



Queensland

Local Government Electoral Act 2011

Local Government Electoral (2020 Quadrennial Election) Regulation 2020

Current as at 27 March 2020

© State of Queensland 2020



This work is licensed under a Creative Commons Attribution 4.0 International License.



Queensland

Local Government Electoral (2020 Quadrennial Election) Regulation 2020

Contents

		Page
Part 1	Preliminary	
1	Short title	2
2	Commencement	2
Part 2	Matters relating to quadrennial election for 2020	
Division 1	Preliminary	
3	Application and purpose of part	2
Division 2	Offences relating to signage at polling booths	
4	Definitions for division	3
5	Meaning of election sign	3
6	Setting up to display election signs at ordinary polling booths . .	4
Division 3	Other matters	
7	Directions about candidates or scrutineers at particular places .	5
8	Directions about movement of candidates or scrutineers	6
9	Procedures for electronically assisted voting	7
10	Counting of votes may be filmed	7
Part 5	Amendment of State Penalties Enforcement Regulation 2014	
15	Regulation amended	7
17	Amendment of sch 1 (Infringement notice offences and fines for nominated laws)	8

[s 1]

Local Government Electoral (2020 Quadrennial Election) Regulation 2020

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Local Government Electoral (2020 Quadrennial Election) Regulation 2020*.

2 Commencement

Section 17 commences on 19 March 2021.

Part 2 Matters relating to quadrennial election for 2020

Division 1 Preliminary

3 Application and purpose of part

This part—

- (a) applies to the quadrennial election for 2020; and
- (b) makes provision for matters about the election under section 200L of the Act.

Note—

Under section 200L(3) of the Act, this regulation expires on 19 March 2021.

Division 2 Offences relating to signage at polling booths

4 Definitions for division

In this division—

continuous sign means a sign comprised of a length of flexible material, including, for example—

- (a) a continuous piece of flexible material; or
- (b) 1 or more pieces of flexible material joined into a continuous piece; or
- (c) bunting; or
- (d) streamers.

election sign see section 5.

grounds means land that has a boundary fence or another structure or feature to mark the boundary of the land.

official sign means a sign for an election prepared by, or with the authority of, the electoral commission

5 Meaning of *election sign*

- (1) An *election sign* is a sign, including a continuous sign, that—
 - (a) contains anything that could—
 - (i) influence an elector in relation to voting at the election; or
 - (ii) otherwise affect the result of the election; or
 - (b) is the colour or colours that are ordinarily associated with a registered political party.

Example—

streamers in the colours that are ordinarily associated with a registered political party

[s 6]

- (2) However, none of the following things that contain something, or are of a colour, mentioned in subsection (1)(a) or (b) is an *election sign*—
- (a) an official sign;
 - (b) an item of clothing being worn by a person;
 - (c) an umbrella or portable shade structure;
 - (d) a small thing, including, for example, a lapel pin, a badge, a hat, a pen or pencil, or a sticker.

6 **Setting up to display election signs at ordinary polling booths**

- (1) This section applies during the period that—
- (a) starts on the commencement; and
 - (b) ends at 5a.m. on the polling day for the election.
- (2) A person must not do any of the following in the area around an ordinary polling booth—
- (a) display an election sign;
 - (b) set up a table, chair, umbrella, portable shade structure or other thing to be used for a purpose related to the election.

Maximum penalty—10 penalty units.

- (3) The *area around an ordinary polling booth* is the area—
- (a) within 100m of the building in which the voting compartments for an ordinary polling booth are to be located; and
 - (b) if the building is located in grounds—
 - (i) in the grounds; and
 - (ii) on a boundary fence or another structure or feature that marks the boundary of the grounds; and
 - (iii) within 100m of any entrance to the grounds.

-
- (4) However, the *area around an ordinary polling booth* does not include—
- (a) a residence; or
 - (b) premises that—
 - (i) are lawfully occupied by a person, other than the electoral commission, for a purpose that is not related to a voting office or polling booth being used for the election; and
 - (ii) are not premises in which the voting compartments for an ordinary polling booth are to be located; or
 - (c) premises used by a candidate in the election or a registered political party as an office.
- (5) If a member of the electoral commission’s staff considers a sign is displayed, or another thing is situated, in contravention of subsection (2), the staff member may remove the sign or other thing.

Division 3 Other matters

7 Directions about candidates or scrutineers at particular places

- (1) For the purpose of part 9A of the Act, the electoral commission may give a direction—
- (a) regulating the number of scrutineers each candidate may have at a polling booth or other place where a scrutineer is entitled to be present under the Act; or
 - (b) prohibiting a candidate or scrutineer from being present at a polling booth or other place where the candidate or scrutineer would otherwise be entitled to be present under the Act.

Example—

A direction may prohibit a scrutineer from accompanying an issuing officer under section 76 of the Act.

[s 8]

- (2) The direction must be published on the electoral commission's website.
- (3) A person must not contravene the direction unless the person has a reasonable excuse.
Maximum penalty—20 penalty units.
- (4) The direction applies despite section 59 of the Act or another provision of the Act that allows a candidate or scrutineer to be present at a polling booth or other place.
- (5) Section 174(b) of the Act does not apply to the extent a scrutineer is prevented from entering a polling booth under the direction.

8 Directions about movement of candidates or scrutineers

- (1) For the purpose of part 9A of the Act, any of the following persons may give a direction under this section—
 - (a) the returning officer;
 - (b) a presiding officer for a polling booth;
 - (c) a member of the electoral commission's staff who has been given a direction under section 96A of the Act.
- (2) The direction may be given to a candidate or scrutineer at a place (a *relevant place*) that is a polling booth or other place at which the candidate or scrutineer is entitled to be present under the Act.
- (3) The direction may be about—
 - (a) the movement of a candidate or scrutineer at a relevant place; or
 - (b) an area, within a relevant place, in which the candidate or scrutineer may or may not be; or
 - (c) the maximum number of scrutineers who may be in a particular area of a relevant place.
- (4) A candidate or scrutineer must comply with the direction unless the candidate or scrutineer has a reasonable excuse.

Maximum penalty—20 penalty units.

- (5) A candidate or scrutineer does not commit an offence against subsection (4) unless the person giving the direction has warned the candidate or scrutineer that it is an offence not to comply with the direction unless the candidate or scrutineer has a reasonable excuse.

9 Procedures for electronically assisted voting

- (1) The electoral commission may make procedures under section 75A of the Act about how an elector may cast an electronically assisted vote for the election.
- (2) The procedures must state that they are made under this section.
- (3) Section 75A(3)(a) and (b) of the Act do not apply in relation to the procedures.
- (4) The procedures take effect when they are published on the electoral commission's website.
- (5) A reference in the Act or another document to a procedure approved under section 75A(3) of the Act is taken to include a procedure made under this section.

10 Counting of votes may be filmed

The returning officer may arrange for the counting of votes to be filmed by a member of the electoral commission's staff.

Part 5 Amendment of State Penalties Enforcement Regulation 2014

15 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

[s 17]

17 *Amendment of sch 1 (Infringement notice offences and fines for nominated laws)*

Schedule 1, entry for the Local Government Electoral (2020 Quadrennial Election) Regulation 2020—

omit.