

Scrutineer Handbook Pukapuka Aratohu Kaititiro

By-elections
Pōti-motuhake



Published in August 2024 by
Electoral Commission
Te Kaitiaki Take Kōwhiri
Wellington, NZ
E5 publication

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Foreword | Kupu Tātaki

Scrutineers play a really important role in providing independent assurance to voters that elections are being conducted fairly. This handbook is designed to provide you with everything you need to know about being a scrutineer at a parliamentary by-election.

It is part of a series produced by the Electoral Commission to help people understand how parliamentary elections work. You can find the rest of the handbooks on our website: www.elections.nz.

If you are unsure about how the rules apply please ask the Electoral Commission. We are here to help.



Karl Le Quesne, Chief Electoral Officer

Our websites have more information

We have a website with the rules for all participants, a website for voters and a website for election results.

www.elections.nz

www.vote.nz

www.electionresults.govt.nz

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Introduction | Kōrero Whakataki



This booklet is for people who are appointed as scrutineers for a by-election. It contains important information you need to know.

Role of scrutineers

Scrutineers for candidates and parties play an important role in maintaining the integrity of the electoral system. As a scrutineer you can observe the conduct of the parliamentary by-election, including the counting of votes, and provide assurance that everyone has followed the electoral rules and procedures.

Health and Safety

Your health and safety and the health and safety of our staff and voters are important to us. When you arrive, the Voting Place Manager will brief you on the venue requirements.

We request that you do not enter a voting place if you are unwell.

There will be a designated area for you within the voting place. You will be able to photograph the record of page and line numbers of persons who have cast ordinary votes and been marked off the roll.

Key information for scrutineers in voting places | Pārongo kōrero whakahirahira mō ngā kaititiro i ngā whare tuku pōti



Allowed	Not allowed
You can sit or stand in the designated area for scrutineers to observe voting.	You cannot obstruct voters or staff in the voting place.
You can photograph the record of page and line numbers of persons who have cast ordinary votes, which Issuing Officers will complete, and relay this to your campaign team.	You cannot touch any voting materials, or photograph voters, results sheets or any other activities in the voting place.
You can wear a party lapel badge or rosette and clothing in party colours.	You cannot wear or display any items with a party name or logo other than the lapel badge/rosette, nor any items with a candidate name.
Allowed	Not allowed
Through the Voting Place Manager, you can raise your hand to ask an Issuing Officer to question a voter suspected of voting more than once or of voting as somebody else.	You cannot communicate with any voter in the voting place.

Guidance for scrutineers | Kupu āwhina mō ngā kaititiro



Appointment

Electorate candidates can appoint scrutineers to observe various stages of the election process:

- the issuing of votes in voting places and advance voting places and the preliminary count in voting places on election night
- the early count of advance votes from a designated time on election day in the Returning Officer's¹ headquarters, or at another location as advised by the Returning Officer
- the official count of overseas, remote and dictation votes in Wellington
- the checking of special vote declarations in the designated office of the Electoral Commission
- the scrutiny of the rolls in the Returning Officer's headquarters
- the official count in the Returning Officer's headquarters
- judicial recounts of electorate votes (if required).



A candidate cannot act as a scrutineer.

Appointment in writing

Your appointment as a scrutineer must be in writing. It can be an original or photocopy. You should keep this with you and show it to the relevant electoral official wherever you act as a scrutineer. It must specify the voting place or places that you have been appointed to, for vote issuing and preliminary count and/or

¹ The operational title we use for Returning Officer is Electorate Manager.

whether you have been appointed for the early count of advanced votes, checking of special votes, overseas vote count, the scrutiny of the rolls, or the official count.

If you are going to be a scrutineer at the official count at electorate headquarters, or for any duties other than attending at voting places (e.g. the early count at headquarters), candidates should advise the Returning Officer that you will be attending.

Candidates can use the appointment form at the back of this handbook. Copies of the form can be downloaded from www.elections.nz.

Declaration of secrecy

Before being allowed to act as a scrutineer, you must complete a declaration that you will not infringe the secrecy of voting and not disclose any information acquired in your role as a scrutineer except as permitted by the Electoral Act. This includes attempting to obtain or communicate information in a voting place about how a voter has voted or their consecutive number on the ballot paper. You can share information about who has voted, but must not share information about results before they are made public by the Electoral Commission through the vote.nz website or other means.

A copy of the declaration form is attached to this handbook.

The declaration can be made before a Justice of the Peace, solicitor, Returning Officer or electoral official.

If you are appointed to a voting place, the declaration can also be made before an electoral official at the voting place. Keep the declaration with you.

If you are appointed to attend the checking of special vote declarations, you can make the declaration of secrecy before an electoral official.

Age limit for scrutineers

The law does not set a minimum or maximum age for being a scrutineer. However, you need to be old enough to understand the secrecy declaration and the rules you must follow. 16 years old and over is recommended.

Remuneration

You do not get paid by the Electoral Commission to be a scrutineer.

Number of scrutineers allowed

A candidate can appoint scrutineers for one or more voting place(s) and/or advance voting place(s) but each voting place must be specified in the appointment letter.

Each candidate can also appoint:

- one scrutineer to attend the early count of advance votes
- one scrutineer, at any given time, to attend the scrutiny of the rolls and the official count, unless the Returning Officer allows more
- one scrutineer, at any given time, to attend the designated office of the Electoral Commission to observe the checking of special vote declarations against the electoral rolls.

Scrutiny at the voting place

Scrutineers can be present at voting places and advance voting places to observe the issue of votes. If you are appointed for this you can:

- raise your hand and indicate to the Voting Place Manager that you wish to ask an Issuing Officer to question a voter whom you suspect of voting more than once or voting in someone else's name
- record and communicate to party officials the names of persons who have voted in the voting place
- observe the preliminary count (see below for more information).

Issuing Officers will keep a record of ordinary voters' page and line numbers which the Voting Place Manager will make available for you to photograph (e.g. with your mobile phone) rather than physically handle, at regular intervals.

Opening times for voting

Advance voting will start on the Monday 12 days before election day. The opening times for advance voting places will be published on the www.vote.nz website.

Voting places on election day are open between 9am and 7pm. Please be there before 8.45am to allow time for your appointment, declaration of secrecy, health and safety briefing and seating before voting commences at 9am.

What to do when you arrive

When you arrive, you will need to make yourself known to the Voting Place Manager. Show your appointment letter for that voting place and ensure you have signed the declaration of secrecy at the back of this handbook.

The Voting Place Manager will ask you to read a scrutineer briefing card and will provide a health and safety briefing, give you a scrutineer label and show you where to sit, before the voting place opens.

If you arrive before voting starts you can observe that the ballot boxes are empty and initial the ballot box “checked by” on the back.

You should park away from the voting place entrance.

You can come and go from the voting place(s) you are appointed to during opening hours, but will be asked to sign in and out for security and health and safety purposes.

Seating

You should follow the Voting Place Manager’s directions about where you can sit, as well as any directions about complying with safety measures.

Scrutineers will generally be allocated seats along one side of the voting place, facing the voter queues.

Scrutineers for other candidates could also be sitting along the side of the voting place. It is important to keep your interactions with other scrutineers discreet and co-operative.

Scrutineer label

Please wear the label identifying you as a candidate scrutineer. The Voting Place Manager will provide this to you. It is expected that this will be worn alongside any rosette to avoid voters being confused or thinking there are electoral officials wearing party rosettes.

Party lapel badges

You can wear a party lapel badge in public and in the voting place. This must be a badge or rosette designed to be worn on the lapel and bearing the party's name, slogan or logo, but not a candidate's name. It can be worn anywhere on your person, but cannot be displayed on other items, for example on a bag.

Clothing promoting a party or candidate

There are no restrictions on wearing clothing in party colours but on election day, you cannot wear clothing (such as t-shirts) that constitutes an election advertisement (e.g. promotes a candidate or party). This includes campaign items like t-shirts with candidates, party logos or slogans.

During advance voting, such items are not permitted within 10 metres of the advance voting place entrance. This includes vehicle signage if you do park near the voting place.

Use of technology in voting places

You can only use electronic devices, such as phones or tablets, if:

- no comments are made on social media about voting, and

- cameras are not used except to photograph the record of page and line numbers which will be provided at regular intervals by the Voting Place Manager.

You cannot do anything on these devices to compromise the secrecy and integrity of the voting place.

For privacy reasons, scrutineers should not film or take photos of voters or staff.

Other photography or filming is only allowed in a voting place with the prior approval of the Returning Officer.

Records available to scrutineers in the voting place

You are allowed to photograph the voter record sheets which contain the electorate number and page and line numbers of ordinary votes issued at the voting place by each issuing officer. The date and time each sheet is completed will also be recorded at the top of each sheet. You can photograph previous days' record sheets.

The voter record sheets are made available for photographing by the Voting Place Manager. You can communicate this information back to your campaign team. In all other respects you are bound by an obligation of secrecy.

You can scrutineer at different voting places in an electorate to photograph voter record sheets as long as the name of each voting place you are attending is listed on your appointment letter.

You can arrive at any time during opening hours to copy voter record sheets. However, as they can only be made available to

scrutineers during the hours of voting we ask that you allow for this and do not arrive close to the end of the voting hours including on the Friday evening on the last day of voting.

To be fair to everyone, we ask that scrutineers limit the time photographing page and line numbers to approximately 15 minutes. This should be plenty of time. Only one person at a time can access the sheets of completed page and line numbers. Access will be on a first-come-first-served basis.

In the interests of smooth transitions, scrutineers should keep records of the date and time recorded on the page they last photographed.

Conduct of scrutineers at voting places

Inside the voting place, the following rules apply to scrutineers:

- No communicating with any voter. This includes talking to or greeting family, friends or acquaintances in the voting place. The Electoral Act makes it an offence for scrutineers to talk to voters in the voting place.
- You can cast your vote while you are at the voting place, but otherwise, no touching voting materials including voting papers or EasyVote cards at any point.
- No interfering with a voter at the voting place. It is also an offence to try to influence or advise the voter on their vote.
- No blogging, tweeting or otherwise communicating via social media about what is happening in a voting place.

The Voting Place Manager is required to maintain order and keep the peace in the voting place. Causing a disturbance, unnecessarily obstructing proceedings at the voting place or wilfully acting in defiance of the lawful directions of the Voting Place Manager are all offences under the Electoral Act.

If voters complain about your presence, refer the complaint to the Voting Place Manager or an electoral official in charge.

If the Voting Place Manager has concerns about the behaviour of a scrutineer, they can seek the advice of a Mobile Support or the Returning Officer. If the matter cannot be resolved and is becoming a disturbance or obstructing the voting process, the Returning Officer will ask the candidate to withdraw the appointment of the scrutineer.

Please keep discussions with other scrutineers discreet and make any phone calls with your campaign team outside the voting place. Your campaign team can bring you refreshments. This needs to happen outside the voting place. Hot drinks and food should not be consumed while sitting in the voting place. Note that the Electoral Commission does not supply food or drink for scrutineers. Toilet facilities may be available for your use

Activity around voting places

During advance voting, election advertising cannot be displayed or distributed within 10 metres of the entrance to the advance voting place. On election day there is a ban on electioneering activity. You cannot obstruct voters approaching the voting place.

Raising concerns at the voting place

Raise any concerns about anything you observe in the voting place with the Voting Place Manager. Do not raise concerns directly with other electoral staff in the voting place. Go through the Voting Place Manager in order to ask an Issuing Officer to question a voter about whether they have voted more than once.

Raise your concerns discreetly, recognising that the Voting Place Manager will have a range of other priorities. They can seek advice from Mobile Support or the Returning Officer before coming to a view. If you are not satisfied with their decision, you can raise the matter with your party or campaign manager who can discuss it with the Returning Officer or the National Office of the Electoral Commission.

It is important that ongoing debate does not disrupt the voting place and that you do not directly intervene in the voting or counting processes.

Questioning a voter who may be voting more than once

If you think a voter is voting more than once you can raise your hand and indicate to the Voting Place Manager that you want the Issuing Officer to question the voter. Remain seated if you can. The questions the Issuing Officer must put to the voter are:

- a) Are you the person whose name appears as (first name, surname) in the electoral roll now in force for the (name of district) Electoral District?
- b) Have you already voted at this election?

The voter is asked to write their answers to the questions and sign a form.

If a voter states they have already voted, they are advised they are not able to vote again at this election. If the voter states they have not already voted they will be issued with a ballot paper.

Voters requiring assistance

Any voter that is wholly or partially blind, unable to read or write for whatever reason, or not sufficiently familiar with the English language to vote without assistance is entitled to be assisted by either a person that they choose (such as a friend or family member) or an electoral official. It is not appropriate for a scrutineer to assist a voter.

It is not appropriate for you to challenge a voter's eligibility to vote with assistance. Raise any concerns with the Voting Place Manager.

End of Day

During the advance voting period, after the voting place closes, voting materials may need to be removed from the voting place to be securely stored overnight. After voting closes on election day, voting materials will be transported back to the electorate headquarters. For security reasons, it is not appropriate for a scrutineer to insist on accompanying the materials or request information about where votes are being kept.

Scrutineers at electorate headquarters

If you have been appointed to scrutineer duties for the advance early count, the official count, the checking of special declaration votes and/or recounts at electorate headquarters there are security procedures that you must abide by.

You will:

- sign in on arrival and out on departure for each day
- show your appointment letter and declaration of secrecy (or complete this) to the Returning Officer or their delegate
- be asked to read a scrutineer briefing card
- visibly wear a visitor's name tag at all times and return this before leaving for the day
- be given a health and safety briefing on your first visit
- be escorted by an electoral official at all times
- only enter areas of electorate headquarters as specified by the Returning Officer.

Early count of advance votes

Allowed	Not allowed
You can move around the designated area to watch the counts.	You cannot leave the restricted area before 7pm
You can record by pen and paper the results of the counts	<p>You cannot have any communication device in the restricted area.</p> <p>You cannot take photos or video during the count.</p> <p>You cannot communicate any information about the count to anyone outside the restricted area before 7pm</p>
Raise any questions or concerns with the Early Count Process leader	<p>You cannot talk to count staff.</p> <p>You cannot help with the count or touch any election materials (ballot papers, marker cards, ballot boxes)</p>

Advance votes (other than advance special votes) can be counted before the close of voting on election day at the Returning Officer's headquarters, or another location, if the Returning Officer can provide an appropriate secure area for the count. The Returning Officer will advise you of the proposed start time for the early count for the by-election.

If you are appointed to observe the early count of advance votes you should arrive at least 30 minutes before the count starts.

You will not be able to leave the secure area before 7pm without the Returning Officer's permission so bring sufficient food, drink and any necessary medication for the day.

The count is completed under strict security. At least one security guard will be present. Scrutineers are not allowed to take phones, laptops or other communication devices into the secure area. You will be allowed to write down information from the counts with pen and paper.

You should not intervene or become involved in the counting process. Raise any concerns with the Returning Officer or Early Count Process Leader.

You are permitted to observe and take notes, but you are not permitted to photograph or request copies of result count sheets. Electoral officials will only counter-sign Electoral Commission documents. Electoral officials will not countersign documents produced by scrutineers, parties or candidates.

It is an offence to disclose the results of the early count before the close of voting at 7pm.

You can stay until the conclusion of the early count. If it runs past 7pm, you can stay in the secure area designated for the early count until it is concluded, and then you must leave the headquarters. There is no provision in the Electoral Act for a scrutineer to remain in the headquarters following the completion of the advance early count, for example, to observe the voting place results being phoned in or voting materials being received from voting places on election night.

Preliminary count on election night

If you are an election day scrutineer appointed to a voting place, you can observe the preliminary count of votes at that voting place provided you are inside the voting place before the close of voting at 7pm. Any scrutineer not within the voting place when the doors are locked at 7pm will not be admitted. You can leave before the count finishes, but you will not be readmitted.

You can move around the count area to watch the counts.

You should not intervene or become involved in the counting process. Raise any concerns with the Voting Place Manager.

You are permitted to observe and take notes, but you are not permitted to photograph or request copies of result count sheets. Electoral officials will only counter-sign Electoral Commission documents. Electoral officials will not countersign documents produced by scrutineers, parties or candidates.

Once the count is undertaken, the result will be phoned in to the electorate headquarters by the Voting Place Manager. After the count, you may be invited to sign the results certificate(s) and security stickers put back on the ballot boxes for return to the headquarters.

The count may occur at a separate location from the voting place, if necessary for security. If this happens you or your candidate will be told. Voting place scrutineers will be permitted to accompany ballot boxes to the area designated for the count, with the electoral officials. If there are more scrutineers that wish to accompany the ballot papers than can fit in the vehicle, then the scrutineers will need to determine who will accompany the ballot papers.

As voting has closed you can phone results back to your campaign headquarters after the count.

In the event of serious emergency or disaster, the Electoral Commission may adjourn voting in affected places. If this happens then the Electoral Commission might decide not to announce the preliminary result until voting has finished. If so, you will be prohibited from sharing any information about the preliminary result and doing so would be an offence.

Scrutiny of the rolls

You can be appointed to observe the scrutiny of the rolls process at the electorate headquarters after election day.

This involves electoral rolls being scanned and scrutinised. The names of special voters are recorded to compile a list of everyone who voted in the by-election (the master roll). The master roll also includes the names of people who enrolled in the electorate between writ day and election day, as well as listing those electors who have been removed from the roll between writ day and election day. The master roll is also used to identify any dual voters whose votes are then extracted.

Checking of special vote declarations

You can be appointed to attend the designated office of the Electoral Commission after election day to observe the checking of special vote declarations against the electoral rolls where a voter's name cannot be found during the scrutiny of the rolls process. If the Electoral Commission can confirm that the voter is qualified to vote, the vote will be counted.

Official count

If you have been appointed as a scrutineer to observe the scrutiny of the rolls, you can also be present at the official count after election day (and at any judicial recount). This is held at the electorate headquarters. Candidates should advise the Returning Officer of who will be attending.

You or your party can also appoint a scrutineer to observe the official count of overseas, remote and dictation votes at our centralised processing centre in Wellington.

During the official count all votes counted on election night are recounted and checked to ensure accuracy.

A Justice of the Peace must be present at the official count in addition to electoral officials conducting the count and any scrutineers who attend to observe the process.

You can provide updates to your campaign team but we request that public statements about the results are not made ahead of the declaration of the official results by the Electoral Commission through the [vote.nz](https://www.vote.nz) website or other means.

You can move around the designated count area to watch the counts.

You are permitted to observe and take notes, but you are not permitted to photograph or request copies of result count sheets. Electoral officials will only counter-sign Electoral Commission documents. Electoral officials will not countersign documents produced by scrutineers, parties or candidates.

Judicial recounts

After the declaration of the official results electorate candidates can apply to a District Court Judge for a recount of the by-election votes. The location of a recount is determined by the Judge. If you were appointed to observe the official count for an election you will be eligible to observe the judicial recount.

We request public statements about the results of a recount are not made before the Judge's decision is released.

Form for Appointment of Scrutineers

(Please tick and complete this form as applicable)

I, (*insert your name*),

a candidate for the electorate

hereby appoint the following scrutineer (*insert name*)

for the following purposes

Complete this section if you are a candidate appointing a scrutineer

☐

The issuing of votes at these advance voting place(s):

☐

The issuing of votes and the preliminary count at these voting place(s):

☐

The early count of advance votes on election day.

Only one scrutineer per candidate can be appointed.

☐

The scrutiny of the rolls and the official count.

One or more scrutineers can be appointed for this but only one, for each candidate, is allowed to be present at any time unless permitted by the Returning Officer.

☐

To be at the designated office of the Electoral Commission when special vote declarations are checked.

One or more scrutineers can be appointed but only one is allowed to be present at any time.

☐

A judicial recount.

Electorate candidates affected by an application for a recount can appoint scrutineers for the recount.

Candidate *(signature cannot be typed or digital certificate)*

Date

Declaration by Scrutineer Form

I,

(Full name)

(Full address)

(Occupation)

solemnly and sincerely declare that I will well and truly serve in the
office of scrutineer for a candidate at the poll in the

_____ electorate,

and that I will not do anything forbidden by Section 203¹ of the
Electoral Act 1993.

Signature of scrutineer (cannot be typed or digital certificate)

Declared at _____ this _____ of _____ 202_____

before me _____

Name of Witness

Signature of Witness

*1 Section 203 of the Electoral Act 1993 is printed overleaf and must be read by or
to the person making the declaration.*

**A Justice of the Peace, solicitor, Returning Officer or other
electoral official can witness the declaration.**

THE ELECTORAL ACT 1993

SECTION 203.

Infringement of secrecy –

(must be read by or to the person making the declaration)

- (1) Every electoral official, polling place official, scrutineer, or other person appointed for the purposes of this Act shall use or disclose information acquired by him or her in that capacity only in accordance with his or her official duty or his or her duty as a scrutineer, as the case may require.
- (2) No person, except for some purpose authorised by law, shall -

 - (a) Interfere with or attempt to interfere with a voter when marking his or her vote:
 - (b) Attempt to obtain in a polling place information as to the candidate for whom any voter in the polling place is about to vote or has voted:
 - (c) Communicate at any time to any person any information obtained in a polling place as to the candidate for whom any voter at the polling place is about to vote or has voted, or as to the consecutive number on the ballot paper given to any voter at the polling place.
- (3) Every person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate any information obtained at the counting as to the candidate for whom any vote is given in any particular ballot paper.
- (4) No person shall directly or indirectly induce any voter to display his or her ballot paper ... after he or she has marked it, so as to make known to any person the name of any candidate for or against whom he or she has voted.



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