

**Northern Territory
Electoral Commission**
EVERY vote counts!

Candidate Handbook

Northern Territory Local Government
General elections and by-elections



NTEC version control

Candidate Handbook: Northern Territory Local Government – General elections and by-elections

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About this handbook

Are you thinking of standing or assisting someone to stand for local government in the Northern Territory in either a general election or by-election? If so, you will need clear understanding of the legislative requirements you must meet, and of your role and responsibilities under the law.

This handbook is published by the Northern Territory Electoral Commission (NTEC), and is prepared to assist candidates in understanding their rights and responsibilities. It is not a substitute for the law and should be read in conjunction with relevant electoral legislation.

Staff of the NTEC will also assist candidates as far as possible with advice on nomination and electoral procedures; however, staff are not in a position to provide legal advice and candidates are advised to seek their own independent counsel where necessary.

Local government elections are conducted under the following legislation:

- [Local Government Act 2019](#) (LG Act)
- [Local Government \(Electoral\) Regulations 2021](#) (LG Regulations)

How to use this handbook

The handbook explains the steps you will need to take to qualify as a candidate and to comply with the law before, during and after an election.

Again, this handbook is intended to assist candidates standing for election by explaining relevant processes and procedures. It is not, however, a substitute for the law.

Public inspection of nomination documents

You need to be aware that many of the documents you submit to your candidacy will be made available for public inspection. This include details of your nomination form that you authorise for public release. Exceptions may apply in certain circumstances.

NTEC website

Because information can change during the life of a publication, the NTEC website is the best source of up-to-date information.

All forms and publications referred to in this handbook are available at www.ntec.nt.gov.au.

Timing of elections

General elections

The LG Act and LG Regulations determine the election timetable and electoral processes.

A general election is to be held on the 4th Saturday in August in the 4th year after the most recent previous general election was held. See [Appendix A](#) for the election timetable.

By-elections

Under the LG Act, if a vacancy occurs more than 18 months before the next general election, a by-election must be held. The by-election must be held within 4 months of the electoral commissioner being notified of the vacancy.

Principal member vacancies

If a vacancy occurs in the office of the principal member less than 18 months but more than 3 months before the next general election, a council may appoint a person to fill the vacancy or may hold a by-election (in accordance with council policy).

If a vacancy occurs in the office of the principal member less than 3 months before the next general election, a council may appoint a person to fill the vacancy, hold a by-election or leave the office vacant (in accordance with council policy).

Ordinary member vacancies

If a vacancy occurs in the office of an ordinary council member within 18 months but more than 6 months before the next general election, a council may appoint a person to fill the vacancy.

If a vacancy occurs in the office of an ordinary council member less than 6 months before the next general election, a council may appoint a person to fill the vacancy or leave the office vacant (in accordance with council policy).

A casual vacancy occurs if a member of a council:

- dies
- is disqualified from office as a member of the council under section 47 of the LG Act
- resigns by written notice given to the CEO

Council members and election

Principal member

The principal member of council is called the mayor or president. The principal member may be popularly elected (by voters in the council area) or otherwise a council member may be appointed to the office by vote of the council.

Ordinary member

An ordinary member of council is a council member who is popularly elected (by voters in the council area) or otherwise a person appointed to the office by vote of the council.

Candidates standing for principal and ordinary member

If you stand for both a principal member and ordinary member vacancy and are elected to the position of principal member, you are then excluded from the count for ordinary member. Your ballot papers are distributed to the next available candidate according to the preferences marked by the voter.

Vote counting system

Proportional representation

The electoral system used in local government elections in the Territory is the proportional representation electoral system, or PR for short.

Proportional representation is the term which describes a group of electoral systems used for elections in multi-member electorates to elect candidates who receive a set proportion of the vote. In Australia, these systems are classified into two categories - List Systems and Single Transferable Vote (STV).

Single transferable vote (STV)

In the Northern Territory the electoral system used is the STV type. Under STV, each vote can be transferred between candidates in the order of the voter's preferences.

A candidate is elected when the candidate's total number of votes equals or exceeds the quota.

See [Appendix B](#) for an explanation of how the system works.

Donation Disclosure

Campaign donation returns

As of 1 July 2022, there are new legislative requirements for candidates to disclose donations and loans received in relation to Northern Territory local government general elections and by-elections (Part 8.6 of the LG Act).

If a candidate receives donations totalling \$200 or more from the same donor, during the disclosure period for a general election or by-election, they must submit a campaign donation return providing details of the donation and donor. Similarly, if a candidate receives a loan to the value of \$1,500 or more from a person or entity (not including loans from banks or ADIs) during the disclosure period, they must also submit a campaign donation return.

If a candidate receives no donations or loans, or donations totalling less than \$200 from one donor or a loan for a value less than \$1,500, during the disclosure period, then they do not have to submit a return, there is no requirement to submit a 'nil' return.

There are no requirement for donors or lenders to complete any donor returns for local government elections.

More information about financial disclosure requirements can be found in the Donation Disclosure Handbook for Local Government

Elections, and a corresponding information sheet found under the [Publications and reports](#) tab on the NTEC website. Candidates are strongly encouraged to familiarise themselves with the donation disclosure requirements for local government elections.

Disclosure periods

For general elections, the disclosure period begins 1 July in the calendar year immediately preceding the calendar year in which the scheduled general election is to be held. The disclosure period ends 30 days after election day. With general elections legislated to occur every four years in August, the disclosure period is approximately 15 months, starting the year before the general election is held.

The disclosure period for by-elections begins on 1 July before the election is held, and ends 30 days after election day.

There is only one return required for local government elections, for one disclosure period. (This differs from Legislative Assembly elections where multiple returns are required).

Retention of records

Candidates must keep and maintain records related to any donations or loans detailed in a campaign donation return for a period of 4 years.

Nominations

Your nomination form must be lodged after the notice inviting nominations is issued and before 12:00 noon on nomination day.

You are encouraged to lodge your nomination as early as possible within the specified timeframe i.e. do not leave it until the day nominations close.

⚠ Late nominations will not be accepted.

Who can nominate as a candidate?

You are eligible for election or appointment as a member of a council unless you are disqualified

under section 47 of the LG Act. You must be enrolled in the council area and have your principal place of residence within the area.

Disqualifications from membership

Under section 47 of the LG Act, you are disqualified and not eligible for election or appointment as a member of a council if you:

- cease to be enrolled as an elector in respect of a place of residence within the council area
- cease to have a principal place of residence within the council area
- hold a judicial office (other than justice of the peace)
- are bankrupt
- have been sentenced to a term of imprisonment of one year or more for an offence against the law of the Commonwealth or a State or Territory
- are a staff member of the council
- are a staff member of a local government subsidiary (if the council is a constituent council of that local government subsidiary)
- are indebted to the council and failed to discharge the debt within 6 months after the debt became due and payable
- are certified mentally unfit to carry out the functions of a member
- are disqualified from managing a corporation under the *Corporations Act 2001* (Cth) or the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth)
- disqualified under section 40 of the *Associations Act 2003* from being an officer of an incorporated association
- are a member of the Commonwealth House of Representatives or the Senate
- are a member of the NT Legislative Assembly
- are determined by the Northern Territory Civil and Administrative Tribunal to be unfit to be a member under section 133 of the LG Act
- are incapable of holding a local government office under section 89(3) of the *Criminal Code Act 1983*
- are absent, without permission of the council, from 2 consecutive ordinary council meetings.

However, a staff member of a council is not disqualified from office as a member of another council.

Example: An administration officer who lives in Alice Springs and works for the Central Desert Regional Council is not disqualified by that employment from office as a member of the Alice Springs Town Council.

Dishonesty

Regulation 74(2) of the LG Regulations, provides for a penalty of 5 penalty units for making a misleading statement to an authorised officer in connection with an election.

It is your responsibility, as a candidate, to correctly assess your eligibility to be a member of council and to declare your eligibility to be nominated on the nomination form. If there is any doubt concerning your qualifications for election, it is recommended that you obtain your own legal advice.

Nomination requirements

All forms and this handbook are available on the website or by calling 1800 698 683.

Regulation 7 of the LG Regulations provides that a nomination must:

- (a) be in the approved form; and
- (b) state the name and residential address of the nominee; and
- (c) state the office* for which the nominee is a candidate; and
- (d) include a statement that the nominee consents, if elected, to act in the capacity in which the nominee is nominated as a candidate for election; and
- (e) be signed by the nominee; and
- (f) be signed by at least one other person who is enrolled to vote in the local government area

* That is: Principal member or ordinary member (or both). If the council is divided into wards, and you are standing as an ordinary member, which ward you are standing for.

Nominee's photograph

Regulation 7(4)(b) of the LG Regulations provides that a nominee's photograph shall be a recent photograph of the nominee that is a full faced vertical portrait of the nominee's head and shoulders.

Lodging a nomination

A nomination form and photo can only be lodged from the date the notice inviting nominations is issued until 12:00 noon on the day nominations close.

You can lodge your nomination form and photograph in person at an NTEC office or by emailing nominations.ntec@nt.gov.au.

If you email your nomination you can include your photo in image format JPEG or PNG. You are advised to confirm receipt of your nomination if not delivered in person.

Withdrawal of nomination

You may withdraw consent to your nomination by giving written notice in the approved [form](#) to the NTEC *before* 12:00 noon on the day nominations close.

Death of a candidate

Principal member

An election for the principal member of a council fails wholly if any candidate for principal member dies before the end of election day.

Ordinary member

If a candidate for ordinary member of a council dies before the end of election day, the vote indicated on the ballot paper opposite the name of the candidate must be counted to the candidate next in order of the voter's preference. The numbers indicating subsequent preferences are altered accordingly.

If a candidate dies after election day and before the result of the election is declared, the result must be determined as if the deceased candidate had not died. If the deceased

candidate would have been elected on that determination, the votes are to be recounted as if the deceased candidate died before the end of election day.

Declaration of nominations

As soon as practicable after the close of nominations, the returning officer publicly declares the names of all candidates.

The declaration is made at the NTEC office, or other place decided by the commission and notified in a newspaper circulating in the relevant local government area.

The relevant council must also publish the information on their website. The returning officer may also give notice by other means (e.g. radio, television or NTEC website).

In the event of only one nomination being received, that candidate is declared as duly elected, except where a candidate has stood for both principal and ordinary member. In this case, the principal member vacancy has to be resolved before any declaration regarding ordinary member vacancies can be made.

As soon as practicable after the candidates are declared, the returning officer conducts a random number draw to determine the order of candidates' names on the ballot paper.

Any person may be present for the declaration.

Form of name on ballot paper

Your name is printed on the ballot paper and includes your photograph (if supplied).

The name stated in your nomination must be your surname and one or more given names under which you are enrolled.

Your given name can be shown as an initial standing for your name or a commonly accepted variation of your name, including an abbreviation, truncation or alternative form.

Marking the ballot paper

A voter must show a preference for all candidates listed on the ballot paper.

A voter must place the number 1 in the candidate square on the ballot paper for the candidate they choose as their first preference.

They must then place consecutively increasing whole numbers (starting with the number 2) in the candidate square on the ballot paper for each of the other candidates until a number is placed in all candidate squares.

Voting options

Early voting

All electors have the option of voting before election day. Early voting centres hold ballot papers for all councils. Therefore, a voter can vote outside their LG area at an early voting centre.

Locations and operating hours are advertised on the website, in newspapers and on social media.

Postal voting

There are two ways of obtaining a postal vote:

- an eligible elector may register on an ongoing basis as a [General Postal Voter](#) with the Australian Electoral Commission
- an elector may complete an online or paper based [postal vote application](#).

General Postal Voters (GPV) – After an election has been announced and ballot papers printed, a postal vote certificate and ballot paper/s are automatically issued and forwarded to an elector who has pre-registered as a GPV.

Application for a postal vote – The online postal vote application is available from the NTEC website. An application can be made within the 3-month period before election day.

A PDF application form is also available to download from the website or can be requested by calling the NTEC on 1800 698 683.

Applications are processed and postal ballot material dispatched after nominations close and ballot papers are printed.

The mail-out of ballot material ceases at 6:00 pm:

- on the Tuesday before election day for a forwarding address outside Australia
- on the Thursday before election day for a forwarding address within Australia.

IMPORTANT: Any candidate or campaign official in receipt of an elector's completed postal vote application must forward or deliver it without delay to the NTEC for timely processing.

Return of postal ballot papers

In order to be admitted to the count, a postal vote must be completed before 6:00 pm on election day and received by 12:00 noon on the second Friday after election day.

Mobile voting

Mobile voting teams operate during the 10 week days before and on election day. Mobile voting takes place in hospitals, nursing homes, hostels, correctional centres and in remote locations.

Voting teams operate at set dates and times and all candidates will be advised in advance of mobile voting details in both urban and remote localities.

Mobile voting timetables are advertised locally and published on the NTEC website. If changes occur to the timetable (e.g. weather conditions, sorry business) candidates are advised and the changes notified on the website.

Voting hours for mobile voting vary according to the number of electors to be serviced.

Wherever possible, itineraries for mobile voting teams are created taking into account the routine movements of electors and any identified best voting times and dates for locations concerned.

Election day voting centres

Election day voting centres are declared in locations where significant numbers of electors are enrolled and a full day of voting is appropriate. Election day voting centres operate from 8:00 am until 6:00 pm.

Election day voting centres only hold ballot papers for the local government area they are located in; therefore, a voter must attend a centre in their council area on election day to cast their vote.

The exception to this is that a number of 'super booths' will carry all council ballot papers. These locations are an option for those voters outside their local government area on election day (who will have to cast an absent vote).

All voting centre locations are widely advertised in newspapers and on the website.

Absent voting

Early voting centres hold ballot papers for *all* councils. Therefore, a voter can vote outside their LG area at any early voting centre *before* election day.

Election day voting centres only hold ballot papers for the local government area they are located in; however, a number of 'super booths' are available on election day.

As super booths hold ballot papers for all councils, a voter outside their local government area on election day can cast an absent vote at a super booth which are usually located in urban areas like Alice Springs, Darwin, Katherine and Palmerston, with one also in the Darwin rural area. Those election day voting centres that are super booths will be notated on the NTEC website.

Campaigning

Aboriginal land and permits

Candidates, scrutineers and other workers should contact the relevant land council to apply for permits in accordance with the [Aboriginal Land Rights \(NT\) Act 1976](#).

More information at www.nt.gov.au

Appointment of scrutineers

You may appoint a scrutineer to represent you during the voting or scrutiny (or both).

Scrutineer appointment forms are available on the website, NTEC offices and in the candidate pack. Scrutineers must present their appointment forms to the voting centre manager or scrutiny centre.

Scrutineers are required to sign an undertaking that they will not attempt to influence the vote of any elector or disclose knowledge officially acquired concerning the vote of an elector.

Rights and responsibilities of scrutineers

One scrutineer per candidate is permitted to remain in the voting centre during voting hours. During the determination of the election result, one scrutineer per candidate per count table may be present while the count is in progress. A scrutineer is issued with a name tag and a vest to wear while they are in a voting centre. If they leave the voting centre both the name tag and vest are to be returned to the voting centre manager

A scrutineer **MAY**:

- come and go during voting hours or the determination of the election result – the scrutineer's place may be taken by another duly appointed scrutineer
- observe all voting and counting procedures with the exception of an elector actually voting (unless the elector is assisted to vote by an electoral official).

A scrutineer **MUST NOT**:

- touch ballot papers
- interfere with or attempt to influence any voter
- disclose knowledge concerning the vote of any person
- wear anything promoting a candidate or political party within a voting centre
- deliberately show or leave how-to-vote material in the voting centre
- communicate with any person in a voting centre other than in the exercise of their functions as a scrutineer
- help with the clearing of voting screens or removal of material from the voting centre
- interfere in any way with the count.

If a scrutineer wishes to object to any procedure or question staff in any way, they should see the voting centre manager. Details of any objections will be formally recorded.

If a scrutineer objects to the formality of a ballot paper, it will be set aside for the voting centre manager to examine. The manager will write 'admitted' or 'rejected' on the back of the ballot paper according to their decision and the ballot paper is sorted accordingly.

All decisions on the formality of ballot papers are subject to review during the check-count (recheck) of ballot papers conducted by the commission. The recheck may also be attended by scrutineers on the basis of one scrutineer per counting table.

Assistance to voters

A voter who is unable to vote may be assisted. An assistant must be a nominee of the voter or, if there is no nominee, the voting centre manager will provide assistance.

An assistant may enter a voting compartment to assist a voter to vote, but the voting centre manager must do so in the presence of either a scrutineer (if available) or another officer.

NOTE: Scrutineers must not attempt to communicate with the voter in any way while they are in the process of voting.

Voter assistance may be delivered in any of the following ways:

- by acting as an interpreter
- for a declaration vote – by completing, or assisting the voter to complete, the declaration envelope
- by explaining the instructions on the ballot paper and the requirements of the LG Regulations relating to its marking
- by marking, or assisting the voter to mark, the ballot paper at the voter's direction
- by folding the ballot paper and placing it in a ballot box or declaration envelope, or giving it to an officer, as required by the LG Regulations.

Campaigning activities near voting centres

A person must not engage in a campaign activity during voting hours within 10 metres of the entrance of an early, mobile or election day voting centre, including airspace.

Campaigning activity means:

- canvassing for votes
- soliciting the vote of a person
- inducing a person not to vote for a particular candidate
- inducing a person not to vote at the election
- exhibiting a notice or sign relating to the election
- using a loud speaker, public address system or any other tool to enhance the volume of a sound to broadcast matter that is audible.

Placement of signage

Candidates are encouraged to check signage policies and by-laws of their local council; Department of Infrastructure, Planning and Logistics; and Power and Water Corporation when determining where to place campaign material.

The following links provide information on signage guidelines and codes:

🔑 **Alice Springs Town Council**
[Signage guidelines](#)

🔑 **City of Darwin**
[Election signage](#)

🔑 **Department of Infrastructure, Planning and Logistics**
[Election signage policy](#)

🔑 **Katherine Town Council**
[Signs code](#)

🔑 **City of Palmerston**
[Advertising signs code](#)

🔑 **Power and Water Corporation**
[Campaign signage](#)

Code of conduct

The following code of conduct requirements for campaign workers are to be read in conjunction with the electoral offences outlined in Chapter 8 of the LG Act and Part 5 of the LG Regulations.

Candidates or campaign workers must not:

- use language that provokes violence towards other candidate campaign workers or members of the public
- intimidate candidates or voters
- enter the prohibition zone set by the office in charge of the voting centre
- publish or display false information about other candidates
- plagiarise any other candidates acronym or symbol
- offer any inducement or reward to a person to vote for a candidate
- destroy, remove or deface posters belonging to other candidates.

A person who does not comply with these conditions may be removed from the voting centre by the officer-in-charge or by the police.

Penalties may apply.

Complaints

Any complaints during an election period should be made in writing to the returning officer for assessment. Some complaints may need further investigation and, if appropriate, legal proceedings may follow.

The Electoral Commissioner will not discuss the detail of a complaint with the media although the media might wish to discuss an issue with persons associated with a complaint.

Email complaints to ntec@nt.gov.au.

Advertising and campaign material

What is campaign material and electoral matter?

Campaign material includes any advertisement or document etc., intended to promote the electoral prospect of a candidate or group of candidates for an election, for example:

- an electoral advertisement
- a printed document such as a handbill, pamphlet, how-to-vote card
- a message containing electoral matter that is sent by telephone or broadcast by electronic means
- published material containing an electoral matter that is published.

Electoral matter is matter, in printed or electronic form that is intended or likely to affect voting at an election.

Matter is taken to be intended or likely to affect voting at an election if it contains an express or implicit reference to or comment on:

- the election; or
- a candidate for the election; or
- the performance of member, or former member of a council; or
- an issue submitted to, or otherwise before, the electors in relation to the election.

Authorisation

All campaign material or electoral matter, both printed and in electronic format, must clearly state in a sufficient font size to be read by the intended audience:

- the name and address of the person authorising the publication or distribution (a post office box is not permitted)
- if printed, the name and address of the printing company stated at the end
- if the material is intended to be viewed from two sides, the above-mentioned authorisations must appear on both sides
- the source of the funding for that material.

Letters to the editor of a newspaper, if published, require the name and address of the author (street name and suburb is deemed sufficient).

A person must not publish or distribute any campaign material that is likely to:

- mislead a voter; or
- deceive a voter; or
- improperly interfere with a voter casting a vote; or
- contains an untrue or incorrect statement.

What electoral matter does not need authorisation?

The requirement to authorise campaign material or electoral matter does not apply to any of the following items, unless the item includes the representation of a ballot paper:

- T-shirt, button, badge, pen, pencil or balloon
- a business or visiting card that promotes the candidacy of a person in an election
- a letter or card on which the name of the sender appears
- a letter or media release published by or on behalf of a candidate.

Candidates should ensure they are familiar with the relevant provisions of the electoral offences contained in Chapter 8 of the LG Act and Part 5 of the LG Regulations (see [Appendix C](#)).

Electronic advertising – Radio, TV, Internet

Schedule 2 of the *Broadcasting Services Act 1992* (Cth) outlines provisions relating to the broadcasting and televising of political matter.

It requires that political matter broadcast by a person other than a political party should state (and record in word images on screen if using television):

- the name of the person authorising the broadcast and
- the town, city or suburb in which the person lives or, if the person is a corporation or association, in which the principal office is situated.

The required particulars must be broadcast in the same language as the political matter.

Social media

The commission takes a common-sense approach to advertising on social media. Where a candidate is advertising and commenting on their own social media account, they have clearly authorised the use of that material. However, if electoral matter appears on a social media feed other than the candidates, this must be authorised.

Blackout period

There is no electronic media blackout for local government elections.

Review of election advertisements prior to broadcast by commercial television stations

[ClearAds](#) reviews election advertisements prior to broadcast by commercial television stations for the purpose of:

- classifying the advertisement under the commercial television industry code of practice
- ensuring the advertisement includes the authorisation tag required by the Broadcasting Services Act and complies with other requirements on broadcasters under applicable electoral acts (Commonwealth, State or Territory)
- protecting broadcasters from liability for publishing defamatory material.

More information can be found via the following links:

- [Australian Communications and Media Authority](#)
- [Broadcasting Services Act 1992](#)
- [ClearAds](#)
- [Commercial television code of practice](#)
- [Political and election matter guidelines](#)

Counting the votes

Ballot paper formality

A ballot paper is formal if the voter has numbered all the candidates in order of their choice and their intention is clear.

A number in the series may not be repeated or skipped. If one square is left blank and all other squares have been numbered in a consecutive sequence starting with the number '1', the paper is formal providing:

- the blank square is the last in the consecutive sequence; and
- there is no marking at all in the square.

Changes to numbers, numbers written outside the squares, drawings and slogans do not make the ballot paper informal provided the ballot paper is otherwise marked correctly.

Under the LG Regulations, either a cross (×) or a tick (✓) or the number one (1) may be taken to be the first preference of a voter.

Therefore a ballot paper is **informal** if:

- it is totally blank
- there is no number 1, a cross (×) or a tick (✓)
- the number 1, a cross (×) or tick (✓) appear against two or more names
- two or more squares have been left blank
- a number has been repeated
- there is a break in the number sequence (e.g. 1,2,4,5)
- writing on the ballot paper identifies the voter.

Election night counts

A count of first preferences, for votes taken at both early and election day voting centres, begins once voting centres close at 6:00 pm.

Ballot papers are checked to ensure formality and those that are not completed correctly are set aside. The remaining ballot papers are sorted into piles for each candidate according to the first preference marked on the ballot paper. The number of ballot papers are then totalled for each candidate, the results phoned through to the office and added to the website.

Post-election night counts (recheck)

A recheck of *all* votes is undertaken during the weeks after election day including absent, early and postal votes.

Scrutineers may attend these counts. The returning officer will advise candidates of the relevant times and locations.

Count order

The count of ballot papers for an election for principal member (that is, a mayor or president) is conducted first, the results determined and then those ballot papers are set aside before the count of ballot papers for ordinary members is conducted.

Candidates standing for principal member and ordinary member

If a candidate stands for both a principal member and ordinary member vacancy and is elected to the position of principal member, that candidate is then excluded from the count for ordinary member. That candidate's votes are distributed to the next available candidate according to the preferences marked by the voter.

The determination of the quota and distribution of preferences is not conducted until after the cut-off for receipt of postal votes.

Electoral system – proportional representation

The electoral system used in local government elections in the Territory is the proportional representation electoral system, or PR for short.

Proportional representation is the term which describes a group of electoral systems used for elections in multi-member electorates to elect candidates who receive a set proportion of the vote. In Australia, these systems are classified into two categories - List Systems and Single Transferable Vote (STV).

Single transferable vote (STV)

In the Northern Territory the electoral system used is the STV type. Under STV, each vote can be transferred between candidates in the order of the voter's preferences. A candidate is elected when his or her total number of votes equals or exceeds the quota.

Distribution of preferences

No counts can be finalised until all postal votes have been received by 12:00 noon on the second Friday after election day.

The distribution of preferences for principal members and ordinary members, where there is only one vacancy, may be undertaken manually.

Due to the complexity of the count, multiple member vacancies are determined using a computer vote counting system.

How it works

1. Informal ballot papers are set aside and the first votes for all candidates are counted.
2. The quota is calculated.
3. Any candidate with votes equal to or greater than the quota is elected; if all vacancies have been filled, the election is finished; if some vacancies remain unfilled, the votes of elected candidates are checked to see if any received more votes than the quota (surplus votes).

3a. If YES, an elected candidate's surplus votes (those in excess of quota) are distributed to candidates remaining or continuing in the count, according to the next available preference marked on the ballot papers.

The surplus votes are distributed at the transfer value (TV). Total votes for each of the continuing candidates are calculated. Step 3 is revisited.

3b. If NO, the candidate with the least votes is excluded from the count. That candidate's votes are distributed to continuing candidates according to the next available preference indicated on the ballot papers.

The votes of an excluded candidate are distributed to continuing candidates at the same vote value as they were received.

Each continuing candidate's total votes are calculated, then Step 3 is revisited. If the number of continuing candidates is equal to the number of vacancies remaining unfilled, all those candidates are declared elected and the election is finished. If there are only two candidates remaining for the last vacancy, the candidate with the highest number of votes is elected.

Ties during the course of a count will be determined either by reference to the last count at which there was a difference in votes or, if no difference, a draw by lot. An example of a count for 3 vacancies is at [Appendix D](#).

Recount

At any time before the result of the election is declared, a candidate may ask the returning officer for a recount to be conducted.

The initiating candidate must state the reasons for the request, which may or may not proceed. The returning officer may also initiate a recount on his or her own volition.

More information about the commission's policy on recounts can be found in the following [recount policy](#) document (PDF, 630KB). This is also available on the website.

Declaration of election results

As soon as practicable after the results of an election have been determined, the commission must publicly declare the results of the election and the names of candidates returned as elected.

The public declaration locations and times are advertised on the website, via a media release and on social media.

Disputing the validity of the election

Pursuant to Part 8.5, section 143 of the LG Act, the following persons are entitled to dispute the validity of an election:

- a candidate in the election;
- an elector entitled to vote at the election;
- the returning officer;
- a person whose nomination as a candidate was rejected by the commission.

The validity of an election may be disputed by application filed with the Registrar of the Northern Territory Civil and Administrative Tribunal (NTCAT).

Procedures for disputing an election are set out in Part 8.5 of the LG Act. Any person contemplating a challenge is recommended to seek independent legal advice.

The application must be filed with the NTCAT within 21 days after the conclusion of the election.

Appendix A

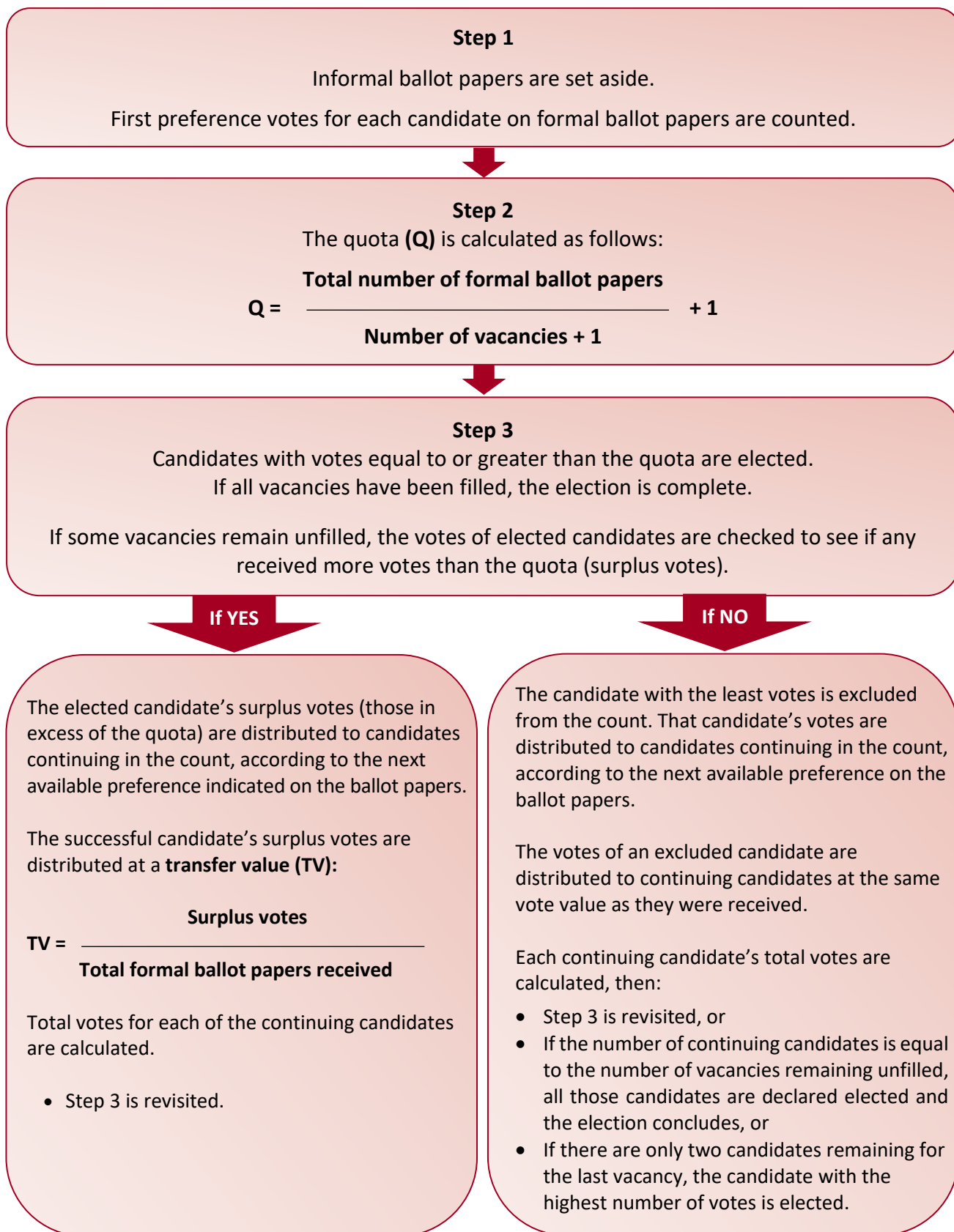
Election timetable

Event	Time	Legislation reference
Notice inviting nominations	At least 43 days before election day	LGER r 6(1)
Close of electoral roll	5:00 pm, 32nd day before election day	LGER r 11(1)
Close of nominations (nomination day)	12:00 noon, 23rd day before election day	LGER r 3
Declaration of nominations Draw for positions on ballot papers	At the appropriate time, meaning: <ul style="list-style-type: none"> • 3:00 pm on the day following nomination day; or • not earlier than 12:00 noon on nomination day and not later than 6:00 pm on the third day after nomination day 	LGER r 10(8)
Postal vote mail-out commences	As soon as practicable after the order of candidate names on the ballot paper is determined	LGER r 28(4)
Early voting commences	Fixed by the returning officer	LGER r 4(2)
Mobile voting commences	Fixed by the returning officer	LGER r 44
Overseas postal voting dispatches cease	6:00 pm on the 4th day before election day	LGER r 28(5)(a)
All postal voting dispatches cease	6:00 pm on the 2nd day before election day	LGER r 28(5)(b)
Early voting ceases	6:00 pm on the day before election day	LGER r 4(3)
Election day	Day fixed under the Act for an election Voting between 8:00 am and 6:00 pm Mobile voting ceases (no later than 6:00 pm)	LGA ss 134-136 LGER r 4(1)(a) LGER r
Deadline for receipt of postal votes	12:00 noon, 13th day after election day	LGER r 58(1), LGER r 65(2)(b)
Final count of postal votes Distribution of preferences	As soon as practicable after the close of voting for an electorate	LGER r 66
Declaration of election results	As soon as practicable after the results of an election have been determined	LGER r 71
Application disputing an election	To be filed within 21 days after the conclusion of the election	LGA s 143(4)

LGA: *Local Government Act 2019*

LGER: *Local Government (Electoral) Regulations 2021*

Single transferable vote system – how it works



Note: A continuing candidate is one who has not yet been elected or excluded from the count.

Electoral offences are outlined in Chapter 8 of the [Local Government Act 2019](#) and Part 5 of the [Local Government \(Electoral\) Regulations 2021](#).

Offences concerning corrupt and improper practices at elections are outlined in Part IV Division 3 of the [Northern Territory Criminal Code Act 1983](#).

Electoral offences include:

Failing to vote without a reasonable excuse

Interfering with the proper conduct of election or poll

- obstructing the proper conduct of a poll
- influencing the vote of an elector at an election or poll
- attempting to influence the vote of an elector in the course of carrying out official functions related to an election or poll

Failing to observe the secrecy of the vote

- disclosing how a voter has voted

Publishing/Distributing unauthorised, untrue or misleading electoral campaign material

- publishing electoral campaign material without the name of the person authorising or with the name and address of the printer at the end of the publication
- publishing untrue or misleading electoral campaign material

Dishonesty

- exercising voting or other rights in relation to an election to which the person is not entitled
- making misleading statements to an authorised officer in connection with an election

Interfering with electoral materials

- damaging, destroying or interfering with voting papers, or other materials prepared for official use in an election

Failing to assist voters in the proper manner

- failing to ensure that the ballot papers of a person being assisted to vote are marked in accordance with the instructions of that person
- failing to immediately post or deliver postal voting papers for another person to the returning officer

Failing to observe proper conduct at voting centre

- canvassing for votes within, or within 10 metres of the entrance to, a voting centre
- wearing or displaying election campaign material at a voting centre while the voting centre is open for voting
- failing to comply with directions given by the authorised officer in charge of a voting centre.

Details relating to offences are listed on the following pages.

Interference with proper conduct of election or poll		
Offence	Penalty units	Legislative reference
A person must not obstruct, or interfere with, the proper conduct of an election or poll of electors.	400	LGA s 162(1)
A person must not, by violence or intimidation, influence the vote of an elector at an election or poll of electors.	400	LGA s 162(2)

Secrecy of vote		
Offence	Penalty units	Legislative reference
A person, who in the course of carrying out official functions, or assisting a voter to vote, finds out how a voter voted, must not disclose the vote.	200	LGA s 163

Campaign material		
Offence	Penalty units	Legislative reference
A person must not publish or distribute any campaign material unless it: <ul style="list-style-type: none"> • is an announcement by advertisement in a newspaper of the holding of a meeting; or • clearly states the name and address of the person who authorises the publication or distribution, the source of funding for that material, and, if the material is a printed document, the name and address of the printer who printed the document. If the material is intended to be viewed from 2 sides, the authorisation and printer information is included on both sides. 	100	LGA s 164(1)
A person must not publish or distribute campaign material that is likely to mislead, deceive or improperly interfere with a voter casting a vote or contain an untrue or incorrect statement.	100	LGA s 164(3)

Dishonesty		
Offence	Penalty units	Legislative reference
A person must not claim, or purport, to exercise voting or other rights in relation to an election to which the person is not entitled.	20	LGER r 74(1)
A person must not make a misleading statement to an authorised officer in connection with an election.	5	LGER r 74(2)

Interference with electoral materials		
Offence	Penalty units	Legislative reference
A person must not, without proper authority, damage, destroy or interfere with voting papers, or other materials prepared for official use in an election.	50	LGER r 75

Duty of those who assist voters		
Offence	Penalty units	Legislative reference
A person assists a person who is unable to vote without assistance and the assisted person's ballot paper is not marked in accordance with the instructions of the assisted person.	50	LGER r 76(1)
A person accepts an application for postal voting papers, or completed postal voting papers, for posting or delivery to a returning officer and the person fails to immediately post or deliver them to the returning officer.	50	LGER r 76(2)

Conduct at voting centre		
Offence	Penalty units	Legislative reference
A person must not canvass for votes in, or within 10 metres of the entrance to, a voting centre while the centre is open for voting.	20	LGER r 77(1)
A person must not wear or display election campaign material at a voting centre while the centre is open for voting.	5	LGER r 77(2)
A person (including a scrutineer) fails to comply with directions given by the authorised officer in charge of a voting centre in relation to the person's conduct while at the voting centre.	50	LGER r 77(3)

NOTE: The value of a penalty unit is determined by the *Penalty Units Act 2009* and is indexed every financial year in line with the Consumer Price Index. For the current penalty unit please refer to the Department of the Attorney-General and Justice website: justice.nt.gov.au

While penalty units are referred to in the offences listed above, regulation 78 and Schedule 2 of the LG Regulations set prescribed amounts for infringement notice offences under the LG Act and LG Regulations as follows:

Infringement notice offences and infringement notice penalties	
<i>Local Government Act 2019</i>	Infringement notice penalties
Section 142(3) – Failure to vote at an election or poll of electors	\$25.00
Section 164(1) – Publication or distribution of campaign material and the person is reckless in relation to that result	\$100.00
Section 164(3) – Publication or distribution of campaign material that is likely to mislead a voter, deceive a voter, likely to improperly interfere with a voting casting a vote, or contains an untrue or incorrect statement	\$100.00
<i>Local Government (Electoral) Regulations 2021</i>	
Reg. 55 – Employer declining or impeding an employee taking leave to vote	\$100.00
Reg. 74(1) – A person claims to exercise voting right who is not entitled	\$100.00
Reg. 74(2) – A person makes a misleading statement to an authorised officer	\$100.00
Reg. 75 – Interference with voting papers or other materials for election	\$100.00
Reg. 76(1) – Assisting person not marking a ballot paper in accordance with instructions of the assisted person	\$100.00
Reg. 76(2) – A person who accepts an application for postal voting papers or completed postal voting papers and fails to immediately post or deliver the papers to the returning officer	\$100.00
Reg. 77(1) – A person canvasses for votes within 10 metres of the entrance of a voting centre while the centre is open for voting	\$100.00
Reg. 77(2) – A person wears or displays campaign material in a voting centre while the centre is open for voting	\$100.00
Reg. 77(3) – A person fails to comply with a direction from the authorised officer in charge of a voting centre in relation to the person’s conduct	\$100.00

Electoral offences – *Criminal Code Act 1983*
Corrupt and improper practices at elections (Part IV div 3)

87 Undue influence

Any person who:

- (a) uses or threatens to use any force or restraint, or does or threatens to do any temporal or spiritual injury, or causes or threatens to cause any detriment of any kind, to an elector in order to induce him to vote in a particular manner or to refrain from voting at an election or on account of his having voted at an election; or
- (b) by force or fraud prevents or obstructs the free exercise of the franchise of an elector, or by any such means compels or induces an elector to vote in a particular manner or to refrain from voting at an election,

is guilty of a crime and is liable to imprisonment for 3 years.

88 Bribery

Any person who:

- (a) gives, confers or procures, or promises or offers to give or confer or to procure or attempt to procure, to, upon or for any person any property or benefit of any kind on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by an elector at an election in the capacity of an elector or in order to induce any person to endeavour to procure the return of any person at an election, or the vote of any elector at an election;
- (b) being an elector, asks, receives or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him at an election in the capacity of an elector;
- (c) asks, receives or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of a promise made by him or any other person to endeavour to procure the return of any person at an election, or the vote of any person at an election; or
- (d) advances or pays any money to or for the benefit of any other person with the intent that such money shall be applied for any of the purposes mentioned in paragraph (a), (b) or (c), or in discharge or repayment of money wholly or in part applied for any such purpose,

is guilty of a crime and is liable to imprisonment for 3 years.

89 Further penalty for corrupt practices

(1) Any person found guilty of any of the crimes defined by section 87 or 88 with respect to an election of the Legislative Assembly becomes incapable for 3 years from the date of the finding of guilt of voting at any such election or of holding any judicial office and, if he holds any such office, the office is vacated.

(2) He also becomes incapable for the like period of being elected to or of sitting in the Legislative Assembly; and, if at the time of the finding of guilt he is a member of it, his seat is vacated.

(3) Any person found guilty of such a crime committed with respect to a local government election becomes incapable, for 2 years from the date of the finding of guilt, of holding any local government office and, if he holds any such office, the office is vacated.

90 Illegal practices

Any person who:

- (a) being prohibited by law from voting at an election and knowing that he is so prohibited votes at the election;
- (b) procures any person who is, and whom he knows to be, prohibited from voting at an election to vote at the election;
- (c) before or during an election, and for the purpose of promoting or procuring the choice of any candidate at the election, knowingly publishes a false statement of the withdrawal of another candidate at the election;
- (d) before or during an election, and for the purpose of affecting the return of a candidate at the election, knowingly publishes a false statement of fact respecting the personal character or conduct of the candidate;
- (e) being a candidate at an election withdraws from being a candidate in consideration of a payment or promise of payment; or
- (f) being a candidate or the agent of a candidate at an election corruptly procures any other person to withdraw from being a candidate at the election in consideration of any payment or promise of payment,

is guilty of a crime and is liable to imprisonment for 3 years.

91 Placing false ballot-papers in ballot-boxes

Any person who places in a ballot box a ballot paper that has not been lawfully handed to and marked by an elector is guilty of an offence and is liable to imprisonment for 7 years.

Appendix D Sample count sheet

Count sheet to fill 3 vacancies

Total formal ballot papers: 800 3 TO BE ELECTED QUOTA $\frac{800}{3 + 1} + 1 = 201$																		
Table 1: Count of preferences and calculation of transfers										Table 2: Distribution of the effective votes								
Count No.	Description of next available preference	D I N D I R K	T A Y L O R	G A R M U	J A C K S O N	M O R G A N	Total ballot papers counted	Transfer value	Votes transferred to Table 2	Count No.	D I N D I R K	T A Y L O R	G A R M U	J A C K S O N	M O R G A N	Votes lost through fractional remainder	Total votes counted	Remarks
1	1st preferences	③ 250	② 270	160	90	④ 30	800	1	800	1	250	270	160	90	30		800	Taylor elected 1 Dindirk elected 2
2	NAP after Taylor	ELECTED	ELECTED	120	59	⑤ 91	270	$\frac{69}{270} = .255555$	69	2	250	270	160	90	30		800	Taylor's surplus distributed
3	NAP after Dindirk			30	170	⑥ 50	250	$\frac{49}{250} = .196$	49	3	250	201	190	105	53	1	800	Dindirk's surplus distributed
4	NAP after Morgan			2	28	EXCLUDED	30	1	30	4	201	201	195	138	62	3	800	Morgan excluded 1st parcel transferred
5	NAP after Morgan			11	80		91	.255555	23	5	201	201	197	166	32	3	800	Morgan's 2nd parcel transferred
6	NAP after Morgan			30	20		50	.196	9	6	201	201	199	186	9	4	800	Morgan's 3rd parcel transferred
				ELECTED							201	201	204	189	-	5	800	Garmu elected 3

NAP - Next available preference

② ③ etc. - indicates the count number at which those ballot papers were transferred