



**ELECTORAL
COMMISSION**
TE KAITIAKI TAKE KŌWHIRI

Scrutineer Handbook

By-Elections

Foreword

Scrutineers play a hugely important role in providing independent assurance to voters that elections are being conducted fairly. This handbook is designed to provide you with everything you will want 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

The handbook is a general guide based on our understanding of the law. If you are unsure about how the rules apply please ask the Electoral Commission.

We are here to help.

Contact details:

Electoral Commission,
PO Box 3220, Wellington

Level 4, 34-42 Manners Street, Wellington

Tel: 04 495 0030

Email: enquiries@elections.govt.nz

Websites: www.elections.nz

www.vote.nz

www.electionresults.nz

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Introduction

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 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.

COVID-19 and by-elections

A range of health measures may be in place at a by-election because of COVID-19 to help keep staff, voters, and scrutineers safe. We request that you do not enter a voting place if you:

- have any symptoms associated with COVID-19 (e.g. fever, cough, sore throat, shortness of breath, sneezing/runny nose or loss of sense of smell)
- have COVID-19 or are awaiting results of a test for COVID-19
- are a household contact of someone with COVID-19 and currently required to self isolate.

Scrutineers will need to comply with 1 metre physical distancing requirements, may be required to sanitise their hands, sign in and sit along one side of the voting place. You will be able to photograph the record of electorate, page and line numbers. There may also be a limit on how many scrutineers can fit in a voting place, in which case we will work with parties and candidates to manage numbers.

These safety measures will be in force regardless of the COVID-19 traffic light setting at the time of a by-election.

Key information for scrutineers in voting places

Allowed	Not allowed
You may sit in the allocated scrutineer seats and observe voting.	You must not be within 1 metre of voters or staff in the voting place.
You can photograph the record of page and line numbers of persons who have voted, which issuing officers will complete, and relay this to your campaign team.	You must not touch any voting materials at any point.
You can wear a party lapel badge or rosette and clothing in party colours.	You cannot wear or display any items with the candidate or party name or logo, other than the lapel badge/rosette.
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 must not communicate with any voter in the voting place.

Guidance for scrutineers

Appointment

Electorate candidates may appoint scrutineers to observe various stages of the by-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 on election day in the Returning Officer's headquarters, from such time as advised by the Returning Officer¹
- the overseas vote count in Wellington
- the checking of special vote declarations in the office of the Registrar of Electors
- 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).

Note: a candidate cannot act as a scrutineer

Appointment in writing

Your appointment as a scrutineer must be in writing. It can be an original, fax 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 place or places that you have been appointed to, and/or whether you have been appointed for vote issuing and preliminary count, early count, 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 elections.nz.

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

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. For example, you can share information about who has voted, but must not share information about results before they are announced.

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

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

If you are appointed to a voting place, the declaration may 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 the Registrar of Electors.

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 all or some voting places and advance voting places.

However, safety measures for COVID-19 may mean there is a limit on the number of scrutineers that can fit inside a voting place at any one time.

To address this the Electoral Commission will work with candidates and parties to coordinate the number of scrutineers attending at any one time.

Each candidate can also appoint:

- one scrutineer to attend the early count of advance votes at the Returning Officer's headquarters
- 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 Registrar of Electors 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 may:

- 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 a Saturday 14 days before election day for a by-election. The opening times for advance voting places will be published on the vote.nz website or can be confirmed by contacting the Returning Officer.

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.

You may be asked to sanitise your hands and sign in and out for security purposes.

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.

You should park away from the voting place entrance.

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

As mentioned, the number of scrutineers who can fit in a voting place may be limited and we will work with parties and candidates to coordinate numbers.

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 may 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 may be worn anywhere on your person, but may not be displayed on other items, for example on a bag.

Clothing promoting a party or candidate

On election day, you must not 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.

If voters complain about your presence, refer the complaint to the Voting Place Manager.

Use of technology

Scrutineers may 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

Scrutineers must not do anything on these devices to compromise the secrecy and integrity of the voting place.

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

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.

- 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 getting within 1 metre of voters or staff, or leaving your allocated seat, as far as possible.
- 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 may seek the advice of a

Mobile Manager 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.

Your campaign team may bring you refreshments. This may need 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 your use.

Activity around voting places

On election day there is a ban on electioneering activity. You must not obstruct voters approaching the voting place. During advance voting, election material must not be displayed or distributed within 10 metres of the entrance to the advance 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 may have a range of other priorities. They may seek advice from a Mobile Manager or the Returning Officer before coming to a view. If you are not satisfied with their decision, you may raise the matter with your party or campaign manager who may 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.

Scrutineers at electorate headquarters

If you have been appointed to scrutineer duties 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

- 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 Commission staff member at all times
- only enter areas of electorate headquarters as specified by the Returning Officer
- observe any physical distancing requirements in electorate HQ.

As with voting places, please do not enter if you may have COVID-19 or are a household contact of someone has COVID-19.

Early count of advance votes

Advance votes (other than advance special votes) may 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.

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

You should not intervene or become involved in the counting process. Raise any concerns with the Returning Officer or Process Leader responsible for the early count.

Preliminary count on election night

If you are appointed as an election day scrutineer you may observe the preliminary count of votes from your 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.

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. You will be permitted to accompany ballot boxes to the counting place, with the electoral officials.

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

As voting has closed you may phone results back to your campaign headquarters from the voting place.

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 may 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 may be appointed to attend the office of the Registrar of Electors 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 Registrar 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 may also be present at the official count after election day (and at any judicial recount of electorate votes). This is held at the electorate headquarters. Candidates should advise the Returning Officer of who will be attending.

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.

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 Scrutineer)

I, _____ (insert your name),

an electorate candidate for the _____ by-election

hereby appoint the following scrutineer (insert scrutineer's name)

_____ to observe the following processes

Tick and complete this section as applicable

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

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

The count of advance votes on election day. *Only one 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.

The count of overseas votes at the overseas vote processing centre.

The checking of special vote declarations at the office of the Registrar of Electors.
One or more scrutineers can be appointed but only one is allowed to be present at any time.

A judicial recount of electorate votes.
Electorate candidates affected by an application for a recount may appoint scrutineers for the recount.

Candidate signature _____

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

Declared at _____ this _____ of _____ 202_

before me _____
 Name of Witness Signature of Witness

Please tick:

Justice of the Peace

Returning Officer

Solicitor

Voting Place Manager

Issuing officer

Registrar of Electors

Electoral Commissioner

NOTES:

1. Managers of voting places and issuing officers may take declarations only under sections 159(3) and 160(4) of the Electoral Act 1993.
2. Registrars of Electors may take declarations only under section 172(5) of the Electoral Act 1993.
3. An Electoral Commissioner may take declarations only under sections 175(3) and 183(4) of the Electoral Act 1993.

¹ Section 203 of the Electoral Act 1993 is printed overleaf and must be read by or to the person making 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 or the party for which 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 or the party for which 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 or the party for which 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 or the name of the party for which he or she has voted.

