

# VEC

## Scrutineer Handbook for the City of Melbourne

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# Handbook for Scrutineers

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## INTRODUCTION

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This handbook is intended to assist scrutineers in the City of Melbourne council elections conducted by the Victorian Electoral Commission. It outlines those aspects of electoral law that relate directly to scrutineers. However, the booklet is not a substitute for the law, and should be read in conjunction with the *Local Government Act 1989*, the Local Government (Elections) Regulations 2005, the *City of Melbourne Act 2001* and the City of Melbourne (Elections) Regulations 2001. Copies are available from:

Information Victoria  
505 Little Collins Street  
Melbourne 3000.

Phone: 1300 366 356 (toll free); or

on the Victorian Government website [www.vic.gov.au](http://www.vic.gov.au)

Scrutineers are appointed by candidates to represent their interests by ensuring the impartiality of the election process. The role of scrutineers is defined by the Act and the Regulations and is distinct from the role of candidate helpers or supporters.

Scrutineers have the right to observe certain electoral activities prior to the close of voting and also to observe the counting of votes. They may challenge the decisions on formality of ballot papers made by the authorised persons. They may not wear or display a badge, emblem or political slogan of a candidate whilst performing their functions.

Authorised persons are not full-time employees of the Victorian Electoral Commission. They are appointed only for the election period and are often required to work under considerable pressure to ensure that elections are conducted smoothly and results obtained in an orderly way. Scrutineers must co-operate with the authorised persons and refrain from making unreasonable requests or queries. Any misconduct or failure to obey the lawful directions of the Returning Officer is an offence and the offender may be removed by the police.

**Intending scrutineers should note that they must be appointed by the candidate and sign the declaration on the Appointment and Declaration of Scrutineer form available from the Returning Officer.**

## GLOSSARY OF TERMS

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<b>Authorised Person</b>	A person appointed by the Returning Officer to exercise any power or perform any duty delegated by the Returning Officer in connection with the election.
<b>Ballot Paper Envelope</b>	An envelope used by the voter to enclose their completed ballot papers. The envelope includes a detachable flap containing the name, address, date of birth and signature of voter.
<b>Candidate</b>	A person who nominates to contest an election for a council.
<b>Canvassing</b>	Soliciting of votes at an election for a candidate or group of candidates.
<b>Close of Voting</b>	The last day for ballot material to be accepted in the count.
<b>Computer Count</b>	The electronic counting of votes.
<b>Countback</b>	A method to fill an extraordinary vacancy where councillors were originally elected using the proportional representation method.
<b>Early Vote</b>	A Returning Officer may issue a voter ballot papers prior to the general mail-out if satisfied with the reason for the request. e.g. where a voter is about to go overseas prior to the general mail-out and will not be returning prior to the close of voting.
<b>Election Office</b>	The location from where the Returning Officer conducts the election. Details of the Election Office will be available on the VEC website at <a href="http://www.vec.vic.gov.au">www.vec.vic.gov.au</a>
<b>Election Management System (EMS)</b>	The VEC's computerised Election Management System, used by Returning Officers to capture all election data.
<b>Formality of Votes</b>	An examination of ballot papers to check whether they have been marked in accordance with the Act and the Regulations.
<b>Leadership Team</b>	Consists of a Lord Mayor and Deputy Lord Mayor. Candidates for these positions must nominate jointly and are treated as one candidate.
<b>Postal Ballot Pack</b>	The ballot material mailed to voters in an election conducted by postal ballot. It includes ballot papers, a ballot paper envelope, <i>group</i> voting tickets (Councillor election) and statements from <i>teams/groups/</i> candidates and indication of preferences, instructions to the voter and a reply paid envelope.
<b>Recount of Votes</b>	A provision whereby the Returning Officer may, at any time before the declaration of the result, open any sealed parcel containing ballot papers and conduct a fresh count. A recount usually occurs or is requested when the result of an election is close.
<b>Replacement Vote</b>	A vote made by a voter claiming replacement of ballot material which has been lost, destroyed, spoilt or not received.

## 1. Appointment of Scrutineers

<b>Returning Officer</b>	The person charged with the responsibility for conducting an election. The primary duty of the Returning Officer is to ensure that the election is conducted according to the provisions of the <i>Local Government Act 1989</i> , the Local Government (Elections) Regulations 2005, the <i>City of Melbourne Act 2001</i> and the City of Melbourne (Elections) Regulations 2001.
<b>Scrutineer</b>	A person appointed by a candidate to represent the candidate's interests and observe certain electoral activities to satisfy the candidate that the election was conducted strictly in accordance with the law.
<b>Unenrolled Vote</b>	A vote made by a person who claims to be entitled to vote but whose name cannot be found on the voters roll.
<b>Victorian Electoral Commission (VEC)</b>	The Victorian Electoral Commission (VEC) has been appointed by the council to conduct its elections and is responsible for the overall conduct of those elections (which are conducted by a Returning Officer appointed by the Electoral Commissioner).
<b>Voters Roll</b>	An alphabetical list of persons, certified by the Chief Executive Officer of the Council, who are eligible to vote at the election or by-election. The council's CEO's list of non-resident ratepayers, representatives of corporations and other ratepayers (who have applied to be on the roll) is merged with the Electoral Commission list of State electors to create the voters roll.

## 1. APPOINTMENT OF SCRUTINEERS

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<b>Role</b>	<p>A scrutineer may be appointed by a candidate to scrutinise the following electoral activities only:</p> <ul style="list-style-type: none"><li>(a) the posting and delivery of postal ballot packs;</li><li>(b) the opening and emptying of a post office box;</li><li>(c) the opening and emptying of a postal ballot receptacle;</li><li>(d) the receipt and processing of ballot paper envelopes; and</li><li>(e) the counting and recounting of ballot papers.</li></ul> <p>In respect of each candidate, only one scrutineer for each authorised person involved in any of the electoral activities outlined in (a) to (d) can be present at each electoral activity at any one time.</p> <p>For the purposes of (e), in respect of each candidate only one scrutineer for each authorised person involved in the counting or recounting of ballot papers, or, if a computerised system of counting or recounting ballot papers is used, for each data entry person involved in the counting or recounting of ballot papers, can be present at any one time.</p> <p>An election official may have a scrutineer removed if:</p> <ul style="list-style-type: none"><li>• more than one scrutineer for each authorised person is present as provided for in the electoral activities described above; or</li><li>• the scrutineer commits any breach of the Act or Regulations; or</li><li>• the scrutineer disrupts or hinders electoral activities; or</li><li>• the scrutineer fails to obey a lawful direction from an election official.</li></ul>
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### Appointment and Declaration of Scrutineer

Before a scrutineer acts as such, he or she must make a written declaration containing the details required by the Local Government (Electoral) Regulations 2005. The declaration is contained on the appointment form available from the Returning Officer.

The completed appointment form, signed by the candidate on whose behalf the scrutineer is acting, must be submitted to the appropriate election official at the venue before a scrutineer can act as such. The Returning Officer will advise candidates of the proposed time for counting to commence.

A person cannot be appointed as a scrutineer if he or she is:

- a councillor of the council;
- a candidate in the election;
- a candidate in any other election for that council conducted simultaneously with that election; or
- if the council has appointed the Victorian Electoral Commission, the Australian Electoral Commission or any other council to conduct the election, a person appointed by those bodies to be involved in the conduct of the election.

**Note:** Sitting councillors who are not recontesting the election will be eligible to be appointed as scrutineers for activities taking place after 6.00am on election day. This is the time they go out of office.

### Relieving Scrutineers

A scrutineer may be replaced during an absence by another scrutineer for the same candidate.

## 2. THE VOTING PERIOD

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### Delivery of Postal Ballot Packs

Regardless of the number of properties a voter owns in the City of Melbourne they will only be entitled to **one** vote for the Leadership Team election and **one** vote for the Councillor election.

The postal ballot packs containing the ballot materials will be prepared by a commercial mail house under the supervision of the Victorian Electoral Commission.

The mail-out of the ballot packs will take place over three days. The mail for posting each day will be randomly selected with no more than 35% of the number of envelopes being posted on any day.

Where appropriate, the Returning Officer will arrange for the hand delivery of ballot material.

A scrutineer is entitled to observe the posting of the postal ballot packs at Australia Post.

### Opening and Emptying Locked Bags

The reply paid envelopes will be returned to locked bags at the post office for the council election. These will be conveyed by the Returning Officer to the Election Office.

### Sealing the Ballot Paper Envelopes in Secure Receptacles

The sealed boxes will be stored each night in a secure location ready for the opening of the signed ballot paper envelopes after the close of voting.

The sealed boxes containing the ballot paper envelopes to be admitted to the count will be brought to the counting area and unsealed in the presence of the scrutineers.

## 3. OBTAINING THE RESULTS

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Scrutineers are entitled to observe all proceedings during the processing of ballot papers to obtain the results of the election.

Scrutineers may challenge the admission or rejection of voters' ballot paper envelopes and the formality of ballot papers. These must be referred to the Returning Officer for decision. The Returning Officer's decision is final.

Counting must proceed smoothly and efficiently and scrutineers should not unnecessarily communicate with anyone at these proceedings.

Scrutineers **must not** handle ballot papers, ballot paper envelopes or any other election material. Scrutineers are entitled to observe all the markings on ballot papers but they must not delay proceedings except where it is necessary in the performance of their duties.

The different stages in the counting process are summarised in the Appendix at the end of this handbook.

Scrutineers will be informed of the total ballot papers to be accounted for prior to the commencement of each count.

The Returning Officer will inform scrutineers of any adjournment and advise the location and time when the proceedings will be continued.

### Opening the Ballot Paper Envelopes

The processing of returned votes from the general mail-out is commenced first.

The procedure is:

- the flaps containing the voters' details are removed from the ballot paper envelopes;
- the ballot paper envelopes are opened and ballot papers extracted;
- ballot papers will be sorted to Leadership Team and Councillor elections;
- the ballot papers are bundled into 50s; and
- the empty ballot paper envelopes are bundled and put aside.

### Replacement Votes

Returned replacement declaration envelopes are checked to see that no other vote has been received from the same voter. In a situation where it appears that more than one envelope has been returned for the same voter, the Returning Officer will decide which envelope is to be admitted or rejected from the count in accordance with the Regulations.

The votes which are entitled to be counted are then opened and the ballot papers extracted. These ballot papers are amalgamated with the ballot papers from the general mail-out.

### Unenrolled Votes

The Returning Officer must determine whether a voter who has been issued with an unenrolled vote is entitled to have the vote counted.

This entails referring the details of the unenrolled voter to the Chief Executive Officer of the Council or to the Electoral Commissioner to determine whether the person is entitled to be on the voters roll.

The votes which are entitled to be counted are then opened and the ballot papers extracted. These ballot papers are amalgamated with the ballot papers from the general mail-out.

**Total Ballot Papers**

When all ballot papers have been extracted from envelopes, the Returning Officer will be able to provide scrutineers with the total number of ballot papers to be accounted for during the count for both elections.

**Obtaining the Results**

When all ballot papers extracted from the envelopes have been brought together, the results for each of the elections can be obtained. The preferences on individual ballot papers will be entered into the computer system and the computer program will provide the final results.

**Counting Method: Leadership Team**

For the Leadership Team election, the preferential method is used to determine the result. Under the preferential method a *team* must obtain an absolute majority (more than 50% of the formal vote) to be elected.

**Counting Method: Councillor Election**

For the election of Councillors, the proportional representation method is used to determine the result. Under this method a candidate must obtain a "quota" to be elected. The quota is determined by dividing the number of formal votes by one more than the number of vacancies, then adding one.

**Batching: Leadership Team**

- Ballot papers for the Leadership Team will be batched in preparation for data entry with obvious informal ballot papers isolated into one batch and batch cover slips attached.
- The total Leadership Team ballot papers after batching will be reconciled against the balance figure for that election.
- Once reconciled ballot paper batches will be secured and transported to the computer count venue.

**Sorting and Batching: Councillor Election**

- Councillor election ballot papers will be sorted to those marked above-the-line, below-the-line and informal. Ballot papers marked below-the-line will be batched in preparation for data entry. This process is expected to take no less than seven hours.
- Ballot papers marked above-the-line will be sorted and counted for the respective groups.
- The total Councillor election ballot papers after these tasks will be reconciled against the balance figure for that election.
- Once reconciled, ballot paper batches will be secured and transported to the computer count venue.

**Computer Count**

During the computer count, the preferences shown on each ballot paper will be entered into the computer system by experienced keyboard operators. During data entry, the computer application checks each ballot paper for formality.

Informal ballot papers are identified and removed from each batch. Only formal ballot papers are saved to the database. When the entry of all ballot papers has been accounted for, the computer system will be activated and the results calculated.

Scrutineers are entitled to observe all aspects of this procedure.

#### 4. Counting Timetable

On request, the Returning Officer will provide scrutineers with the following reports:

- progressive first preference results reports during data entry;
- batch details reports —on request, scrutineers may ask that a batch details report is printed for a particular batch so that they may compare the preferences recorded on the computer for that batch against the actual ballot papers; and
- details of the preference distribution. This report shows how preferences are allocated to candidates during the preference distribution. This report will be available as soon as practicable after completion of the calculation of the result.

The Returning Officer will also provide scrutineers, on request, with a record of the preferences on the ballot papers that have been stored in the computer.

The full report for all batches will not be available until after completion of the count.

## 4. COUNTING TIMETABLE

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The VEC has established a counting timetable to ensure that reconciliations can be completed before the commencement of each stage in the count process. In establishing the timetable, the VEC has allowed for events that cannot be predicted prior to election weekend.

For example, mis-sorted postal material may need to be delivered to the Election Office from the VEC's Melbourne office or the Returning Officer may find that there is a last minute rush for replacement votes at the close of voting.

Previously, adjustments to totals have been made progressively but it is clear that it is in everyone's interests to have a clear starting figure of ballot paper envelopes to be included in the count.

Adjustments may still be required, for example, where ballot paper envelopes are found to be empty.

In situations where the count is close, the greater attention by scrutineers may slow down the count and the conduct of any recounts can delay the final declaration.

The VEC has also been concerned with occupational health and safety issues in relation to staff working very long hours to meet pre-determined declaration times, and has included these considerations into the development of the count timetable. Simply increasing the number of election officials does not guarantee a better or quicker outcome.

Every effort will be made to complete all counts as quickly as is reasonably possible, but the VEC can only guarantee that all elections will be declared by Friday 5 December —five working days after election day. Whilst the process may take longer in the short term, it will pay dividends in the long term.

Further details of count timetables will be available once nominations have closed and the number of candidates is known. However, close elections and where recounts will be required will still be unknown.

The activities after the close of voting from 6.00pm on Friday 28 November including key reconciliation points during the counting process are included in the Appendix.

## 5. RECOUNT OF VOTES

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At any time before a candidate has been declared elected, the Returning Officer may;

- if he or she thinks fit; or
- at the written request of the candidate specifying reasons, open any sealed parcel containing ballot papers and recount the ballot papers.

The following applies to recounts:

- a recount may be conducted at the discretion of the Returning Officer;
- the Returning Officer may conduct one or more recounts; and
- the Returning Officer must make reasonable efforts to notify candidates or their representatives before a recount is conducted.

In respect of each candidate only one scrutineer for each authorised person involved in the recounting of ballot papers can be present at any one time. A candidate is not entitled to be present at the recount.

## 6. OFFENCES

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- To vote or attempt to vote more than once at any election or by-election, to impersonate any voter or to remove a ballot paper from a ballot box. PENALTY: - imprisonment for 6 months
- For anyone to hinder or interfere with the free exercise or performance by any other person of any political right or duty that is relevant to an election. PENALTY: - 1 penalty unit (\$113.42)
- For any person to fraudulently tamper with ballot material.  
PENALTY:- Various ranging from 10 penalty units (\$1,134.20) to imprisonment for 6 months
- Offences relating to the infringement of the secrecy of the ballot.  
PENALTY: - imprisonment for 6 months
- A person who is required to make a written declaration by or under this Act or the regulations as a candidate, scrutineer or voter or as a person submitting a how-to-vote card must not knowingly make a declaration which is false.  
PENALTY: - 20 penalty units (\$2,268.40)

## 7. FORMALITY OF VOTES

### Leadership Team:

Guide to  
Ballot Paper Formality

- Each ballot paper must have a number 1 in, or adjacent to, or level with one box.
- All boxes should be numbered using the full sequence of numbers as indicated on the ballot paper. The only exception is where one box is left blank and would logically have contained the last preference, i.e. with 6 teams, the number 6 may be omitted.
- More than one box left blank makes the vote informal.
- Any duplication or omission of a number from the sequence makes the vote informal.
- Numbers next to, or on the other side of the names, are acceptable providing the voter's intention is clear.
- Amendments are acceptable providing the voter's intention is clear. All other marks are to be ignored.
- The number '0' (zero) makes the vote informal.

### Examples

<b>2</b>	Team 1
✓	Team 2
<b>3</b>	Team 3
<b>4</b>	Team 4
<b>5</b>	Team 5

**Informal:** No number 1

<b>X</b>	Team 1
<b>X</b>	Team 2
<b>X</b>	Team 3
<b>1</b>	Team 4
<b>X</b>	Team 5

**Informal:** Does not have sequence of numbers after 1

<b>2</b>	Team 1
	Team 2
<b>3</b>	Team 3
<b>1</b>	Team 4
<b>3</b>	Team 5

**Informal:** The number three appears twice

<b>1✓</b>	Team 1
<b>2</b>	Team 2
<b>3</b>	Team 3
<b>4</b>	Team 4
<b>5</b>	Team 5

**Formal:** Even though there is a tick, the number 1 is clear

<b>40</b>	Team 1
<b>50</b>	Team 2
<b>1</b>	Team 3
<b>2</b>	Team 4
<b>70</b>	Team 5

**Informal:** Numbers not consecutive

<b>1</b>	Team 1
	Team 2
<b>2</b>	Team 3
	Team 4
<b>3</b>	Team 5

**Informal:** More than one square has been left blank

<b>3</b>	Team 1
<b>1</b>	Team 2
<b>2</b>	Team 3
<b>5</b>	Team 4
<b>4</b>	Team 5

**Formal:** Numbers are consecutive

<b>1</b>	Team 1	
<b>4</b>	<del><b>2</b></del>	Team 2
	<b>3</b>	Team 3
<b>2</b>	<del><b>4</b></del>	Team 4
	<b>5</b>	Team 5

**Formal:** Even though crossed out, the re-numbering is clear

<b>2</b>		Team 1
<b>3</b>		Team 2
<b>1</b>		Team 3
<b>4</b>		Team 4
<b>5</b>		Team 5

**Formal:** Numbers outside boxes, but clearly allocated

7. Formality of Votes

<b>4</b>	Team 1
<b>1</b>	Team 2
<b>2</b>	Team 3
	Team 4
<b>3</b>	Team 5

**Formal:** Only one box left blank, clearly last preference

<b>3</b>	Team 1
<b>1</b>	Team 2
<b>2</b>	Team 3
<b>5</b>	Team 4
	Team 5

**Informal:** Sequence has been discontinued between 3 and 5 (i.e. no number 4)

<b>4</b>	Team 1
<b>3</b>	Team 2
<b>2</b>	Team 3
<b>1</b>	Team 4
<b>0</b>	Team 5

**Informal:** The number must be 1, 2, 3, and so on. Zero ("0") is not permitted.

**Councillor Election** If a ballot paper is marked above and below-the-line, the marks below-the-line are considered to determine if the marks below-the-line result in a formal vote.  
Guide to Ballot Paper  
Formality

If the marks below-the-line would result in the ballot paper being informal, they are ignored and the voter is deemed to have voted above-the-line.

**Formality Rules for Voting Above-the-Line** A preference mark must be placed in one, and only one, box. A preference mark means a tick, a cross or the figure 1.

**Formality Rules for Voting-Below the-Line** Each ballot paper must have a number 1 in, adjacent to or level with one, and only one, box. Ticks and crosses are ignored.

If there are 10 or more candidates, at least 90% of the boxes must be numbered in a sequence of consecutive numbers commencing with the figure 1, or figures that with a change to no more than one of them would be in such a sequence.

If there are 9 or fewer candidates, all boxes except for one box that may be left blank must be numbered in a sequence of consecutive numbers commencing with the figure 1, or figures that with a change to no more than one of them would be in such a sequence.

**When Distributing Preferences for Voting Below-the-Line** Only voter's actual figures are to be considered, hence ballot papers become exhausted once a break in the actual sequence of numbers on the ballot paper is reached.

Any number that is repeated is disregarded, hence ballot papers become exhausted immediately prior to any repeated number.

## Appendix – Counting Timetable

Date/Time	Activity
Friday 28 November — from 6.00pm	<p><b>Final processing</b></p> <ul style="list-style-type: none"> <li>Final processing of returned postal vote declaration envelopes.</li> <li>Processing of unenrolled declarations by Council and VEC staff.</li> <li>The total ballot paper envelopes, to be included for further processing, will be established.</li> </ul>
From Saturday 29 November —RO will advise commencement time.	<p><b>Extraction of ballot papers</b></p> <ul style="list-style-type: none"> <li>Removal of identification flaps from ballot paper envelopes.</li> <li>Opening and extraction of Councillor and Leadership Team ballot papers from ballot paper envelopes.</li> <li>The total ballot papers to be included in the count for each election will be established (balance figure). Note —this figure may vary from the total number of envelopes as some envelopes are returned empty, with one ballot paper only, and some are returned from members of the same household in the same envelope. This process is expected to take no less than seven hours.</li> </ul>
Saturday 29 November —Sunday 30 November	<p><b>Councillor election – initial sorting and batching</b></p> <ul style="list-style-type: none"> <li>Councillor election ballot papers will be sorted to those marked above-the-line, below-the-line and informal. Ballot papers marked below-the-line will be batched in preparation for data entry. This process is expected to take no less than seven hours.</li> <li>Ballot papers marked above-the-line will be sorted and counted for the respective groups.</li> <li>The total Councillor election ballot papers after these tasks will be reconciled against the balance figure for that election.</li> <li>Once reconciled, ballot paper batches will be secured and transported to the computer count venue.</li> </ul>
Saturday 29 November —Sunday 30 November	<p><b>Leadership Team – ballot paper batching</b></p> <ul style="list-style-type: none"> <li>Ballot papers for the Leadership Team will be batched in preparation for data entry with obvious informal ballot papers isolated into one batch and batch cover slips attached.</li> <li>The total Leadership Team ballot papers after batching will be reconciled against the balance figure for that election.</li> <li>Once reconciled ballot paper batches will be secured and transported to the computer count venue.</li> </ul>
From Sunday 30 November —the Returning Officer will advise commencement time.	<p><b>Computer count – Councillor election</b></p> <ul style="list-style-type: none"> <li>Data entry will commence as soon as practicable after batching is complete. It is estimated that data entry will take no less than 11 hours. Expected completion time late Monday 1 December.</li> <li>The election result for the Councillor election will be calculated once data entry and all reconciliations are complete.</li> </ul>
From Sunday 30 November —the Returning Officer will advise commencement time.	<p><b>Computer count – Leadership Team election</b></p> <ul style="list-style-type: none"> <li>Data entry will commence as soon as practicable after batching is complete. It is estimated that data entry will take no less than 38 hours. Expected completion by Tuesday 2 December.</li> <li>The election result will be calculated once data entry and all reconciliations are complete.</li> </ul>

	<p><b>Recounts</b></p> <ul style="list-style-type: none"> <li>• At any time before the declaration of the result, a recount may be conducted. Candidates may request a recount or they may be initiated by the Returning Officer. The Returning Officer will conduct a recount on request by a candidate if the Returning Officer is satisfied that the reasons provided by the candidate may have affected the election result.</li> <li>• A recount involves repeating all steps in the count, and the result of the recount supersedes the original count.</li> </ul>
<p>No earlier than Tuesday 2 December. No later than Friday 5 December.</p>	<p><b>Declaration of results</b></p> <ul style="list-style-type: none"> <li>• The Returning Officer will publicly declare the result of each election at a designated time and place after the completion of all counting.</li> <li>• Candidates will be notified of the declaration time and venue.</li> </ul>





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