQ considers obscene or offensive.
- 4.2 The ECQ's scrutiny will also ensure that a how-to-vote card is suitable for publication to the ECQ's website as approved material, and for distribution during an election. Sections 4.2.1-4.2.5 specify additional standards used during scrutiny.
- 4.2.1 Candidates' names must be spelled correctly. If full names are used, the full name as it will be listed on the ballot paper must be used – this includes any aliases included on the ballot paper. Alternate naming conventions may be used, but should be applied consistently: e.g. referring to all opposing candidates by first initial and surname.
- 4.2.2 If used, registered groups of candidates' names must be spelled correctly, as they appear on the [Register of Local Government Groups](#).
- 4.2.3 If used, registered political party names must be spelled correctly, as they appear on the [Register of political parties](#). Either the full party name or registered abbreviation is acceptable.
- 4.2.4 The display of group or party names next to opposing candidates should be consistent, i.e. applied to all or none; not to some and not others.
- 4.2.5 If candidates' names are to appear in a list that represents a ballot paper – either to show preferences or in some other representation of a ballot paper – they must be listed in ballot paper order. Not all candidates' names from the ballot paper must appear on a how-to-vote card, but those that do must appear in ballot paper order.
- 4.3 A person who authorised a how-to-vote card may request a review by the ECQ of a decision to accept or reject a card. A review can be requested by contacting the ECQ via email, detailing the reasons for requesting the review.
- 4.3.1 The ECQ will review their initial acceptance or rejection of the how-to-vote card being reviewed, and provide a written response to the card's authoriser within 2 business days of receiving the review request.
- 4.3.2 If a review is sought of the ECQ's decision that an authorisation's font size does not meet the minimum requirement, a printer/designer's proof should be submitted to demonstrate the exact font size submitted.

5. Distributing approved how-to-vote cards

- 5.1 After receiving approval from the ECQ, a how-to-vote card can be distributed immediately on days where voting is taking place.
- 5.2 A how-to-vote card approval is for the distribution of that specific card. Any additional how-to-vote cards with different information, design or layout must be submitted as a separate how-to-vote card.

¹⁸ LGEA, section 178(3)(b)(ii)

- 5.3 The ECQ will allow for soft-copy submissions of how-to-vote cards that have been scanned in black-and-white to be distributed in colour, allowing for 5.3.1 below. If a submission must be made in black-and-white, contrast should be clear and all elements of the card visible to the ECQ during scrutiny.
- 5.3.1 If a black-and-white version of a how-to-vote card is submitted to and approved by the ECQ, it should be noted that approval has only been given for the black-and-white version to be distributed. If the ECQ later discovers that the full-colour card's colour/s could mislead electors, the ECQ will separately assess the full-colour card which may result in a rejection.
- 5.4 The ECQ will allow for some scaling variance between the soft-copy submission of a how-to-vote card and its final printed version. Anyone planning to alter the size of their how-to-vote card must consider whether their authorisation font size will still be compliant after re-scaling. If it is not, the font must be amended and the altered card submitted for separate approval: e.g. scaling an A4 how-to-vote card with a 14-point font authorisation down to an A5 card would drop the font size below the 14-point that is also required for A5 cards.

6. Restrictions

- 6.1 A person must not distribute, or allow or authorise another person to distribute, a how-to-vote card that does not meet its authorisation requirements¹⁹.
- 6.2 A person must not distribute, or allow or authorise another person to distribute, a how-to-vote card with false authorisation particulars (i.e. name, address of authoriser)²⁰.
- 6.3 A person must not distribute, or allow or authorise another person to distribute, a how-to-vote card that has not been accepted by the ECQ on a day when votes may be cast for an election²¹ (i.e. election day or early voting).
- 6.4 During an election period, a person must not print, publish, distribute or broadcast anything that is intended or likely to mislead an elector about the ways of voting at the election²².
- 6.5 During an election period, a person must not print, publish, distribute or broadcast anything that purports to be a representation of a ballot paper if it is likely to induce an elector to cast an informal vote²³.
- 6.6 A person must not engage in a group campaign activity for an election, unless the activity relates to either:
- candidates who are members of the same group of candidates, or
 - candidates who are endorsed by the same registered political party²⁴.

¹⁹ LGEA, section 178(1)

²⁰ LGEA, section 178(6)

²¹ LGEA, section 180(1)

²² LGEA, section 182(1)

²³ LGEA, section 182(3)

²⁴ LGEA, section 183(1)

A group campaign activity may include candidates using the same campaign slogans, the same brands or images, or appearing on a shared how-to-vote card²⁵.

²⁵ LGEA, section 183(2)

Delegations

1. Initial scrutiny of a how-to-vote card will be completed by either a Returning Officer or another ECQ officer.
2. The second level of scrutiny of a how-to-vote card will be completed by a different ECQ officer than completed initial scrutiny.
3. Reviews of a how-to-vote card's scrutiny outcome will be completed by the Director, Funding, Disclosure and Compliance.
4. The Director, Funding, Disclosure and Compliance, may approve procedures to implement this policy.

Appendix 1 — Definitions

Definitions

Term	Definition	Reference (if applic.)
How-to-vote card	See 1.1-1.3 above	LGEA, Schedule 2
Distribute a how-to-vote card	See 1.4 above	LGEA, Schedule 2

Appendix 2 — Regulatory Framework

- *Human Rights Act 2019*
- *Information Privacy Act 2009*
- *Local Government Electoral Act 2011*