



Department of
Local Government, Sport
and Cultural Industries

Returning Officer Manual

August 2023



Director General's Foreword

In 2023 the State Government introduced significant reforms to local government legislation regarding elections. These reforms will strengthen the transparency, accountability and efficiency of local government, while enabling stronger local democracy. Some of these reforms will have a direct impact on voting in the October 2023 local government elections.

To maintain public confidence in the democratic process, elections must be run to the highest standards of fairness and propriety. It is the returning officer's responsibility to ensure those standards are achieved.

This manual is designed to assist returning officers in the conduct of voting 'in person' elections. It is an example of the Department of Local Government, Sport and Cultural Industries' continuing commitment to assist local governments in meeting their statutory and community obligations.

I am pleased to commend the manual for use by returning officers and other relevant electoral officers.



Lanie Chopping
DIRECTOR GENERAL

26 July 2023

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Amendments

Amendment Number	Page Number	Date of amendment	Details of amendment	Approved by
1	35, 292	31 August 2023	Added link to form 19	Director, Local Government Support and Engagement
2	10	13 September 2023	Deleted words no longer applicable	Director, Local Government Support and Engagement
3	125, 126	19 September 2023	Updated form 10	Director, Local Government Support and Engagement
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-
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1. How to use this manual

1.1. About this manual

Welcome

Welcome to this manual for returning officers. Returning officers are responsible for conducting 'in person' elections for local government in Western Australia.

The manual answers all your questions and takes you step-by-step through the electoral process. It also includes copies of forms you must use that have been prescribed in regulations and provides examples of all other documentation so that you can easily adapt them for your own use.

This publication focuses on you and your needs – it is a practical guide. You will discover everything you need to know about organising advertising, staff, polling places, and how to count the votes and declare the result. The manual is written as a 'how to' guide and is a companion to the *Local Government Act 1995* (Act) and its regulations but does not replace them. You will need to use all three.

You should also refer to the local government ordinary election timetable available on the Department of Local Government, Sport and Cultural Industries website. This document outlines key deadlines and associated activities involved in preparing and conducting a local government in person election.

Use as a reference book

The manual is a reference tool designed so that you can go to any topic and start reading. There are 20 chapters and an appendix.

All the forms you need, and example documents, are included in the relevant chapter for you to adapt and use at your local government.

1.2. The manual's purpose

Aims and objectives

The aim of this manual is to be a guide for both experienced returning officers and those who might be conducting an election for the first time.

The objective is to provide an easy to read reference that details everything you need to know about the election process - including a complete timetable of actions you need to take, forms, and example documents.

Expected users

This manual is for use by CEOs or other appointed persons in local governments in Western Australia who become the returning officer for 'in person' voting elections within their local government.

It will also be useful for deputy returning officers who are required to perform or are delegated specific tasks in the election process.

1.3. How the manual is structured

Chapters

Each chapter is divided into separate sections that deal with an aspect of the main chapter topic.

At the beginning of each chapter, you will find a table of contents that lists the sections in that chapter.

Sections and subsections

Each section deals with a specific part of the main theme of the chapter. For example, the chapter on handling nominations has sections relating to preparing nomination packs, eligibility requirements, candidate profiles, and other nomination related topics. In each section there are subsections that deal with individual components relating to the section.

Page layout

Most pages are set out with a wide left-hand margin. In this margin you will find cross-references to the Act and associated regulations and other sections in the manual.

Forms and example documents

Throughout the text, you will find references to legal forms (**form**) you must use and other documents that are provided as examples (**example.doc**) that can easily be adapted for your own use.

For information on how to adapt example documents, see section 1.4 in this chapter.

1.4. References and icons

References throughout the manual, you will find references to the Act, regulations, and other parts of the manual. Because this manual is a guide, you are advised to check the actual legal interpretation by using the references provided and any other material you consider necessary.

Forms and example documents

Example documents are provided as a useful guide. They are not mandatory. If you already have documents that you typically use in elections, then continue to do so if you are satisfied that they meet requirements and work well. Some example documents merely require you to insert names and dates. Others have case study material to give a complete demonstration of the types of things you will write yourself – delete the case study and insert material from your own situation.

References for example documents begin with “E” and are numbered numerically with a backslash and the number of the chapter. Thus, E3/7 means you need to turn to the end of chapter 7 for the example document numbered 3 in the sequence. Throughout the manual, reference numbers are quoted as: **Example.doc E3/7**.

The reference number appears in the right-hand corner of each example document. You can simply remove this number and adapt the remaining document to suit your purposes.

Quality document control

Where forms and documents are provided, you will find a section relating to quality document control. This is a schedule that helps you keep track of your documents in your records management system.

Icons and references

R

Indicates a checklist to help make sure you have carried out all the steps recommended.

&

Indicates that you can photocopy the page or section and use it separately as a reference sheet.

▪

Indicates a separate booklet.

2

Indicates that you can use the list as a checklist for the materials and equipment you need for the process described.

Reference definitions

s.	Refers to a section in the <i>Local Government Act 1995</i> .
reg.	Refers to the <i>Local Government (Elections) Regulations 1997</i> .
Act	Refers to the <i>Local Government Act 1995</i> .
Department	Refers to the Department of Local Government, Sport and Cultural Industries.
WALGA	Refers to the Western Australian Local Government Association.
WAEC	WA Electoral Commission.

2. Checklist

3

2.1. Scheduler and checklist

References	Activity	Chapter	Commence	Complete	Done?
s. 4.20 reg. 7	CEO to complete Returning Officer Declaration.	3	2/8/23	5/8/23	<input type="checkbox"/>
s.4.21 reg. 6 reg. 7	Returning officer appoints deputy returning officer(s).	3	5/8/23	7/8/23	<input type="checkbox"/>
	Prepare advertisement giving Statewide public notice of close of enrolment for owners and occupiers if not using WALGA joint advertising scheme.	4	5/8/23	9/8/23	<input type="checkbox"/>
	Inspect and book polling place(s).	11	5/8/23	23/8/23	<input type="checkbox"/>
s. 4.39	Statewide public notice of close of enrolment for owners and occupiers roll and residents roll via the WAEC.	4	5/8/23	19/8/23	<input type="checkbox"/>
s. 4.40	CEO to advise Electoral Commissioner of need for residents' roll.	5	5/8/23	19/8/23	<input type="checkbox"/>
	Prepare advertisement giving Statewide public notice calling for nominations if not using WALGA joint advertising scheme.	4	13/8/23	19/8/23	<input type="checkbox"/>
s. 4.47	Statewide public notice calling for nominations.	4	20/8/23	30/8/23	<input type="checkbox"/>
	Prepare nomination packages.	7	20/8/23	30/8/23	<input type="checkbox"/>
	Prepare candidate packages and materials for drawing of position on ballot papers.	7	25/8/23	30/8/23	<input type="checkbox"/>
s. 4.39	Applications for inclusion on owners and occupiers roll and residents roll close.	5		25/8/23 at 5.00pm	<input type="checkbox"/>

References	Activity	Chapter	Commence	Complete	Done?
s. 4.49	Nominations open.	7	31/8/23		<input type="checkbox"/>
reg. 27	Refund deposits on withdrawal of nominations up to this day.	19		6/9/23 up to 4.00pm	<input type="checkbox"/>
s. 4.53 reg. 25	Last day nominations can be withdrawn.	7		7/9/23 up to 4.00pm	<input type="checkbox"/>
s. 4.49	Nominations close.	7		7/9/23 at 4.00pm	<input type="checkbox"/>
s. 4.54 s. 4.56	Declaration of candidates and draw for position on ballot paper. Distribute candidate packages and deliver them to those candidates not present.	7		7/9/23 forthwith after 4.00pm	<input type="checkbox"/>
	Formally advise all candidates of result of the draw for positions on ballot paper.	7	7/9/23	11/9/23	<input type="checkbox"/>
s. 4.40	CEO to receive certified residents roll from Electoral Commissioner.	5		8/9/23	<input type="checkbox"/>
s. 4.41	Last day for CEO to compile and certify the owners and occupiers roll.	5		8/9/23	<input type="checkbox"/>
	Arrange for two separate rolls to be printed or carry out consolidation process and include rolls in candidate packages.	5	8/9/23	14/9/23 or shortly after	<input type="checkbox"/>
	Schedule briefing for electoral officers on early/absent/postal voting.	12	8/9/23	14/9/23	<input type="checkbox"/>
s. 4.71(1) reg. 33	Arrange printing of ballot papers.	8	8/9/23	20/9/23	<input type="checkbox"/>

3

References	Activity	Chapter	Commence	Complete	Done?
	Arrange supplies of forms, seals, and other material for use at polling places and the count.	6	8/9/23	20/9/24	<input type="checkbox"/>
	Appoint staff to process early, absent, and postal vote applications.	12	8/9/23	20/9/24	<input type="checkbox"/>
s. 4.64	Prepare advertisement for the election notice if not using WALGA joint advertising scheme and publish election notice.	4	8/9/23	25/9/23	<input type="checkbox"/>
	Set up electoral complaints system.	17	As appropriate		<input type="checkbox"/>
	Set up for early voting.	12	20/9/23	21/9/23	<input type="checkbox"/>
	Advertise for electoral staff to work at polling places and the count.	9	20/9/23	27/9/23	<input type="checkbox"/>
s. 4.62	Appoint polling places.	11	22/9/23		<input type="checkbox"/>
s. 4.43 reg. 22A	Last day for Returning Officer to delete duplication of names on roll(s) and make corrections to electoral rolls. Corrections to Owners and Occupiers Roll to be certified by CEO and corrections to Residents Roll to be certified by the Electoral Commissioner.	5		29/9/23	<input type="checkbox"/>
s. 4.68	Absent voting.	12	When election notice given	17/10/23 at 4.00pm	<input type="checkbox"/>
s. 4.68 reg. 31 reg. 59	Early voting.	12	When election notice given	20/10/23 at 4.00pm	<input type="checkbox"/>
s. 4.68	Postal voting.	12	After election papers issued	21/10/23 up to 6.00pm	<input type="checkbox"/>
	Inspect and arrange for voting screens, direction signs etc. to be cleaned and repaired if necessary.	11	3/10/23	20/10/23	<input type="checkbox"/>

References	Activity	Chapter	Commence	Complete	Done?
s. 4.63	Appoint selected electoral staff to polling places and the count of votes and advise successful and unsuccessful applicants.	11	9/10/23	13/10/23	<input type="checkbox"/>
	Prepare presiding officer packages.	11	13/10/23	20/10/23	<input type="checkbox"/>
	Schedule briefing with electoral officers.	9	16/10/23	20/10/23	<input type="checkbox"/>
reg. 37(3)	Close of applications for a postal vote on election day.	12	Any time	17/10/23 at 4.00pm	<input type="checkbox"/>
	Arrange to obtain keys to polling places.	11	18/10/23	20/10/23	<input type="checkbox"/>
	Arrange deliveries of heavy equipment to polling places.	11	20/10/23	20/10/23	<input type="checkbox"/>
	Arrange for count area to be set up.	14	20/10/23	21/10/23 up to 6.00pm	<input type="checkbox"/>
	Issue presiding officer packages with ballot papers and seals and photocopies of early votes cast, absent votes and postal votes received, and scrutineers appointed.	11	20/10/23 4.30pm	21/10/23 before 7.00am	<input type="checkbox"/>
s. 4.7 s. 4.68(1)(e)	ELECTION DAY	13	21/10/23 at 8.00am	21/10/23** at 6.00pm	<input type="checkbox"/>
s. 4.72 s. 4.77 reg. 80	The count and declaration of result. <i>** (Manage expectations as this activity may take some time, returning officers should feel more than comfortable to schedule declarations on the next working day).</i>	14	21/10/23 from 6.00pm	Until finished**	<input type="checkbox"/>
	Public notice of results.	15	After declaration	ASAP	<input type="checkbox"/>

3

References	Activity	Chapter	Commence	Complete	Done?
s. 4.84 reg. 82	Place electoral materials in store for future use. Returning Officer is to complete and submit Form 20 Report, within 14-days of the declaration of result. Returning Officer is to collect all used election papers (as defined in Elections.r.3) and parcel in one or more parcels, which are sealed and endorsed by the Returning Officer signing and dating each. CEO is to keep parcels in safe custody for at least 4 years.	15	After declaration	ASAP after completion of Form 20 Report	<input type="checkbox"/>
	Collect heavy equipment from polling places and return keys.	15	23/10/23	23/10/23	<input type="checkbox"/>
	Arrange to pay electoral staff.	12	23/10/23	As agreed.	<input type="checkbox"/>
	Special council meeting – Election of Mayor/President (if position is not popularly elected) and Deputy. All council elections from October 2023 using Optional Preferential Voting (OPV)	17	As arranged at the first meeting of council after the election.	ASAP	<input type="checkbox"/>
s. 4.79 reg. 81	Following election by Council of Mayor/President and Deputy, CEO is to Lodge Report to Minister on Form 20 online with the Department of Local Government, Sport and Cultural Industries, within 14-days of the declaration of the result.	14	23/10/23	3/11/23	<input type="checkbox"/>
s. 4.81 reg. 84 reg. 80(3)	Invalidity complaints are to be made within 28 days after public notice of declaration of the result of the election given/	16	Date public notice given of election result	28 days after public notice of result 18/11/23	<input type="checkbox"/>

References	Activity	Chapter	Commence	Complete	Done?
s. 4.50 reg. 27	Refund election deposits	19	28 days after public notice of result	ASAP	<input type="checkbox"/>
Notes:					

3

3. Role of returning officer

3.1 Appointment of returning officer

Reference	
s. 4.19, 4.20	<p>Provisions relating to appointment</p> <p>The returning officer is the principal electoral officer of a local government and is responsible for all election arrangements.</p> <p>Unless other arrangements are made, the CEO is automatically the returning officer of the local government for each election.</p> <p>The council may, for any election, appoint another person as returning officer, provided that written approval is first obtained from the Electoral Commissioner.</p>
reg. 7(1) s. 4.27(1)	<p>Making a declaration</p> <p>Before a returning officer can act in the role, a declaration of electoral officer (prescribed Form 1) must be completed and the signature witnessed by a person who is able to take statutory declarations under the <i>Oaths, Affidavits and Statutory Declarations Act 2005</i>, such as a Justice of the Peace. Refer to chapter 18.1 pages 337 to 339 for a list of authorised persons.</p> <p>Place the signed and witnessed declarations in the election papers required to be parcelled and stored for 4 years under Elections Reg.82 at the local government.</p> <p>Once made, it is not necessary to make a separate declaration for every election.</p>

3.2 Responsibilities of returning officer

Reference

Primary role of the returning officer

As returning officer you are responsible for management of the entire election process. Returning officers are required to:

- conduct elections in accordance with the Act and its Regulations;
- ensure that processes are carried out in a fair and impartial manner;
- appoint staff and ensure they are trained in their duties;
- ensure security of electoral rolls, ballot papers, and ballot boxes;
- ensure that election preparations are complete and timely; and
- make sure that materials and equipment are available for the smooth running of the election.

Functions specified in the Act

The returning officer's functions are specified in the Act as follows:

- To appoint places for the casting of votes, places for the delivery of postal votes and places for the counting of votes for elections (within or outside the district).
- To appoint other electoral officers to assist in the conduct of elections.
- To ensure that the necessary preparations are made for the conduct of elections.
- To do anything which the returning officer is authorised or required to do under the Act, or which is necessary or expedient in order to ensure that elections are conducted in accordance with the Act.
- In the case of a returning officer appointed under s. 4.20(4), to do other things if directed to do so by the Electoral Commissioner.

s. 4.23

Reference	
s. 4.21	<p>Deputy returning officers</p> <p>The returning officer must appoint one or more deputy returning officers.</p> <p>If the returning officer is absent or cannot perform their functions, a deputy returning officer is to (must) perform the returning officer's functions.</p> <p>In some local governments the deputy returning officer makes many of the arrangements for the election because the returning officer cannot be available for all of the time involved in complying with the necessary administrative and procedural matters.</p>
s. 4.22(1)	<p>However, the Returning Officer remains responsible and accountable for the conduct of the election and should not expect or require the Deputy to perform all functions as a matter of course.</p> <p>Delegation</p>
s. 4.26	<p>A returning officer may delegate any of their powers or duties under the Act (except the power of delegation) to a deputy returning officer.</p> <p>Delegations must be in writing. The delegation does not need to be listed in the local government's delegations register but it is good practice to do so.</p> <p>A delegation under s.4.26 is not a delegation for the purposes of Part 5 of the Act, and is therefore not subject to the requirement for Primary/Annual Returns, however records evidencing the performance of functions and duties are to be created and retained consistent with the requirement to retain 'election papers' and the <i>State Records Act 2000</i>.</p>

3.3 Overview of duties of returning officer

Reference

General duties

Returning officers must:

- during the election period, ensure that as far as is practicable the returning officer or a deputy are available to answer enquiries about the election processes;
- make sure that all documents and materials used in the election processes are securely stored;
- maintain records of correspondence with interested parties and candidates and keep records of all complaints that are made;
- appoint at least one deputy returning officer;
- appoint suitable staff and make sure that they are properly trained for their duties; and
- make sure that public notice is given at certain stages throughout the election period.

Part 4, Division 9,
Subdivision 3

Duties prior to close of nominations

In addition to the above, during the period before nominations close the returning officer needs to ensure that the electoral roll is prepared and the owners and occupiers roll is certified by the CEO, ensure suitable venues for polling places are inspected, and respond to prospective candidate enquiries.

Once nominations open, the returning officer is required to check nomination forms, eligibility for election and profiles for compliance and when formally accepted, display details and the profile of the candidate (but not the nomination form) on the local government's website, and receipt candidates' deposits.

Before the close of nominations, the returning officer must ensure that there is a sufficient supply of hollow opaque spheres available as these will be needed at the draw for ballot paper position following the close of nominations.

Reference

Part 4, Division 9, Subdivision 4

Nomination day

The returning officer must make sure that materials and equipment are prepared for drawing lots for positions on the ballot paper, well in advance of the close of nominations. In some instances, nominees leave it until just before nominations close to submit their nomination, making it important to be well prepared. After 4.00pm the results are declared of any unopposed elections and the necessary procedures completed*.

*Note here: * new process if a candidate for councillor has also nominated as a candidate in a mayor or president election, even if they have been elected unopposed in the councillor election – the results for that position can't be declared at this stage and must be held over pending the result of the mayor or president count. After the results for that election are declared, then the councillor result may be declared.*

Where there are more candidates than vacant offices, the returning officer conducts a draw of candidates' names for position on the ballot paper. After the draw, candidates are to be provided with candidate packages and briefed on important election issues such as legal aspects relating to advertising material, polling information, scrutineers and Code of Conduct requirements.

Duties from nomination day

If there is a contested election, the returning officer duties after nomination day relate to preparation for conducting the election.

Requirements include:

- advising candidates formally of the result of the draw for positions on ballot papers;
- printing ballot papers
- appointing polling places;
- publishing an election notice; and
- appointing and training staff in their electoral duties.

Absent, early and postal voting commence as soon as the election notice is given state-wide.

Arrangements must be made to order supplies of forms and stationery, and for heavy equipment to be repaired if necessary. Note lead time for election equipment such as polling screens and ballot boxes in planning considerations.

Reference**Duties immediately before election day**

Duties of the returning officer escalate in the week preceding election day. The following matters must be attended to:

- Preparation of presiding officer packages, including lists of all electors who have cast early, absent or postal votes.
- Arrangements to collect keys for access to polling places.
- Deliveries of heavy equipment to polling places.
- Processing scrutineer appointments.
- Preparing for the scrutiny of ballot papers ready for post-6pm on election night.

Absent and early voting closes during this final week.

Reference

Duties on election day

Returning officers are responsible for the smooth conduct of the election. They should:

- ensure presiding officers require electoral staff to sign the declaration in **Form 1** before commencing duties;
- check on electoral officers and polling places throughout the day;
- be contactable for enquiries from candidates, the public and presiding officers;
- check supplies of ballot papers for polling places periodically; and
- check postal and absent voting papers during the day if prior notification of this intention has been given to candidates and scrutineers.

Duties at the count

As soon as is practicable after voting has closed at 6pm, the returning officer is to arrange for the votes to be counted and ascertain the result of the election. The returning officer is responsible for:

- controlling the scrutiny (count) area;
- security of election papers – including ballot papers, before during and after the count;
- security of computers and data entry, where an electronic count is done;
- ensuring that the count is conducted accurately, in a fair and transparent manner;
- ascertaining the result of the election and calculating terms of office;
- verbally publicly declaring the results of the election**;
- arranging for local public notice of the election results [Elections.r.80(8)] including on the Local Government's website and in at least 3 of the ways specified in Administration Regulation 3A. Forward results to WALGA if participating in the joint advertising scheme.

** Manage expectation – see over page

Manage expectation

** with the changes in count method (optional preferential voting) coming into effect for the 2023 election, returning officers are to carefully manage expectations of those present that there may be elections where the results will not be declared on the Election night as has previously been expected. In these elections, this declaration may be better deferred to the next business day(s) – Monday or Tuesday.

It is important that the returning officer is careful when distributing the preferences on all counts as the result of second place and subsequent unelected places may be used in the event that a back filling appointment could be called upon later within a 12-month period in lieu of an extraordinary election. Returning officers are to record not only the successful candidates but also the first and second unelected candidates and reflect each of these names on the election notice.

It is also important that the returning officer advises candidates that they have the option to request a recount if required, and that such requests must be submitted to the returning officer in writing (this may be done via email) before the declaration is made. This also supports the reasons for allowing additional time at the conclusion of the count and before the returning officer formally declares the results.

Reference

Post-election day duties

Some practical duties remain after election day relating to arranging for the secure storage of election papers and electoral rolls, collection of heavy equipment from polling places and returning polling place keys.

An election report to the Minister on the prescribed **Form 20**, including any distribution of preferences, must be lodged with the Department, and in most local governments, an information report on the election is provided to the council.

Arrangements must be made to pay electoral officers. After a period of 28 days from publication of the results of the election, deposits may be refunded where prescribed.

Any computers that were used for the transmission or counting of voting information during the election should be cleansed of that confidential data once the paper copy of the electronic count required by regulation 3 (part (ba) of the definition of "election papers") is retained.

Record keeping

Correspondence, completed forms, file notes, polling place data, staff lists, and all complaints should be included in an elections file for each election.

'Election papers' are defined under Elections.r.3 and must be secured in certified parcels as per Elections.r.82. Destruction of Election papers is prescribed in s.4.84(a) and Elections.r.82(3) and (4).

3a.1 Election date conflicts

Reference	
s. 4.1A	<p>Different elections or polls on the same day</p> <p>Where a day for holding a local government election conflicts with a day for holding a Commonwealth or State election or referendum, then the local government election cannot be held on the same day if the Commonwealth or State election (including a by-election) or referendum covers the same area as the local government election. If this is an extraordinary election, contact the DLGSC immediately so that the legislative instruments for a delay can be prepared.</p>
s. 4.1B	<p>Changes to polling day for local government elections</p> <p>The Governor may before the local government election day set another day for the poll. This new day cannot be more than 14 days later than the original date.</p>

4 Advertising requirements

4.1 Public notice

Reference

Public notice requirements

Throughout Part 4 of the Act and the *Local Government (Elections) Regulations 1997* there are references to the requirement to advertise certain events in the election period.

Local public notice is to be given of the result of the election but in other cases Statewide notice is required.

The Act provides a definition of each of these types of public notice.

Local public notice

The Act defines 'local public notice' in section 1.7. Where local public notice is required, a notice of the matter is to be:

- published on the official website of the local government in accordance with the regulations; and
- published in at least 3 of the ways prescribed by regulation 3A of the *Local Government (Administration) Regulations 1996*.

The ways prescribed by the regulations are:

- publication in a newspaper circulating generally in the State;
- publication in a newspaper circulating generally in the district;
- publication in 1 or more newsletters circulating generally in the district;
- publication on the official website of the Department or another State agency;
- circulation by the local government by email, text message or similar electronic means;
- exhibition on a notice board at the local government offices and each local government library in the district; and
- posting on a social media account administered by the local government.

Unless expressly stated otherwise, it is sufficient to advertise once. If no time is prescribed, the exhibited advertisement must remain displayed for at least 7 days.

s. 1.7

Reference**Statewide public notice****s. 1.8**

The Act defines 'Statewide public notice' in section 1.8. Where Statewide public notice is required, the notice is to be published in accordance with the requirements for local public notice with the proviso that one of the way the notice must be given is to be published in a newspaper circulating generally in the State.

In this State there is a general acceptance that this means the notice must be published in *The West Australian* newspaper, though there may be other newspapers that qualify.

4.2 Joint advertising scheme

Reference

Who operates the joint advertising scheme

The Western Australian Local Government Association (WALGA) has facilitated a joint advertising and promotional strategy for local government elections.

WALGA is considering the viability and benefits of continuing to offer this service to its members, as the substantial majority of Local Governments have contracted the WA Electoral Commission to conduct elections, inclusive of advertising.

WALGA will notify Local Governments that are conducting their own in-person elections as to if the scheme will be undertaken.

If the joint advertising schedule is not undertaken, then each Local Government will be responsible for undertaking their own notice requirements.

Scope of the joint advertising scheme

Five advertisements in the *West Australian* Newspaper are involved in the scheme program:

- enrolling to vote (August)*
- call for nominations (August)*
- election notice (September)*
- election day (October)
- election results (October)

(*) indicates mandatory public notices. The election day advertisement is promotional, and the election results need only be given by local public notice.

Refer to Part 4.3 –
“Schedule of
Public Notices”
for Act References

4.3 Schedule of public notices

Days before election day	Details of mandatory public notice	Type of notice
77 days	<p>Enrolling to vote</p> <p>First day the CEO can give Statewide public notice of time and data of close of enrolment for owners and occupiers – s. 4.39</p>	<p>Statewide by CEO</p> <p>Example.doc E1/4</p>
63 days	<p>Call for nominations</p> <p>First day the returning officer can give Statewide public notice calling for nominations of candidates – s. 4.47</p>	<p>Statewide by RO</p> <p>Example.doc E2/4</p>
	<p>Enrolling to vote</p> <p>Last day the CEO can give Statewide public notice of close of enrolment for owners and occupiers – s. 4.39</p>	<p>Statewide by CEO</p> <p>Example.doc E1/4</p>
52 days	<p>Call for nominations</p> <p>Last day the returning officer can give Statewide public notice calling for nominations – s. 4.47</p>	<p>Statewide by RO</p> <p>Example.doc E2/4</p>
26 days	<p>Election notice</p> <p>Last day the returning officer can give Statewide public notice about the election – s. 4.64</p>	<p>Statewide by RO</p> <p>Example.doc E3/4</p>
Days after election day		
As soon as possible	<p>Election results</p> <p>Returning Officer is to give local public notice of the results of the election – s. 4.77, reg. 80(3)</p>	<p>Local by RO</p> <p>Form 19</p>

Note: Where days fall on weekends or public holidays the next working day is used.

4.4 Additional advertising

Reference

Encouraging nominations

In addition to the statutory advertising, it is a good idea to use local resources to increase awareness about the elections and encourage people to nominate.

This can be done using newsletters, posters or leaflets, as well as promotional items on the local government's website or social media. Some local governments use street advertising in prominent locations.

When they are additional to statutory advertising, these advertising programs do not have to follow a legalistic format. Use imagination to create interest in the community. Let prospective candidates know what it is like being on council and let them know what meeting fees and facilities are available to help them perform their duties.

Consider the demographics of your district and promote the value of diverse candidates to attract broader engagement and participation from the community.

This process should be commenced as early as possible to allow enough time for prospective candidates to decide to participate.

Increasing voter turnout

In addition to statutory advertising, it is beneficial to also have a local program of advertising that promotes the election and the importance of voting. Make it easy for the community to find out about candidates and where to go to vote.

4.5 Quality document control

Document Reference	Document Title	Electronic Reference	* Position authorised to review and check
E1/4	Enrolling to vote advertisement	<Insert computer file reference>	Deputy Returning Officer
E2/4	Calling for nominations advertisement	<Insert computer file reference>	Deputy Returning Officer
E3/4	Election notice advertisement	<Insert computer file reference>	Returning Officer
Form 19	Election results advertisement	<Insert computer file reference>	Returning Officer

& * Complete for local situation and maintain this list in the records management system.

3

Example.doc E1/4 - Enrolling to vote advertisement**Enrolling to vote****For the Local Government Election on 21 October 2023**

My circumstances are:	Do I have to apply to be on the roll?	
You live in the district (or ward) and are on the State electoral roll.		No need to apply.
You live in the district (or ward) and are not on the State electoral roll.		Complete the online enrolment form at aec.gov.au or waec prior to 5:00pm on <insert date>
You are not an Australian Citizen but were on the local government electoral roll in 1996 and have owned or occupied rateable property in the district continuously since then.		Yes – See how to apply below.
Your property is rateable and is owned or occupied by more than two people or by a company.		Two people only who are not already on the local government roll for the district (or ward) must be selected by a majority of the owners or occupiers or the company. They must be on the State or Commonwealth roll to be eligible. If more than one property is involved the same two people must be nominated for all the properties.
You own property that is rateable in the district (or ward) and you are on the State or Commonwealth electoral roll, but you live elsewhere.		Yes – See how to apply below.
You have a right of occupancy of property in the district (or ward) that is rateable, and you are on the State or Commonwealth electoral roll but live elsewhere.	If you have a right of continuous occupation under a lease, tenancy agreement or other legal instrument for at least the next three months following the date you apply you should make an application – See how to apply below.	

How to apply

You can get an Enrolment Eligibility Claim form from any local government office. To be able to vote for this election your application must reach the person named below by 5.00pm on <date>. Those nominated by a company must attach the letter of nomination to the form.

<insert name>

Chief Executive Officer

<insert local government details with address>

Insert
logo

Your vote is important

Example.doc E2/4 - Calling for nominations advertisement

Call for nominations

To be a Local Government <insert Mayor, President or Councillor>

of the <insert City, Town or Shire of...>

You would be involved in running an organisation with the responsibility for making decisions that have a major impact on our lifestyle. As a representative of your community, you will find the role enjoyable, challenging and stimulating with involvement in matters as diverse as recreation, libraries, the environment, land use planning, health, roads and many more. Meeting fees and some expenses are paid. Training is provided prior to nomination and further if successfully elected to equip you to undertake this important role for your community.

Vacancies

<Insert vacancy list>

The term for vacancies is <insert term>

Who can nominate?

Any person who is an Australian Citizen over the age of 18 years who is an elector of the district and is not disqualified under the *Local Government Act 1995* may nominate for election to council. It is not a requirement that a candidate lives or owns property in the ward for which they nominate (if wards used).

When to nominate

Nominations open on <date> and close at 4.00pm sharp on <date>.

Where to nominate

At <insert address>

Nominations must be on a prescribed form that is available from the council office <insert any other places>. An \$100 nomination deposit is required as well as a profile of the candidate consisting of no more than 1,000 characters (including spaces). You can include a recent passport sized photo of the candidate's head or head and shoulders if you wish. If unable to personally attend to nominate, an authorised agent can do this on a candidate's behalf. If you wish (but is not compulsory) you can also provide additional supplementary candidate information in text form of up to but no more than 2,000 characters (including spaces). This supplementary candidate information will be displayed alongside your candidate profile on the local government's website and/or council office noticeboard but will not be included in the election package that is posted to electors with the ballot paper(s).

More information – A nomination pack is available from <insert name> at <insert contact details>

<Insert name>

Returning Officer

<Insert council details with address>

<Insert date>

3

Example.doc E3/4 - Election notice advertisement**An election is to be held**

<Insert date>

For offices of council member of the <insert City, Town or Shire of...>**Details**

Mayoral / presidential election (if held)

Term of office <insert term>

List candidates

Ward Name (if applicable)

Term of office <insert term>

List candidates

Voting times on election day

The following polling places will be open from 8.00am to 6.00pm on <insert date>.

Polling places are: <list in wards if applicable>

<Insert times at other polling places if not open from 8.00am to 6.00pm.>

Voting times before election day**Early voting** places are open now until <insert date> and you can get a ballot paper immediately by going to <insert early vote place(s)>.**Absent votes** can be cast at any local government office in Western Australia during office hours from now until <insert time and date>.**Postal vote** application forms are available now from the address below. You should apply as soon as possible so that the voting papers can be processed, and your vote returned to us before 6.00pm on election day.**Need help to vote?**

Electoral staff or a person you trust (who is not one of the candidates or a scrutineer) can help you if you are incapacitated and not able to vote on your own.

Vote counting

Members of the public and candidates are welcome to attend the counting of the votes after 6.00pm on <insert date> at <insert address>.

Enquiries

Before election day <insert contact details>

On election day <insert details>

<Insert name>

Returning Officer

<Insert council details with address>

<Insert date>

Form 19 - Results of election

Local Government (Elections) Regulations 1997

Local Government Act 1995, s. 4.77

Results of Election Form

The Director General of the Department of Local Government, Sport and Cultural Industries approved the Result of Election (Form 19) in accordance with regulation 80(10) of the Local Government (Elections) Regulations 1997.

Form 19 can be found here: <https://www.dlgsc.wa.gov.au/docs/default-source/local-government/elections/form-19---results-of-election.docx>

5 Electoral roll preparation

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5.1 Critical timelines

Reference	
s.4.37	<p data-bbox="509 439 1078 477">Overview of preparation of the roll</p> <p data-bbox="509 495 1410 712">An electoral roll is to be prepared for each election except for some extraordinary elections. The electoral roll for local government elections consists of two rolls. The resident's roll is produced by the Electoral Commissioner and the owners and occupiers roll produced by the CEO. These rolls may be consolidated [s.4.38].</p> <p data-bbox="509 728 1406 797">The electoral roll is prepared for the whole of the district unless the district has been divided into wards. Where wards exist:</p> <ul data-bbox="509 815 1401 943" style="list-style-type: none"> • a consolidated district roll is required for an election for a popularly elected mayor or president; and • separate ward rolls are produced for election of councillors. <p data-bbox="509 1005 1430 1149">Rolls may be certified ahead of the legally required date, subject to the Electoral Commissioner (residents roll) and CEO (owners and occupiers roll) having processed eligibility claims received before the close of rolls.</p> <p data-bbox="509 1167 1390 1272">Consolidation of the certified owners and occupiers roll and residents roll is achieved by matching the names on both rolls and deleting duplications.</p> <p data-bbox="509 1290 1418 1433">As nominations open before the residents roll and owners and occupiers roll are required to be certified, the Returning Officer may need to consult with the Electoral Commission and CEO to confirm a nominee's eligibility as an elector.</p> <p data-bbox="509 1451 1409 1668">Copies of the certified electoral rolls are to be supplied to candidates and any council member who asks for a copy, free of charge. Candidates and council members who obtain copies of the certified electoral rolls are required to destroy or delete electronic copies of rolls and provide statutory declarations to confirm this, under Election Regulation 22AA.</p> <p data-bbox="509 1686 1299 1756">See Example E of Rolls Received form to be signed by candidates.</p> <p data-bbox="509 1800 932 1839">Important statutory dates</p> <p data-bbox="509 1856 1059 1895">77 days before election day (s. 4.39)</p> <p data-bbox="509 1912 1402 1991">First day the CEO can give Statewide public notice of time and date of close of enrolment for owners and occupiers.</p>

Reference**63 days before election day (s. 4.39)**

Last day the CEO can advise the Electoral Commissioner of the need to prepare a residents roll and returning officer can give Statewide public notice of close of enrolment for owners and occupiers.

57 days before election day (s. 4.39)

Enrolments must be received by 5.00pm.

43 days before election day (s. 4.40 and 4.41)

Last day for Electoral Commissioner to have prepared resident's roll and forward copy to CEO.

Last day for CEO to prepare and certify owners and occupiers roll.

29 days before election day (s. 4.43)

Last day for the returning officer to remove names from owners and occupiers roll that also appear on the resident's roll.

5.2 Preparing the roll

Reference	
<p>s.4.39</p> <p>s.4.32</p> <p>Refer to Chapter 4: “Advertising Requirements”</p>	<p>Close of enrolments</p> <p>On or after the 77th day but not later than the 63rd day before election day the CEO is to give Statewide public notice letting people know the time and date of close of enrolments. For specific details about the public notice refer to Chapter 4.</p> <p>An elector enrolment claim for inclusion on the roll must be received before 5.00pm on the 57th day before election day.</p>
<p>s. 4.40</p>	<p>The CEO must determine to accept or reject enrolment eligibility claims within 14 days of receipt [s.4.32(4)].</p> <p>Requesting the resident’s roll</p> <p>A letter is to be sent to the WA Electoral Commission advising that a resident’s roll is needed for use at the election. Specify if wards are used. The last day for this request to reach the Electoral Commissioner is the 63rd day before the election day. The Electoral Commissioner will forward a certified electoral roll to the CEO containing the names of all persons who are electors of the district or wards at the close of enrolments.</p>
<p>s. 4.30</p> <p>s. 4.33(1)</p>	<p>Producing the owners and occupiers roll</p> <p>Applications must be made to the CEO on prescribed Form 2 for inclusion on the owners and occupiers roll in respect of rateable property. Applications received from owners or occupiers after the roll closes at 5.00pm on the 57th day before election day are not eligible for inclusion on the roll for the coming election.</p> <p>All eligibility claims are recorded in the owners and occupiers register kept in accordance with s.4.34(6), inclusive of a record of the CEO’s decision to accept or reject each claim and the expiry date where relevant.</p>
<p>s. 4.33(2A) and s. 4.33(2B)</p>	<p>The owners and occupiers electoral roll is prepared by extracting accepted claims that are not expired from the register.</p> <p>Owners</p> <p>Applications that are received from property owners continue to be valid until such time as that person ceases to be an owner of the property for which entitlement was claimed. This includes the nominee of a body corporate owner.</p>

Reference**Occupiers**

Applications, including that of nominees of body corporate occupiers, received by the 57th day prior to election day are valid for two general elections (4 years). They must then be renewed within six months after the date of the second successive ordinary election for continued voting entitlement. If received after the 57th day prior to election day the eligibility claim expires six months after the third ordinary election day.

Reference	
s. 4.35(1)	<p>Removing names</p> <p>The CEO may decide that a person is no longer eligible to be enrolled and can authorise that the name be removed from the roll. Instances where this applies are if the CEO has been given written notice to this effect, the person is deceased, or the CEO is satisfied that they are no longer eligible.</p> <p>Funeral notices / Cemetery Board of Records</p> <p>A useful system for removing the names of people who are deceased is for staff to check funeral notices daily. In many instances it is the only source of information about deaths. The funeral notice usually gives the full name of the deceased person, and either the suburb or the full address. In any cases of doubt, contact the funeral director to verify address.</p> <p>The Metropolitan Cemeteries Board website provides a search function that may be useful to confirm if an elector has died: https://portal.mcb.wa.gov.au/name-search/</p> <p>Giving notice that a name is to be removed</p> <p>In cases of written notice that a person is no longer eligible or where a person is deceased the name can be removed from the roll. If the CEO believes the name should be removed for any other reason, written notice using prescribed Form 6 is to be sent to them advising of the action the CEO intends to take. Submissions can be made to the CEO within 28 days. If a submission is received and the CEO decides not to remove the name, written notice must be sent to the person to let them know of that decision. If the CEO advises that the person is no longer eligible, an appeal can be lodged with the Electoral Commissioner on prescribed Form 7.</p> <p>Certifying the roll</p> <p>On or before the 43rd day before election day, the owners and occupiers roll is to be produced and certified by the CEO “that the names of all persons who were electors of the district or ward under section 4.30 at the close of enrolments” are included on the roll.</p> <p>Making corrections to the roll</p> <p>On or before the 29th day before election day, any alteration made by the returning officer under section 4.43(3) to the owners and occupiers roll or the residents roll is to be certified by the CEO or Electoral Commissioner respectively. How the certification is made is up to the CEO or the Electoral</p>
s. 4.43(3)(4) and reg. 22A	

3

Reference

Commissioner but should be done in a way that will later stand up to scrutiny.

Note: It should be ensured that corrections are recorded in the owners and occupiers register.

Reference

Eligible owners and occupiers

Compiling only a resident's roll would disenfranchise members of the community who are ratepayers of the relevant district or ward because they own or occupy rateable property there, but who live elsewhere.

This is remedied by the preparation of an owners and occupiers roll. In general, it is a requirement that people who are on the local government roll are also on the State or Commonwealth roll for the place where they live. However, some people who are not Australian citizens but have a long-time association with their local district are eligible to apply, provided they were on the local government roll in 1996 (when the current Act was introduced) and have continuously owned or occupied rateable property in the district since that time.

Refer to schedule
9.3 clause 12(2)

Applications for inclusion on the roll

Applications for inclusion on the local government roll as an owner or occupier are to be made on an "Enrolment Eligibility Claim", the prescribed **Form 2**. For the applicant to vote in an election, his or her application must reach, and be received by, the CEO using the prescribed **Form 3** by 5.00pm on the 57th day before election day. If the application is rejected the applicant must be advised using the prescribed **Form 4**. A rejected applicant can, however, lodge an appeal with the Electoral Commissioner against the decision of the CEO in the prescribed **Form 5**.

s. 4.30
s. 4.32, s. 4.39

Non-resident owners

Non-resident owners of rateable property are eligible for the local government roll provided they are also on the State or Commonwealth electoral roll for the address where they live.

Non-resident occupiers

s. 4.30

To be eligible for inclusion on the local government roll as an occupier, a person must have a right of continuous occupation under a lease, tenancy agreement or other legal instrument. The right of continuous occupation must extend for a period of at least three months from the time the person claims enrolment.

Evidence of the legal instrument providing the continuous right to occupation should be sighted by the CEO when making a determination to accept or reject an eligibility claim.

Reference	
<p>s. 4.31(1C) and s. 4.32(3)</p>	<p>Joint arrangements</p> <p>Where rateable property is owned or occupied by two persons, both are eligible to be enrolled. If property is owned or occupied by more than two owners or occupiers, or the owner or occupier is a body corporate, only two people can be nominated to enrol. The people concerned or the body corporate must nominate the same two people for all the properties within the district that are owned or occupied by the body corporate or people concerned.</p> <p>An adaptation of Form 2 can be produced by the CEO for use in these circumstances. A suitable format is provided in this manual.</p> <p>The two people selected must be on the State or Commonwealth roll for where they live and must not already be on the district or ward roll in another capacity.</p>
<p>Refer to s. 74 of the <i>Interpretation Act 1984</i> for information about the validity of adapting prescribed forms</p> <p>s. 4.31(1A) s. 4.31(1B) s. 4.31(1D) and (1F)</p>	<p>Divided properties</p> <p>If an elector's property is divided by local government district boundaries, a person can go on the roll for each local government district. If a property is divided by ward boundaries, a person is entitled to be enrolled only for the ward they nominate (not both). If they fail to nominate a ward, the CEO is to decide the ward. If there are separate occupancies within a building or property, and they are occupied by more than 2 people, up to two of those people, nominated by a majority of the occupiers, can be enrolled for each occupancy.</p>

Reference

s. 4.38
reg. 18

Consolidated roll

Once the roll has closed, and all accepted eligibility claims for the owners and occupiers roll have been entered, the owners and occupiers can be produced and certified. Then once the residents roll has been received from the Electoral Commissioner the local government will be able to conduct a matching process for consolidation of the rolls.

In a consolidated roll all names are recorded once only. This leaves only minor corrections to be made to entries that obviously relate to the same person but have not been recorded in exactly the same manner in both rolls.

For example, Mark James Green on the resident's roll appears to be the same person as Mark J Green on the owners and occupiers roll because the address is exactly the same in both cases. Unless the owners and occupiers record is changed to Mark James Green the person will appear twice on the consolidated roll because the matching process looks for an exact match. When it finds an exact match, the process deletes the record that comes from the owners and occupiers roll, leaving only one entry from the resident's roll. A check of birth dates will also assist in eliminating duplications.

reg. 21

Format of the roll

The names on the resident's roll, the owners and occupiers roll and the consolidated roll if there is one, are to be arranged in alphabetical order by surname and each page of the roll is to be numbered.

A consolidated roll will include the following details usually listed in columns:

- elector number;
- family name, given names;
- residential address (and postal address if different to residential address);
- for owners and occupiers the postal address;
- details of each parcel of rateable property on the basis of which the elector is eligible for enrolment (applies only to owners and occupiers roll);
- whether the elector is:

reg. 20

Reference

- (i) an owner;
- (ii) an occupier;
- (iii) a nominee of joint owners;
- (iv) a nominee of joint occupiers;
- (v) a nominee of a body corporate.

reg. 13(2) and
reg. 20(2)

Note: Inclusion of the residential or postal address does not apply if omission is approved under reg. 13(2) or 20(2).

Rolls are prepared for each ward if the district has been divided into wards. They are often bound into one volume. If the rolls are large, it may be useful to use spiral binding or similar with rolls in use at polling places so that they lay flat when being used.

Some local governments provide the electoral roll in an electronic format for a fee or sort the roll into street sequence. These alternative formats must be in addition to, and not replace the format of the roll required by regulations.

When no new roll is required

A new roll need not be prepared for an extraordinary election if the election day is less than 100 days after the election day for another election for the local government.

s. 4.37(3)

This is subject to the CEO and the Electoral Commissioner agreeing that the earlier roll is suitable for use for the extraordinary election.

5.3 Supply of rolls

Reference	
reg. 22	<p>No charge for some rolls</p> <p>The CEO is to supply a copy of the certified roll/s for any election, free of charge, to:</p> <ul style="list-style-type: none"> • each candidate in the election; and • any member of the council who asks for a copy. <p>A roll can be a printed hard copy or in electronic form.</p> <p>If a candidate or elected member asks for more than one copy of the roll, the CEO may supply the additional copy or copies free of charge but in doing so must treat all elected members or all candidates in the same way.</p> <p>If a charge is to be made for additional electoral rolls, then local governments should include setting the charge for an electoral roll in the local government budget process each year.</p>
s. 5.94(s) and s. 5.96	<p>Number of printed rolls required</p> <p>It will be necessary to calculate how many electoral rolls are needed. This will depend on the number of polling places and anticipated candidate numbers.</p>
s.22AA	<p>Secure destruction of roll(s) by candidates post-election</p> <p>Candidates receive a copy of the roll(s) for the purpose of their election activity only, these rolls and the information on them are not to be used for any private or business purposes outside of election activity. Candidates must sign Form Example.doc E upon receiving the roll(s).</p> <p>After the election any rolls received by candidates must be either returned to the Returning Officer for destruction or securely destroyed by the candidates. Please ensure that all candidates are aware of this obligation when they receive a copy of the roll(s).</p>

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5.4 Quality document control

Document Reference	Document Title	Electronic Reference	* Position authorised to review and check	* Distribution
Form 2	Enrolment eligibility claim	<Insert computer file reference>	Prescribed document	As regulations
Form 2 adapted	Enrolment eligibility claim adapted and approved by CEO for body corporates	<Insert computer file reference>	Returning Officer	Public document
Form 2 adapted	Enrolment eligibility claim adapted and approved by CEO for co-owners and co-occupiers	<Insert computer file reference>	Returning Officer	Public document
Form 3	Notice of acceptance of enrolment eligibility claim	<Insert computer file reference>	Prescribed document	As regulations
Form 4	Notice of rejection of enrolment eligibility claim	<Insert computer file reference>	Prescribed document	As regulations
Form 5	Appeal to Electoral Commissioner – rejection of enrolment eligibility claim	<Insert computer file reference>	Prescribed document	As regulations
Form 6	Notice of cancellation of eligibility	<Insert computer file reference>	Prescribed document	As regulations
Form 7	Appeal to Electoral Commissioner cancellation of eligibility	<Insert computer file reference>	Prescribed document	As regulations

& * Complete for local situation and maintain this list in the records management system.

Form 2 - Enrolment eligibility claim (* this form is expected to be changed following further reforms post LG 2023)

Local Government Act 1995, s. 4.32(2)

ENROLMENT ELIGIBILITY CLAIM

***Incorporating Notice of Nomination of co-owners or co-occupiers (if required by CEO)**

***delete if not required by the CEO**

See back of notes on when¹ and how to complete this form.

Person making claim²	Family name:				
	Other names:		Date of birth:		
	Postal Address: ⁴	No.:	Street name:		
		Suburb:		Postcode:	
	Phone numbers (H):			(W):	(M):
	Fax number:		Email:		
	Rateable property on which claim is Based ^{4,5}	No.:	Street name:		
Suburb:		Postcode:			
Lot/Location No.:					
Electorate	Local government district:				
	Ward ⁶ :				
Entitlement to be enrolled [Tick one box]	I am: <input type="checkbox"/> on the State or Commonwealth electoral roll in respect of a residence outside the electorate. My address shown on that roll is:				
	or <input type="checkbox"/> not on the State or Commonwealth electoral roll but I am qualified as an elector under clause 12 of Schedule 9.3 of the <i>Local Government Act 1995</i> ⁷ .				
Detail of ownership or occupation³ [Tick one box]	In relation to the rateable property described above I am:				
	<input type="checkbox"/> the sole owner/occupier* of that property				
	or				
	<input type="checkbox"/> one of 2 co-owners/occupiers* of that property				
	or				
	<input type="checkbox"/> one of 3 or more co-owners/occupiers* of that property and I have been nominated ⁸ by all or a majority of those owners/occupiers* for the purpose of being an elector				
	or				
	<input type="checkbox"/> the nominee ⁹ of a body corporate that owns/occupies* that property				
For occupiers only	I (or the body corporate that nominated me): <input type="checkbox"/> do or <input type="checkbox"/> do not have a right, under a lease, tenancy agreement or other legal				

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[Tick one box]	instrument, to be in a continuous occupation of the property for at least the next 3 months.	
Claim and Declaration (Making a false declaration is an offence)	I claim eligibility to have my name included on any owners and occupiers roll prepared for an election in the electorate. I declare that all of the details set out above are true and correct.	
	Signature:	Date:

<p><i>Local Government Act 1995, s. 4.31(2)</i></p> <p>NOTICE OF NOMINATION OF CO-OWNERS OR CO-OCCUPIERS</p>	
Signature:	Date:
<p>Note: If under regulation 11(1a) of the <i>Local Government (Elections) Regulations 1997</i> the CEO requires the written notice of a nomination under section 4.31(1) (e), (f) or (g) of the Act to be incorporated into Form 2, the notice is to be inserted at this part of Form 2 in such form as the CEO requires and signed in accordance with regulation 11 (2) of those regulations. <i>[delete this box if not required by CEO]</i></p>	

Back of Form 2.

1 When to use this form	You may make a claim for eligibility using this form at any time. However if you want to be on the roll for a particular election you must give your claim form to the local government more than 50 days before the election date.
2 Who should use this form	<p>You should fill in this form if you:</p> <ul style="list-style-type: none"> • own or occupy³ rateable property in a district or ward but are not on the residents roll in that district or ward; or • qualify under clause 12 of Schedule 9.3 to the <i>Local Government Act 1995</i>⁷, <p>and want to be able to vote at local government elections for that district.</p>
3 Who is an Occupier	<p>To qualify as an occupier a person must have a right, under a lease, tenancy agreement or other legal instrument, to be in continuous occupation of the property for at least the next 3 months.</p> <p>When the Chief Executive Officer of the local government is considering your claim, he or she may ask you for a copy of your lease or tenancy agreement to support your claim. You do not need to provide a copy unless asked.</p>
4 Silent address	If having your address on the register or on the roll would put your safety, or that of your family, at risk you may ask the Chief Executive Officer not to show your address on the register or on the roll. To do this you must give to the Chief Executive Officer a statutory declaration setting out the reasons why you do not want your address shown on the register or on the roll.
5 Rateable Property	If you own or occupy more than one property in the electorate, give details of them all. Add additional pages if necessary.
6 Which ward	<p>If the property in respect of which this claim is made is partly in one ward and partly in another you may choose which of those wards you want your claim to apply to. If you leave this box blank the Chief Executive Officer of the local government will decide which ward the claim is to apply to.</p> <p>In this form the ward, or if no ward is applicable the district, is referred to as “the electorate”.</p>
7 Qualification under clause 12	<p>To qualify under clause 12 of Schedule 9.3 to the <i>Local Government Act 1995</i> you must –</p> <ul style="list-style-type: none"> • own or occupy rateable property in the electorate; • have been on the last electoral roll prepared under the <i>Local Government Act 1960</i> for that electorate; and • have owned or occupied rateable property in the electorate continuously since that roll was prepared.

Back of Form 2.

8 Nominations	<p>A nomination must be made in writing and be signed by all or a majority of the owners or occupiers of the property (or if the owner or occupier is a body corporate, be signed by an officer of the body corporate) in accordance with the <i>Local Government (Elections) Regulations 1997</i>.</p> <p>If you are a nominee you must give the nomination to the local government with this form [unless the CEO requires the written notice of the nomination to be incorporated into this form.] <i>Delete if not required i.e. using revised form 2A and 2B</i></p> <p>If a body corporate or group of people owns or occupies more than one property in a district, a nomination applies to all those properties.</p>
Duration of enrolment of occupiers	<p>If you are an occupier and your enrolment eligibility claim is accepted it will expire in accordance with section 4.33 of the <i>Local Government Act 1995</i> (this will usually be 6 months after the holding of the second ordinary election after your claim was accepted). If you are an occupier and you wish to continue to qualify as an elector after that, you will need to make another enrolment of occupiers eligibility claim.</p>
Confidentiality	<p>Your date of birth, and phone and fax numbers and email address supplied in this form will be kept confidential and will be used only by the local government and the Western Australian Electoral Commission for the purpose of preparing local government electoral rolls.</p>
Where to send your form	<p>When you have completed and signed this form, send it to the Chief Executive Officer of your local government. You may send it by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including a signature. If you send it by fax or electronically you should check that it has been received.</p>
Change of Address/Details	<p>Do not complete this form to advise of change of address or any other enrolment details. Simply advise the local government in writing of the amended details in the enrolment.</p>

Form 3 - Notice of acceptance of enrolment eligibility claim

Local Government Act 1995, s. 4.32(6)

NOTICE OF ACCEPTANCE OF ENROLMENT ELIGIBILITY CLAIM

Claimant	Name:
	Address:

Electorate	Local government district:
	Ward:

On the basis of the information set out in your eligibility claim form, your claim has been accepted and you are now qualified as an elector for your electorate.

Electoral roll	When an election is due in your electorate the Chief Executive Officer of the local government will prepare an electoral roll. Your name will automatically be included on that roll and you will be able to vote at that election.
-----------------------	---

Duration of enrolment of occupiers	Your enrolment of occupiers eligibility claim expires in accordance with section 4.33 of the <i>Local Government Act 1995</i> (this will usually be 6 months after the holding of the second ordinary election after your claim was accepted). If you are an occupier and you wish to continue to qualify as an elector after that, you will need to make another enrolment eligibility claim.
---	--

You should keep this notice as evidence of your qualification as an elector.

Chief Executive Officer	Name:	
	Signature:	Date:

3

Form 4 - Notice of rejection of enrolment eligibility claim*Local Government Act 1995, s. 4.32(6)***NOTICE OF REJECTION OF
ENROLMENT ELIGIBILITY CLAIM**

Claimant	Name:
	Address:

Electorate	Local government district:
	Ward:

Rejection of claim	Your enrolment eligibility claim has been rejected because:
---------------------------	---

Appeal	<p>If you are dissatisfied with the decision to reject your enrolment eligibility claim you may appeal to the Electoral Commissioner. If you wish to appeal you should fill in the enclosed appeal form and send it to the Electoral Commissioner at the Western Australian Electoral Commission.</p> <p>Alternatively you can write to the Electoral Commissioner setting out the grounds for your appeal and details of all other information which supports your appeal.</p> <p>You may send your appeal form or letter by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including a signature. If you send it by fax or electronically you should check that it has been received.</p>
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Chief Executive Officer	Name:	
	Signature:	Date:

Form 5 - Appeal to Electoral Commissioner - Rejection of enrolment eligibility claim

Local Government Act 1995, s. 4.32(8)

APPEAL TO ELECTORAL COMMISSIONER REJECTION OF ENROLMENT ELIGIBILITY CLAIM

See back for notes on how to lodge your appeal.

Person lodging Appeal	Family name:			
	Other names:		Date of birth:	
	Postal Address:	No.:	Street name:	
		Suburb:		Postcode:
	Phone numbers (H):		(W):	(M):
	Fax number:		Email:	

On _____ (date) I made a claim for eligibility to have my name included on any owners an occupiers roll prepared for an election in the _____ ward of the district of _____.

My claim has been rejected by the Chief Executive Officer of the local government of that district.

I am dissatisfied with that decision and appeal to have it reversed.

Grounds for appeal	I consider that my enrolment eligibility claim should have been accepted because:
[Add additional pages if necessary]	

Signature:	Date:
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Information to support your appeal	<p>You should include with this form details of any information which supports your appeal. You may wish to include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> your enrolment eligibility claim form; <input type="checkbox"/> the notice of rejection from the local government; and <input type="checkbox"/> if you are a nominee, a copy of the nomination. <p>Note: The Electoral Commissioner will not be able to process your appeal unless all necessary documentation is provided.</p>
---	--

3

Back of Form 5

Where to send your appeal form	<p>When you have completed and signed this form, send it to the Electoral Commissioner at the Western Australian Electoral Commission.</p> <p>You may send your appeal form by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including a signature. If you send it by fax or electronically you should check that it has been received.</p>
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Form 6 - Notice of cancellation of eligibility*Local Government Act 1995, s. 4.35(3)***NOTICE OF CANCELLATION OF ELIGIBILITY**

Elector	Name:
	Address:

Electorate	Local government district:
	Ward:

Cancellation of eligibility	On _____ (date) your claim for eligibility to have your name included on any owners and occupiers roll prepared for an election in the electorate was accepted, however the Chief Executive Officer considers that you are no longer eligible to be included when a roll of that kind is prepared because:
------------------------------------	--

Appeal	<p>If you are dissatisfied with the decision that you are no longer eligible to have your name included when a roll of that kind is prepared you may appeal to the Electoral Commissioner. If you wish to appeal you should fill in the enclosed appeal form and send it to the Electoral Commissioner at the Western Australian Electoral Commission.</p> <p>Alternatively you can write to the Electoral Commissioner setting out the grounds for your appeal and details of all other information which supports your appeal.</p> <p>You may send your appeal form or letter by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including a signature. If you send it by fax or electronically you should check that it has been received.</p>
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Chief Executive Officer	Name:	
	Signature:	Date:

3

Form 7 - Appeal to Electoral Commissioner - Cancellation of eligibility*Local Government Act 1995, s. 4.35(4)***APPEAL TO ELECTORAL
COMMISSIONER - CANCELLATION
OF ELIGIBILITY**

See back for notes on how to lodge your appeal.

Person lodging Appeal	Family name:			
	Other names:		Date of birth:	
	Postal Address:	No.:	Street name:	
		Suburb:		Postcode:
	Phone numbers (H):			(W):
				(M):
Fax number:		Email:		

On _____ (date) I was accepted as eligible to have my name included on any owners an occupiers roll prepared for an election in the _____ ward of the district of _____.

The Chief Executive Officer of the local government of that district has decided that I am no longer eligible to have my name included when a roll of that kind is prepared. I am dissatisfied with that decision and appeal to have it reversed.

Grounds for appeal	I consider that I should continue to be included on owners and occupiers rolls because:
[Add additional pages if necessary]	

Signature:	Date:
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Information to support your appeal	<p>You should include with this form details of any information which supports your appeal. You may wish to include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> your notice of acceptance you received when your enrolment eligibility was accepted; <input type="checkbox"/> the notice of cancellation of eligibility; and <input type="checkbox"/> any other documents that support your appeal. <p>Note: The Electoral Commissioner will not be able to process your appeal unless all necessary documentation is provided.</p>
---	--

Back of Form 7

Where to send your appeal form	<p>When you have completed and signed this form, send it to the Electoral Commissioner at the Western Australian Electoral Commission.</p> <p>You may send your appeal form by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including a signature. If you send it by fax or electronically you should check that it has been received.</p>
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6 Ordering supplies

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6.1 Forms and equipment

Reference

Timelines

Returning officers need to think ahead about placing orders for electoral forms and equipment. You will not know whether there is an election until after nominations close. Once it is known whether an election is to be held, it is advisable to arrange supplies of forms, seals, ballot boxes and other materials for use at polling places and the count as early as possible. If it is decided to do the count electronically, computers and printers also need to be arranged. The purchase of CountWA software will also need to be arranged (if you are planning on using the computerised count for your election) directly through the WA Electoral Commission.

The scheduler in this manual recommends that you consider your requirements on the day following nomination day.

Joint purchasing arrangements

In many cases, there will be advantages in participating in a joint purchasing scheme.

There are a number of ways this can be achieved. It is likely that returning officers will be able to use existing networks such as:

- regional groups;
 - WALGA zones;
 - Local Government Professionals Western Australia zones;
- or
- other local governments.

Ballot boxes and voting screens

Most local governments will have existing supplies of ballot boxes and voting screens. Early inspection of these is recommended so that there is time for repairs to be carried out or replacements to be ordered.

An alternative source of supply is the WA Electoral Commission that occasionally has a number of cardboard ballot boxes and large and small voting screens surplus to requirements – an early approach is recommended.

Seals

This manual recommends that numbered seals are used to seal ballot boxes. These are sometimes difficult to obtain because it is only possible to buy them in very large numbers. However, the cost per thousand is generally well below \$500.

Reference

Pull tight and padlock style numbered seals are available from suppliers of security products.

Tamper evident self-adhesive labels are also available in quantities of 500. These labels can be used to seal the ballot box when it is in transit from the polling place to the count area if the ballot box does not have a double lid. They can also be used very successfully to seal early, absent and postal vote ballot boxes when they are placed in a secure location overnight.

The lead time for ordering seals will depend on whether you require the seals to be specially stamped or whether stock numbers can be used. It will also depend on the current workload of the suppliers at the time the order is placed.

Forms

Every effort has been made to provide templates of all forms and documents you will need for the election. In all, 23 prescribed forms from the regulations have been reproduced across the various chapters of this manual. These can be photocopied and used locally.

Form 12 – Application for postal ballot papers – even for an in person election electors still have the option to request to receive their voting packages by post but will need to complete a form 12 and lodge with the local government or returning officer. It is a convenient practice for the local government to make this form available for downloading on their website

Form 17 – Application for absent voting papers – includes a declaration to be printed on an envelope.

Form 14 – Elector's Certificate – may be printed on an envelope. Because very few of these forms are likely to be used in your own election, it is recommended that you pursue joint arrangements to have them printed.

Electoral rolls

Electoral rolls can be photocopied locally or stored electronically. In many instances they are sent to a commercial printer. Although the provisions of the Act allow a considerable time between preparation of the electoral rolls and the need to get them ready for use at the election, where practical for returning officers try to have the electoral rolls ready to

Reference

distribute to candidates by nomination day. This assists the candidates with their campaigning.**

Candidates must sign **Form - Example.doc E** upon receiving the roll(s).

It is useful to have some electoral rolls bound using a spiral binding method as they are easier for electoral staff to use at polling places.

** Ensure that candidates are aware of their responsibility if they receive a roll in whatever form it is provided, that they must not use for anything other than election activity. After the election this roll must either be returned to the returning officer or securely destroyed.

Ballot papers

Arrangements need to be made to have ballot papers printed immediately following the declaration of candidates and draw for position on the ballot paper.

Ballot papers are needed immediately after the election notice is published for early and postal votes.

Stationery supplies

It is possible for some generic stationery supplies such as rulers to be kept from one election to the next. It is advisable to check supplies of red and blue pens and polling pencils or pens in good time before the election. Counting staff will also find rubber finger stalls (thimblettes) useful and these may need to be ordered.

Computers

Local governments conducting 'in person' elections can choose to do the count electronically, using vote counting software from the WA Electoral Commission - the access to use this software and election data set up may be purchased and arranged directly through the WA Electoral Commission on a one-on-one basis.

Therefore, returning officers will need to arrange computers and printers in advance for this purpose.

Signage

Many signs are reusable; however it is recommended that they are inspected at least a month prior to the election so that any repairs can be carried out or new signs ordered as necessary.

7 Nominations

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7.1 Nomination process

Reference	
<p>s. 4.47 (1)</p> <p>Refer to Chapter 4 – “Advertising requirements”</p>	<p>Calling for nominations</p> <p>Prepare the Statewide public notice calling for nominations of candidates for the election so that notice can be given after the 63rd day and not later than the 52nd day before the election day.</p> <p>Send the notice calling for nominations in the form of an advertisement (example.doc E2/4) to comply with local public notice in section 1.7. Where local public notice is required, a notice of the matter is to be:</p> <ul style="list-style-type: none"> • published on the official website of the local government in accordance with the regulations; and • published in at least 3 of the ways prescribed by regulation 3A of the Local Government (Administration) Regulations 1996.
<p>s. 1.7 and s. 1.8</p>	<p>The ways prescribed by the regulations are:</p> <ul style="list-style-type: none"> • publication in a newspaper circulating generally in the State; • publication in a newspaper circulating generally in the district; • publication in 1 or more newsletters circulating generally in the district; • publication on the official website of the Department or another State agency (WALGA) may facilitate this lodgement on behalf of the local government); • circulation by the local government by email, text message or similar electronic means; • conduct any other advertising considered appropriate; • exhibition on a notice board at the local government offices and each local government library in the district; and • posting on a social media account administered by the local government. <p>Publication of the advertisement on at least one occasion is minimum notice. Display of the notice should continue until close of nominations but it must be done for a minimum of 7 days.</p> <p>Prepare nomination packs for when nominations open.</p>

Reference	
s. 4.49	<p>When nominations open</p> <p>Nominations open on the 51st day before election day. Be ready to respond to enquiries and have nomination packs ready to be handed out.</p>
s. 4.49	<p>When nominations close</p> <p>Nominations close at 4.00pm sharp on the 44th day before election day. Be ready with a supply of nomination packs and cashier facilities in case nominations are received immediately prior to 4.00pm on nomination day.</p>

7.2 Nomination packs

Reference	
<p>R</p> <p>Checklist</p>	<p>Preparation of nomination packs</p> <p>It is essential to be ready to supply prospective candidates with nomination forms and information to assist them with the process.</p> <p>You should prepare sufficient packs to meet the demand you expect for contesting the vacancies you have advertised.</p> <p>The packs can be made up in large envelopes or similar. They should be placed in a position that is known to your customer service staff.</p> <p>Contents of nomination packs</p> <p>List of what the nomination pack should contain:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Leaflet or covering letter (example.doc E1/7) providing information about: <ul style="list-style-type: none"> • how to nominate; • how to withdraw; • the term of office for the vacancies; • when the draw for ballot paper positions will be conducted; • when electoral rolls will be available; • the system of voting; • penalties regarding incorrect printing of electoral material;

Reference

- the need to disclose electoral donations.
- Form for nomination by candidate – Prescribed **Form 8**;
- Form for nomination of candidate by agent – Prescribed **Form 9**;
- Guidance materials on standing for council[†]
- Form for disclosing electoral gifts – Prescribed **Form 9A**;
- Council code of conduct (optional);
- district or ward map (optional);
- information about candidate training (if available);
- relevant policies or guidance on electoral signage (refer WALGA Guideline on Implied Freedom of Political Communication) or local laws (optional).
- Form** for candidates to sign when receiving a copy of the roll (**Example.doc E**)

† Materials are available from the Department's website.

7.3 Eligibility to nominate

Reference	
<p>s. 2.19 s. 4.29 and s. 4.30</p>	<p>Requirement for candidates to ensure eligibility</p> <p>Prospective candidates are to ensure that they are eligible for election to council before nominating.</p> <p>Nomination eligibility requirements for a council member are as follows:</p> <p>a) Must be 18 years of age or over and be an elector on the electoral roll of the district (but not as a nominee of a body corporate), or an elector subject to Sch.9.3, cl. 12(2)), as well as an elector on the State or Commonwealth electoral roll.</p>
<p>s. 2.20 s. 2.21</p>	<p>b) Must have completed the Department's online course of induction prior to nominating so that they are fully aware of what to expect as an elected member and the rules related to campaigning.</p>
<p>s. 2.22(1) and (2)</p>	<p>c) Is not disqualified because he or she:</p> <ul style="list-style-type: none"> • is a member of State or Federal Parliament; • is an insolvent under administration; • is serving a prison sentence for a crime; • has been convicted of a serious local government offence within the last 5 years, (unless the Court waived the disqualification); • has been convicted on indictment of an offence for which the indictable penalty was or included: <ul style="list-style-type: none"> i. imprisonment for life; or ii. imprisonment for more than 5 years;
<p>s. 2.23 s. 2.24</p>	<ul style="list-style-type: none"> • is an elected member of another council;
<p>s. 4.48(1)</p>	<ul style="list-style-type: none"> • is subject to a court order disqualifying them from being a council member because they have misapplied local government funds or property; • is standing for another position on council (unless the candidate is also standing for a mayor or president position elected by the electors);
<p>s. 5.113, s. 5.117 and s. 5.119</p>	<ul style="list-style-type: none"> • is already a mayor or councillor unless their term expires on or before polling day; • is currently disqualified by the State Administrative Tribunal from holding office as a member of a council.

Reference

Requirement for returning officer to check roll

s. 4.51(1) A person can only be a candidate for mayor, president or councillor if the person is an elector on the electoral roll of the district at the close of enrolments and at the time of nomination, and meets the eligibility requirements mentioned in the preceding section (i.e. is on the State or Commonwealth roll or enrolment claim was accepted as an owner or occupier elector, excluding body corporate nominees and electors subject to Sch.9.3, cl.12(2)). Check the consolidated roll, or the residents roll and owners and occupiers roll if two rolls are used, and check with staff to ensure eligibility*.

reg. 22B If the name does not appear on the roll, contact the WA Electoral Commission on 13 63 06 (or (08) 9214 0400 for interstate callers) to check if the person is on either the State or Commonwealth rolls for an address within the local government district. While candidates don't necessarily need to be an elector within the ward for which they are nominating, they must be an elector of the district.

r.29A

* *This eligibility is now recorded on the candidate's profile and displayed. See section below – Statement of candidate eligibility.*

Online Induction

Prior to nomination, potential candidates must complete the free online "Local Government Candidate Induction" available on the Department's website. <https://www.dlgsc.wa.gov.au/local-government/local-governments/council-elections/induction-for-prospective-candidates>

The content of this course changes with each election so even if a candidate regardless of their experience has completed this course in previous elections, they are required to complete the course with their nomination for each election.

Once completed, candidates will receive an automatic acknowledgment and reference number via their nominated email, this reference number will need to be included on their nomination form. It is a good idea if the candidate retains a copy of the email acknowledgement to show the returning officer in support of completion of this course.

Reference	
<p>s. 4.29 s. 4.30</p> <p>Refer to Part 7.3 – “Eligibility requirements”</p>	<p>CEO to be on the owners and occupiers roll when enrolments for the election closed);</p> <ul style="list-style-type: none"> <input type="checkbox"/> the person has already nominated for another office of councillor on the council; or <input type="checkbox"/> the person is currently the holder of office of councillor unless their term will end on election day; <input type="checkbox"/> the person is the nominee of a body corporate; <input type="checkbox"/> the person is disqualified on the basis of one or more of the grounds listed on the previous page of this chapter.
<p>s. 4.51(4)</p>	<p>Rejecting nominations - Written notice</p> <p>Written notice of rejection must be provided without delay giving the reason(s) for the decision and action necessary to correct it. Refer to example.doc E2/7.</p>
<p>reg. 26</p>	<p>Accepting deposits</p> <p>The prescribed amount for a deposit is \$100 which must be:</p> <ul style="list-style-type: none"> • in cash; • bank draft; • postal order; or • via bank cheque, electronic transfer (EFT) or by other means, provided there is a way to verify that the amount has been credited to the local government before the close of nominations. <p>Issue a receipt for the deposit to any fund of the local government and give or post a receipt to the person nominating. Where the WAEC is conducting the election the deposit is to be credited to an account maintained by the Commission.</p>
<p>s. 4.52</p>	<p>Website requirements</p> <p>If the nomination is accepted, the details and profile of the candidate (with the details and profiles of other candidates) are to be published on the local government’s official website until 6.00pm on election day.</p> <p>Keep each nomination form, profile and copy of photograph in the election file. All originals and retypes are election papers and need to be packaged with other papers after the completion of the election process (Refer to Chapter 16).</p> <p>Requirements for disclosure of gifts</p> <p>Both candidates and donors must disclose any electoral donations promised or made within the six-month period prior to the election day that have a value of \$300 or more (or a</p>

Reference	
regs. 30A – 30F	<p>combined value of \$300 or more). Prescribed Form 9A is to be used for the purpose.</p> <p>Disclosure Forms and an explanation of disclosure requirements should be provided to candidates at the time of their nomination.</p> <p>Disclosure of donations already made is to be submitted within three days of the candidate’s nomination, and also within three days of any further gifts being promised or made. The disclosure period closes three days after election day for unsuccessful candidates.</p>
reg. 30G	<p>For successful candidates, the period closes when financial interest returns start. Disclosure is made to the relevant local government’s CEO.</p> <p>It should also be noted that candidates are not to receive donations from unidentified donors, and any such gifts must be reported to the CEO and delivered to the CEO for disposal.</p> <p>If disclosure forms are received by the CEO, they should be placed on the electoral gift register.</p> <p>Note: Any Form 9A lodged by unsuccessful candidates is to be removed from the electoral gift register and kept separate for two years.</p> <p>This form is not an “election paper” and is not to be packaged up with election papers (refer to the definition of “election papers” in reg. 3).</p>

7.5 Candidate profiles

Reference	
<p>s. 4.49(b) reg. 24</p>	<p>Receiving profiles</p> <p>The profile is to provide information to electors about the candidates and their policies so that they can make an informed choice when voting.</p> <p>Profiles can be delivered to you via:</p> <ul style="list-style-type: none"> • fax; • mail; • personal delivery; • email to a nominated email address; or • other electronic storage device <p>Profiles sent via email or electronic storage device must be capable of being printed on an A4 sheet.</p>
<p>R</p> <p>Checklist</p>	<p>Checking profiles</p> <p>Ensure each profile:</p> <ul style="list-style-type: none"> <input type="checkbox"/> is received with the nomination; <input type="checkbox"/> is handwritten, typed or printed on a single A4 page; <input type="checkbox"/> is written in English; <input type="checkbox"/> is about the candidate and statements of the candidate's policies and beliefs; <input type="checkbox"/> does not contain false, misleading or defamatory material; <input type="checkbox"/> is not more than 1,000 characters (including spaces); <input type="checkbox"/> if providing optional additional profile page, it is not more than 2,000 characters; <input type="checkbox"/> includes the candidate's full name as requested for the ballot paper and the candidate's contact details (not included in the 1,000 character count); <input type="checkbox"/> does not contain abbreviations that can be misinterpreted; and <input type="checkbox"/> if presented with a photograph, (which is optional) contains a complying photograph (refer to the next page); <input type="checkbox"/> ensure statement of candidate eligibility is visible alongside wherever candidate profile(s) appear (website and/or noticeboard), see over page. <p>Once profiles have been accepted; replacement or altered profiles from candidates must not be accepted. The one given</p>

Reference

to the returning officer is the official profile of the candidate. It may be altered by the returning officer in accordance with regulations (refer this page) but cannot be altered by the candidate.

If there is time and if the candidate wants to change a profile, it is open to them to withdraw the nomination and then re-nominate with another profile.

Photographs

The photograph is optional. If used it:

reg. 24 (e)

- should not be larger than the size used in passports (50mm high x 40mm wide);
- should be of the proposed candidate's head or head and shoulders, taken less than six months before the date of the nomination form (or the returning officer considers that the photograph shows a reasonable likeness of the proposed candidate).

If it is acceptable to receive a digital photograph this should be made clear in the nomination pack.

Returning officer may amend profiles

s. 4.51(4)

The returning officer may make changes to profiles to bring them into line with the checklist above. Should changes need to be made, provide the candidate with written notice of changes to the text of a profile and the reasons for these changes. Refer to **example.doc E3/7**.

The original profile or a retyped version of it must be displayed on the website. Do not retype/edit the profile to improve it. Changes can only be made to bring it into line with regulations.

s.4.29

Wherever possible make changes in consultation with the candidate. However, it is the returning officer's responsibility to ensure that the material does not contain any defamatory information and a firm position on amendments may need to be taken.

Statement of candidate eligibility

r.29A

In accordance with the new regulation requirements returning officers are to ensure that the following statement identifying the candidate's eligibility to stand for the election, is displayed with each profile wherever it appears on the website and/or displayed locally on a noticeboard. *This includes the optional additional candidate profile page**.

- a. If candidate is eligible to be a candidate because they are an elector under section 4.29 of the district, or any ward in the district for the purposes of subregulation (1)(a), the returning officer must insert the following statement:

Reference	
s.4.30	<p><i>[Insert Name of Candidate as it appears on Ballot Paper]</i> is eligible to stand for election as a resident of <i>[Insert name of District]</i></p>
s.4.30	<p>b. If candidate is eligible to be a candidate because they are an elector under section 4.30 of the district, or any ward in the district, on the basis of ownership of rateable property, for the purposes of subregulation (1)(a), the returning officer must insert the following statement:</p> <p><i>[Insert Name of Candidate as it appears on Ballot Paper]</i> is eligible to stand for election as the owner of rateable property in <i>[Insert name of District]</i></p> <p>c. If candidate is eligible to be a candidate because they are an elector under section 4.30 of the district, or any ward in the district, on the basis of occupation of rateable property, for the purposes of subregulation (1)(a), the returning officer must insert the following statement:</p> <p><i>[Insert Name of Candidate as it appears on Ballot Paper]</i> is eligible to stand for election as the occupier of rateable property in <i>[Insert name of District]</i></p>
<p>s. 4.52 reg. 79</p> <p>Refer to Chapter 13.3 – “Voting on election day” – for information about profiles at polling places</p>	<p>Displaying profiles</p> <p>Display the profile (including photo, if one has been provided) with details of the nomination paper on the local government’s website as soon as practicable after receiving the nomination. The profiles and nomination papers must remain on the website until 6.00pm on election day.</p> <p>Candidate profiles must also be displayed in polling places on election day in such form as the returning officer decides but they must be displayed in the order in which the names of the candidates appear on the ballot paper for the election.</p> <p>Optional additional candidate profile page</p> <p>Arising from the recent LG Reform a new optional opportunity for candidates to provide additional information about themselves and their campaign to electors has been introduced. This additional profile is entirely optional and not compulsory for candidates it is not designed to replace the standard profile that accompanies the official nomination, but merely provide additional space for candidates who wish to expand content to provide more information to electors about their campaign in order for electors to make a more informed decision.</p> <p>This additional profile page is to be supplied to the returning officer by the candidate at the time of nomination and is restricted to a maximum of 2,000 characters (including spaces). The additional profile page will be available to view on the website and noticeboards alongside the original candidate</p>

Reference

profile but will not accompany the ballot paper with attached official profile in any of the posted packages. **See statement of candidate eligibility requirement.*

7.6 Withdrawal of nominations

Reference	
s. 4.53(1) and (2)	<p>Candidate withdrawal</p> <p>Candidates can only withdraw by giving written notice via delivery, post or electronic means before the close of nominations. The notice must be signed by the candidate or their agent, and be accompanied by a written authorisation signed by the candidate that the withdrawal is made on their behalf. Withdrawals are only effective if they are made before 4.00pm on the close of nominations day. After that time, all candidates are deemed to have nominated and their names must appear on the ballot paper.</p>
s. 4.53(1)	<p>Death of a candidate</p> <p>The returning officer is to withdraw the nomination of a candidate in circumstances where the candidate dies before the close of nominations.</p>
s. 4.53(3)	<p>Actions after withdrawal</p> <p>If a nomination is cancelled before the close of nominations, remove the nomination name and details and profile of the candidate from the website.</p>
reg. 27	<p>Refund the nomination deposit if the withdrawal has been made before 4.00pm on the day before nomination day.</p>
s. 4.53(3)	<p>Put up a notice about the cancellation on the website until the close of nominations (example.doc E5/7).</p>
s. 4.53(4)	<p>Nominations deemed cancelled</p> <p>If a person is a candidate for an election for both mayor or president and a councillor position, and they win the mayor or presidential position, their nomination for the election as a councillor is regarded as having been cancelled immediately before the close of nominations.</p> <p>**If they have been elected unopposed to a councillor position, that result is cancelled if the candidate wins the mayoral or presidential poll. **Under new process, declaration of successful councillor election if the candidate has also nominated for the mayor or president election (even if unopposed), is to be held over pending result of the mayor or president election.</p>

7.7 Close of nominations

Reference

s. 4.56
reg. 30

R

Checklist

2

Equipment list

Preparations for close of nominations

Prepare for the drawing of names for ballot paper positions. This must be performed in the nomination place (usually the council chamber or reception room) so that candidates and other interested people can attend.

This is an opportunity to show the public that the election will be conducted in an efficient, fair and impartial manner. Therefore have everything ready so that the whole operation runs smoothly.

Prepare candidate packages containing –

a leaflet (**example.doc E6/7**) giving information about:

- polling places;
- scrutiny of absent and postal votes;
- the count location;

and accompanied by:

- one free electoral roll (if available at this time) * *have candidate sign for receipt of roll(s)* Refer to **example.doc E**;
- a supply of prescribed Form 12 – Applications for Postal Voting Papers;
- a copy of the local government’s adopted code of conduct for Council Members, Committee Members and Candidates;
- a copy of the Department’s *Guide for Scrutineers*;
- a supply of prescribed **Form 18** – Scrutineer appointment forms;
- information relating to electoral penalties;
- copies of Electoral Gift/Donation disclosure Prescribed Form 9A
- details of any briefings or training for candidates.

It is suggested that the following items be taken to the close of nominations and the draw for ballot paper positions.

- Slips of paper identical in size that are to be used to print the names of candidates (do not print the names in advance);
- Sufficient hollow opaque spheres of the same size, shape and colour for the number of candidates;
- A blank “Position on ballot paper” list (for each ward if appropriate) to record the names in ballot paper sequence once drawn. Refer to **example.doc E9/7**;

Reference

- An empty receptacle of sufficient size for the hollow opaque spheres to be agitated and so that they will not fall out;
- Prepared candidate packages.

Timekeeping

Nominations must close at 4.00pm sharp. Set all visible clocks in the counter area to the correct time.

This means that a nomination must be received by 4.00pm but it does not have to be accepted at that time. It can be accepted later.

s. 4.54

Be ready for a final rush of candidates. If a number of prospective candidates are at the counter just before the close of nominations then call them to one side or take them into another room and receive their nomination. Ask them to remain while the nominations are processed.

Don't become flustered at this time. Go through the checklist for each nomination carefully. Have another experienced staff member on hand to process deposit receipts.

Declaration of nominations

Invite the candidates and any other people who wish to attend the drawing of names.

s. 4.54

The draw should start as soon as practicable but it may be delayed until the returning officer is satisfied with the profiles and has accepted them as they cannot be changed once they have been accepted.

It is a requirement that the declaration process begins with the returning officer reading aloud the names of all the candidates whose nominations have been accepted.

At this point if only one nomination is received, the candidate would be elected unopposed.

See - DECLARATION OF RESULT/ELECTED UNOPPOSED**

Use results Form 19

**

Appointments to council in rare situations

s. 4.57(3)

At the close of nominations for an extraordinary election that has been held because there were insufficient candidates to fill the vacancies at an earlier election, particular circumstances may apply.

If there are still no candidates or not enough to fill the positions, the council can (by absolute majority) appoint a person who would be eligible for election to the office, provided they are willing to accept the appointment.

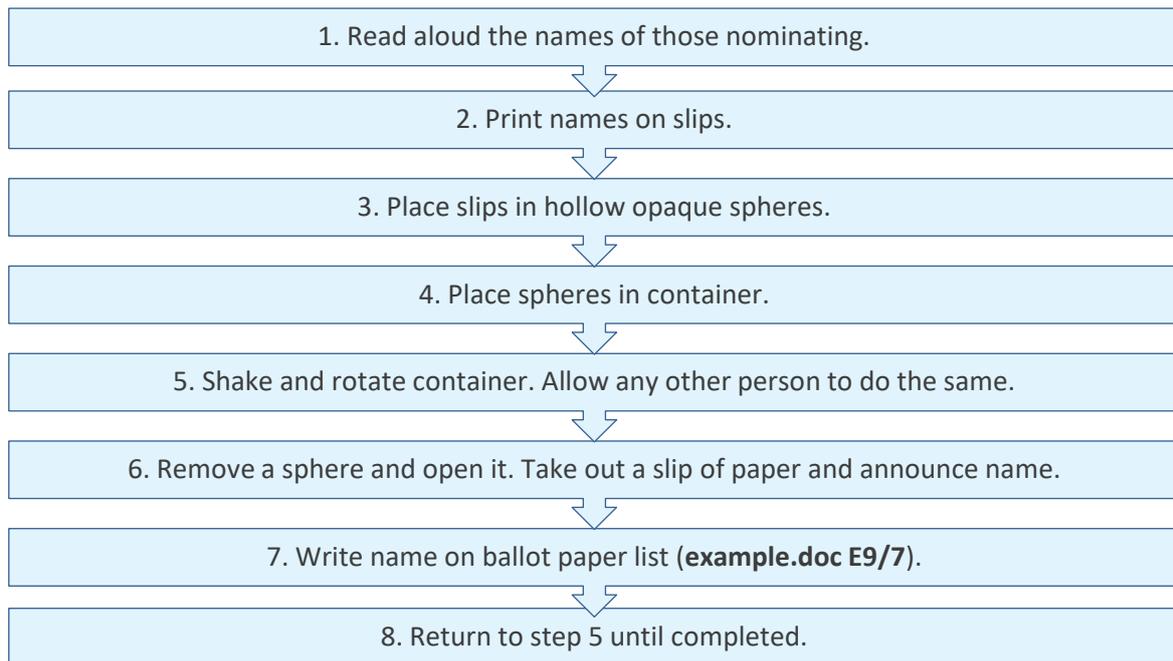
Reference

Flowchart on drawing positions

s. 4.56
reg. 30

Where there are more candidates than offices, the returning officer will need to conduct a draw for positions on the ballot paper. Explain the ballot process to those present. The first name out is the first on the ballot paper.

The returning officer is required to perform all steps.



Names are to be printed on the form in the sequence they are drawn out of the container. When the list is completed, sign and date it. If wards are used, repeat for each ward.

(Hint: In relation to step 6, it is highly recommended that the deputy returning officer or another senior staff member of the local government view and verify the name that has been drawn out before it is announced).

Conducting the draw

When completing the list that shows the position on the ballot paper (**example.doc E9/7**), use the names that have been nominated to appear on the ballot paper and take care in transcribing the names.

If you have wards, it is a good idea for the sequence to be drawn in ward alphabetical order. Traditionally mayoral or presidential vacancies are dealt with first.

Make sure you carry out all the steps in full view of the people present. In particular, it is highly recommended that the deputy returning officer or another senior staff member of the local government views and verifies each name drawn from the receptacle before the name is announced.

Display the list (**example.doc E9/7**) of candidates' positions on the ballot paper and allow it to be inspected.

Photocopy the list so that it can be used to get the ballot papers printed and put the original in your elections file.

Formally provide written advice to all candidates of the sequence of names drawn for position on the ballot paper (**example.doc E10/7**).

Giving notice of the election

Advice is given to the public about the names of candidates and other details. This is explained in Chapter 4 relating to advertising requirements.

Briefing candidates

Once the formalities have been completed, you have the opportunity to address any candidates present. Be pleasant but professional in your dealings with candidates from the outset.

Your briefing should cover:

- advice on availability of additional electoral rolls;
- the requirements of the Act that all election material must have the name and address (not a post office box) of the person who authorised it and the name and address of the printer – both of these must appear at the end of the electoral material;
- an explanation that they may wish to appoint scrutineers;
- an explanation that election profiles will be displayed at polling places;
- advice on where the count will be conducted; and
- advice of any briefings or training for candidates.

Refer to Chapter 4
– “Advertising
requirements”

Reference

Hand out prepared candidate packages and send or deliver a package to any candidate not present.

3

Reference**s. 4.58****Elections void on death of candidate**

If a candidate dies after the close of nominations but before the election, then the election is void and an extraordinary election is to be held.

If a candidate has been elected but dies before his or her term of office begins, an extraordinary election is to be held*.

(* unless the vacancy can be backfilled with a placement from the 'first unelected candidate' selected from election result count preferences. Backfilling options will only apply to those candidates elected under the new Schedule 4.1 of Schedule 4.1A and can have an extraordinary vacancy filled under Schedule 4.1A.)

7.8 Handy hints about nominations

Reference

Contents of nomination packs

The suggestions here are optional. When preparing the packs, try to include information thought to be relevant so that new prospective candidates are not disadvantaged against sitting councillors who may be re-nominating.

Requirement for returning officer to check roll

Ensure that exhaustive enquiries are made if the name of the nominating person does not appear to be on the roll, as they may still be eligible. Also ensure that the person is not on the roll solely because he or she is the nominee of a company (company nominees are ineligible to nominate).

Candidate profiles

If the profile exceeds the 1,000-character count, as far as possible, delete those characters that do not make a material change to the meaning. Do not make changes to spelling or grammar.

The original profile (including any corrections) or a retyped/edited one is the one that goes on the notice board.

Consult the person nominating if changes need to be made but if the candidate cannot be contacted or disagrees, the returning officer has final say and may make the changes regardless.

Returning officers may have the profiles retyped for display in the polling places so that they have the same format as each other. If so, do not change spelling or grammar.

Draw for positions on ballot paper

If one of the spheres breaks open during the process of drawing lots, it is recommended that the whole process starts again (for that ward if applicable). Redraw any candidates' names already drawn until the whole process is completed successfully. It is recommended that advice is given to those present before the draw begins that this is the course of action that will be followed if a sphere breaks.

Briefing candidates

If anything of significance about the election is mentioned at the briefing that is not included in the candidate packages, ensure that this is conveyed to any candidates not present as soon as possible so that everyone has the same information.

3

7.9 Quality document control

Document Reference	Document Title	Electronic Reference	* Position authorised to review an check	* Distribution
E1/7	Nomination pack leaflet	<Insert computer file reference>	Deputy Returning Officer	Public document
E2/7	Notice of rejection of nomination	<Insert computer file reference>	Returning Officer	As addressed, elections file
E3/7	Notification to amend to profile	<Insert computer file reference>	Returning Officer	As addressed, elections file
E5/7	Notification of cancelled nomination	<Insert computer file reference>	Returning Officer	Office notice board, elections file
E6/7	Candidate pack leaflet	<Insert computer file reference>	Deputy Returning Officer	Public document
E7/7	Extracts from Act - Electoral offences	<Insert computer file reference>	Deputy Returning Officer	Public document
E8/7	Extracts from Regulations - Disclosure of gifts	<Insert computer file reference>	Deputy Returning Officer	Public document
E9/7	List of positions on ballot paper	<Insert computer file reference>	Returning Officer	File
E10/7	Advice to candidates of position on ballot paper	<Insert computer file reference>	Deputy Returning Officer	As addressed, elections file
Form 8	Nomination by Candidate	<Insert computer file reference>	Prescribed form	Regulations
Form 9	Nomination by Agent	<Insert computer file reference>	Prescribed form	Regulations
Form 9A	Disclosure of Gifts	<Insert computer file reference>	Prescribed form	Regulations



* Complete for local situation and maintain this list in the records management system.

Example.doc E1/7 - Nomination pack leaflet

Nomination pack

This package contains all the information you need to know to make a valid nomination for election to council. Please read everything very carefully as the procedures are set down in legislation and must be followed.

STEP 1	Read the enclosed Fact Sheets on standing for council published by the Department of Local Government, Sport and Cultural Industries (the Department).
STEP 2	You must check whether you are eligible to nominate (information is contained in the Fact Sheets and the back of the nomination form).
STEP 3	If you wish to nominate yourself, you must complete the free online induction for prospective candidates available on the Department's website. You will then need to complete enclosed Form 8 – "Nomination for Election by Candidate". If, for some reason, you cannot do the nomination yourself you may ask an agent to do this on your behalf. If this is the case, give them enclosed Form 9 – "Nomination for Election by Agent" and provide them with a letter stating that you want them to nominate you – state the ward if the district is divided into wards. They must then complete the nomination for you.
STEP 4	<p>Write out a profile about yourself of not more than 1,000 characters (including spaces) that must fit onto an A4 sheet. It is important to ensure that your profile complies with the instructions on the back of the nomination form.</p> <p><u>** Optional and not compulsory – additional profile page introduced for the 2023 election **</u> If required, you may prepare an additional profile comprising of no more than 2,000 characters (including spaces) with additional information about you and what you hope to bring to the position if elected, this additional profile is to be displayed alongside your official profile but <u>will not</u> be included in any postal packages.</p>
STEP 5	Your nomination cannot be accepted unless you provide a deposit of \$100 – see back of nomination form for method of payment. Your nomination will not be accepted without a complying profile. Nomination deposits are refunded after the election in some circumstances.
STEP 6	<p>You must deliver or have delivered the nomination to the returning officer at the nomination place, <insert place>, by 4.00pm on <insert date>, the close of nominations. Method of delivery can be by post, by fax or any other electronic means (so long as it is capable of being printed in its entirety, including signature) by the returning officer.</p> <p>Note: if your nomination is by fax or other electronic means, arrangements will have to be made for payment of the \$100 deposit before 4.00pm on (insert date).</p>

Withdrawal of nomination

The withdrawal of a nomination is effective if:

- written notice of it is received by the returning officer at the nomination place <insert place> before the close of nominations;
- evidence that the withdrawal is made by or with your consent is given to the returning officer in writing before close of nominations;
- a candidate dies before the close of nominations.

You cannot withdraw a nomination after the close of nominations.

Term of office

If you are successful your term of office as a councillor will be <insert local arrangements for term of office> (Note that on some occasions there may be both two year and four year term vacancies being contested in the same ward).

Drawing of ballot paper position

The returning officer will conduct the draw for ballot paper positions at the nomination place <insert place>. This will start as soon as practicable following the close of nominations which occurs at 4.00pm <insert date>. Candidates and other interested people have a right to attend.

Electoral rolls

Candidates will be supplied with one free electoral roll at the close of nominations if available on <insert date and time>.

Voting

The system of voting (*effective from April 2023*) is now the same method used in state and federal elections and is called preferential voting, however providing preferences is optional for electors.

Electors will place a number (or numbers) in order of their preference alongside the candidates of their choice (*with 1 being the first preference and then if they wish to indicate further preferences use consecutive numbers in the remaining boxes*) on the ballot paper alongside the candidate(s) of their choice.

As this is optional, electors are to indicate their first preference but they are not required to provide all preferences when casting a vote for their vote to count, they can choose to vote for either one or many candidates up to the total number of vacancies in the election.

Printing and publication of candidate electoral material

Your attention is drawn to particular requirements of the *Local Government Act 1995*, that state that printing and publication of all electoral material must contain the following information at the end of the material:

- the name and address (not a post office box) of the person who authorised the electoral material to be printed; and
- in the case of material that is printed other than in a newspaper, the name and business address of the printer.

Please note that the word **print** includes photocopying or reproducing by any means. Furthermore, **publication** can include all forms of disseminating information by electronic means, such as email, social media, radio, or television. It is very important to comply with this provision when you organise printing because a penalty of \$2,000 may be incurred.

Disclosure of electoral donations

Under the *Local Government (Elections) Regulations 1997*, candidates and donors must disclose any gifts promised or made within the six-month period prior to election day that either alone, or in combination, from one person exceed \$ 300 in value. Enclosed **Form 9A** is to be used. Disclosure is to be submitted to the CEO of the relevant local government within 3 days of the candidate's nomination and thereafter within 3 days of any further gifts being promised or received. Any gifts from unidentified donors must also be reported to the CEO and delivered to the CEO for disposal.

Enclosures:

- Fact Sheets on *Standing for council*
- Nomination **Form 8**
- Nomination by Agent **Form 9**
- Disclosure of Gifts **Form 9A** and copy of reg. 30.A to 30.I

Nomination pack leaflet

Version 1

Issue date: Updated:

Checked by: (insert name)

Approved by: (insert name)

Public document

3

Example.doc E2/7 - Notice of rejection of nomination

Insert contact details

Dear <insert candidate's name>

Rejection of nomination

I am required by section 4.51 of the *Local Government Act 1995* to reject your nomination for the reason(s) given below. If you are able to correct the problem before the close of nominations at 4.00pm on <insert date> I will consider a further nomination.

Local Government Act 1995	Reason for rejection	Corrective action
Example s. 4.49 (c)	Example Your agent was unable to show evidence that the nomination was made with your consent.	Example Provide written evidence (a letter or fax) that you have authorised the agent to nominate you before the close of nominations at 4:00pm on <insert date>

Yours sincerely,

<Insert name>
Returning Officer
<Insert date>

Notice of rejection of nomination
Version 1
Issue date: - Updated:
Checked by: (insert name)
Approved by: (insert name)
Controlled document for use by authorised staff only

Example.doc E3/7 - Notification of amendment to profile

Insert contact details

Dear <insert candidate's name>

Notification of amendment to profile

I am required by section 4.51 of the *Local Government Act 1995* to amend the profile you have submitted with your nomination form for the reason(s) given below. The amended profile will be that displayed on the website and on display screens in the polling places.

Local Government Act 1995	Reason for rejection	Corrective action
Example 4.51 (3) Regulation 24	Example The profile you submitted had more than 1,000 characters	Example I have deleted the last 2 sentences beginning with the words "in summary" to the end. A photocopy of the changed profile is attached.

Yours sincerely,

<Insert name>
Returning Officer
<Insert date>

Enclosure:

- Copy of changed profile

Notification of amendment to profile
Version 1
Issue date: - Updated:
Checked by: (insert name)
Approved by: (insert name)
Controlled document for use by authorised staff only

3

Example.doc E5/7 - Notification of cancelled nomination

<Insert name of local government>

Notification of cancelled nomination

The following nomination for the office of <insert mayor/president/councillor> for the <insert type of election> of council to be held on <insert date> has been withdrawn.

Ward	Candidate's Name	Name To Appear On Ballot paper	Date Nomination Accepted
<Insert ward>	<Insert name>	<Insert name>	<Insert date>

Note: The profile relating to this person has been removed from the website.

<Insert name>
 Returning Officer
 <Insert date>

Notification of cancelled nomination

Version 1

Issue date: - Updated:

Checked by: (insert name)

Approved by: (insert name)

Controlled document for use by authorised staff only

Example.doc E6/7 - Candidate pack leaflet

Candidate pack

This package contains further information you need to know to assist you with your election campaign. It explains the purpose of the documents enclosed and draws your particular attention to penalties in the legislation that affect candidates for local government elections.

Enclosure	Explanation
Postal voting papers	You will find a small supply of “Application for Postal Voting” papers in your package. You may be asked for one of these forms by electors unable to make an early vote and who will not be available on election day. There is a section dealing with postal votes in the candidates’ guide that was provided to you with your nomination pack.
Electoral roll	You are entitled to one free electoral roll. If you need extra rolls these can be obtained by <insert details>.
Declaration of office and model code of conduct	If elected, you will not be able to act until you have made a declaration as an elected member to fulfil the duties of the office. Part of the declaration includes a statement that you will adhere to the model code of conduct before you can act as a member.
Appointment of scrutineer forms	<p>A supply of forms (in duplicate) for the appointment of your scrutineers is enclosed. People you appoint as your scrutineers must make a formal declaration (see form) for each polling place they attend so that the presiding officer knows they have done so before allowing them in. This means they must carry the declaration with them.</p> <p>The returning officer or presiding officer must complete the acknowledgement section of the forms. If possible please give them to the returning officer by (insert date) so this can be done. Scrutineers whilst acting in that capacity must wear ID badges saying ‘Scrutineer’.</p> <p>Important note: Campaign helpers that remain outside polling places do not need to be appointed on these forms.</p>
A Guide for Scrutineers	Enclosed is a <i>Guide for Scrutineers</i> – please make sure that your scrutineers are familiar with their role before election day.
List of penalties and regulations	Penalties relate to printing your electoral advertising material and other matters that you must be aware of – please read the enclosed extract from the <i>Local Government Act 1995</i> . Also enclosed is a copy of regulations 30A – 30I of the <i>Local Government (Elections) Regulations 1997</i> , concerning disclosure of gifts.
Exempt electoral material	Enclosed is a copy of regulation 78 concerning types of advertising material that are exempt from the Act’s requirements.

3

Polling places

Polling place	Hours of operation	Ballot papers received
Insert in this column a list of polling places with street addresses – don't forget the polling place(s) for early votes.	Insert in this column a list of hours of operation next to each polling place.	Insert in this column whether ballot papers for each ward will be received. If you do not have wards dispense with this column.

Checking absent and postal voting papers

Regulations allow absent and postal voting papers to be checked before the close of voting on election day. The eligibility of the person to vote is checked but the actual votes that are placed in internal envelopes are not counted at this time. You are entitled to appoint scrutineers to be present when the checking is done. This will take place at (insert time) on (insert date) at (insert place). Please note that candidates themselves may not act as scrutineers.

The count

The votes will be counted after the close of polling at (insert place). You may nominate a scrutineer(s) to be present with yourself in the counting area. Candidates and scrutineers must follow the procedures set down for scrutineers and any directions given to them by the returning officer.

Enclosures:

- Supply of Applications for Postal Vote
- Electoral roll
- Supply of Scrutineer Appointment Forms
- Copy of *Guide for Scrutineers*
- Extract of sections 4.85 to 4.94 of the *Local Government Act 1995* and reg. 30A - 30I of the *Local Government (Elections) Regulations 1997*

Candidate pack leaflet

Version 1

Issue date: - Updated:

Checked by: (insert name)

Approved by: (insert name)

Public document

Example.doc E7/7 - Extracts from Act - Electoral offences

Extracts from the *Local Government Act 1995* relating to electoral offences that impact on candidates in local government elections

Part 4 – Division 11 – Electoral offences

4.85 Bribery and undue influence

- (1) A person who –
- (a) promises, offers or suggests a reward for, or on account of, or to induce, electoral conduct or a promise of electoral conduct; or
 - (b) gives, takes or seeks a reward for, or on account of, electoral conduct or a promise of electoral conduct,
- commits an offence.
- Penalty: \$10,000 or imprisonment for 2 years.
- (2) A person who –
- (a) threatens, offers or suggests detriment for, or on account of, or to induce, electoral conduct or a promise of electoral conduct;
 - (b) uses, causes, inflicts or procures detriment for or on account of, electoral conduct;
 - (c) interferes with the free exercise of the franchise of an elector,
- commits an offence.
- Penalty: \$10,000 or imprisonment for 2 years.
- (3) The making of a declaration of public policy or a promise of public action does not give rise to an offence against this section.
- (4) In this section –
- detriment** means violence, injury, punishment, damage, loss or disadvantage;
- electoral conduct** means:
- (a) candidature at an election;
 - (b) withdrawal of candidature from an election;
 - (c) a vote, or an omission to vote, at an election; or
 - (d) support of, or opposition to, a candidate for election;
- reward** means a reward in the form of valuable consideration or any other recompense, benefit or advantage.

4.86 Breach or neglect by officers

An electoral officer who –

- (a) attempts to influence the vote of an elector, or, except by recording that vote, the result of an election;
- (b) discloses, except under compulsion of law, knowledge officially acquired concerning the vote of an elector; or
- (c) refuses or wilfully neglects to discharge a duty imposed under this Part or otherwise contravenes a provision of this Part,

commits an offence.

Penalty: \$10,000 or imprisonment for 2 years.

4.87 Printing and publication of electoral material

- (1) A person who prints, publishes or distributes electoral material or causes electoral material to be printed, published or distributed, commits an offence unless:
 - (a) in the case of all electoral material, the name and address (not being a post office box) of the person who authorised the electoral material appears at the end of the electoral material; and
 - (b) in the case of electoral material that is printed otherwise than in a newspaper, the name and business address of the printer appears at the end of the electoral material.

Penalty: \$2,000.

- (2) Subsection (1) does not apply to electoral material on an item included in a prescribed class of items.
- (3) In this section –

electoral material means any advertisement, handbill, pamphlet, notice, letter or article that is intended or calculated to affect the result of an election but does not include an advertisement in a newspaper announcing the holding of a meeting;

print includes photocopy or reproduce by any means.

Page 3 – Electoral offences

4.88 Offence to print, publish or distribute misleading or deceptive material

- (1) A person must not, during the relevant period in relation to an election:
- (a) print, publish or distribute deceptive material; or
 - (b) cause deceptive material to be printed, published or distributed.

Penalty: a fine of \$5,000 or imprisonment for one year.

- (2) It is a defence to a charge under subsection (1) to prove that the accused person did not know, and could not reasonably have been expected to know, that the material was likely to mislead or deceive an elector in relation to the casting of the elector's vote.

[(3) *deleted*]

- (4) In this section –

deceptive material means any matter or thing that is likely to mislead or deceive an elector in relation to the casting of the elector's vote at the election;

print includes photocopy or reproduce by any means;

publish includes publish by radio or television;

relevant period means the period commencing when notice calling for nominations for the election is published and ending at 6.00pm on election day.

[Section 4.88 amended by No. 26 of 2016 s.10.]

4.89 Canvassing in or near polling places, offence

- (1) If, on any day on which polling for an election takes place, a person:
- (a) canvasses for votes;
 - (b) solicits the vote of an elector;
 - (c) induces an elector not to vote for a particular candidate; or
 - (d) induces an elector not to vote at the election,

in a polling place or within 6 metres from the entrance to a polling place, that person commits an offence.

Penalty: \$2,000.

- (2) It is a defence to a charge under subsection (1) to prove that the accused person was within 6 metres of the entrance to a polling place with the approval of the presiding officer.

4.90 False statements, offence

- (1) A person who makes a statement in an application, form, nomination, return, declaration or certificate or other document under this Part relating to an election, or in answer to a question authorised to be asked under this Part, knowing the statement to be false, commits an offence.

Penalty: \$5,000 or imprisonment for one year.

A person who induces another person to commit an offence against subsection (1) also commits an offence against subsection (1).

4.91 Nomination papers, ballot papers and ballot boxes, offences relating to

- (1) A person who –
- (a) forges or fraudulently defaces or destroys a ballot paper or nomination paper; or
 - (b) fraudulently puts a ballot paper into a ballot box; or
 - (c) wilfully destroys, takes, opens or otherwise interferes with any ballot box or ballot papers without authority; or
 - (d) personates any elector,

commits an offence.

Penalty: \$10,000 or imprisonment for 2 years.

- (2) A person who –
- (a) supplies a ballot paper without authority; or
 - (b) is in possession of an unauthorised ballot paper; or
 - (c) votes more than once in an election; or
 - (d) marks a ballot paper without authority.

commits an offence

Penalty: \$5,000 or imprisonment for one year.

- (3) A person who fraudulently leaves a polling place with a ballot paper commits an offence.

Penalty: \$2,000.

4.92 Postal votes, offences relating to

A candidate in an election, or a person expressly authorised to act on behalf of a candidate in connection with an election, who, in relation to the election:

- (a) applies undue influence or pressure on an elector to apply for a postal vote;
- (b) interferes with an elector while the elector is applying for a postal vote;
- (c) takes custody of an envelope in which there is a postal vote; or
- (d) causes any other person, not being the elector whose vote is in the envelope, to do anything referred to in paragraph (c),

commits an offence.

Penalty: \$5,000 or imprisonment for one year.

Page 5 – Electoral offences

4.93 Interference with electors: infringement of secrecy, offence

A person who –

- (a) unlawfully communicates with, assists or interferes with an elector while the elector is marking a ballot paper;
- (b) unlawfully looks at or becomes acquainted with the vote of an elector; or
- (c) discloses the vote of an elector,

commits an offence.

Penalty: \$5,000 or imprisonment for one year.

4.94 Other electoral offences

A person who –

- (a) when in a polling place on a day on which polling is taking place, misconducts himself or herself or fails to obey the reasonable instructions of an electoral officer;
- (b) re-enters a polling place without permission after being removed from the polling place under section 4.70;
- (c) not being a candidate in an election, canvasses at the election while he or she is an employee of the local government in question;
- (d) wilfully defaces, mutilates, destroys or removes a notice, list or other document which an electoral officer, acting within the scope of his or her authority, has exhibited or caused to be exhibited; or
- (e) bets on the result of an election,

commits an offence.

Penalty: \$2,000.

4.95 Offences, attempts to commit

An attempt to commit an offence against this Part is an offence punishable as if the offence had been committed.

4.96 Investigation of electoral misconduct

- (1) The Electoral Commissioner or the returning officer may investigate whether misconduct, malpractice or maladministration has occurred in relation to an election.
- (2) An investigation can be carried out on the initiative of the Electoral Commissioner or returning officer or in response to a complaint or information received from any other person (including a candidate).
- (3) For the purposes of an investigation the Electoral Commissioner or returning officer has the same powers, and protection from liability, as an authorised person has under Part 8, Division 1.
- (4) Section 8.11 applies in relation to a direction given by the Electoral Commissioner or returning officer in the course of an investigation.
- (5) After carrying out an investigation under this section the Electoral Commissioner may provide the Minister with a report on the investigation.
- (6) After carrying out an investigation under this section the returning officer is to provide the Minister with a report on the investigation.
- (7) This section has effect in addition to Part 8 and does not prevent or affect the exercise of any power under that Part.

4.97 Prosecutions

- (1) A prosecution for an offence against this Part may be commenced by the returning officer or any person referred to in section 9.24(1) of the Act.
(Note: Section 9.24(1) refers to the Departmental CEO or a person authorised by the Departmental CEO to do so; or a person who is acting in the course of his or her duties as an employee of a local government; or a person who is authorised to do so by a local government).
- (2) If the returning officer commences a prosecution for an offence against this Part –
 - (a) the local government is to pay any expenses incurred by, and any costs awarded against, the returning officer in connection with the proceedings; and
 - (b) the returning officer is to pay to the local government any fees or costs paid to the returning officer in respect of the proceedings.

4.98 Criminal Code not to apply

Chapter XIV of The Criminal Code does not apply to elections held under this Act.

Example.doc E8/7 - Extracts from Regulations - Disclosure of gifts

Extracts from the *Local Government (Elections) Regulations 1997* relating to disclosure of electoral donations and gifts

PART 5A — DISCLOSURE OF GIFTS

30A. Terms used

(1) In this Part —

address means a residential or street address;

donor means a person who makes a gift to a candidate, and, if the gift is made on behalf of another person, includes that other person;

gift means a disposition of property, or the conferral of any financial benefit, made by one person in favour of another.

- (2) A gift can include a gift of money, a gift which is non-monetary but of value, a gift in kind, the payment of an inadequate financial consideration or the receipt of a discount (where the difference or discount is more than \$300 worth), financial or other contribution to travel, the provision of a service for no consideration or for inadequate consideration, and a firm promise or agreement to give a gift at some future time.
- (3) A gift can be made with or without an instrument in writing, without consideration in money or money's worth passing from one person to another, and in the present or sometime in the future.
- (4) A gift is only relevant if –
- (a) the value of the gift is \$300 or more; or
 - (b) the value of the gift is less than \$300, but the gift is one of two or more gifts, with a total value of \$300 or more, made by one person at any time during the period set out in regulation 30C.
- (5) A gift does not include –
- (a) a gift by will; or
 - (b) a gift by a relative (as defined in section 5.74(1) of the Act); or
 - (c) a gift that does not relate to the candidate's candidature; or
 - (d) the provision of volunteer labour.

30BA. Candidates not to receive gifts from unidentified donors

- (1) A candidate must not receive a gift during the period set out in regulation 30C unless the name and address of each donor are known to the candidate.

Penalty: \$5 000.

- (2) A candidate is taken not to have received a gift if as soon as the candidate became aware of the gift the candidate –
- (a) takes reasonable steps to –
- (i) return the gift; or
- (ii) deliver the gift to the CEO for disposal; and
- (b) discloses to the CEO the gift in the manner set out in regulation 30D(1).

30B. Candidates to disclose gifts — s. 4.59

- (1) A candidate must disclose to the CEO a gift promised or received during the period set out in regulation 30C.

Penalty: \$5 000.

- (2) A candidate must make a disclosure to the CEO in the manner set out in regulation 30D(1), and within the time set out in regulation 30D(2).

Penalty: \$5 000.

[(3) Deleted]

- (4) A candidate must provide the information set out in regulation 30F(1) relating to a gift, and the candidate must ensure that the information provided is not false or misleading.

Penalty: \$5 000.

30CA. Donors to disclose gifts — s. 4.59

- (1) A donor must disclose to the CEO a gift to a candidate promised or made during the period set out in regulation 30C.

Penalty: \$5 000.

- (2) A donor must make a disclosure to the CEO in the manner set out in regulation 30D(1), and within the time set out in regulation 30D(2).

Penalty: \$5 000.

- (3) A donor must provide the information set out in regulation 30F(1) relating to the gift, and the donor must ensure that the information provided is not false or misleading.

Penalty: \$5 000.

Page 3 – Gift disclosure regulations

30C. Disclosure period

- (1) For the purposes of regulation 30B(1) and 30CA(1), the period commences 6 months before the relevant election day, and concludes –
 - (a) 3 days after the election day, for unsuccessful candidates; or
 - (b) on the start day for financial interest returns for successful candidates under section 5.74 of the Act.
- (2) Where a delay results from a declaration from the Court of Disputed Returns the period of delay is to be added to the 6 month period set out in subregulation (1).
- (3) If the day the *Local Government (Elections) Amendment Regulations 2009* regulation 3 comes into operation (the commencement day) is less than 6 months before a relevant election day, the period set out in subregulation (1) commences on the commencement day.

30D. Manner and time of disclosure

- (1) For the purposes of regulation 30B(2) or 30CA(2), a disclosure is to be made by completing Form 9A and lodging it with the CEO.
- (2) For the purposes of regulation 30B(2) or 30CA(2), a disclosure is to be made:
 - (a) within 3 days of the making, receipt (or promise) of the gift, once nominations are made; or
 - (b) within 3 days of nomination, for gifts made, received (or promised) between the commencement of the period set out in regulation 30B and the day of nomination,

unless the CEO is satisfied that the lodging of a disclosure has occurred outside the time period in paragraph (a) or (b) due to circumstances beyond the control of the person who is required to make the disclosure.

[30E. Deleted]

30F. Information to be provided

- (1) For the purposes of regulation 30B(4) and 30CA(3), a disclosure is to contain the following information –
 - (a) a description of the gift;
 - (b) the date the gift was made, received or promised;
 - (c) the value of the gift;
 - (d) the name and address of each donor.
- (2) If a candidate is unable to provide some or all of the information set out in subregulation (1), the candidate does not commit an offence under regulation 30B(4) if, on the ‘disclosure of gifts’ form, the candidate –
 - (a) provides as much of the information as is available to the candidate;
 - (b) indicates what of the required information has not been provided; and
 - (c) sets out the reasons for not being able to provide the information.
- (3) In subregulation (2) –

reasons must be, in the opinion of the CEO, sufficient and appropriate.

30G. Register

- (1) The CEO is to establish and maintain an electoral gift register.
- (2) The CEO is to ensure that all ‘disclosure of gifts’ forms completed by candidates and donors and received by the CEO are placed on the electoral gift register:
 - (a) upon receipt by the CEO; and
 - (b) in a manner that clearly identifies and distinguishes the forms relating to each candidate.
- (3) Any ‘disclosure of gifts’ forms relating to a candidate must be kept on the electoral gift register until the end of the period of 4 years after the relevant election day.
- 4) The CEO must —
 1. (a) remove those forms from the electoral gift register at the end of that 4-year period; and
 2. (b) retain them separately for a period of at least 2 years.

30H. Public to have access to electoral gift register

The electoral gift register is to be kept at the appropriate local government offices.

Page 5 – Gift disclosure regulations

30I. Offence to publish information in certain cases

- (1) A person must not publish –
- (a) any information derived from an electoral gift register unless that information constitutes a fair or accurate report or summary of information contained in the register and is published in good faith; or
 - (b) any comment on the facts set forth in an electoral gift register unless that comment is fair and published in good faith.

Penalty: \$5 000.

- (2) In subregulation (1) –

publish has the same meaning in relation to any information or comment referred to in that subregulation as it has in sections 348 and 349 of *The Criminal Code* in relation to the publication of defamatory matter.

3

Example.doc E9/7 - List of positions on ballot paper

List of positions on ballot paper

Regulation 30 (4) and (5) requires the returning officer to record on a list the names of candidates in the order they are drawn. The following is the list compiled as a result of the draw for the election described below.

<Insert type of election>

<Insert date of election>

<Insert ward> (if appropriate)

<Insert name>
Returning Officer
<Insert date>

List of positions on ballot paper
Version 1
Issue date: - Updated:
Checked by: (insert name)
Approved by: (insert name)
Controlled document for use by authorised staff only

Example.doc E10/7 - Advice to candidates of position on ballot paper

<Insert address details>

Dear <insert name of candidate>

BALLOT PAPER POSITION

This is to formally advise you of the outcome of the draw for position on the ballot paper for the election to be held on <insert date>. The draw was conducted at the <insert place> on the <insert date> and the result is given below:

<Insert details of the draw by listing the candidates in the position they will appear on the ballot paper using the names they have nominated to use.>

Yours sincerely

<Insert name>
Returning Officer
<Insert date>

Advice to candidates of position on ballot paper
Version 1
Issue date: - Updated:
Checked by: (insert name)
Approved by: (insert name)
Controlled document for use by authorised staff only

Example.doc E – Form for candidates to sign when receiving roll

RECORD OF ROLLS ISSUED _____ DISTRICT

In signing for receipt of these rolls, I acknowledge that:

- I am only entitled to copies of rolls for the electorate that I am contesting (if a candidate) or represent (if a member)
- The rolls are supplied for use in relation to a current election for the above district and are to be used accordingly
- The elector enrolment information contained on the rolls is to be used for electoral purposes only.

Date issued	Electorate: Insert Ward name or 'District'	Candidate or Member Receiving Roll		Number of Rolls Supplied	
		Name	Signature	Residents	Owners & Occupiers
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>

A set of rolls (residents and owners and occupiers) is issued free of charge to a candidate or member. Members may receive a roll for each ward or district that they represent.

Form 8 - Nomination for election by candidate

Local Government Act 1995, s. 4.49(a)

NOMINATION FOR ELECTION BY CANDIDATE

See back for notes on how to make your nomination

Nominee	Family name:			
	Other names:		Date of birth:	
	Name on ballot paper ¹ :			
	Postal Address	No.:	Street name:	
		Suburb:		Postcode:
	Phone numbers (H):		(W):	(M):
	Fax number:		Email:	
Property for which nominee is enrolled as an elector	No.:	Street name:		
	Suburb:		Postcode:	
	Lot/Location No.:			
Office	Local government district:			
	Ward:			
	Office: <input type="checkbox"/> Mayor/President <input type="checkbox"/> Councillor			
	Vacancy: <input type="checkbox"/> Ordinary <input type="checkbox"/> Extraordinary <input type="checkbox"/> Other			
Declaration [Making a false declaration is an offence] [To be signed before a witness]	I declare that:			
	<ul style="list-style-type: none"> · I am at least 18 years of age; and · I am an elector of the district²; and · I am not disqualified from being a member of the council³; and · [nominees for councillor only] I am eligible to nominate as a councillor⁴; and · I have completed the course of induction on _____[date] (reference number _____)⁵; and · all of the details set out above are true and correct. 			
	Signature:		Date:	
Witness [Witness must be at least 18 years of age]	Full name:			
	Signature:		Date:	

Back of Form 8

<p>1 Name on ballot paper</p>	<p>The name to be printed on the ballot paper must be your surname and one or more of your given names (or an initial or a commonly accepted variation). You must use the same name on your candidate profile.</p> <p>To ensure fairness between candidates the returning officer may rule that a name is inappropriate for inclusion on the ballot paper. If so he or she may ask you to nominate another name or choose one he or she considers appropriate.</p>
<p>2 Who is an elector</p>	<p>You are an elector of the district if you are eligible to be included on the electoral roll for that district. However it is not sufficient if you are only eligible to be on the roll as the nominee of a body corporate which owns or occupies property in the district.</p> <p>You need not be an elector in the ward in which you nominate.</p>
<p>3 Disqualification</p>	<p>You are disqualified for membership of a council if you:</p> <ul style="list-style-type: none"> · are a member of the Legislative Assembly, the Legislative Council, the House of Representatives or the Senate (or have been elected as such a member but have not yet taken office); or · are a member of the council of another local government; or · are an insolvent under administration; or · are in prison serving a sentence for a crime; or · have been convicted of a serious local government offence within the last 5 years (unless the court waived the disqualification); or · have been convicted of an offence for which the indictable penalty was or included — <ul style="list-style-type: none"> (i) imprisonment for life; or (ii) imprisonment for more than 5 years; or · are subject to a court order disqualifying you from being a member of a council because you have misapplied local government funds or property.
<p>4 Eligibility to nominate as a councillor</p>	<p>You are not eligible to nominate as a councillor if you are:</p> <ul style="list-style-type: none"> · a member of the council (unless your term of office expires on election day); or · a candidate in another election for the office of councillor.

5 Course of induction	The course of induction is the course titled <i>Local Government Candidate Induction</i> that is available on the DLGSC's official website. https://www.dlgsc.wa.gov.au/local-government/local-governments/council-elections/induction-for-prospective-candidates The reference number is the number that is emailed to you on completion of the course.
Where to send your nomination	When you have completed and signed this form, send it to the returning officer for the district. You may send your nomination by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including signatures. If you send it by fax or electronically you should check that it has been received.
Closing date for nominations	Your nomination must be received by the returning officer before 4pm on the 44th day before election day. If you send your nomination electronically it is taken to be received at the time the returning officer prints it out.
Candidate's profile	Your nomination must be accompanied by a candidate's profile of not more than 1,000 characters and spaces plus your name, address and contact numbers. The profile must be confined to information about you. It may include a recent passport size photo of your head or head and shoulders. The profile must be (or if it is sent electronically, be capable of being) printed on a single A4 page. (Optional but not compulsory additional profile of not more than 2,000 characters and spaces may be submitted at this time).
Deposit	When you make your nomination you must pay a deposit of \$100. You may send this with your nomination form or deliver it to the returning officer at any time before the closing date for nominations. You may pay your deposit in cash or by cheque, bank draft or postal order. If you make appropriate arrangements with the returning officer you may be able to pay your deposit by electronic transfer or other means.
Withdrawing your nomination	You may withdraw your nomination by giving written notice to the returning officer before the closing date for nominations. You may send your withdrawal by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including signatures. A withdrawal may be lodged by your agent if it is accompanied by a written authorisation, signed by you, permitting the agent to lodge the withdrawal.

3

Form 9 - Nomination for election by agent*Local Government Act 1995, s. 4.49(a)***NOMINATION FOR ELECTION BY AGENT**

See back for notes on how to make a nomination

Agent	Full name:			
	Postal Address	No.:	Street name:	
		Suburb:		Postcode:
	Phone numbers (H):		(W):	(M):
	Fax number:		Email:	

Nominee	Family name:			
	Other names:		Date of birth:	
	Name on ballot paper ¹ :			
	Postal Address	No.:	Street name:	
		Suburb:		Postcode:
	Phone numbers (H):		(W):	(M):
	Fax number:		Email:	
	Property for which nominee is enrolled as an elector	No.:	Street name:	
Suburb:		Postcode:		
Lot/Location No.:				

Office	District:	Ward:	
	Office:	<input type="checkbox"/> Mayor/President	<input type="checkbox"/> Councillor
	Vacancy:	<input type="checkbox"/> Ordinary	<input type="checkbox"/> Extraordinary
	<input type="checkbox"/> Other		

Declaration [Making a false declaration is an offence] [To be signed before a witness]	I declare that, to the best of my knowledge the nominee:	
	<ul style="list-style-type: none"> • Is at least 18 years of age; • Is an elector of the district²; • Is not disqualified from being a member of the council³; • [nominees for councillor only] Is eligible to nominate as a councillor⁴; • completed the course of induction on _____ [date] (reference number _____)⁵; • and that all of the details set out above are true and correct. 	
	Signature:	Date:

Witness [Witness must be at least 18 years of age]	Full name:	
	Signature:	Date:

Authorisation by nominee⁶	Full name:	
	Signature:	Date:

Back of Form 9

<p>1 Name on ballot paper</p>	<p>The name to be printed on the ballot paper must be the candidate's surname and one or more of his or her given names (or an initial or a commonly accepted variation).</p> <p>The same name must be used on the candidate profile.</p> <p>To ensure fairness between candidates the returning officer may rule that a name is inappropriate for inclusion on the ballot paper. If so he or she may ask you to nominate another name or choose one he or she considers appropriate.</p>
<p>2 Who is an elector</p>	<p>The nominee is an elector of the district if he or she is eligible to be included on the electoral roll for that district. However it is not sufficient if he or she is only eligible to be on the roll as the nominee of a body corporate which owns or occupies property in the district.</p> <p>The nominee need not be an elector in the ward in which he or she is nominated.</p>
<p>3 Disqualification</p>	<p>The nominee is disqualified for membership of a council if he or she:</p> <ul style="list-style-type: none"> · is a member of the Legislative Assembly, the Legislative Council, the House of Representatives or the Senate (or has been elected as such a member but has not yet taken office); or · is a member of the council of another local government; or · is an insolvent under administration; or · is in prison serving a sentence for a crime; or · has been convicted of a serious local government offence within the last 5 years (unless the court waived the disqualification); or · has been convicted of an offence for which the indictable penalty was or included — <ul style="list-style-type: none"> (i) imprisonment for life; or (ii) imprisonment for more than 5 years; · is subject to a court order disqualifying him or her from being a member of a council because he or she has misapplied local government funds or property.
<p>4 Eligibility to nominate as a councillor</p>	<p>The nominee is not eligible to be nominated as a councillor if he or she is:</p> <ul style="list-style-type: none"> · a member of the council (unless his or her term of office expires on election day); or · a candidate in another election for the office of councillor.
<p>5 Course of induction</p>	<p>The course of induction is the course titled <i>Local Government Candidate Induction</i> that is available on the DLGSC's official website. https://www.dlgsc.wa.gov.au/local-government/local-governments/council-elections/induction-for-prospective-candidates. The reference number is the number that is emailed to you on completion of the course.</p>

6 Authorisation	You must give to the returning officer written evidence that the nominee has authorised you to make the nomination. The nominee may fill in and sign this box or you may send a written authorisation, signed by the nominee, to the returning officer with your nomination form or at any time before the closing date for nominations.
Where to send your nomination	When you have completed and signed this form, send it to the returning officer for the district. You may send your nomination by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including signatures. If you send it by fax or electronically you should check that it has been received.
Closing date for nominations	Your nomination must be received by the returning officer before 4pm on the 44 th day before election day. If you send your nomination electronically it is taken to be received at the time the returning officer prints it out.
Candidate's profile	Your nomination must be accompanied by a candidate's profile of not more than 1,000 characters and spaces plus the nominee's name, address and contact numbers. The profile must be confined to information about the candidate. It may include a recent passport size photo of the candidate's head or head and shoulders. The profile must be (or if it is sent electronically, be capable of being) printed on a single A4 page. (Optional but not compulsory additional profile of not more than 2,000 characters and spaces may be submitted at this time).
Deposit	When you make your nomination you must pay a deposit of \$100. You may send this with your nomination form or deliver it to the returning officer at any time before the closing date for nominations. You may pay your deposit in cash or by cheque, bank draft or postal order. If you make appropriate arrangements with the returning officer you may be able to pay your deposit by electronic transfer or other means.
Withdrawing your nomination	You may withdraw your nomination by giving written notice to the returning officer before the closing date for nominations. You may send your withdrawal by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including signatures.

Form 9A - Disclosure of Gifts

Local Government Act 1995
Local Government (Elections) Regulations 1997

[2.4.59]
[r.30D]

Form 9A DISCLOSURE OF GIFTS

Details of person making disclosure

Surname.....Other names.....

Details of candidate

Surname.....Other names.....

Details of person making the gift

Name.....

Address.....

.....

Details of person on whose behalf the gift is made (if other than the person making the gift)

Name.....

Address.....

.....

Details of the gift (value of which is \$300 or more, or which is one of two or more gifts with a total value of \$300 or more)

Date gift promised, received or made.....

Value of gift.....

Description of gift.....

.....

.....

Candidates only – IF YOU ARE UNABLE TO PROVIDE THE INFORMATION REQUIRED BY THIS FORM, SET OUT THE REASONS FOR NOT PROVIDING IT IN THE SPACE BELOW

.....

.....

Person making disclosure to complete and sign the declaration below

I declare that all information and details provided are true and correct, and no known, relevant information is omitted.

Signature..... Date.....

8 Ballot papers

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8.1 Duties and powers of the returning officer

Reference	
<p>s. 4.71 reg. 33(1) reg. 33(2)</p> <p>Refer to notes from Form 10</p>	<p>Duties of returning officer</p> <p>The returning officer is to cause sufficient numbers of ballot papers to be printed for the purposes of the election. In doing so, the returning officer is required to follow the notes in prescribed Form 10.</p> <p>The returning officer must insert the names of the candidates in the order they were drawn for position. The ballot paper must include a note on how the elector is to complete the ballot paper. Prescribed Form 10 contains additional requirements for inclusion on the ballot paper.</p> <p>The same size text must be used for each name.</p>
<p>Refer to Part 8.4 – “How names are shown on ballot paper”</p>	<p>Powers of returning officer</p> <p>To ensure fairness between candidates the returning officer may rule that a name is inappropriate for inclusion on a ballot paper.</p> <p>The returning officer may choose another name if the candidate does not do so.</p> <p>If two names are confusingly similar, the returning officer is to add such descriptions or additions as are necessary to distinguish them from each other.</p>

8.2 Printing ballot papers

Reference	
<p>s. 4.64 reg. 31</p> <p>Refer to Chapter 4 – “Advertising requirements”</p>	<p>Timetable issues</p> <p>As soon as it is clear that an election will be required following the close of nominations, the returning officer must make arrangements to have the ballot papers printed.</p> <p>Ballot papers will be required immediately the election notice is published as electors will be able to cast early and absent votes and will require postal voting papers to be sent out. The election notice is to be published no later than the 26th day prior to an election.</p> <p>Organising the printing</p> <p>Because of the tight timetable it is recommended that arrangements be made with a printer so that the ballot papers can be programmed into their printing schedule. It will be necessary to make clear that they may not be needed if an election does not eventuate.</p> <p>Quotations could be obtained before nominations close, so that the returning officer knows who the printer will be. Some local governments use a reliable local printer who is aware of the need for the artwork to meet legal requirements and is able to meet the deadline for printing.</p> <p>There is nothing preventing a local government from designing the ballot papers and photocopying them in-house.</p> <p>Colour coding</p> <p>If there are wards, it is recommended that the ballot papers for each ward be a different colour. This will make it a simple matter to identify them when counting the votes.</p> <p>Water marking</p> <p>Before issuing a ballot paper the electoral officer is to initial the back of it or make sure that it is authenticated in some other way approved by the returning officer.</p> <p>It is possible for the “authentication” to rely on a water mark or other device in the printing process to ensure that the ballot papers cannot be reproduced by unauthorised persons.</p> <p>More usually, electoral officers are required to initial the back of the ballot paper or to make some other identification mark at the time they are issued to an elector.</p>
<p>reg. 45(5)</p>	

8.3 Numbers of ballot papers

Reference

Calculating quantities

As returning officer you will want to ensure that there are enough ballot papers with minimal wastage. Have a look at the tally sheet for previous elections. The figures will give an idea of how many people are likely to vote.

Keep in mind that there are variations between wards. Do not automatically order the same number for each ward.

After calculating turnout rates, make an allowance for unexpected factors such as a high number of applications for postal votes, vigorous campaigning of candidates on a contentious issue and the quality and standing of candidates.

Safety margins

The most important factor is not to run out of ballot papers. Add a substantial safety margin onto the calculated quantities. If, on the basis of previous elections, 30% of electors can be expected to vote, a suitable additional margin for safety of 20% to 30% would be reasonable.

3

8.4 How names are shown on ballot paper

Reference	
<p>Refer to notes from Form 8</p>	<p>Candidates' wishes</p> <p>The candidates' names that are recorded on the ballot paper should be the names they want to appear. They will have indicated their preference on the nomination form. So far as possible the returning officer should observe their wishes but regulations do provide for some change to be made in certain circumstances.</p> <p>The name must be the candidate's surname and one or more given names (or an initial or commonly accepted variation).</p> <p>Abbreviations</p> <p>The amount of variation is ultimately for the returning officer to decide. A consistent and impartial approach is essential. Think about the fact that as returning officer you need to feel sure that the majority of electors would recognise the variation.</p> <p>Some decisions on abbreviations or variations will be easier to make than others. The following would generally be recognised:</p> <ul style="list-style-type: none"> • Liz (Elizabeth) • Bob (Robert) • Norm (Norman)
<p>Refer to notes from Form 8</p>	<p>Variations that might be termed "nicknames" would not be readily recognised by most electors:</p> <ul style="list-style-type: none"> • Tubby (William) • Bluey (Brian) • Chucky (David) <p>If the returning officer is not able to accept that a name is a commonly accepted variation of a given name, either within the local community or elsewhere, the candidate should be contacted and asked to nominate another name. If the candidate declines to do so, the returning officer has the power to use another name. It is recommended that the candidate's full name, as shown on the nomination paper, is used in these circumstances if possible.</p>
<p>Refer to notes from Form 10</p>	<p>Avoiding confusion</p> <p>It may be necessary to change a preferred name where the preferred names of candidates are so alike that electors may be confused about who they are voting for (for instance, one candidate called Bill Smith and another called B K Smith).</p>

Reference

If the returning officer believes that two or more names are confusingly similar, he or she is obliged to add any description or information to the names that will distinguish them.

There is no restriction about what may be added.

For example, the returning officer might add details about occupation, address, marital status, or relationship with other candidates (if father or son, for example).

Take care to avoid descriptions or additions that may advantage or disadvantage candidates. For instance, showing that one candidate is a cleaner and the other a solicitor in a ward made up largely of professionals might give the solicitor an advantage.

Order of names

Candidates' names must be listed in the order in which they were drawn at the close of nominations. The first candidate drawn should go at the top of the paper, the second candidate second and so on.

The regulations do not prescribe whether a candidate's surname or given names should come first. It is up to the returning officer to decide. Whichever order is chosen should be applied consistently to all.

Size of text

The same style of text (size, colour and font) must be used for the names of each candidate so that no one gains an advantage.

This does not prevent the use of a different size text for given names and surnames provided a consistent approach is taken for all names.

8.5 Security of ballot papers

Reference

Keeping account of ballot papers

Ensure that ballot papers are accounted for at all stages of the election process.

Calculate how many ballot papers are going to be issued and record the number (for each ward) on the presiding officer's "Return of ballot papers" sheet (**example.doc E4/11**).

Any additional ballot papers issued to a polling place during election day should be noted and a signature obtained.

Use the presiding officer's "Return of ballot papers" sheet when issuing ballot papers for early and postal voting. In this case, the electoral officer responsible for early voting and the electoral officer responsible for postal voting should sign for the ballot papers issued.

Responsibilities of presiding officer

The presiding officer becomes responsible for the security of ballot papers once they have been issued. Each presiding officer or, in the case of early and postal voting, the electoral officer, should complete a "Return of ballot papers" sheet (**example.doc E4/11**) by entering the ballot papers they have received, those issued to voters, any spoilt and those returned unused to the returning officer at the count.

Reconciliation of ballot papers

At the count, the returning officer should be able to form a view of how many ballot papers should be in each returned ballot box. It is possible that a few ballot papers may not be accounted for, as electors may have left the polling place without putting the ballot paper in the ballot box. However this would be very unusual. If there is a difference between the figures on the presiding officer's "Return of ballot papers" sheet and the number of votes counted for that box, enquiries should be made as to the cause of the difference.

8.6 Storing used ballot papers

Reference	
reg. 82	<p>Keeping and storing ballot papers</p> <p>As soon as practical after the result of the election is declared – often the next working day (or potentially the next business day if additional time is required for the full distribution of preferences), all the election papers used for the purposes of the election are to be placed in secure parcels.</p> <p>Ballot papers are included in the definition of election papers.</p> <p>See regulation 3 for the full definition of what constitutes ‘election papers’.</p> <p>The returning officer is required to perform this duty. If the task is delegated the delegation must be in writing.</p>
reg. 83	<p>Retention period for ballot papers</p> <p>The CEO is to keep the parcels in safe custody and retain them for a period of at least 4 years after the declaration of the result of the election. They can then be destroyed under the supervision of the CEO in the presence of at least two employees.</p> <p>They may also be conveyed securely to a secure paper destruction company or placed in a locked bin provided by such a company, by or under the supervision of the CEO in the presence of at least two employees.</p> <p>Inspection of used ballot papers</p> <p>Ballot papers that have been used in an election are not publicly available. The local government CEO is to make the sealed parcels of election papers available for inspection only in accordance with regulations.</p>

3

8.7 Quality document control

Document Reference	Document Title	Electronic Reference	* Position authorised to review and check	* Distribution
Form 10	Ballot paper	<Insert computer file reference>	Prescribed form	Regulations

& * Complete for local situation and maintain this list in the records management system.

Form 10 - Ballot paper

Local Government (Elections) Regulations 1997
Schedule 1 Forms

Form 10

Form 10. Ballot Paper

BALLOT PAPER

Election of _____¹

Local government district²:
 Ward³:
 Election date⁴:

How to vote⁵

Place a tick in the box next to the candidate you want to elect.
 Do not make any other marks on the ballot paper.

Candidates⁶

	<input type="checkbox"/>

Notes to Form 10

Notes to Returning Officer when preparing the ballot paper

1 Mayor, president or councillor(s)

*Insert "Mayor", "President", "Councillor" or " _____⁷
 Councillors" as appropriate.*

2 District

Fill in the name of the local government district.

Local Government (Elections) Regulations 1997
Forms **Schedule 1**

Form 10

3 *Ward*

Fill in name of the ward, or if there is no ward delete this box.

4 *Election date*

Fill in the election date.

5 *How to vote*

This 'How to Vote' note is for an election for a mayor, president or one councillor. If the election is for 2 or more councillors replace it with the following note:

How to vote

Place a tick in the box next to each of the candidates you want to elect.

You may choose up to _____⁷ candidates. If you choose more than _____⁷ your vote will be invalid.

Do not make any other marks on the ballot paper.

6 *Candidates*

Insert the names of the candidates in the order determined under section 4.56(a) of the Act. Add more lines if necessary and delete any unused lines.

All names must be in the same size text.

If 2 names are confusingly similar add such descriptions or additions as are necessary to distinguish them from each other.

7 *Number of councillors*

If the election is for more than one councillor insert the number of councillors to be elected.

[Form 10 inserted: Gazette 28 Aug 2009 p. 3362-3.]

9 Electoral staff

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9.1 Provisions about electoral staff

Reference	
	<p>Returning officer</p>
s. 4.19	<p>The principal electoral office of a local government is that of returning officer.</p>
s. 4.20(1)	<p>The CEO is the returning officer of a local government for each election unless other arrangements are made in accordance with the Act.</p>
s. 4.20(2)	<p>A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint by absolute majority a person other than the CEO to be the returning officer of the local government for an election, or all future elections while the appointment continues.</p>
s. 4.20(3)	<p>The appointment of another person cannot be made after the 80th day before election day.</p>
s. 4.20(4)	<p>With the written agreement of the Electoral Commissioner a local government may declare by an absolute majority the Electoral Commissioner to be responsible for the conduct of an election, or all elections held within a particular period of time, and if such a decision is made the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election, or elections.</p>
s. 4.20(5)	<p>The declaration must be made 80 days before election day and if the declaration includes extraordinary elections, it will enable any late vacancies to be included in that election, as long as the electoral requirements can be complied with.</p>
s. 4.20(6)	<p>A declaration made before the 80th day cannot be rescinded after that day.</p>
s. 4.22(1)	<p>An election is to be conducted by the returning officer for that election.</p>
	<p>Deputy returning officer</p>
s. 4.21(1)	<p>The returning officer is to appoint one or more deputy returning officers.</p>
s. 4.21(2)	<p>If the local government has declared the Electoral Commissioner to be responsible for the conduct of an election, the Electoral Commissioner is to appoint one or more deputy returning officers.</p>
s. 4.22(3)	<p>If the returning officer is absent or cannot perform his or her functions a deputy returning officer is to (must) perform the returning officer's functions.</p>

Reference

Presiding officers

s. 4.63

The electoral officers appointed by the returning officer are to include a presiding officer and one or more other electoral officers for each polling place.

The returning officer may appoint himself or herself to be the presiding officer for a polling place.

Delegations to Deputy Returning Officer

s. 4.26(2)

A returning officer may delegate any of his or her powers or duties under the Act (except the power of delegation) to a deputy returning officer. Where more than one deputy is appointed, duties can be delegated to each deputy – either the same duties or different duties. The returning officer cannot delegate powers or duties of the returning officer to local government staff that are not deputy returning officers.

If you are the CEO you may delegate duties performed by the CEO to any of your staff, in accordance with s.5.44 of the Act, such as dealing with enrolment claims for the electoral roll.

The Returning Officer should be extremely cautious which of the returning officer's duties are delegated to others as some may be too onerous or inappropriate to discharge, such as changing candidate profiles. However it may be difficult for the returning officer to be available during the whole election period and it would help if a deputy could perform some specific tasks.

s. 4.26(3)

Delegations must be in writing. A memo is sufficient for this purpose (**example.doc E1/9**). Delegations from returning officers do not have to be recorded in the local government's delegations register; nor does a written record have to be kept when the power or duty is exercised, as is the case with delegations from the CEO however it may be prudent to do so.

Suspension of electoral officerss. 4.27(1)
reg. 6(3)

An electoral officer may be suspended or dismissed if, in the opinion of the returning officer:

- the person is no longer competent to perform the functions of the position;
- the person has failed to discharge any of the duties that the person has, by declaration, undertaken to perform; or
- for any other reason, the suspension or dismissal is necessary for the proper conduct of the election.

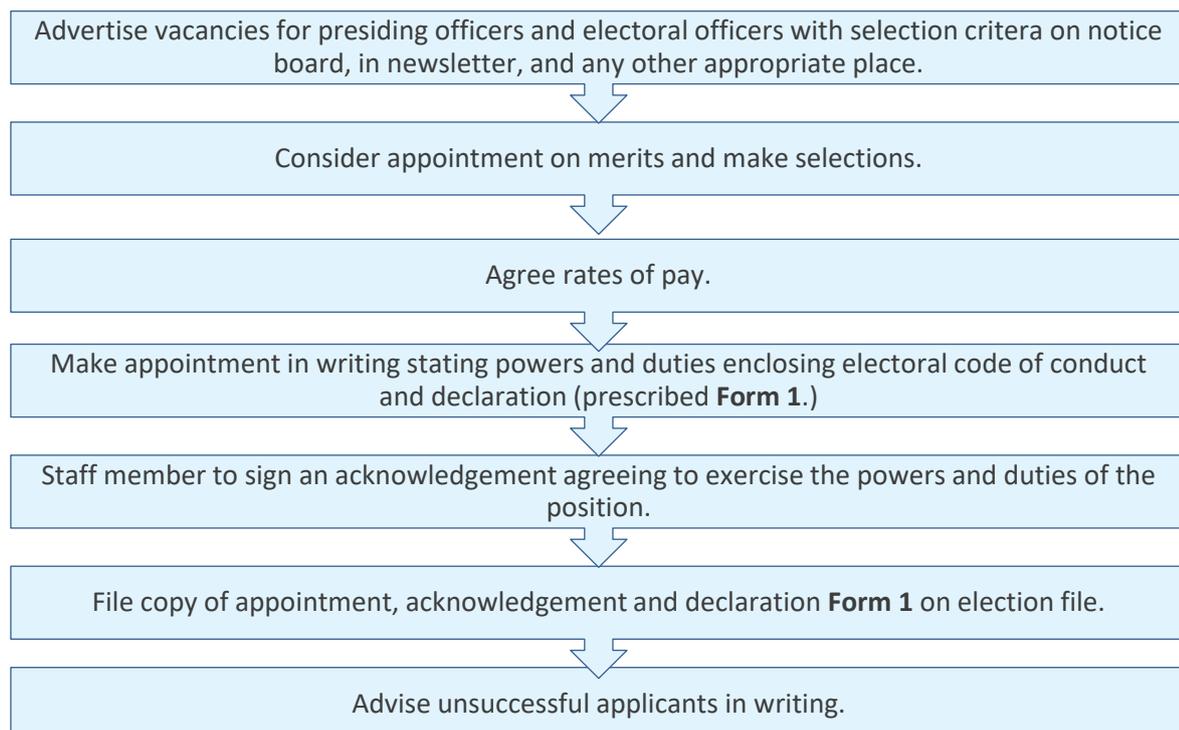
Note that the Act does not specify that any notice has to be given to electoral staff.

9.2 Staff selection and appointment

Reference	
<p>reg. 6(1) s. 5.40</p>	<p>EEO principles</p> <p>Presiding officers and electoral officers must be appointed in accordance with the principles of merit and equity. This does not mean that the returning officer must go outside the local government to make appointments, but it does mean that everyone suitable should be given an equal opportunity to be considered for appointment.</p> <p>An advertisement displayed prominently on every staff notice board and/or intranet should be adequate but consider placing the advertisement in staff newsletters or sending out a memo to everyone telling them about the opportunities. The advertisement should include selection criteria that will ensure suitable people are employed but must not unnecessarily exclude people (example.doc E2/9).</p> <p>Appointment as an electoral officer is a separate contract of employment. Avoid making judgements about suitability based on the role or seniority people have as employees in the local government. For instance, do not appoint all the managers automatically as the presiding officers and more junior staff as electoral officers.</p>
<p>reg. 6(2)</p>	<p>Do not appoint anyone as an electoral officer unless they are competent to perform the functions of the position.</p>
<p>reg. 9(1) Refer to relevant Industrial Awards</p>	<p>Rates of pay</p> <p>The fees to be paid to an electoral officer are those agreed between the local government and the electoral officer. The agreed scale of fees will need to be established so that rates of pay can be included in the letter of appointment and acknowledged by the electoral officer.</p> <p>Industrial Awards cover the minimum rates of pay in the Local Government Officer's (WA) Award. Some local governments have their own Award.</p>
<p>reg. 8(3) and (4)</p>	<p>Appointments in writing</p> <p>Each electoral officer should be appointed in writing. The appointment should say where they will be working, and set out their rights and duties, rates of pay and hours of work (example.doc E3/9). The appointment letter should enclose a copy of the code of conduct (example.doc E4/9). Electoral officers should acknowledge the appointment and confirm agreement to the terms and conditions, and willingness to abide by the code (example.Doc E3/9).</p> <p>Advise unsuccessful applicants in writing.</p>

Reference	
reg. 7	<p>Declarations</p> <p>Before beginning to act as an electoral officer, the staff member/s appointed must make a declaration in prescribed Form 1 before:</p> <ul style="list-style-type: none"> • a person who is able to take statutory declarations under the <i>Oaths, Affidavits and Statutory Declarations Act 2005</i> such as a Justice of the Peace; or • a more senior electoral officer according to the table of ranking in regulations reprinted below. <p>Table of seniority in descending order</p> <p>Returning officer Deputy returning officer/s Presiding officer/s Other electoral officer/s</p> <p>Check each declaration off against the list of appointed staff to make sure that declarations are made and returned. Each declaration should be filed in the elections file.</p>

Flowchart of selection and appointment of electoral staff



9.3 Electoral code of conduct

Reference	
<p>s. 4.27(1)(d) reg. 8</p>	<p>Requirement to have a code</p> <p>The returning officer is required to prepare and adopt a suitable electoral code of conduct to set out the professional standards expected of electoral staff. Electoral officers must observe and comply with the electoral code of conduct.</p>
<p>reg. 8(2)</p>	<p>Principles contained in a code</p> <p>The code must aim to ensure in relation to the election, that all electoral officers act:</p> <ul style="list-style-type: none"> • lawfully; • professionally; • fairly and impartially; • with honesty and integrity; and • without any conflict of interest.
<p>Refer to example Code of Conduct in this manual.</p>	<p>An example of a suitable code is provided in this manual (refer to example.doc E4/9). WALGA has also produced a template electoral code of conduct that can be used as a guide.</p>

9.4 Staff numbers

Reference	
s. 4.21	<p>Number of deputy positions</p> <p>At least one deputy returning officer must be appointed. The fact that more than one may be appointed gives flexibility to fulfil the obligations of the role.</p> <p>If more than one deputy returning officer is appointed, make it clear what functions are to be performed by each. Also make it clear in priority order who will act if the returning officer is absent or cannot perform his or her function as returning officer. The decision is likely to be influenced by the availability and competence of other staff.</p>
Refer to Chapter 12 – “Voting before election day”	<p>Staff for absent, early and postal votes</p> <p>It is usual practice for counter staff or rates staff to be trained to process absent, early and postal votes during office hours. Ensure that there is an electoral officer available at all times while the office is open. An electoral officer will be needed to process absent votes for other local governments even if an election is not held in your district.</p> <p>If the returning officer decides to operate more than one venue for early votes, such as the library, ensure trained staff are available for the advertised hours.</p>
Refer to Chapter 11 – “Polling places”	<p>Number of presiding and electoral officers</p> <p>There are several factors to consider when deciding the number of staff for polling places. The returning officer can be flexible to some extent and have more staff working during the times when it is expected that a particular polling place will be busy.</p> <p>Minimum staff for each polling place for the duration it is open are:</p> <ul style="list-style-type: none"> • One presiding officer • One electoral officer.
Refer to Chapter 14 – “The count”	<p>Counting staff</p> <p>Sufficient staff will be needed to conduct the count in a proper and efficient manner.</p> <p>How many will depend on whether there are wards, the number of polling places and the estimated number of votes to be cast.</p>

Reference

The following is regarded as a minimum for most local government elections:

- One returning officer
- One deputy returning officer
- One ballot box manager (may be the deputy)
- One table manager for each counting or batching table
- Two other counting or batching staff for each table (minimum requirement).
- (if the count is done electronically) at least two data entry staff.

Often, counting or sorting staff are drawn from the presiding officers and electoral officers who have worked in polling places throughout the day who return to the count area with the ballot boxes and remain to count the votes.

Should a local government use electronic counting, the returning officer could appoint people with relevant data entry experience exclusively for the count. If using the Western Australian Electoral Commission's vote counting software to conduct the count electronically, the returning officer would need to appoint a data entry supervisor and one or more data entry operators to enter voting information on to computers.

9.5 Training electoral staff

Reference

Importance of staff training

The failure of electoral officers to discharge their duties or to exercise their powers appropriately can adversely affect the rights of others and, in extreme cases, the result of an election. It can lead to suspension or removal of the officer concerned. Therefore returning officers have a duty to ensure that electoral officers are aware of their rights and responsibilities and know how to undertake their duties.

It is preferable for the information to be given as part of a comprehensive training program. The steps recommended in this manual are considered the minimum requirements.

Briefing sessions

Nothing replaces face-to-face explanation, and demonstration and practice of what has to be done. For example, a written instruction to seal the ballot box does not explain how the seals operate and what to do if they become damaged. The briefing session should be held on the Wednesday or Thursday of the week before election day. A suitable program appears below:

AGENDA

1. Attendances (no excuses)
2. Electoral code of conduct
3. Presiding/electoral officer manual (included as an attachment in this publication)
4. Demonstration and practice in sealing the ballot box
5. Demonstration and practice in witnessing forms
6. Questions relating to venues
7. Arrangements to collect presiding officer packages
8. Arrangements for the count
9. Self-assessment exercises (**example.doc E5/9**)
10. Arrangements for conducting a mock count for staff

Written instructions

Presiding officers and electoral officers must be given written instructions on their duties and clear directions on the way they are to be carried out. Consistency and adherence to legal requirements is essential.

A presiding/electoral officer manual is provided as an attachment to this manual.



Reference sheet

Refer to
Presiding/electoral
officer manual
included with this
publication.

Reference**Self-assessment exercises**

Staff will need to take responsibility for their own actions on election day. They must read the presiding/electoral officer manual every election. They should also make sure they are ready by answering questions to assess their level of understanding of their duties. A self-assessment questionnaire is provided at (**example.doc E5/9**) that can be adapted for individual situations.

9.6 Quality document control

Document Reference	Document Title	Electronic Reference	* Position authorised to review and check	* Distribution
E1/9	Memo of appointment and delegation to deputy returning officer	<Insert computer file reference>	Returning Officer	Deputy Returning Officer, elections file, delegations register (optional)
E2/9	Staff notice calling for electoral officer applications	<Insert computer file reference>	Returning Officer	Staff notice boards, staff newsletter, individual staff members as for local situations elections file
E3/9	Staff appointment acknowledgement	<Insert computer file reference>	Deputy Returning Officer	Letters to addressee, copies on election file
E4/9	Electoral code of conduct	<Insert computer file reference>	Returning Officer	All electoral officers, election file, public document
E5/9	Self-assessment exercises for electoral officers	<Insert computer file reference>	Returning Officer	Staff as addressed, elections file
Form 1	Declaration by electoral officer	<Insert computer file reference>	Prescribed document	Regulations

& * Complete for local situation and maintain this list in the records management system.

3

Example.doc E1/9 - Memo of appointment and delegation to deputy returning officer

Memo

To: <Insert name>

From: <Insert name>

Date: <Insert date>

Re: **Appointment as Deputy Returning Officer**

In accordance with section 4.21(1) of the *Local Government Act 1995*, I appoint you to the position of deputy returning officer for the <insert ordinary or extraordinary> election to be held on <insert date>.

In terms of this appointment I delegate to you, in accordance with section 4.26(2), the powers and duties to ensure completion of all requirements associated with an election that are ordinarily the responsibility of the returning officer with the exception of those detailed in the table below:

REFERENCES	INSTRUMENT OF DELEGATION All powers and duties of the office of returning officer except
s.4.51	Rejection of nominations for vacancy of mayor, president or councillor.
s.4.54 to 4.57	On nomination day the declaration of candidates elected, the determination of those vacancies in which elections are to be held and the drawing of lots for positions on the ballot paper.
s.4.62	Appointment of polling places.
s.4.63	Appointment of presiding and electoral officers.
s.4.7, reg.37- 40	Rejection of applications for postal votes.
s.4.72, s.4.74 to s.4.77	Ascertaining the result of the poll and declaring the result of the election.
Additional requirements	To act in my place on election related matters in my absence.
This delegation is subject to:	
Completion of Form 1 – Declaration by electoral officer.	
You are to return to me a copy of this delegation signed by you indicating your agreement to exercise the delegation and duties outlined.	

<Insert name>

Returning Officer

<Date>

Enclosures:

- Copy of this delegation memo with acknowledgement block
- Blank prescribed **Form 1 – Declaration by Electoral Officer**
- Copy of electoral code of conduct

Acknowledgement

I accept the position of Deputy Returning Officer and agree to exercise the delegated powers and duties.

Signed..... **Dated**

Returning officer delegation memo

Version 1

Issue date: - Updated:

Checked by: (insert name)

Approved by: (insert name)

Controlled document for use by authorised staff only

3

Example.doc E2/9 - Staff notice calling for electoral officer applications

Staff Notice

Electoral Officers Wanted

All staff who believe they have the skills for the positions listed below are invited to apply for positions for the <insert ordinary or extraordinary> election to be held on <insert date>.

Appointments will depend on whether elections are held after nominations have closed. Hours of work will depend on the polling place or duration of the count. Typically hours will be from 7.30am to 6.15pm for staff at polling places and from 6.15pm until the count closes for counting staff. There may be occasions when this commitment will extend beyond election night and may involve the following day or perhaps even next business day. Positions available are:

- Presiding officers
- Electoral officers
- Ballot box manager
- Counting/ballot paper sorting staff
- Data entry operators.

Rates of pay are in accordance with council policy reference <insert policy number.>

Successful applicants will be required to sign acceptance of the terms and conditions of appointment and an acknowledgement agreeing to exercise the powers and duties required of them and that they will comply with the electoral code of conduct. Training will be provided. A copy of the guide for presiding/electoral officers is available from <insert name> and you will be provided with your own copy if you are successful.

Selection criteria:

Developed clerical skills.

Experience in the following prescribed processes.

Ability to act fairly and impartially in an electoral situation.

Excellent public relations skills.

Previous experience of electoral processes (highly regarded).

(For data entry operators) Experience in data entry with a high level of accuracy

Applications are to be on a single A4 page only and must address the selection criteria.

Applications are to be delivered to (insert name) and are open until (insert time and date).

<Insert name>

Returning Officer

<Date>

Staff notice calling for applications

Version 1

Issue date: - Updated:

Checked by: (insert name)

Approved by: (insert name)

Controlled document for use by authorised staff only

Example.doc E3/9 - Staff appointment acknowledgement

Memo

To: Successful applicant
 From: Returning officer
 Date: <insert date>

Re: Appointment as Electoral Officer

In accordance with section 4.63 of the *Local Government Act 1995*, I appoint you to the position of <insert position> for the <insert ordinary, extraordinary or other [specify]> election to be held on <insert date>.

You will be required to work at the <insert place> and your hours of work will be <insert times>. Rates of pay will be <insert hourly rate>. This appointment is subject to:

Completion of Form 1 – Declaration by electoral officer

You are to return to me a copy of this appointment signed by you indicating you accept the terms and conditions of your appointment, and agree to exercise the powers and duties of the position

A copy of the presiding/electoral officer manual is attached and you must familiarise yourself with it in time for a briefing session on <insert time and date>. A copy of the electoral code of conduct is also enclosed. If you have any questions about your duties please discuss with <insert deputy returning officer or returning officer as is the case> or ask at the briefing session.

Yours sincerely

<Insert name>
 Returning Officer
 <Date>

Enclosures:

- Presiding/electoral officer manual
- Electoral code of conduct
- Blank prescribed **Form 1**

Acknowledgement

I accept the position of <insert position> under the terms and conditions stated and agreed to exercise the powers and duties of the position.

Signed..... Dated

Staff appointment acknowledgement

Version 1

Issue date: - Updated:

Checked by: (insert name)

Approved by: (insert name)

Controlled document for use by authorised staff only

3

Example.doc E4/9 - Electoral code of conduct

Electoral code of conduct

We will respect the law and observe this code

We will ensure that in our electoral duties, we always act and are seen to act properly and according to the requirements of the law and this code of conduct. We will inform ourselves of the statutory obligations imposed on us and when in doubt we accept our responsibility to ask questions to remove the doubt.

In observing the law and this code we will:

- complete declaration **Form 1** before acting;
- study the presiding/electoral officer manual and any other material provided by the returning officer for training purposes;
- abide by the Act, regulations and instructions given relating to our duties; and
- maintain security of the election papers (including computers used for entering voting data) and secrecy of the ballot.

We will act professionally

We will work together as a team to fulfil our electoral obligations and ensure accountability and transparency of our actions. We will not publicly reflect adversely on any other electoral officer, elector, candidate or on our local government.

In acting professionally we will:

- open and close the polling place at the correct times;
- behave consistently, ethically, courteously and effectively;
- obey promptly any lawful instruction of a senior officer;
- be accountable for our actions and their consequences;
- maintain confidentiality; and
- maintain full and accurate records in the performance of our duties.

We will act fairly and impartially

We will perform all our duties impartially and in the best interests of the democratic process uninfluenced by fear or favour.

In acting fairly and impartially we will:

- treat people with dignity and respect;
- be impartial but recognise that equity can involve treating people differently in some circumstances; and
- be conscious of the need to be watchful of activities in and around the polling place, the counting tables and the computers used for entering voting data to ensure a fair result.

We will act with honesty and integrity

We will observe the highest standards of honesty, probity and integrity.

In acting with honesty and integrity we will:

- act in good faith;
- explain procedures and processes to those not aware of them; and
- not take advantage of our position to improperly influence others in the performance of their duties.

We will not place ourselves in situations of divided loyalties

We will ensure that there is no actual or perceived conflict of interest relating from our work on the election. A conflict could arise in circumstances where we are closely associated with a candidate or campaign helper in some way. If we realise that a conflict of interest may exist we will disclose this immediately to the returning officer or a senior officer and obey any instructions given in this respect. We understand that those instructions could mean that we may no longer act as an electoral officer.

Electoral code of conduct
Version 1
Issue date: Updated:
Checked by: (insert name)
Approved by: (insert name)
Not restricted

Example.doc E5/9 - Self-assessment exercises for electoral officers

Self-assessment exercises for electoral officers

Introduction

These exercises have been designed to assist you in assessing your level of understanding of the duties of an electoral officer. You will need a separate writing pad, pen and your copy of the Presiding/Electoral Officer Manual.

You should complete the exercises after you have carefully read through the Presiding/Electoral Officer Manual.

Answers to all questions are provided at the end. Resist the temptation to look at the model answers before you have completed the exercise. If any of your answers are not consistent with the model answers provided, you should re-read the relevant section of the manual to reinforce your understanding.

If you are unclear about any of the answers discuss the issue with the returning officer or another senior electoral officer.

Questions

1. When setting up a polling place for the conduct of an election, what matters should you pay particular attention to for the smooth operation of that polling place?
2. Describe in detail the steps you would take in sealing a ballot box before it is used for the receipt of ballot papers.
3. Within what distance from the entrance of a polling place is the canvassing or soliciting for votes not permitted?
4. What are the two basic questions that must be asked of all voters when they present themselves for a ballot paper?
5. Describe in detail the steps that you would take in giving a person a ballot paper after they have correctly identified themselves.
6. Describe in detail the steps you would take if a person spoilt a ballot paper.
7. Where a person requires assistance from a presiding officer to complete their ballot paper, is anyone else able to be present - if so who?
8. What steps can you take where you have difficulty in understanding an elector?
9. Where an elector owns land in their own right and as a representative for a body corporate how many votes are they entitled to for the same election.
10. Describe in detail the steps you would take where a person's name has been omitted from the electoral roll and you have decided they should have a right to vote.
11. Describe what you would do where a person who is shown on the roll as receiving a postal vote attends your polling place to vote in person.
12. What are the rights of a scrutineer?
13. Is there any restriction on a candidate entering a polling place during the hours of voting? If so, what is it?

14. When voting finishes at 6.00pm and there are still persons in the polling place, what should you do?

3

Answers

1. Access by the voters, expected number of voters, avoid congestion, placement of the voting screens to ensure:
 - protection of the voter's right to secrecy of his or her vote;
 - electoral officers can see all the voting screens;
 - that each voter can conveniently place their completed ballot paper in the ballot box before leaving the polling place; and
 - ballot box in view of the presiding officer and electoral officer at all times.
2. In the sealing of a ballot box at the commencement of its use, the presiding officer appointed to the polling place shall open the ballot box, satisfy themselves that it is empty, exhibit it to the electoral officer(s) and scrutineers (if any are present) and then place an electoral seal through the clasp of the lid. If the ballot box has inner and outer lids, a padlock or sealing device is to be placed through the inner lid clasp so that the inner lid is both locked and or sealed. The name of any witness should be recorded and they should be requested to sign against their name on the witness form.
3. Canvassing or soliciting for votes is not permitted within six metres of an entrance to a polling place.
4. The elector should be asked to identify him or herself by stating their name in full, their address and whether they have voted already in the election.
5. In having correctly identified the elector, mark the electoral roll with a blue pen by crossing through the name address and vote issued to the elector. Take a ballot paper, initial the reverse side of it and give the ballot paper to the elector. The issue of the ballot paper is then recorded on the tally sheet.
6. Where a ballot paper is spoilt, the presiding officer is able to cancel that ballot paper and give the voter a replacement paper first making sure that the presiding officer marks their initials on the reverse side or authenticates the ballot paper in a way approved by the returning officer. In issuing a replacement ballot paper, the presiding officer is not to record the issue of the 'second' ballot paper on the tally sheet. The presiding officer is to record the cancellation of the ballot paper on the "Ballot Papers Return" and place the spoilt ballot paper in the envelope provided which is to be given to the returning officer at the close of the poll to become part of the record of the election.
7. A person requiring assistance to vote may either request the presiding officer or electoral officer to complete their ballot paper or make arrangements for an electoral officer to do so, or alternatively, request permission to retire with a person other than a candidate or scrutineer with that person being permitted to complete the ballot paper for them.
8. Where there is difficulty in understanding an elector because of physical disability or an inability to speak fluent English, it may help to ask that person to write their name on a piece of paper or produce some form of identification.
9. Where a person is shown on the electoral roll for a ward or district if there are no wards as owning land in their own right and as a representative for a body corporate in the same ward, they are only entitled to one vote for the same election.
10. In having determined their right to vote, the elector is firstly required to sign a provisional vote declaration on the envelope, **Form 16**. In having completed the declaration and the presiding officer is satisfied that the person is entitled to vote, the presiding officer shall mark their initials on the reverse side of the ballot paper or other authentication approved

by the returning officer and give the person both the ballot paper and a ballot paper envelope. The person having recorded their vote shall place the ballot paper in the ballot paper envelope, seal it and hand it to the presiding officer, who in turn shall insert the envelope in the declaration envelope and place the envelope in the ballot box.

11. Where a person is shown on the roll as receiving a postal vote, and intends to vote in person, they are firstly required to return for cancellation the postal vote certificate and postal ballot paper that would have been issued to them prior to them being given a ballot paper. Where they are not able to return the certificate and postal ballot paper and still insist upon receiving a vote they are to be referred to the presiding officer/returning officer.
12. To attend the polling place nominated for them to observe the conduct of the election to ascertain the Act is being complied with.
13. A candidate is only entitled to enter a polling place during the hours of polling for the purpose of casting his or her own vote. They are not able to act as a scrutineer at a polling place.
14. Precisely at 6.00pm the polling place doors are to be closed and those persons, if any, that are still in the polling place at that time and are eligible to vote, are entitled to do so.

If there is a queue at the polling place just before 6pm, a staff member is to join the end of the line precisely at 6pm and anyone in front of the staff member is able to cast their vote, but anyone trying to join the line after the staff member should be informed they are not able to vote as voting has officially closed. Persons either not eligible to vote or if eligible but having already voted, should then be requested to leave the polling place.

Self-assessment exercises for electoral officers

Version 1

Issue date: Updated:

Checked by: (insert name)

Approved by: (insert name)

Not restricted

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Form 1 - Declaration by electoral officer*Local Government (Elections) Regulations 1997, reg 7***DECLARATION BY
ELECTORAL OFFICER**

Electoral Officer	Full name:
	Address:

Office	<input type="checkbox"/> Returning officer <input type="checkbox"/> Deputy returning officer <input type="checkbox"/> Presiding officer <input type="checkbox"/> Other electoral officer
	District:

Declaration (Making a false declaration is an offence)	I accept the above office and declare that:	
	<ul style="list-style-type: none"> • I will act lawfully, professionally and impartially, and with fairness, honesty and integrity; • I will not seek to obtain, and having obtained will not make known, the vote of any elector unless required by law to do so; and • I will observe and comply with any electoral Code of Conduct prepared or adopted by the returning officer. 	
[To be signed before a witness]	Signature:	Date:

Witness	Full name:
	Officer:
	Signature:

Declaration	The declaration must be signed before: <ul style="list-style-type: none"> • a Justice of the Peace; • a person authorised under the <i>Oaths, Affidavits and Statutory Declarations Act 2005</i> to take statutory declarations; or • a more senior electoral officer.
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10 Candidates and scrutineers

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10.1 Candidates

Reference	
	Rights and obligations of candidates
s. 4.42(2) reg. 22	<p>Candidates are entitled to receive a copy of all rolls for the election free of charge. They may be charged for additional copies.</p> <p>Candidates may be present at the drawing of lots for position on the ballot paper. All candidates (whether present for the drawing of lots or not) should be formally advised of the ballot paper positions.</p>
s. 4.87 s. 5.103	<p>Candidates must ensure that they comply with requirements of the Act and the <i>Local Government (Elections) Regulations 1997</i>.</p> <p>Candidates are required to observe the Local Government Model Code of Conduct which is adopted by each local government in accordance with the <i>Local Government (Model Code of Conduct) Regulations 2021</i>. The code sets out general principles to guide the behaviour of council members, committee members and candidates.</p>
reg.3, 4	<p>The Model Code of Conduct includes the following general principles:</p> <ul style="list-style-type: none"> (a) act with reasonable care and diligence; and (b) act with honesty and integrity; and (c) act lawfully; and (d) identify and appropriately manage any conflict of interest; and (e) avoid damage to the reputation of the local government.
s. 4.59 reg. 30A	<p>Candidates should be made aware that a breach of the Code of Conduct during their candidacy may become the subject of a formal complaint process if they are elected.</p> <p>In particular, they must ensure that electoral material is properly authorised.</p>
reg. 49	<p>Within three days of nomination, candidates must disclose information about any election related gift with a value of \$300 or more, or a gift that is one of two or more gifts made by one person that together have a value of \$300 or more, that they may receive within the six-month period prior to the relevant election day. Any further gifts thereafter must also be disclosed. The disclosure of a gift is made to the CEO.</p>
reg. 51(4) reg. 58(2)	
reg. 69(1)	<p>It is unlawful for a candidate or a person expressly authorised to act on behalf of a candidate to communicate with, assist or interfere with an elector while the elector is making a postal vote.</p>

Reference**reg. 69(3)**

Candidates must be given advance written notice of when and where the electors' certificates for postal voting papers will be checked. They may also be present for the checking of certificates for absent voting papers.

Candidates can appoint scrutineers on prescribed **Form 18** to be present at any one polling place at any one time. They do not have to appoint scrutineers but most candidates do so.

Candidates cannot act as a scrutineer. They however may be present when the election result is publicly declared by the returning officer.

Reference

s. 4.49

Key steps for candidates

The most important part of the election process for prospective candidates is that they make an effective nomination. To do so, they must:

- correctly complete the **nomination** form;
- produce a **complying** candidate profile written in English on an A4 sheet;
- deliver the **completed** nomination form and profile to the returning officer within the period beginning the 44th day before election day and end at 4.00pm on the 37th day before election day;
- at the **time** the nomination is lodged or before the close of nominations pay the election deposit; and
- if the **nomination** is made by an agent the candidate must provide the agent with written authorisation to make the nomination.

Impartiality of the returning officer

It is essential that the returning officer treat all candidates impartially. This includes ensuring that they all receive information relating to the election process in a timely manner.

Further information about candidates appears in the *Standing for Council Fact Sheets* produced by the Department of Local Government, Sport and Cultural Industries.

10.2 Scrutineers

Reference	
reg. 71 and 72	<p>Scrutineers</p> <p>A scrutineer is a person who observes the conduct of an election on behalf of a candidate. They should not be confused with “campaign helpers”, who do not enter polling places or the count area. After an election is called and polling places are identified the candidate can appoint scrutineers to act at any of the polling places.</p>
reg. 72(a)	<p>Any number of scrutineers may be appointed but only one for each candidate may be present at any one polling place at any one time.</p>
reg. 69	<p>Eligibility to act as a scrutineer</p> <ul style="list-style-type: none"> • A scrutineer must be 18 years of age or over to be appointed. • A candidate cannot be a scrutineer. • Before acting, each scrutineer must make a declaration on the prescribed Form 18 in front of a relevant witness and must have their appointment acknowledged by the returning officer or a presiding officer.
reg. 69 reg. 71	<p>Rights and duties of scrutineers</p> <p>Scrutineers may:</p> <ul style="list-style-type: none"> • attend at a polling place mentioned in their notice of appointment to observe the conduct of the election and to make sure that legal requirements are met; • observe the checking of absent and postal votes; • be present at the preparation of postal voting papers for counting but only at a sufficient distance so that they cannot ascertain the markings on the ballot papers; and • be present when ballot boxes are opened and votes are being counted.
reg. 70 reg. 72	<p>Obligations of scrutineers</p> <p>Scrutineers must:</p> <ul style="list-style-type: none"> • wear identification as a scrutineer; • produce a copy of their appointment form if requested by a presiding officer at a polling place; and • comply with all directions given by the returning officer and all reasonable requests by an electoral officer.

10.3 Scrutineers at polling places

Reference	
<p>s. 4.71(J) reg. 69</p>	<p>Requirement for scrutineers to be appointed</p> <p>Candidates can appoint any number of people they think fit to act as their scrutineers during an election. However, as mentioned earlier, only one scrutineer from each candidate may be present at any one time in a polling place. When handing over from one scrutineer to another, this should occur outside. At the count however, this representation may change to one scrutineer per candidate per count table.</p>
<p>reg. 70</p>	<p>Candidates must give the returning officer written notice of their appointment of any scrutineers using Form 18 and say what polling place each will attend. Scrutineers must carry a duplicate copy of this appointment and they must produce it for inspection if requested.</p> <p>A list of the nominated scrutineers should be provided to presiding officers in the polling place packages. However, there is no time restriction on when scrutineer appointments must be given to the returning officer. Therefore some may happen on election day itself.</p>
<p>reg. 70</p>	<p>Declarations by scrutineers</p> <p>If a scrutineer attends the polling place and his or her name is not on the pre-prepared list then the presiding officer may ask them for their prescribed Form 18. If they do not have the correct form of appointment they must be given the form in duplicate and asked to have the candidate complete and sign it before they can commence observing proceedings.</p> <p>The completed form can be returned to the presiding officer at the polling place. When the presiding officer receives the form they must witness the declaration by the scrutineer on the prescribed Form 18 if a relevant person has not already witnessed it. They can then sign the acknowledgement of appointment and retain one of the copies. A record of this action should be entered onto the occurrence sheet (example.doc E3/11).</p>
<p>reg. 70</p>	<p>Identification of scrutineers</p> <p>A scrutineer must wear a badge or other article that identifies them as a scrutineer at all times whilst acting in that capacity. This does not extend to identification of the candidate they are acting for. Any campaign badges or other promotional items must be removed when scrutineers are in the polling place. Scrutineers who wear clothing showing the name of a candidate must be asked to cover up the name or asked to leave the polling place until they have complied with the regulations.</p>

Reference	
reg. 69(3)	<p>Prohibition on candidates acting as scrutineers</p> <p>A candidate is not allowed to act as a scrutineer at a polling place during the hours of polling. They can enter to cast their vote but must not remain after they have done so for any reason.</p>
reg. 72(c)	<p>Restrictions on canvassing for votes</p> <p>A candidate, their campaign helpers or scrutineers are not permitted to bring campaign material or placards inside a polling place.</p>
reg. 71	<p>Scrutineers as observers</p> <p>Scrutineers have the right to enter and act as a scrutineer at the polling place specified in their appointment.</p> <p>Their job is to be an observer only of the electoral process. They can stand by or sit and watch proceedings or stand near the door and watch people come and go. They must not interrupt or actively get involved.</p> <p>Scrutineers must not take any part in the conduct of the election. They must not speak to an elector. They do not have any right to ask the electoral officer to ask an elector a question. They are there simply to see the functions that are being performed.</p> <p>Scrutineers must not record the name of a person who attends a polling place to vote or record any information given by them to an electoral officer in order to receive a ballot paper.</p> <p>Scrutineers are required to comply with reasonable requests made by an electoral officer.</p>

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10.4 Quality document control

Document Reference	Document Title	Electronic Reference	* Position authorised to review and check	* Distribution
Form 18	Appointment of scrutineer original	<Insert computer file reference>	Prescribed form	Regulations
Form 18	Appointment of scrutineer duplicate	<Insert computer file reference>	Prescribed form	Regulations

& * Complete for local situation and maintain this list in the records management system.

Form 18 - Appointment of Scrutineer (Original copy)

Local Government (Elections) Regulations 1997, reg 69

APPOINTMENT OF SCRUTINEER

[To be completed by candidate. See back for notes on how to complete this form]

Candidate	Full name:
	Address:
	Candidate for: <input type="checkbox"/> Mayor/President <input type="checkbox"/> Councillor

Scrutineer	Full name:
	Address:
	Phone numbers (H): (W): (M):
	Fax number: Email:

Election	Local government district:
	Ward:
	Election date:
	Polling place(s):

Signature of candidate:	Date:
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Back of original copy of Form 18

Where to send this form	<p>When you have completed and signed your part of this form and the declaration by the scrutineer has been completed, send both copies of the form to the returning officer for the district or give them to the presiding officer at a polling place.</p> <p>You may send your form by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including signatures. If you send it by fax or electronically you should check that it has been received.</p>
Duplicate copy of form	<p>You must complete 2 copies of this form. The original will be retained by the returning officer or presiding officer. The duplicate will be returned and must be given to and retained by the scrutineer.</p>

Form 18 - Appointment of Scrutineer (Duplicate copy)

Local Government (Elections) Regulations 1997, reg 69

APPOINTMENT OF SCRUTINEER

To be completed by candidate. See back for notes on how to complete this form

Candidate	Full name:
	Address:
	Candidate for: <input type="checkbox"/> Mayor/President <input type="checkbox"/> Councillor

Scrutineer	Full name:
	Address:
	Phone numbers (H): (W): (M):
	Fax number: Email:

Election	Local government district:
	Ward:
	Election date:
	Polling place(s):

Signature of candidate:	Date:
--------------------------------	--------------

ACKNOWLEDGEMENT OF APPOINTMENT

Returning officer or presiding officer	Full name:	
	Signature:	Date:

DECLARATION BY SCRUTINEER

To be completed before the notice of appointment has been acknowledged and returned

Declaration¹ <small>[Making a false declaration is an offence]</small>	I declare that I am at least 18 years of age and will comply with the provisions of the <i>Local Government Act 1995</i> and the <i>Local Government (Elections) Regulations 1997</i> which relate to scrutineers.	
	Signature:	Date:

Witness	Full name:
	Office:
	Signature:

3

Back of duplicate copy of Form 18

1 Declaration	The declaration by the scrutineer must be signed before: <ul style="list-style-type: none"> • a Justice of the Peace; • a person authorised under the <i>Oaths, Affidavits and Statutory Declarations Act 2005</i> to take statutory declarations; or • the returning officer, deputy returning officer or a presiding officer.
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The rights and duties of a scrutineer

What you may do	As a scrutineer you may: <ul style="list-style-type: none"> • attend at a polling place mentioned in your notice of appointment to observe the conduct of the election and to make sure that the <i>Local Government Act 1995</i> is being complied with; • observe the checking of absent and postal votes; • be present at the preparation of postal voting papers but only at a sufficient distance so that you cannot ascertain the markings on the ballot papers; and • be present when ballot boxes are opened and votes are being counted.
------------------------	---

What you must do	As a scrutineer you must: <ul style="list-style-type: none"> • wear identification of your appointment as a scrutineer; • have your copy of the Appointment of Scrutineer form with you at all times and produce it when requested to do so by the Presiding Officer at a polling place; and • comply with all directions given by the Returning Officer and all reasonable requests made by any other electoral officer.
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What you must not do	As a scrutineer you must not: <ul style="list-style-type: none"> • enter a polling place if another scrutineer appointed by the same candidate is already there (unless one of you is just to cast your vote); • take part in the conduct of the election; • while in or within 6 metres of a polling place: <ul style="list-style-type: none"> • canvass for votes; • solicit the vote of an elector; • induce an elector to vote for a particular candidate; • induce an elector not to vote at the election; • record the name of a person who attends a polling place to vote or record any information given by a person to an electoral officer in order to receive a ballot paper.
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11 Polling Places

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11.1 Types of polling places

Reference	
<p>s. 4.68 reg. 54</p>	<p>Absent vote polling places</p> <p>Every local government office plays its part in every election in the State. This ensures that electors can cast their votes in a way convenient to them. People who are eligible to vote in an in person election and are unable to attend a location within their district may attend another local government office outside of their district to cast a vote (absent voting is not available however for postal elections).</p> <p>Voting takes place during normal business hours. An electoral officer must be available to handle absent votes even if an election is not being held in the particular district.</p>
<p>s. 4.68 reg. 59</p>	<p>Early vote polling place</p> <p>The returning officer appoints the place(s) for accepting early votes. Usually the office of the local government is selected, but other venues can be used provided that an electoral officer is in attendance to handle votes and arrangements can be made to supervise and secure the ballot box. Voting takes place during office hours or such other hours as the returning officer states in the election notice.</p> <p>Early votes are those votes cast before election day within the district for which the elector is eligible. Early vote polling places allow electors to vote at a time convenient to them for a period from when the election notice is published right up to 4.00pm on the evening before election day. Early vote polling places can be open at times nominated by the returning officer and can include late opening hours at places such as libraries or recreation facilities.</p>
<p>s. 4.64 reg. 31</p>	<p>The election notice is to include the polling place or places appointed for the casting of early votes and the date and time that place or places will be open for that purpose.</p>
<p>s. 4.23 s. 4.62</p>	<p>Election day polling places</p> <p>For every election, at least one polling place in the district is appointed by the returning officer to be open between 8.00am and 6.00pm on election day. For the convenience of voters, more than one polling place may be appointed.</p> <p>If wards are used, at least one polling place must be open in each ward between 8.00am and 6.00pm. However, the returning officer may with good reason decide that it is not necessary or practicable to open a polling place in a ward, or for the polling place not to be open the whole time.</p> <p>Many local governments have more than one polling place open in the district for the whole time and more than one polling place in each ward for the whole time. A balance needs to be struck</p>

Reference

s. 4.23
reg. 31
reg. 32

between giving every opportunity to electors to cast their vote and other considerations such as unreasonable cost.

Appointment of additional polling places

It is recommended that the returning officer appoint all required polling places in an organised way. However, there may be a good reason why one or more additional polling places need to be appointed after the election notice has been advertised. If this occurs, take all practical steps to advertise this in a newspaper circulating in the State or in a newspaper circulating in the district, and place a notice on notice boards at the council office and at each library in the district. Notice should also be given to all candidates in the election.

If more than one polling place is open on election day, the returning officer is to ensure that all ballot boxes from each location is received at the designated counting location – this may require an earlier closing time to be advertised at additional polling places to allow for this transportation and all ballot boxes to be received in time for the count on election night.

s. 4.23
reg. 43

Place for the delivery of postal votes

Although the Act does not mention specifically appointing a place where applications for postal voting papers can be obtained (prescribed **Form 12**), this will usually be the office of the local government.

reg. 31

The regulations are specific in requiring the election notice to state a place to receive postal votes and this will usually be the office of the local government.

Refer also to
Chapter 4 –
“Advertising
requirements”

Postal voting applications must be dealt with at the place nominated and they must be sent out through the post. However, postal votes that are being returned can be hand delivered to the place nominated in the election notice or via a polling place on election day.

s. 4.72(2)
reg. 31
reg. 73 to 75

Refer also to
Chapter 4 –
“Advertising
requirements”

Place to count votes

As returning officer, you are required to include in the election notice the nominated place where the votes will be counted. It must be decided in advance where the votes will be counted, although it can be done in some other place if there is a problem such as a riot or violence, or, in the case of electronic counting of votes, computer malfunction. If this happens, officially appoint some other place and advise the candidates. Do not automatically assume that the office of your local government is the place for the count because it may not be practical. The place for counting the votes does not have to be a polling place.

Refer to Chapter 14
– “The count”

The function of the place appointed to count the votes is to provide a secure environment to receive the ballot boxes after the close of the poll, to unseal them, and to count the votes,

Reference	
	including, in the case of an electronic count, data entry of voting information.
s. 4.72(3)	Members of the public are to have entry to the counting place to watch proceedings but they must be separated from the count area by a barrier or roped off area. Nominated scrutineers and candidates can enter the count area to witness the count at close quarters but must behave according to regulations and the directions of the returning officer.
s. 4.77	<p>If the venue has access to a temporary barrier system or post and rope queuing equipment for the returning officer to use to separate the counting area from viewing area that would be useful.</p> <p>The returning officer may choose to keep a progressive tally of the votes that each candidate has received on a master tally board. If so, the master tally board needs to be kept up to date for public information.</p> <p>The verbal declaration of the result of each election will usually be made at the counting place.</p>

11.2 Hours of polling

Reference	
reg. 54(2)	<p>Polling hours before election day</p> <p>Polling for absent voting starts on the day of the publication of the election notice and ends at 4.00pm on the 4th day before election day.</p>
reg. 59	<p>Polling for early votes starts on the day of publication of the election notice and ends at 4.00pm on the day before the election day.</p> <p>Voting is during office hours or such other times as may be notified in the election notice.</p>
reg. 37(4)	<p>Applications for postal voting papers for a particular election need to be received before 4.00pm on the 4th day before the election day. If received after that, the application is for elections generally and is to be treated as relating to a future election. Postal votes can be received up to the close of poll on election day.</p>
s. 4.23 s. 4.62	<p>Polling hours on election day</p> <p>At least one polling place must be open between 8.00am and 6.00pm on polling day in the district. If there are wards, at least one polling place in each ward must be open between 8.00am and 6.00pm.</p> <p>A returning officer may decide that in respect to a particular ward, it is not necessary or practicable to open a polling place in that ward on election day, or for less than the permitted time between 8.00am and 6.00pm.</p> <p>If such a decision is made the returning officer will need to have very good reasons and be able to substantiate them if a complaint is made.</p>
s. 4.72(1)	<p>Duration of the count</p> <p>The count commences as soon as practicable after polling closes at 6.00pm.</p> <p>Begin counting votes as soon as a ballot box is available without waiting for all the ballot boxes to arrive from outlying areas.</p>
s. 4.77	<p>The count closes at the time the returning officer publicly declares the result of the election.**</p> <p>Where there are a lot of votes or many candidates, and if a recount becomes necessary, the count may take some time.**</p> <p>It is important for the returning officer to ensure that all candidates are aware that they may request a recount if required. All such requests for a recount must be made in writing from the candidate to the returning officer before the</p>

Reference

**Refer also to
Chapter 14 – “The
count”**

result has been declared. This request may be made to the returning officer via an email.

With the new count process where preferences are now captured, it is expected that the result of the count may not be declared on the night as in previous elections. It is important not to rush the count, so it may be appropriate to defer declaration until the next day or even the next business day.

If adjourning the count overnight, return the votes to the ballot boxes, secure and reseal the ballot boxes, secure voting papers, tally sheets, computer data entry records, electoral rolls and all other material associated with the election. Notify people present when the count will be continued. Document the decision and ensure all candidates are informed.

****Please note however to manage expectations, it may be appropriate to announce to all in attendance that a result may not be declared on the night, that the declaration of results may occur on the following day or even held over until the next business day to ensure that all of the preference votes are captured and that all candidates are given adequate opportunity to request a recount if required.**

It is important therefore when securing a counting venue that the availability of the venue extends to the next business day, should this be required.

11.3 Venue considerations

Reference

Traditional and non-traditional venues

Traditional venues for polling places are:

- local government office
- school
- kindergarten
- a community centre
- the Town Hall

Less traditional venues are:

- shopping centres
- a transportable building or caravan in a car park
- a caravan at a distance location
- a hostel or aged persons home

The DLGSC encourages returning officers to consider places that will maximise voter turnout (such as shopping centres on Saturday morning). Using local government facilities may help keep costs down. Parking is also a consideration. Some venues may be difficult to manage. See Part 11.7 for more information.

Venue size constraints

The physical suitability of venues for polling places has to be considered. Judge whether there is enough space to achieve the set up recommended in this guide – sufficient room for tables and chairs, voting screens, a secure ballot box location – and whether the polling place would interfere with the primary use of the venue. Also decide whether the 6 metre exclusion zone for campaign helpers can be achieved.

Venue bookings

A simple but sometimes overlooked act is to book the venues for use as polling places. Where a proposed venue is a public place, such as a hall that is available for hire, it may be advisable to book the hall for the night before the poll to allow for set-up of the polling equipment prior to election day.

While the room may be set up the night before it is important that no computer equipment, electoral rolls or ballot papers are left in the room overnight. These are to be brought in on election day.

Also any empty ballot boxes are not to be sealed prior to election day and must be sealed in the presence of witnesses.

Reference

Before publishing the list of polling places in the election notice be sure that they will be able to be used on election day – don't just assume they will be available – even for your own local government facilities. You will need to find out whether there is a charge for the venue and whether electoral staff can gain access early in the morning, and whether the venue is to be used by someone else subsequently so that handover arrangements can be made.

Contact may be needed with a:

- school principal;
- shopping centre manager;
- owner and occupier of a commercial venue; or
- booking clerk for local government facilities.

When booking a venue to be used for the count, ensure that this venue is available on the following day and even the next business day after the election to allow adequate time to complete the full preference count and declaration.

Keys and security arrangements

Check that access to keys is possible on the Friday before election day and the whereabouts and method of setting security alarms – if they are on timers they may be difficult to change. Find out whether there is a caretaker or after-hours security. Find out how and where keys are to be returned.

Fixtures and fittings

Make arrangements for the premises to be inspected before committing to use them for the election. The WAEC has a Polling Place Inspection tool that is available on the DLGSC website that covers all considerations when assessing the suitability of a venue to be a polling place. Arrangements will need to be made to deliver items not available. Check on the following:

- accessibility, including disabled access
- adult sized chairs
- tables
- toilets
- car parking for electoral officers' cars
- availability of telephone
- availability of computers, printers and computer connections if needed for electronic counting or electronic transmission of ballot papers
- lighting, both internally and externally
- suitable position for candidates' campaign helpers outside the 6 metre exclusion zone.

11.4 Appointing polling places

Reference	
<p>s. 4.62</p> <p>Refer also to Chapter 4 – “Advertising requirements”</p>	<p>Decisions to appoint polling places</p> <p>As returning officer, you have complete discretion over where and when polling places may be opened for an election, other than the constraints imposed by the Act that at least one polling place in each ward must be open between 8.00am and 6.00pm.</p> <p>If a decision is made to introduce a new polling venue or close one that is traditionally used, consider additional local advertising to give candidates and electors good notice of your decision.</p> <p>Include in the election notice details of each polling place, including places for early voting and when they will be open.</p> <p>Publishing the election notice under the name of the returning officer is sufficient notice that they have been appointed as the polling places. It is recommended that a record is maintained on file of the appointments and the reasons for selecting those places.</p>
<p>s. 4.89</p>	<p>Describing the polling place</p> <p>Accurately describing the polling place in the election notice is critical. It is necessary to describe the polling place for the purpose of defining the 6 metre exclusion zone for campaign helpers and it is essential that the general public can find it easily.</p> <p>The 6-metre exclusion zone applies from the entrance of the polling place. If using a school building, it is therefore recommended that the classroom number is included or the closest external door. This also applies when using a recreation centre or community hall. If the room is off a foyer or passageway, describe the polling place so that it includes the closest external door. The entrance used should be the most obvious and the most accessible.</p> <p>When using a shopping centre, it is necessary to describe the location of polling as closely as possible. Fence off the area with transportable posts and rails or tape so that the entrance is delineated. If used, take care that the post and rails are safe.</p> <p>Record of appointment of polling places</p> <p>Appointment of polling places is an important decision for the returning officer. Elections can be political and the returning officer’s judgement may be questioned. In terms of accountability, it is recommended that a record is kept of the decision.</p> <p>Include, in a file note, the details of each polling place appointed and the reasons that particular venue is considered suitable.</p>

Reference

The recommended list for appointing polling places is provided at **example.doc E1/11**.

11.5 Equipment needs

Reference

2

Equipment

Making arrangements for deliveries

Returning officers will need to arrange for any heavy equipment to be delivered to each polling place beforehand so that it is ready to be set up before 8.00am on election day. Even if there are suitable tables and chairs at the venue, you will still need to deliver voting screens, signs and, if necessary, computers and printers. Sometimes these can only be delivered at particular times depending on whether the venue is being used. If the building is currently empty, you may have to make arrangements to collect keys and handle security, so that any deliveries can be made.

Heavy equipment required

Each polling place will need at least:

- 2 voting screens
- A trestle sized table for electoral staff
- A table for the ballot box
- Sufficient chairs for electoral staff
- A screen or notice board for profiles
- Sufficient direction signs for outside the polling place
- A clean rubbish bin for inside the venue
- A clean rubbish bin for outside the venue
- Chair for each scrutineer

Materials needed

Presiding officers should be equipped with the ballot box(es), ballot papers, electoral rolls, stationery and materials before they set out for the polling place. Packages of these must be prepared in advance, and arrangements made with each presiding officer to collect them the night before or very early in the morning. The ballot boxes and packages must be secure at all times, these items are not to be left in venues overnight.

2

Equipment

Presiding officer packages

The presiding officer will need a package containing:

- Ballot box(es)
- Copies of candidate profiles
- Electoral rolls for current year
- Electoral rolls for preceding year
- Seals for ballot box (to be recorded and signed for – see **example.doc E2/11**)
- Padlocks and keys for ballot boxes if keyed type
- Keys to gain entrance to polling place
- Issue of ballot papers (to be signed for – see **example.doc E2/11**)
- Supply of blue and red pens
- Supply of rulers
- Stapler
- Packet of drawing pins and/or BluTac (for profiles and notices)
- Supply of pencils suitable for use in voting screens
- Pencil sharpener
- Supply of rubber finger stalls
- Scissors
- Felt pens
- Roll of adhesive tape
- Roll of packing or binding tape
- 2 plastic garbage bags for bins
- 1 plastic garbage bag for return of materials
- Paper polling place signs
- Paper polling place entrance sign
- Paper ballot box signs
- Notepad or blank paper sheets
- Envelope for cancelled ballot papers
- Supply of large envelopes for storage of electoral material
- Presiding/electoral officer manual (included as an attachment to this publication)
- Copy of Guide for Scrutineers (included as an attachment to this publication)

Reference

- List of scrutineers appointed before the election to act (see **example.doc E7/11**)
- Copy of lists of electors who voted via absent, early or postal voting
- Map showing ward boundaries
- Supplies of prescribed **Form 1** – Declaration by electoral officer
- Supplies of prescribed **Form 18** – Appointment and declaration by scrutineers
- Supplies of prescribed **Form 16** – Provisional voter’s declaration
- Supplies of provisional voting envelopes
- Supplies of ballot paper envelopes
- Supplies of prescribed **Form 15** – Application for replacement postal voting papers
- Supplies of “Occurrence Sheet” (see **example.doc E3/11**)
- Supplies of WA Electoral Commission’s “Correction to electoral roll” forms if available
- Supplies of tally sheets to tick off number of ballot papers issued
- Chalk for marking out 6 metre zone (optional)
- List of useful phone contacts (if using WAEC computers and the CountWA software package – then contact details for the computer support helpline)

11.6 Officiating at polling places

Reference	
s. 4.63(1) reg. 7	<p>Presiding officers and electoral officers</p> <p>Each polling place is to have a minimum of two staff – a presiding officer and an electoral officer. Additional electoral officers can be appointed for busy polling places. Before acting, presiding officers and electoral officers must complete the Declaration by Electoral Officer (prescribed Form 1).</p>
s. 4.63(2)	<p>Returning officer acting as presiding officer</p> <p>The returning officer may appoint himself or herself to be the presiding officer for a polling place. If you decide to do this make sure that you tick both the returning officer and presiding officer box when you complete Form 1.</p>
s. 4.70	<p>Powers of presiding officers</p> <p>The presiding officer is in charge of a polling place. The presiding officer and electoral officers must act in a reasonable manner at all times, especially when dealing with potential problems. The presiding officer has power to take any reasonable steps to ensure that voting is conducted in a peaceful and orderly manner.</p> <p>Wherever possible, presiding officers should seek assistance from the returning officer or deputy returning officer. If they are not available, the presiding officer may remove or exclude from the polling place any person who is disrupting or may disrupt the poll. If necessary, the presiding officer can ask the police for assistance in ensuring that voting is conducted in a peaceful and orderly manner.</p> <p>Presiding officers and electoral staff should use an “Occurrence Sheet” (example.doc E3/11) to record instances where problems occur as they can be held accountable for their actions.</p>

11.7 Handy hints

Reference

Polling hours

As long as there is one polling place in the district or each ward that is open from 8.00am to 6.00pm, the returning officer can vary the times other polling places are open to capture the times when electors are most likely to be at a particular venue. This means polling places can be open for less than 10 hours, enabling electoral officers to be moved around (for instance, at a shopping centre in the morning and close to a sporting venue in the afternoon).

Venue considerations

Do not select venues where alcohol is served. If the local government office is used, make sure that the bar is locked during polling and the count and that elected members understand that the bar is not available. Also ensure that access to the office areas is secure and only authorised staff are in the areas set aside for election matters.

*When selecting the venue where the count will occur, also consider access to this venue will be available on the day following election day and perhaps even the next business day, for the declaration of the results.

Appointing polling places

Make sure that the returning officer, deputy returning officer or a competent staff member inspects the polling places before including them in the election notice. Consider where campaign helpers are likely to stand and make sure that the polling place can accommodate the 6 metre exclusion zone – then describe the polling place accurately. Pay close attention to the entrance and exit to the polling place.

Scrutineers

Impress on electoral officers that they should be polite, fair, but firm with scrutineers. Each scrutineer will be watching how electoral staff handle other scrutineers. It is advisable to insist that changeover of scrutineers should happen outside the polling place.

Canvassing for votes in a polling place

Watch for campaign helpers who enter the polling place to vote wearing badges or carrying candidates' "how to vote" cards. They must be politely asked to leave and remove these items before they can come back in.

11.8 Quality document control

Document Reference	Document Title	Electronic Reference	* Position authorised to review and check	* Distribution
E1/11	List of appointed polling places	<Insert computer file reference>	Returning Officer	Returning Officer, Deputy Returning Officer, election file
E2/11	Record of issue of seals and ballot papers	<Insert computer file reference>	Deputy Returning Officer	Ballot Box Manager, election papers storage
E3/11	Occurrence sheet	<Insert computer file reference>	Deputy Returning Officer	Presiding Officer packages, election papers storage area
E4/11	Presiding officer's ballot papers return	<Insert computer file reference>	Deputy Returning Officer	Presiding Officer packages, election papers storage
E5/11	Tally sheet of votes issued	<Insert computer file reference>	Deputy Returning Officer	Presiding Officer packages, election papers storage
E6/11	Witness sheet for locking and sealing ballot box	<Insert computer file reference>	Deputy Returning Officer	Presiding Officer packages, election papers storage
E7/11	List of appointed scrutineers	<Insert computer file reference>	Deputy Returning Officer	When completed, to be photocopied for Presiding Officer packages, election papers storage

& * Complete for local situation and maintain this list in the records management system.

Example.doc E1/11 - List of appointed polling places

List of appointed polling places

In accordance with section 4.62 of the *Local Government Act 1995* the following polling places are appointed for the <insert type> election to be held on <insert date>.

Ward	Polling place	Opening hours	Reason suitable	Staff required
<Insert ward>	<Insert official name of polling place and street address>	<Insert hours of opening – some may be open just in the morning>	<Insert a brief justification of your decision to appoint the polling place – for instance, close to sporting events or good disabled access>	<Insert staff required – minimum of two>
After listing all wards include early voting place and counting place				

<Insert name>
 Returning Officer
 <Insert date>

List of appointed polling places
 Version 1
 Issue date: - Updated:
 Checked by: (insert name)
 Approved by: (insert name)
 Controlled document for use by authorised staff only

Example.doc E2/11 - Record of issue of seals and ballot papers**Issue of seals and ballot papers**

Presiding officers are required to acknowledge receipt of ballot box seals and ballot papers in the space provided.

POLLING PLACE: _____

WARD: _____

How many seals	ID numbers on seals

How many ballot papers	Ward	Colour

I acknowledge receipt of the seals and ballot papers listed above and accept responsibility for their security.

Presiding Officer

Date.....

Ballot Box Manager, or

Deputy Returning Officer, or

Returning Officer

Date.....

To be retained by the Ballot Box Manager and used for checking purposes at the count.

Issue of seals and ballot papers

Version 1

Issue date: - Updated:

Checked by: (insert name)

Approved by: (insert name)

Strictly controlled document for use by authorised staff only

Example.doc E3/11 - Occurrence sheet**Occurrence sheet**

This occurrence sheet is to be used for;

- Problems or difficulties that occur at the polling place,
- Any event outside the normal activities of the polling place.

POLLING PLACE: _____

DATE: _____

Time	Occurrence	Signature

<Insert name>

Returning Officer

<Insert date>

Occurrence sheet

Version 1

Issue date: - Updated:

Checked by: (insert name)

Approved by: (insert name)

Strictly controlled document for use by authorised staff only

Example.doc E4/11 - Presiding officer’s ballot papers return

Presiding officer’s ballot papers return

Polling place: _____

Ballot papers	Insert Ward	Insert Ward	Insert Ward	Total
Initial number issued to presiding officer *				
Additional issued **				
Total ballot papers received by presiding officer ***				
Ballot papers issued – Ordinary votes				
Ballot papers issued – Provisional Form 16 votes				
Spoilt				
Returned unused				
Not accounted for				
Total				***

* Total to tally to issue of seals and ballot papers sheet

** Total to tally to those issued during election day if needed

***The ballot papers received must balance to the total

<Insert name>
 Presiding Officer
 <Insert date>

**** Additional ballot papers issued**

by.....

time

.....

Signed by issuing officer

Presiding officer ballot papers return
 Version 1
 Issue date: - Updated:
 Checked by: (insert name)
 Approved by: (insert name)
 Strictly controlled document for use by authorised staff only

Example.doc E5/11 - Tally sheet of votes issued

Tally sheet of votes issued

Ward: _____ Polling Place: _____

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100
101	102	102	104	105	106	107	108	109	110
111	112	113	114	115	116	117	118	119	120
121	122	123	124	125	126	127	128	129	130
131	132	133	134	135	136	137	138	139	140
141	142	143	144	145	146	147	148	149	150
151	152	153	154	155	156	157	158	159	160
161	162	163	164	165	166	167	168	169	170
171	172	173	174	175	176	177	178	179	180
181	182	183	184	185	186	187	188	189	190
191	192	193	194	195	196	197	198	199	200
201	202	203	204	205	206	207	208	209	210
211	212	213	214	215	216	217	218	219	220
221	222	223	224	225	226	227	228	229	230
231	232	233	234	235	236	237	238	239	240
241	242	243	244	245	246	247	248	249	250

For use by electoral officers in polling places

Example.doc E6/11 - Witness sheet for locking and sealing ballot box**Witness to locking and sealing of ballot box**

I _____ (Full name) of _____ (Address)

At _____ (Time) on _____ (Date)

Declare that I witnessed the locking and sealing of the **outer lid** of the ballot box

At the _____ Polling Place.

I further declare that:

The ballot box was empty at the time it was sealed;

Seal number <insert number> was securely fastened to the outer lock on the ballot box.

Signature of witness

I _____ (Full name) of _____ (Address)

At _____ (Time) on _____ (Date)

Declare that I witnessed the locking and sealing of the **inner lid** of the ballot box

At the _____ (Polling Place).

The seal used was number _____ <insert number>

Signature of witness

I _____ (Full name) of _____ (Address)

Declare that at the opening of the ballot box from _____ (Polling Place)

The following seals were in place: Outer lid: <insert number>

Inner lid: <insert number>

Signature of witness at the count area

Witness sheet for locking and sealing ballot box
Version 1
Issue date: - Updated:
Checked by: (insert name)
Approved by: (insert name)
Strictly controlled document for use by authorised staff only

Example.doc E7/11 - List of appointed scrutineers**List of appointed scrutineers**

The returning officer has acknowledged the appointment of the following scrutineers.

POLLING PLACE _____ DATE _____

Scrutineer's Name	Candidate's Name

Scrutineers appointment list

Version 1

Issue date: - Updated:

Checked by: (insert name)

Approved by: (insert name)

Strictly controlled document for use by authorised staff only

12 Voting before election day

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12.1 Appointing staff

Reference	
<p>reg. 8</p> <p>See also example.doc E4/9 – Electoral Code of Conduct</p>	<p>Using counter staff</p> <p>Usually counter or rates staff are trained and appointed as electoral officers to process early, absent and postal vote applications during office hours. As returning officer, you will need to ensure that there is an electoral officer available at all times while the office is open.</p> <p>If a decision is made to operate other venues for early votes, an electoral officer must be available during the advertised hours.</p> <p>Appointing staff when no election is required in district</p> <p>Electoral officers must be appointed to process absent votes for other districts even if an election is not held in your own district.</p> <p>Code of conduct</p> <p>The returning officer is required to prepare and adopt a suitable electoral code of conduct to set the expected professional standards of electoral officers. Those officers that process early and absent and postal votes must also comply with the code of conduct.</p>
<p>s. 4.23</p> <p>Refer also to Chapter 9 for relevant example.docs</p>	<p>Written appointment</p> <p>It should not be just assumed that counter staff or rates staff would undertake electoral duties. The appointment is to be made in writing in the same way as for other electoral officers (see example.doc E5/12). The appointment letter should enclose a copy of the code of conduct (example.doc E4/9) and a copy of prescribed Form 1 – Declaration by electoral officer.</p> <p>Staff must not process early or absent votes or handle postal votes unless they have acknowledged their appointment (see example.doc E3/9) and completed the declaration in prescribed Form 1.</p>

12.2 Training staff

Reference

Importance of staff training

Returning officers must ensure that staff are aware of their duties and know how to undertake the tasks given to them. Even experienced counter staff or rates staff will need to refresh their minds on what they must do.

It is preferable for information to be given as part of a training program. The steps recommended in this manual are the minimum that should be taken.

Briefing sessions

Arrangements should be made for a briefing session with staff that will be processing early, absent and postal vote applications. They will be required to put into practice processes covered by legal provisions and must have these adequately explained. A suitable program for the briefing session is described below.

AGENDA

1. Attendances
2. Electoral code of conduct
3. Demonstration and practice in processes relating to:
 - a) early votes
 - b) absent votes
 - c) postal vote applications
4. Arrangements for security of election papers
5. Arrangements for position of voting screens
6. Arrangements for display of candidate profiles
7. Staff availability

Written instructions

Electoral officers appointed to process early, absent and postal votes must be given written instructions on their duties and clear directions on the way they are to be carried out. Consistency and adherence to legal requirements is essential.

Some cut-and-paste prompt sheets are provided in this chapter. A useful manual for presiding officers and electoral officers is provided as an attachment to this publication.



Reference sheet



Refer to
Presiding/Electoral
Officer Manual

12.3 Security issues

Reference

Safekeeping ballot papers and rolls

Returning officers should place responsibility for the ballot papers used for early and postal votes with one electoral officer. That person should sign for the ballot papers issued and be responsible for completing the presiding officer's ballot papers return (see **example.doc E2/11** and **E4/11**). However, this should not be taken to exclude other electoral officers from issuing voting papers.

Keep a list of electors making an early vote (**example.doc E1/12**). This should be photocopied and included in presiding officers' packages for use on election day.

It is recommended that together with the ballot box, unused ballot papers and electoral rolls used for early votes should be placed in a container that can be put in a secure place overnight, and between the processing of votes.

Safekeeping ballot boxes

The ballot boxes used for early votes and postal vote envelopes should be given the same security as those during polling on election day. They should be in the sight of electoral officers when being used and returned to a secure location between processing votes and at the end of the day.

The regulations state that the returning officer "is to make sure that any ballot box into which early votes are put is supervised or otherwise secure at all times".

Sealing the ballot boxes

It is recommended that two ballot boxes be used before election day (one for early votes and one for postal votes and absent votes received). This will allow postal and absent vote declarations to be checked during election day, saving time at the count. Ballot boxes must be well labelled.

Before a ballot box can be used for either early votes or incoming postal and absent vote envelopes, the returning officer must be satisfied that it is empty, and then secure it with a security device in a way that ensures that nothing can be removed from it without breaking the security device. It is recommended that the security device used be a numbered seal.

Regulations require the ballot box to be sealed but do not require that the ballot box for early votes is sealed in the presence of any electoral officers and scrutineers if present. However, the box is to be sealed in front of a witness and for the witness sheet to be signed by that person (see **example.doc E6/11**). The witness can be another staff member.

reg. 59(4)

reg. 77

12.4 Setting up for voting

Reference	
reg. 31	<p>Venue considerations</p> <p>The election notice is required to nominate the place or places appointed for the casting of early votes. While not described as a polling place, the place to receive early votes must be able to fulfil the requirements of a polling place.</p> <p>Early voting assists those electors that are not able to cast a vote on election day. Typically, the office of the local government will be used, though local governments are encouraged to consider the convenience of electors.</p>
reg. 65	<p>Voting screens</p> <p>The venue should be able to accommodate voting screens positioned to ensure that the manner in which a voter marks the ballot paper cannot be seen by anyone else. In a busy foyer possibly only one voting screen can be used. Extra care needs to be taken if other venues such as libraries are used, because members of the public may not realise the purpose of the voting screens and unconsciously intrude on an elector. Voting screens should be fitted with polling pencils or pens on string (or allow the use of BYO or disposable writing implements in accordance with Covid conditions).</p> <p>Consideration could be given to setting aside an office or small room for early voting if this is available. If voters are asked to use the room one at a time it may be possible to dispense with the need for voting screens.</p>
	<p>Candidate profiles</p> <p>Candidate profiles must be prominently displayed at each polling place. This also applies to a place for early votes. The returning officer is to ensure that profiles are displayed in a prominent position.</p> <p>The fact that profiles are on the notice board at the office (or library, for instance) may not fulfil the obligation for them to be in a prominent position, depending on the position of the notice board. Returning officers should consider whether the profiles are in a position that is easily seen by electors before they cast an early vote. Mobile notice boards could be used. The profiles can also be displayed within the voting screen, but this is not advisable unless the screens will also be used for this purpose in polling places on election day. Consistency is recommended.</p> <p>Profiles are to be displayed in the order in which names appear on the ballot paper. This can be from left to right or top to bottom. The profiles used for this purpose do not have to be copies of the actual profiles. They can be re-typed so that more</p>

Reference

than one profile is on a page. Think about where the profiles will be positioned and ensure that the typeface is easy to read.

Allow additional space for the candidates who have supplied optional additional profile pages for them to be displayed alongside the candidate's official profile page.

Materials and equipment

In a sense the early voting place is a "mobile" polling place. Typically, early voting is conducted as an adjunct to the daily duties of counter staff or other staff. All the election papers (electoral rolls, ballot papers, forms, and envelopes) should be placed in a container so that they can be taken to the elector when they present themselves to vote. After dealing with the voting process, the election papers should be returned to the container and placed in a secure location. An alternative may be a locked drawer in the counter or a desk.

Materials and equipment needed for early votes

- Instructions sheet
- Electoral roll
- Previous electoral roll for checking for provisional votes
- Ballot box
- Unused ballot papers
- Presiding officer's ballot papers return (**example.doc E4/11**)
- Stationery, including red and blue pens and ruler
- Seals that have been issued for the early vote box
- Padlocks (if appropriate)
- Envelope for cancelled ballot papers
- Tally sheet (**example.doc E5/11**)
- List of early votes cast (**example.doc E1/12**)
- Supplies of provisional voters' declarations (prescribed **Form 16**)
- Supplies of provisional voters' envelopes
- Supplies of ballot paper envelopes
- Supplies of "correction to electoral roll" sheets
- Occurrence sheet (**example.doc E3/11**)

2

Equipment

12.5 Early votes

Reference

s. 4.68
reg. 59



Reference sheet

Early voters

Any elector may cast an early vote. They do not have to give a reason. A person who wishes to cast an early vote is to present themselves at a place appointed by the returning officer in the election notice for the casting of early votes.

Hours of voting

The hours of voting for early votes are those specified in the election notice. Those hours must be observed.

Early vote instructions

Those staff appointed to process early votes must be trained and given clear written instructions. An example is shown below.

Procedure – Casting early votes

1. Take container with election papers and the ballot box to the counter.
2. Keep the ballot box in view at all times.
3. Look up elector's name on electoral roll and cross off using a red pen.
4. Put E.V. (early vote) in the margin of the electoral roll next to the name of the voter to show the method of voting.
5. Take relevant ballot paper and mark your initials on the back of the ballot paper (or such other authentication method as the Returning Officer decides).
6. Show the elector where the voting screens are located.
7. Complete details on the list of early votes cast (**example.doc E1/12**).
8. When voting is complete, indicate the ballot box and ask them to put in the ballot paper. Do not take the ballot paper yourself.
9. Take the container and ballot box and return them to the secure location every time.
10. Early votes close at 4.00pm on (insert date).
11. When voting closes, seal the ballot box in front of a witness, ask them to sign the witness sheet (**example.doc E6/11**) and return it to the secure place advised by returning officer as it will be needed at the count.
12. The list of early votes cast is to be photocopied for each of the presiding officers on election day.

12.6 Absent votes

Reference

reg. 54



Reference sheet

Absent voters

Electors from another district can make an absent vote at any local government office throughout the State. No reason has to be given. This provides a simple method of voting for electors who may be away from home or who own property in another district.

Electors can cast absent votes for their own district at any local government office. All local governments should make arrangements to issue absent votes even if there is no election or poll being conducted in their district.

Hours of voting

Absent votes can be processed during the normal office hours relating to the local government where they are casting the vote or such other times as may be notified in the election notice. However, returning officers do not have to make special arrangements to be open to process absent votes for other districts.

Materials for issuing absent votes

- Copy of *The West Australian* newspaper listing candidates for local government elections.
- Supplies of prescribed **Form 17** – Applications for absent vote.
- Supplies of blank prescribed **Form 11** – Absent vote ballot paper.
- Supplies of absent vote ballot paper envelopes.
- Pens.
- Voting screen or private area with polling pencil or pen.

Absent vote instructions

Those staff appointed to process absent votes must be trained and given clear written instructions.

Procedure – Casting an absent vote

1. The person who applies for an absent vote is required to find out the names of candidates and other relevant election details of the district for which he or she wishes to cast a vote.
2. Notwithstanding this, staff may obtain a copy of *The West Australian* newspaper with the names of candidates throughout Western Australia, and have this available to offer as help to electors from other districts.

Reference

reg. 56

3. Give the elector the Application for absent vote (prescribed **Form 17**) to complete. All sections must be completed.
4. Do not complete any section of the envelope for the elector unless they request your assistance due to some incapacity.
5. When they have filled out the envelope, check it and sign your name in the witness section, and date the day of voting.
6. If you are satisfied from the completed application for absent vote that they are a person who is an elector with the right to vote at the election they have nominated, you are authorised to issue the ballot paper.
7. Put your initials on the back of the ballot paper (prescribed **Form 11**) and give it to them to make their vote.
8. Explain to them that they have to write the candidates' names on the ballot paper, complete their vote according to the instructions on the ballot paper, and put the ballot paper into the ballot paper envelope.

reg. 58

9. The elector goes into the voting screen, marks the ballot paper and puts it into the ballot paper envelope, then brings the vote in the ballot paper envelope to the electoral officer who puts it into the absent vote envelope. Do not give the absent vote envelope to them. Confirm the voter's name before putting the ballot paper envelope in the declaration envelope to ensure the ballot paper matches the declaration envelope.
10. Address the envelope to the returning officer of the district the vote is for (check the newspaper for the address) and post it.
11. Absent voting closes at 4.00pm on (Tuesday 17 October 2023).
12. If an elector asks for assistance, this can be given in some circumstances. However, refer to the presiding/electoral officer manual for instructions.

Procedure when receiving absent votes

The returning officer may check the declaration on absent votes received up to 6.00pm on election day at any time after they are received. If they are not checked as they are received, they are to be placed in a ballot box to await checking. Usually, absent vote declarations are checked with postal voting papers at a specified time during election day. The time must be notified to all candidates.

Absent votes in their envelopes can be placed in the same ballot box as postal votes to await checking.

Complete the list of absent votes cast (**example.doc E2/12**) to record absent votes received. The list of absent votes cast

Reference

should be photocopied for presiding officers to use on election day.

12.7 Postal votes

Reference	
<p>reg. 37</p>	<p>Postal vote applications</p> <p>Electors can apply for a postal vote at a voting in person election at any time using prescribed Form 12 but the date and time of the application determines how it will be dealt with.</p> <p>If the application is made after 4.00pm on the 4th day before the election day and only relates to that election, the application is to be rejected.</p> <p>If the application is made after 4.00pm on the 4th day before the election day and relates to all elections, the application is to be treated as relating to future elections.</p> <p>An application made on or after the 31st day and not later than 4.00pm on the 4th day before election day is to be handled by the returning officer. In any other case the application is to be handled by the CEO.</p>
<p>R</p> <p>Checklist</p> <p>reg. 38</p>	<p>How applications are to be dealt with</p> <p>An application for a postal vote is to be checked to ensure that:</p> <ul style="list-style-type: none"> <input type="checkbox"/> the person is an elector for the electorate claimed; <input type="checkbox"/> it has been completed correctly or in a manner that is substantially correct and acceptable to the CEO or returning officer; <input type="checkbox"/> if the application refers to a particular election, that an absent vote has not already been received for that person and that the person has not already cast an early vote for that election; and <input type="checkbox"/> if the application refers to a particular election, that the application has been made before 4.00pm on the 4th day before that election. <p>If the application passes the above checklist, the application is to be accepted. If not, it is to be rejected.</p>
<p>reg. 39</p>	<p>Rejecting an application</p> <p>If an application for a postal vote is rejected, the person must be advised in writing with the reason for the rejection (see example.doc E3/12).</p>
<p>reg. 40</p>	<p>Postal voters register</p> <p>For voting in person elections, a postal voters register is to be kept by the CEO that records the details of each elector (and the respective ward if wards are used) that has been accepted for a postal vote for voting in person elections generally.</p> <p>An elector remains on the register until he or she cancels the application (in writing) or ceases to be an elector of the district.</p>

Reference

reg. 42

Issue of postal voting papers

Postal voting papers in the form of an **election package** are to be issued:

- to those electors whose application has been or is accepted for the specific election; and
- to each elector on the postal voters register for the ward (or district where there is no ward or the election is for a mayor or president).

R

Checklist

reg. 43

Election packages

An election package is to be sent to each elector eligible for a postal vote in a voting in person election.

The election package is to contain:

- postal voting instructions (prescribed **Form 13** (a) or (b));
- candidate profiles;
- advice that the electoral gifts register can be inspected by any voter;
- a ballot paper (prescribed **Form 10**) with the initials of the electoral officer on the back or otherwise authenticated in a way approved by the returning officer;
- an elector's certificate (prescribed **Form 14**);
- a ballot paper envelope; and
- a postage pre-paid envelope addressed to the returning officer with the address of the place for delivery of postal votes that can also be used for the printed elector's certificate.

Note: The ballot paper envelope and postage pre-paid envelope addressed to the returning officer may be combined into one envelope.

Note: The elector's certificate can be prepared in three different ways depending on facilities available locally. All must comply with regulations.

reg. 44

1. Printed on a separate sheet.
2. Printed on the outside of the postage pre-paid envelope addressed to the returning officer.
3. Attached to the ballot paper envelope by stapling or through a printer's process.

Time to send out election packages

In the case of a voting in person election, the issuing of election packages is to start on the day on which the election notice is given or as soon as practicable after that day.

Reference

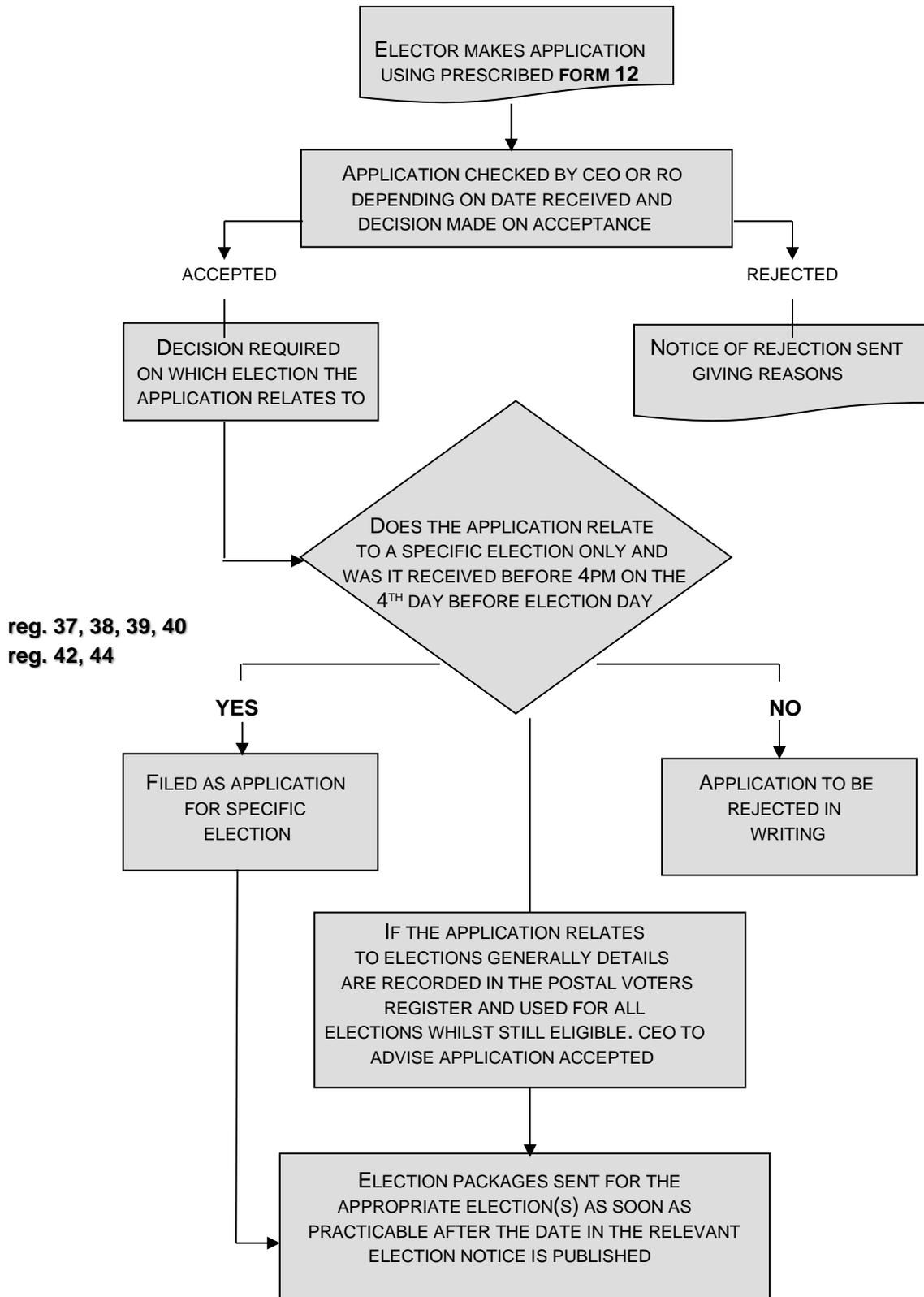
Start by sending out election packages to those on the postal voters register. Also send to those electors who have had their postal vote applications accepted.

As each application is received and processed, election packages should be sent to the elector concerned as soon as the application is accepted.

Keeping a record of the issue of election packages

The returning officer is to keep a record of electors to whom election packages have been sent (**example.doc E4/12**). If another staff member is to issue election packages, appoint them to do so in writing. A memo will be sufficient (see **example.doc E5/12**).

Flowchart for postal vote processes



Reference

reg. 45

Replacing postal voting papers

A person claiming:

- to have not received an election package when they should have done, or
- to have received an election package that did not contain a ballot paper, or
- that they have lost, destroyed or spoilt the ballot paper;

can apply for another election package or ballot paper on prescribed **Form 15** by completing and giving this to the returning officer on or before the day before election day.

Procedure – Form 15

On receiving a completed prescribed **Form 15**, the appointed electoral officer should:

1. Re-check that the person is on the electoral roll.
2. Check the record of issue of election packages (**example.doc E4/12**).
3. Check the lists of early, absent and postal voters to make sure they have not already voted.
4. Satisfy yourself that the claim is true.
5. Take a ballot paper and initial the back or otherwise authenticate it in a way approved by the returning officer.
6. If only the ballot paper is being claimed, take a ballot paper envelope and the postage pre-paid envelope and give or mail these together with the ballot paper that has been initialled or authenticated to the elector making the claim.
7. If the claim is for the whole election package, give them or mail to them the whole election package including the ballot paper that has been initialled or authenticated.
8. Make a record of your actions on the application and on the occurrence sheet (**example.doc E3/11**).

Where no claim is necessary

If the person is claiming only the postal voting instructions, profiles of candidates or a postage pre-paid envelope, these can be supplied without an application on prescribed **Form 15** being completed. Make a record of your action on the Occurrence Sheet (**example.doc E3/11**).

Applications on prescribed Form 15 made on election day are dealt with in Chapter 13 and information is also included in the presiding/electoral officer manual.

Provisional postal voting papers

If a person applies for postal voting papers and their name is not on the electoral roll they may apply on prescribed **Form 16** to be given postal voting papers. A copy of prescribed **Form 16** can be found in Chapter 13.



Reference sheet

reg. 46

Reference



Reference sheet

An application is to be made within the period starting on the day after the issuing of election packages begins and ending on the 4th day before election day where the application is given to the returning officer.

Procedure - Form 16

On receiving a completed prescribed **Form 16** the appointed electoral officer should:

1. re-check the current electoral roll;
2. check any previous electoral roll (usually for the previous election);
3. check the owner and occupiers register;
4. check whether any correspondence has been entered into with the person on whether or not they are an elector; and
5. check any other material you consider could be relevant.

If satisfied the claim is true:

1. Take a ballot paper and initial the back or other authentication approved by the returning officer.
2. Give them or mail to them an election package, including the ballot paper that has been initialled or authenticated.
3. Make a record of your actions on the application.

If you are not satisfied that the claim is true:

1. Reject the application and advise the person in writing of your reasons (**example.doc E3/12**)
2. Make a record of your reason for rejection on the application.

Electors' obligations

reg. 48

An elector who wishes to cast a postal vote, on receiving the election package, is to complete and transmit the voting papers in accordance with the voting instructions.

reg. 49

Candidates or anyone authorised to act on behalf of a candidate in that election must not communicate with, assist or interfere with an elector while they are marking the ballot paper.

reg. 50

If an elector gives someone else (who must not be a candidate or a person assisting a candidate) the postage pre-paid envelope addressed to the returning officer, that person must post it or deliver it to the returning officer forthwith. A penalty of \$5,000 applies.

12.8 Quality document control

Document Reference	Document Title	Electronic Reference	* Position authorised to review and check	* Distribution
E1/12	List of early votes cast	<Insert computer file reference>	Deputy Returning Officer	Authorised staff, election file
E2/12	List of absent votes received	<Insert computer file reference>	Deputy Returning Officer	Authorised staff, election file
E3/12	Notice of rejection of application for postal vote	<Insert computer file reference>	Returning Officer	As addressed, election file
E4/12	List of election packages issued and postal votes received	<Insert computer file reference>	Deputy Returning Officer	Authorised staff, election file
E5/12	Memo appointing electoral staff	<Insert computer file reference>	Returning Officer	As addressed, election file
Form 11	Absent vote ballot paper	<Insert computer file reference>	Prescribed form	As regulations
Form 12	Application for postal voting papers	<Insert computer file reference>	Prescribed form	As regulations
Form 13	Postal voting instructions	<Insert computer file reference>	Prescribed form	As regulations
Form 14	Elector's certificate	<Insert computer file reference>	Prescribed form	As regulations
Form 15	Application for replacement postal voting papers	<Insert computer file reference>	Prescribed form	As regulations
Form 17	Application for absent vote	<Insert computer file reference>	Prescribed form	As regulations

& * Complete for local situation and maintain this list in the records management system.

Example.doc E2/12 - List of absent votes received

Absent votes received

Ward: _____

Date	Name and address as appears on electoral roll	Elector number

Photocopy this list and include in presiding officers' packages for polling places.

List of absent votes received

Version 1

Issue date: - Updated:

Checked by: (insert name)

Approved by: (insert name)

Controlled document for use by authorised staff only

Example.doc E3/12 - Notice of rejection of application for postal vote

<Insert contact details>

Dear <insert person's name>

Application for postal vote not accepted

I am required by legislation to reject your application for a postal vote for the reason(s) given below. You may be able to correct the problem and resubmit the application.

Local Government Act 1995	Reason for rejection	Corrective action
s. 4.71 reg. 38	<Insert reason>	<Insert advice of corrective action if applicable>

Yours faithfully,

<Insert name>
Returning Officer
<Insert date>

Notice of rejection of application for postal vote
Version 1
Issue date- Updated:
Checked by: (insert name)
Approved by: (insert name)
Controlled document for use by authorised staff only

Example.doc E5/12 - Memo appointing electoral staff

Memo

To: Successful applicant <name>
 From: Returning Officer
 Date: <insert date>
 Re: **Appointment as Electoral Officer to assist with early, absent and postal voting** (include as appropriate)

In accordance with section 4.23(b) of the *Local Government Act 1995*, I appoint you to the position of electoral officer to assist with early, absent and postal voting (include as appropriate) for the <insert ordinary or extraordinary> election to be held on <date>.

You will be required to be available at the office during normal business hours and <insert if other venues and times occur> in accordance with a schedule to be established. This appointment is subject to:

- completion of **Form 1** – Declaration by electoral officer; and
- you returning to me a copy of this appointment indicating you accept your appointment, agree to exercise the powers and duties of the position and are willing to abide by the electoral code of conduct.

A copy of procedures for early, absent and postal voting are attached. You must familiarise yourself with them in time for a briefing session to be held on <insert time and date>. A copy of the electoral code of conduct is also enclosed.

Yours sincerely
 <Insert name>
 Returning Officer
 <Insert date>

Enclosures:

- Electoral code of conduct
- Procedures
- Blank prescribed **Form 1**

Acknowledgement

I accept the position of electoral officer for early, absent and postal votes and understand that this will be in addition to my normal duties **during** business hours and I agree to exercise the powers and duties of the position and will comply with the electoral code of conduct.

Signed: _____ **Dated:** _____

Memo appointing staff
 Version 1
 Issue date: - Updated:
 Checked by: (insert name)
 Approved by: (insert name)
 Controlled document for use by authorised staff only

Form 11 - Absent vote ballot paper

ABSENT VOTE BALLOT PAPER See back for notes on how to vote
--

Election of¹	<input type="checkbox"/>	Mayor
	<input type="checkbox"/>	President
	<input type="checkbox"/>	Councillor(s)

Local government district ² :
Ward ³ :
Election date ⁴ :

Candidates⁵

<input type="checkbox"/>	_____

Back of Form 11

How to make an absent vote

1 Mayor, president or councillors	Place a 1 <input type="checkbox"/> in the square alongside the candidate of your first choice. Then if you wish to provide further preferences use consecutive numbers from 2 onwards placing numbers in each of the remaining squares.
2 District	Fill in the name of the local government district in respect of which you are voting.
3 Ward	Fill in the name of the ward in respect of which you are voting. If you are voting in respect of a local government district which is not divided into wards, leave this box blank.
4 Election date	Fill in the official election date — not the day you are filling in this form.
5 Candidates	Fill in the names of the candidates. Write one name on each line. You may fill in the candidates' names in any order.
Cast your vote	<p>If the election is for a mayor or president or only one councillor place a number 1 <input type="checkbox"/> in the square next to the candidate you want to elect as your first preference and then indicate your remaining preferences by using consecutive numbers from 2 onwards in the remaining squares.</p> <p>If the election is for 2 or more councillors place a number 1 <input type="checkbox"/> in the square next to the candidate of your first preference and then subsequent numbers from 2 onwards for each of the candidates you want to elect.</p> <p>You may choose up to the number of candidates as there are councillors to be elected. If you choose any more, your vote will be invalid.</p> <p><i>For example — if the election is for 3 councillors you may number each of the squares for 1, 2 or 3 candidates but if you - complete more than 4 squares your vote will be invalid.</i></p> <p>Do not make any other marks on the ballot paper.</p>

Form 12 - Application for postal voting papers

Local Government (Elections) Regulations 1997, reg 37

APPLICATION FOR POSTAL VOTING PAPERS

See back for notes on how to complete this form

Applicant	Full name:		
	Postal address:		
	Address of property in respect of which applicant is eligible to vote ¹ :		
	Phone numbers (H):	(W):	(M):
	Fax number:	Email:	

Electorate²	Local government district:
	Ward:

Election³ [Tick one box]	I wish to vote by post:
	<input type="checkbox"/> at the election(s) to be held on _____ only or <input type="checkbox"/> at all elections held in this electorate

Declaration [Making a false declaration is an offence]	I declare that:	
	<ul style="list-style-type: none"> • I am an elector of the electorate(s); and • all the details set out above are true and correct. 	
	Signature:	Date:

Back of Form 12

1 Property	If you are eligible to vote in respect of more than one property you must give the address of each property. Add additional pages if necessary.
2 Electorate	If you are an elector in more than one electorate you must give the details of each electorate for which you wish to receive postal voting papers.
3 Election	You may make your application at any time, but if you want to vote by post at a particular election, you must make your application before 4.00pm on the 4 th day before that election.
Where to send your form	<p>When you have completed and signed this form, send it to –</p> <ul style="list-style-type: none"> • if you are making your application within 36 days of an election, the returning officer for the district; or • if you are making your application at any other time, the Chief Executive Officer of your local government. <p>You may send it by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including signatures. If you send it by fax or electronically you should check that it has been received.</p>
Postal votes at future elections	<p>If you have ticked the box indicating that you wish to vote by post at all elections, your name will be included on the postal voters register until you cease to be an elector or you ask for your name to be removed from the register. The returning officer will automatically send you postal voting papers every time there is an election in your electorate.</p> <p>If at any time you no longer wish to vote by post you should write to the Chief Executive Officer of your local government (or, if it is within 36 days of an election, the returning officer) and he or she will remove your name from the register. You may send your letter by post, by fax or by other electronic means.</p>

Form 13 - Postal voting instructions (a)

Postal Voting Instructions

(a) Mayoral/Presidential or Ward Election

Local Government (Elections) Regulations 1997, reg 43(1)(a)

POSTAL VOTING INSTRUCTIONS

Election package	<p>This is your Postal Voting Election Package. It contains:</p> <ul style="list-style-type: none"> · profiles of each of the candidates in your electorate; · a ballot paper; · an elector's certificate^{1, 1a}; and · a ballot paper envelope^{1a}; · a postage pre-paid envelope addressed to the Returning Officer^{1a}. <p>If any of these papers are missing from your package please contact the Returning Officer for your district.</p>
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How to vote^{1b}	<p>Decide which candidate(s) you want to elect and mark your choice on the ballot paper. The instructions on the ballot paper tell you how to do this.</p> <ul style="list-style-type: none"> · Put your completed ballot paper into the ballot paper envelope and seal that envelope. · Fill in and sign the elector's certificate. · Put the ballot paper envelope and the elector's certificate² into the envelope addressed to the Returning Officer and seal that envelope. · Post that envelope to the Returning Officer or deliver it to an electoral officer at: <ul style="list-style-type: none"> · the offices of the local government during officer hours before election day; or · a polling place between 8 a.m. and 6 p.m. on election day. <p>If you post your vote the Returning Officer must receive it before 6 p.m. on election day. Make sure you post it in plenty of time.</p>
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Any questions	<p>If you have any questions about your Postal Voting Election Package or about how to lodge your vote, contact the Returning Officer for your district.</p> <p style="text-align: center;">Returning Officer³</p> <p>Name: Address:</p> <p>Phone No.: Fax No.: Email address:</p>
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Form 13 - Postal voting instructions (b)

Postal Voting Instructions

(b) Simultaneous Mayoral/Presidential and Ward Elections

*Local Government (Elections) Regulations 1997, reg
43(1)(a)*

POSTAL VOTING INSTRUCTIONS

Election package	<p>This is your Postal Voting Election Package. It contains:</p> <ul style="list-style-type: none"> • for the election of the mayor⁴: <ul style="list-style-type: none"> • profiles of each of the candidates; and • a mayoral⁴ ballot paper; • for the election of councillors: <ul style="list-style-type: none"> • profiles of each of the candidates; and • a councillors ballot paper; • an elector's certificate^{1, 1a}; • a ballot paper envelope¹; • a postage pre-paid envelope addressed to the Returning Officer^{1a}. <p>If any of these papers are missing from your package please contact the Returning Officer for your district.</p>
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How to vote^{3a}	<p>Decide which candidate you want to elect as mayor⁴ and mark your choice on the mayoral⁴ ballot paper. The instructions on the ballot paper tell you how to do this.</p> <ul style="list-style-type: none"> • Decide which candidate(s) you want to elect as councillors and mark your choice on the councillors ballot paper. The instructions on the ballot paper tell you how to do this. • Put both your completed ballot papers into the ballot paper envelope and seal that envelope. • Fill in and sign the elector's certificate. • Put the ballot paper envelope and the elector's certificate² into the envelope addressed to the Returning Officer and seal that envelope. • Post or deliver that envelope to the Returning Officer or deliver it to an electoral officer at: <ul style="list-style-type: none"> • the offices of the local government during office hours before election day; or • a polling place between 8 a.m. and 6 p.m. on election day. <p>If you post your vote the Returning Officer must receive it before 6 p.m. on election day. Make sure you post it in plenty of time.</p>
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Any questions	<p>If you have any questions about your Postal Voting Election Package or about how to lodge your vote, contact the Returning Officer for your district.</p> <p style="text-align: center;">Returning Officer³</p> <p>Name: Address:</p> <p>Phone No.: Fax No.: Email address:</p>
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Notes to Form 13

Notes to Returning Officer when preparing postal voting instructions

1 Elector’s certificate

If the elector’s certificate is —

- (a) attached to the ballot paper envelope insert “which is attached to the ballot paper envelope”; or
- (b) printed on the return envelope insert “which is printed on the envelope addressed to the Returning Officer”.

1a Ballot paper envelopes and pre-paid envelopes

If the ballot paper envelope is also the postage pre-paid envelope addressed to the Returning Officer and incorporates the elector’s certificate, delete these 3 items and insert instead —

- “ a combined ballot paper envelope and postage pre-paid envelope addressed to the Returning Officer with an elector’s certificate attached.”.

1b How to vote (Form 13(a))

If the ballot paper envelope is also the postage pre-paid envelope addressed to the Returning Officer and incorporates the elector’s certificate, delete these “How to vote” instructions and insert instead —

How to vote	<ul style="list-style-type: none"> • Decide which candidate(s) you want to elect and mark your choice on the ballot paper. The instructions with the ballot paper tell you how to do this. • Put your completed ballot paper into the envelope provided and seal the envelope. • Fill in and sign the elector’s certificate. • Post the envelope to the Returning Officer, or deliver it to an electoral officer at: <ul style="list-style-type: none"> · the offices of the local government during office hours before election day; or · a polling place between 8 a.m. and 6 p.m. on election day. <p>If you post your vote the Returning Officer must receive it before 6 p.m. on election day. Make sure that you post it within plenty of time.</p>
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2 Elector’s certificate

If the elector’s certificate is:

- (a) attached to the ballot paper envelope, replace “and the elector’s certificate” with “, including the elector’s certificate”; or
- (b) printed on the return envelope, delete “and the elector’s certificate” and renumber ‘How to vote’ instructions 3 and 4 as 4 and 3 respectively.

3 Returning Officer

Insert the name and contact details of Returning Officer or, where the Electoral Commissioner has been declared responsible for the conduct of an election, such other contact details as are appropriate.

3a How to vote (Form 13(b))

If the ballot paper envelope is also the postage pre-paid envelope addressed to the Returning Officer and incorporates the elector’s certificate, delete these “How to vote” instructions and insert instead —

How to vote	<ul style="list-style-type: none"> • Decide which candidate you want to elect as mayor⁴ and mark your choice on the mayoral⁴ ballot paper. The instructions with the ballot paper tell you how to do this. • Decide which candidate(s) you want to elect as councillors and mark your choice on the councillors ballot paper. The instructions with the ballot paper tell you how to do this. • Put your completed ballot papers into the envelope provided and seal the envelope. • Fill in and sign the elector’s certificate. • Post that envelope to the Returning Officer, or deliver it to an electoral officer at: <ul style="list-style-type: none"> · the offices of the local government during office hours before election day; or · a polling place between 8 a.m. and 6 p.m. on election day. <p>If you post your vote the Returning Officer must receive it before 6 p.m. on election day. Make sure that you post it within plenty of time.</p>
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4 Mayor/President

For an election in a Shire replace “mayor” with “president” and “mayoral” with “presidential”.

Form 14 - Elector's certificate

Local Government (Elections) Regulations 1997, reg 43(1)(e)

ELECTOR'S CERTIFICATE

Declaration (Making a false declaration is an offence)	I am the elector to whom a package containing the accompanying ¹ ballot paper envelope was addressed. I declare that the accompanying ¹ ballot paper envelope contains my ballot paper(s) and that I am the person enrolled as:	
	Surname: Other names: Address (as enrolled, or claimed to be enrolled):	
	Signature:	Date:

Your vote may not be accepted if this certificate is not signed.

Notes to Form 14

Notes to Returning Officer when preparing elector's certificate

1 Declaration

If the elector's certificate is:

- (a) attached to the ballot paper envelope, replace "accompanying" with "attached";
or
- (b) printed on the return envelope, replace "accompanying" with "enclosed".

2 Postal election

If the certificate is sent under regulation 41 (Postal election) the form may be modified by deleting the part requiring the elector to supply his or her name and address.

Form 15 - Application for replacement postal voting papers

Local Government (Elections) Regulations 1997, reg 45

APPLICATION FOR REPLACEMENT POSTAL VOTING PAPERS

Applicant	Full name:		
	Home address:		
	Postal address:		
	(if different to Home address)		
	Phone numbers (H):	(W):	(M):
Fax number:		Email:	

Electorate	Local government district:
	Ward:
	Election date:

Reason for application	I apply for postal voting papers because:
	<input type="checkbox"/> I have not received a Postal Voting Election Package or <input type="checkbox"/> I received a Postal Voting Election Package but some of the papers were missing or <input type="checkbox"/> I received a Postal Voting Election Package but have lost, destroyed or spoilt some of the papers
[Tick one box]	

Papers required	Please send me another:
	<input type="checkbox"/> ballot paper
	<input type="checkbox"/> ballot paper envelope
	<input type="checkbox"/> elector's certificate
	<input type="checkbox"/> complete Election Package

Declaration	I declare that:	
	<ul style="list-style-type: none"> I have not already voted in the election; and all the details set out above are true and correct. 	
[Making a false declaration is an offence]	Signature:	Date:

Back of Form 15

What to do with your application	<p>When you have completed and signed this form, you may send it to the returning officer for the district. You may send your form by post, by fax or by any other electronic means so long as it is capable of being printed in its entirety, including signatures.</p> <p>Alternatively you may give your form to an electoral officer at a polling place –</p> <ul style="list-style-type: none">• if you are making your application before election day: during normal office hours; or• if you are making your application on election day: between 8am and 6.00pm.
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Form 17 - Application for absent vote

Local Government (Elections) Regulations 1997, reg 54

APPLICATION FOR ABSENT VOTE

Applicant	Full name:		
	Postal address:		
	Address of property in respect of which applicant is eligible to vote ¹ :		
	Phone numbers (H):	(W):	(M):
	Fax number:	Email:	

Electorate²	Local government district:		
	Ward:		
	Election date:		
	Election of:	<input type="checkbox"/> Mayor/President	<input type="checkbox"/> Councillor(s)

Declaration³	I declare that:	
	<ul style="list-style-type: none"> • I am an elector with the right to vote at these elections; and • all of the details set out above are true and correct. 	
[Making a false declaration is an offence]	Signature:	Date:

Electoral Officer	Full name:	
	Office held:	
	Local government	
	Signature:	Date:

Back of Form 17

1 Property	If you are eligible to vote in respect of more than one property you need only give the address of one property, but the application process will be facilitated if you list all the properties. Add additional pages if necessary.
2 Electorate	If you are an elector in more than one electorate you must give the details of each electorate for which you wish to make an absent vote.
3 Declaration	You must sign this form before an electoral officer of the local government at whose offices the application is made.

13 Voting on election day

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13.1 Returning officer's role during voting

Reference

Supervising proceedings

If there is only one polling place open on election day, the returning officer is likely to perform the duties of presiding officer for much of the time.

Where there is more than one polling place, the returning officer may be mobile – travelling around to check on proceedings at each of the polling places. This acts as a morale booster for electoral staff who are able to report on activities during the day to the most senior electoral officer. It gives the returning officer firsthand experience of voter turnout and the performance of electoral staff. It will also provide a positive effect on candidates and others as it indicates that the returning officer is ensuring that the election is being conducted correctly.

Backup supplies

A useful idea is for the returning officer to carry extra supplies of ballot papers and other documents used at polling places. Presiding officers can become worried if their stocks get low as often they are not in a position to judge how many electors may still turn out to vote.

If further supplies of ballot papers are issued, this should be noted on the presiding officer's ballot papers return (**example.doc E4/11**) in the additional issues box provided for this purpose.

Handling complaints

Electoral staff should be encouraged to handle complaints within the scope of their duties wherever possible. Where they cannot resolve the issue or it could disrupt other voters, it is more sensible for them to ask the person to refer the complaint to the presiding officer who may then refer it to the returning officer.

It may be possible to set up communications using mobile phones. Alternatively the complainant could be asked to go to the local government office or another place where the returning officer has established a base.

If the returning officer is travelling around polling places, it is a good idea to carry complaints sheets or some other means, for example a diary or notebook, for making a written record of complaints and the way they have been handled.

Chapter 17 "Handling Complaints"

Reference**Channels of communication**

Wherever possible, set up channels of communication between electoral officers at polling places and the returning officer or deputy returning officer.

In some local governments, a telephone enquiry line can be operated during the hours of polling. However, it is not a good idea to open the administration centre switchboard as telephone enquiries from the community on other issues could become a problem for electoral staff.

Returning officer acting as presiding officer

The returning officer can act as a presiding officer at a specific polling place. In such cases, it is worthwhile considering appointing an experienced electoral officer for that polling place. This electoral officer would be able to process votes if the returning officer is required to handle queries or complaints. If the returning officer is also acting as a presiding officer, he or she will not be able to leave the polling place to handle complaints elsewhere unless there is a presiding officer and an electoral officer on duty in the polling place.

s. 4.63(2)

13.2 Powers and duties of electoral officers

Reference	
s. 4.70	<p>Presiding officers</p> <p>Presiding officers have a general responsibility for the orderly conduct of the election at their polling place. They should ensure that voters are able to exercise their voting rights without harassment or undue delay.</p> <p>Presiding officers have a responsibility to ensure that all polling is carried out in accordance with the provisions of the Act and the <i>Local Government (Elections) Regulations 1997</i>. This includes ensuring that candidates and scrutineers do not overstep the boundaries of the limitations placed on their actions during polling as specified in the Act.</p>
s. 4.63(1)	<p>Electoral officers</p> <p>Each polling place is required to have a presiding officer and at least one other electoral officer. Electoral officers assist the presiding officer in handling voting processes. Electoral officers must be fully informed to ensure that everything they do contributes to the lawful processes involved in the election.</p>
s. 4.70(3)	<p>Power to keep order</p> <p>Presiding officers have power to remove a person who is being disorderly, is obstructing the approaches to a polling place, or fails to obey the lawful order of the presiding officer. A prudent presiding officer will persuade rather than attempt the use of force. If a difficult situation occurs, the presiding officer would usually call on the returning officer or deputy returning officer for advice and assistance.</p> <p>For the purposes of keeping order, the presiding officer may call on a member of the police service for assistance.</p>

13.3 Setting up the polling places

Reference	
s. 4.68(1)(e)	<p>Arrival time</p> <p>It is recommended that electoral staff arrive at their appointed polling place no later than 7.30am on the election day. The polling place should be set up the night before.</p> <p>First tasks</p> <p>Electoral officers should ensure that entry points, such as gates, are unlocked. Turn off security alarms if appropriate and unlock an external door to the polling place. If there is more than one entrance to the room used, only unlock one door unless electoral officers expect to be very busy, and ensure sufficient electoral officers to be on duty at an exit door.</p> <p>Direction signs</p> <p>Electoral officers are to put out direction signs so that it will be obvious from the street that the polling place is there. Several signs may be needed if there is more than one street frontage. If a school is being used, more signs may be needed to assist people who are not familiar with the layout of the buildings.</p>
s. 4.89	<p>The 6 metre exclusion zone</p> <p>It is an offence (penalty \$2,000) for people to canvass for votes, pass out how to vote cards, or interfere with an elector's right to make a free choice within 6 metres of the entrance to a polling place. Presiding officers must enforce this.</p> <p>The measurement of 6 metres is taken from the entrance of the polling place as specified in the election notice. The entrance to the polling place can be taken to be a doorway or other point that gives entrance to the polling place from the outside.</p> <p>If there is any doubt, the presiding officer should state categorically what is the entrance to the polling place and take the measurement from there. In difficult locations such as shopping centres, it is recommended that a sign be set up declaring a particular point as the entrance. The 6 metres are then measured from that point. An understanding should be reached with campaign helpers on exactly where the line is drawn or some physical mark should be made with chalk.</p> <p>The 6 metre measurement is not a single point – it is measured as a 6 metre radius of the doorway.</p>

Reference

s. 4.89(2)

Presiding officers should inform candidates and campaign helpers that people cannot, in a polling place or within 6 metres from the entrance to a polling place:

- canvass for votes;
- solicit the vote of an elector;
- induce an elector not to vote for a particular candidate; or
- induce an elector not to vote at the election.

Presiding officer can change distance

The presiding officer may give approval for campaign helpers to be within 6 metres of the entrance to the polling place. This might be done where physical problems such as roadways make it impossible to otherwise comply. Any alteration must be applied to all in a fair and consistent manner.

Arranging equipment

Organise equipment as soon as possible. In positioning furniture and equipment pay particular attention to:

- ensuring access by voters;
- expected number of voters; and
- avoiding congestion.

Voting screens

Voting screens should be set up so that:

- elector's right to secrecy is protected;
- electoral officers can see all the voting screens;
- each elector can conveniently place his or her completed ballot paper in the ballot box before leaving; and
- the screens do not obstruct the view the electoral officers have of the ballot box.

reg. 65

Electoral officers' table and chairs

The electoral officers' table and chairs should be positioned so that they:

- command a view of the whole of the polling place;
- are conveniently located for electors to present themselves;
- do not prevent electoral officers from moving easily;

allow queuing within the polling place in front of the issuing officers;

- leave floor space so that scrutineers can stand or sit at a reasonable distance to view proceedings; and
- do not obstruct exit doors or other doorways.

Reference

reg. 66(6)

Ballot box

Once it is sealed the ballot box should be positioned so that it is:

- in full view of electoral officers at all times;
- at a comfortable height on a table;
- possible for each elector to conveniently place his or her completed ballot paper in the ballot box;
- not obstructing entry into any of the voting screens; and
- not close to an outside doorway.

Stationery

Stationery should be arranged so that it is convenient for electoral officers and security of official forms is maintained. Voting screens must be equipped with sharp pencils or pens attached by string.

Rubbish bins

The rubbish bins are for people to place how to vote cards. There should be a bin inside the doorway of the polling place and one outside to avoid littering.

Personal items

Personal belongings of electoral officers should be stowed securely. Mobile phones should not be used by staff within the polling place as it could lead to a loss of public confidence in a fair and transparent election.

Preparing electoral rolls

It is necessary to retain rolls actually used in an election for a period of four years. It is important to identify which rolls have been used at an election

Electoral staff should:

- write the name of the polling place on the rolls issued to them; and
- write the word “used” on every roll that is actually used.

Counting unused ballot papers

Count the ballot papers that have been issued to the polling place and record the number of ballot papers issued on the presiding officer’s ballot papers return (**example.doc E4/11**). Do not assume that a package of ballot papers contains exactly the number marked on the band or enclosure, as the printing or collation process may not be accurate. The ballot papers must be counted before any are issued. Where wards are involved each polling place is likely to have ballot papers for each ward.

Reference

reg. 77

Sealing the ballot box

Immediately before 8.00am, before any votes are taken, the presiding officer shows the empty ballot box to any scrutineers and electoral staff; and secures it with a security device by placing an electoral seal so that it seals the box but enables ballot papers to be inserted. (**example.doc E6/11**) is used to create a record of those witnessing the sealing.

Lost or damaged seals

If sealing devices become damaged, lost or misplaced, the presiding officer must still seal the ballot box. A temporary seal can be created by using a length of tape placed through the clasp or fixing of the lid. Tie this and then seal the ends to the sides of the ballot box in such a way that they would require any person opening the box to break the seal. This procedure can be done using sealing wax if available. As a minimum, presiding officers should use sticky tape liberally and then sign their name across the tape and the box so that it would show that the signature had been disturbed if the box was opened.

The presiding officer should obtain a further supply of the correct seals as soon as possible. Without breaking the temporary seal, the correct seal is added to the ballot box for additional security.

Record all actions on the Occurrence Sheet (**example.doc E3/11**) and report to the returning officer as soon as possible

reg. 7

Checking declarations of office

It is anticipated that the declarations of office will have been completed before polling day. However, before any person acts as an electoral officer this should be checked. If they have not completed a declaration then this must be done before voting starts using prescribed **Form 1**. Presiding officers can witness the declaration of electoral officers but any presiding officer that has not completed a declaration must do so before the returning officer, deputy returning officer or a justice of the peace or commissioner for declarations.

reg. 79

Displaying profiles

Profiles are to be displayed in the order of names on the ballot papers. This can be left to right or top to bottom. Position the profiles so that electors can easily see them before they enter the voting screens. Consider whether they can be seen by a number of voters at one time and use mobile displays if the venue does not have suitable notice boards. The profiles for polling places are copies of the original. Electoral staff should be able to see the profiles to make sure they are not removed or defaced. (Allow space to display candidate's optional additional profile pages, if required).

13.4 Record of votes processed before election day

Reference



Reference sheet

Margin notes

Before any ballot papers are issued, electoral officers should mark the electoral roll that is going to be used in the polling place to show which electors have already cast an early or absent vote and those that have received postal voting papers (election packages).

Procedure – Margin notes

- Take a red pen
- Using the photocopied lists included in the presiding officer's package, mark in the margin opposite the elector's name some initials indicating the type of vote that has already been processed:

Early vote cast – E.V.

Absent vote received – A.V.

Election package issued – E.P.I.

Election package issued and postal vote received – P.V.

This information is used when the electoral officer is required to be satisfied about the eligibility of a person to claim a vote.

13.5 Information about voters' eligibility

Reference	
<p>s. 4.29 to s. 4.35 Schedule 9.3, cl. 12</p>	<p>Eligibility to vote</p> <p>The following categories of people are eligible for enrolment in a local government election:</p> <ol style="list-style-type: none"> 1. Residents who are on the Legislative Assembly roll for a property within the district or ward (the electorate). 2. Non-resident owners or occupiers, including nominees of a body corporate, of rateable property within an electorate who are on the State or Federal roll for a residence outside the electorate. 3. Owners or occupiers of rateable property within an electorate who are not on a State or Federal roll (not Australian Citizens) but who: <ul style="list-style-type: none"> • were enrolled on the last completed owners and occupiers roll of the local government under the previous Local Government Act; and • have owned or occupied rateable property within the district continuously since that roll was prepared.
<p>s. 4.29 s. 4.30</p>	<p>Residents referred to in (1) above are automatically enrolled. Residents and non-resident owners or occupiers of rateable property referred to in (2) above must apply for enrolment and be accepted by the CEO if they want that particular status to be recorded on the roll.</p>
<p>s. 4.31</p>	<p>Where rateable property is owned or occupied by two people, both of them are eligible to be enrolled.</p> <p>If the property is owned or occupied by more than two owners or occupiers, or the owner or occupier is a company, only two people can be nominated to enrol. The nomination must be made by all or a majority of the people or the body corporate of the company.</p> <p>If an elector's property is divided by local government district boundaries, a person can go on to the roll for each district. If a property is divided by ward boundaries, a person is entitled to be enrolled only for the ward they nominated. If they do not nominate a ward, the CEO will do so.</p> <p>If there are separate occupancies within a building or property, up to two people can be enrolled for each occupancy.</p>
<p>s. 4.33</p>	<p>For occupiers of rateable property, an application will only operate up to 6 months after two ordinary elections have been held before a new application needs to be made. However, if the application is made after the 50th day before an election, the enrolment expires 6 months after the third ordinary election, or if the council is suspended, the day the third ordinary election of the local government would have been held but for the suspension.</p>

Reference	
s. 4.35	The CEO can decide that a person is no longer eligible to be included as an owner or occupier on the roll. Written notice of this decision must be given to the person concerned.
s. 4.39	The electoral roll closes at 5.00pm on the 50 th day before election day.
	<p>The right to vote</p> <p>An elector may vote at the election if the elector's name is on the electoral roll or was omitted in error.</p> <p>If a person's name appears on the roll but they are not eligible (see above) they cannot vote. An example might be where someone has moved out of the district.</p> <p>If an elector's name has changed, for example by marriage, they can vote in their former name.</p>
s. 4.68(1)(e)	In order to vote on election day, the person is to present themselves to an electoral officer between 8.00am and 6.00pm.
s. 4.66	<p>Number of votes each elector may cast</p> <p>Each elector is entitled to one vote only in a district or ward election. There are no exceptions to this. Where wards are in operation, an elector may be eligible to vote in one or more wards but just one vote in each case.</p> <p>Be mindful that an elector is entitled to only one vote in an election even if their name is listed more than once on the roll for the electorate.</p>

13.6 Issuing the ballot paper

Reference



Reference sheet

Establish the right to vote

A ballot paper must not be issued unless the electoral officer is satisfied the person has a right to vote.

Procedure – Establishing a right to vote

1. Ask electors to identify themselves by stating their name in full and their address.
2. Ask the elector if he or she has already voted at that election.
3. Look to see if the name of the person with that address appears on the electoral roll and that there is no margin notation indicating voting before election day.
4. If the name cannot be found, follow the procedure in part 13.7 of this chapter. If there is a margin note indicating a vote may have already been processed follow the procedure in part 13.8. If satisfied they are entitled to a vote, follow the procedure shown in steps 6 to 9 of this list.
5. Rule through the name and address of the elector using a blue pen.
6. Take a ballot paper and initial the back in a consistent manner for each ballot paper (or such other authentication as approved by the returning officer). Pre-authentication of ballot papers in advance is not recommended.
7. Give the ballot paper to the elector with instructions on how to complete the ballot paper.
8. Record the issue of the ballot paper on the tally sheet (**example.doc E3/11**).

Instructions to electors

The electoral officer should point out to electors that the voting procedure is shown on the ballot paper. Remind voters to mark the ballot paper by- placing a number '1' in the square opposite the name of the first preference candidate they wish to elect, then they may indicate consecutive numbers from '2' in the squares opposite the names of the remaining candidates in the order of preference up to the number of available vacancies. Electoral officers should point out the voting screens and the position of the ballot box.

Electoral officers must ensure that no elector leaves the polling place with a ballot paper.

If a ballot paper has been issued and the elector subsequently declines to vote, the electoral officer should take control of the blank ballot paper and place it in the ballot box. A note should be made on the Occurrence Sheet of the incident.

Reference

reg. 66

Casting a vote

When a ballot paper has been issued, the elector – without leaving the polling place – is to go alone into the voting screen to mark the ballot paper. They are then to place the marked ballot paper in the ballot box (unless the ballot paper is spoiled by mistake).

Spoilt ballot papers

As long as an electoral officer is satisfied that a ballot paper is spoiled, either by mistake or mishap, a replacement can be issued when the original is returned.

Procedure – Spoilt ballot papers

1. Take the spoilt original ballot paper from the elector.
2. Take a new ballot paper and initial the back (or such other authentication as approved by the returning officer).
2. Give the new replacement ballot paper to the elector.
3. Ask the elector to proceed to vote and place the successfully completed ballot paper in the ballot box.
4. Endorse the word “spoilt” on the spoilt ballot paper.
5. Place the endorsed spoilt ballot paper in the ‘spoilt’ envelope provided in the presiding officer package.
6. Record the vote in the space provided on the presiding officer’s ballot paper return (do not re-mark the tally sheet).
7. Give the envelope with the spoilt ballot papers to the ballot box manager (or returning officer) at the count to be retained as part of the record of the election.



Reference sheet

reg. 63

Elector’s name crossed off in error

If the electoral officer rules off a name in the electoral roll by mistake this can be corrected in the following manner:

Procedure – Correcting name crossed off in error

1. Write the word “stet” in the margin next to the name ruled off in error.
2. Rule through the correct name and address of the elector.
3. Take a ballot paper and initial the back in a consistent manner for each ballot paper (or such other authentication as approved by the returning officer).
4. Give the ballot paper to the elector.
5. Record the issue of the ballot paper on the tally sheet (**example.doc E5/11**).



Reference sheet

The word “stet” means “let it stand” and is an accepted printers’ correction for ignoring the alteration.

13.7 Checking persons not on the roll

Reference



Reference sheet

Checking procedure

If the electoral officer does not immediately find the name of the elector it is prudent to go through a checking procedure before concluding that the name is not present.

Procedure – Checking for names on the roll

1. If wards are used, check the correct roll is being searched.
2. Check the spelling of the name with the elector.
3. Check whether the given name has been transposed with the surname.
4. If there is a language barrier, ask the elector to write his or her name down or show ID with their name on it.
5. If it is still not possible to locate the person's name on the roll, check the roll for the previous election. If the name appears on that roll and they are still at the same address then follow the procedure outlined under provisional votes.
6. If their name is not on the current or previous roll, they may still be entitled to a vote. In these circumstances follow the procedures outlined for provisional votes.

Note: An additional check can be made to the WA Electoral Commission by telephone – 13 63 06. They will check their records to establish the status of the prospective elector.

If the person is not eligible to be given a vote, but wants to be enrolled, they can be given a prescribed **Form 2** (Enrolment Eligibility Claim) or an enrolment update form from the Western Australian Electoral Commission (if available). If completed there and then, the **Form 2** can be passed on to the local government to be processed for future elections.

13.8 Electors claiming not to have already voted

Reference	
<p>reg. 62</p> <p>&</p>	<p>Errors in recording</p> <p>An elector may claim that it has been incorrectly recorded:</p> <ul style="list-style-type: none"> • that a postal vote envelope or declaration envelope relating to the election has been accepted from him or her; or • that he or she has cast an early vote or voted in person already at the election. <p>Two situations could result from this claim.</p> <p>The first is that the electoral officer discovers that an error has been made in the margin notes that show votes cast before election day. This can be corrected and the ballot paper issued in the normal way.</p> <p>The second is that the electoral officer can be satisfied that the claim is justified even though it is not possible to verify it at the polling place. In this case a provisional vote is issued.</p>
<p>Reference sheet</p>	<p>Procedure – Checking errors in recording</p> <ol style="list-style-type: none"> 1. Check the list of early votes cast, and the list of election packages issued that includes postal vote certificates accepted, to see whether the margin note in the roll has been incorrectly recorded. 2. If satisfied that it has been incorrectly transcribed from either list, cross out the margin note and initial the change. 3. Issue a ballot paper in the ordinary way. 4. If the electoral officer is not satisfied that an error has occurred in transcribing the margin note, but it is possible that an error could have occurred in the lists, follow the procedure for issue of a provisional ballot paper.

13.9 Issuing provisional ballot papers

Reference



Reference sheet

Omissions from the roll

It is necessary for the elector to satisfy the electoral officer of his or her entitlement to a provisional vote.

1. Begin this process by asking some basic questions and consider the responses. For instance:
 - When did they last vote and what sort of election was this (state, federal, local government)?
 - Was their name on the electoral roll at that time or did they need to complete a form?
 - How long have they lived at their current address (was it before the electoral roll closed for this election)?
 - Do they have any documents? (an enrolment acceptance letter from the Australian or WA Electoral Commissions or a prescribed **Form 3** issued by the CEO to prove they have been accepted for enrolment?)
2. Check the previous electoral roll issued in the presiding officer's package.
3. Check any documentation submitted by the elector.
4. Check by telephone with the WA Electoral Commission and record the outcome on the occurrence sheet.
5. If satisfied that the person's name could have been omitted in error, follow the procedures to issue the provisional ballot paper.

Claims that an elector recorded as already voting but they have not

Explain to the person the system for recording the names and addresses of people that:

- have applied for postal voting papers and the method of recording when these are received back by the returning officer; or
- have presented themselves in person to cast an early vote.

If satisfied by their response that an error could have occurred in recording the name of the person on the list of election packages issued and postal votes received, or the list of early votes cast, follow the procedures to issue a provisional ballot paper.

reg. 62

Reference

&

Reference sheet

reg. 62

reg. 66

reg. 62(3)

reg. 62(4)

Issuing a provisional ballot paper

If the electoral officer is of the view that the person may be eligible to vote because their name has been omitted in error, or that he or she has been recorded in error as casting an early vote or returning a postal vote, a provisional ballot paper should be issued.

1. Ask the elector to complete the prescribed **Form 16**.
2. Enter the full name of the electoral officer and tick the box on the form showing any documentation considered at the polling place.
3. Read the information on the form and, if satisfied the declaration on the form is true, take a ballot paper, initial the back (or add such other authentication as approved by the returning officer) and give the ballot paper and a ballot paper envelope to the elector with instructions on how to complete the ballot paper.
4. The elector is to enter the voting screen to mark the ballot paper and put this into the ballot paper envelope.
5. Make a record of issuing the provisional ballot paper on the application (do not tick the acceptance box – this is done at the count).
6. Record the ballot paper in the space provided on the presiding officer's ballot papers return (not the tally sheet).
7. When the elector has voted, take the ballot paper envelope containing the marked ballot paper and put it in the envelope used for the prescribed **Form 16** (if a separate printed **Form 16** is used, staple this to the ballot paper envelope).
8. Put the ballot paper envelope with the declaration in the ballot box.

All declarations are further checked against records held at the local government before the vote is entered into the count. A declaration can be supported by:

- (a) a previously compiled electoral roll of the local government, or an electoral roll or other document prepared under the *Electoral Act 1907*;
- (b) a prescribed **Form 3** (Notice of Acceptance of Enrolment Eligibility Claim) dated not less than 50 days prior to the election; or
- (c) any other documentation or material considered relevant.

Rejecting a claim

If the electoral officer forms the view that the claim for a vote should be rejected, the elector must be advised of this decision and refused a vote. A record of the rejection must be made on the completed application (prescribed **Form 16**).

13.10 Replacement postal voting papers

Reference	
<p>reg. 45</p>	<p>Issuing replacement ballot papers</p> <p>On election day, a person that has previously applied for a postal vote can present himself or herself at the polling place to ask for a replacement ballot paper.</p> <p>The circumstances where this can occur are:</p> <ul style="list-style-type: none"> • They received an election package but it did not contain the ballot paper; • They did receive a ballot paper but it has subsequently become lost, destroyed or spoiled; or • They did not receive the postal voting papers applied for.
<p>&</p> <p>Reference sheet</p>	<p>Procedure – Issuing a replacement ballot paper</p> <ol style="list-style-type: none"> 1. Give the person a prescribed Form 15 to complete. 2. Re-check that the person is on the electoral roll. 3. Check the list of election packages issued (example.doc E4/12). 4. Check the lists of early, absent and postal votes received to make sure the person has not already voted. 5. Be satisfied that the claim is true. 6. Issue a ballot paper in the usual way by ruling off the name on the roll and ensuring that the back is initialled (or uses such other authentication as approved by the returning officer). 7. Make a record of any actions on the application and on the Occurrence Sheet (example.doc E3/11).

13.11 Postal voting papers returned

Reference

Receiving unused postal voting papers

If a person brings into the polling place an elector's certificate and ballot paper they have received in an election package that they have not used and, if the electoral officer is satisfied that the person is entitled to vote and has not already voted, they can be issued with a ballot paper in the ordinary way.

The elector's certificate and ballot paper are to be retained by the presiding officer and delivered to the returning officer at the close of voting. The envelope should be endorsed with the word "Cancelled" to indicate that it should not be included in the final count.

A record of the actions of the electoral officer should be made on the Occurrence Sheet (**example.doc E3/11**).

13.12 Postal voting papers received

Reference

Postal voting papers can be received up to 6.00pm on election day. They may be delivered to any local government mail receiving point.

Therefore, check any outside mail box at the close of poll and any other mail receiving points.

If postal voting papers are received by an electoral officer at a polling place they are to be placed in the ballot box with the other marked ballot papers. Electoral officers do not process postal voting papers received in any other way as the returning officer will check them after the close of the poll.

13.13 Assistance to electors

Reference	
	<p>Arrangements for people with impairment</p> <p>Returning officers should consider the needs of all electors when setting up the polling place. Where possible, one of the voting screens could be modified to suit the needs of people in wheelchairs, or using motorised scooters or similar means of mobility. Clearly signpost the specific voting screen. Plastic magnifying sheets should be provided for vision-impaired voters.</p>
reg. 67	<p>Requests for assistance</p> <p>A request for assistance must come from the elector or someone acting on the elector's behalf and be made to the presiding officer. It is reasonable for the presiding officer to offer assistance if they believe an elector may be having difficulties and to act appropriately on the response. Assistance can be provided if the elector cannot vote without it because of impairment of sight or any other impairment or condition affecting the person's ability to read or write. The impairment could include a language barrier.</p>
reg. 67(1) to (3)	<p>Those people eligible to assist</p> <p>Assistance can be provided by:</p> <ul style="list-style-type: none"> • the presiding officer; • an electoral officer specifically authorised by the presiding officer to do so; or • another person nominated by the elector or someone acting on behalf of the elector.
reg. 67(4)	<p>A candidate, scrutineer or anyone authorised to act on behalf of a candidate must not assist an elector to cast a vote.</p>
	<p>Providing assistance when appropriate</p> <p>The procedures for providing assistance are set down in regulation and must be followed specifically.</p>
<p>&</p> <p>Reference sheet</p> <p>reg. 67</p>	<p>Procedure – Providing assistance to vote</p> <ol style="list-style-type: none"> 1. Clearly identify the person who is to provide the assistance – one person only. 2. Identify where the vote will be cast. This should be within the voting screen, but if the elector is not capable of entering the voting screen the presiding officer can approve another place that is in close proximity to the voting screen or in close proximity to the polling place.

Reference

3. Make a note on the Occurrence Sheet (**example.doc E3/11**) of the elector's name, and details of the assistance provided.
4. Issue a ballot paper in the ordinary way, making sure that the name is ruled off, then initial the back (or authenticate it as approved by the returning officer) and record it on the tally sheet.
5. Either the elector or the person assisting them places the marked ballot paper in the ballot box.

Procedure – Providing assistance outside the polling place

If an elector is so incapacitated that he or she is not able to enter the polling place, the presiding officer can approve another place that is in close proximity but outside the polling place.

If this occurs the electoral roll and the ballot paper can be taken outside to the approved place so that the elector can vote.

The ballot box should not be taken outside. When the ballot paper has been marked, the person assisting the elector is to enter the polling place and put the ballot paper in the ballot box.



Reference sheet

13.14 Removing how to vote cards

Reference

Keeping voting screens clear

Electoral officers should ensure that electors do not leave how to vote cards or other election material in voting screens. Check screens regularly. Remove how to vote cards or other material and place these in a rubbish bin.

Check through the how to vote cards as sometimes ballot papers are left behind. If found these should be cancelled and a record of the action recorded on the occurrence sheet. Any ballot papers found after issue inside the polling place but not in the ballot box need to be treated as discarded, endorsed as such, and given to the presiding officer to reconcile at the close of polling and not placed into the ballot box.

13.15 Close of poll

Reference

Precise closing time

Presiding officers are required to have an accurate means of establishing the correct time. At 6.00pm precisely the polling place doors are to be closed. Those persons inside the polling place at that time are still entitled to vote, if eligible to do so.

Securing the ballot box

After the people inside the polling place have cast their vote, if eligible to do so, the presiding officer is to close and secure, using seals or locks, the outer lid of the ballot box. If pull-tight or padlock style numbered seals are being used, one is to be placed through the clasp of the outer lid. If used, a padlock is also to be placed through the clasp so that the outer lid is both locked and sealed. This procedure may be done in front of a witness and the ballot box witness sheets completed (**example.doc E6/11**). The presiding officer should put the ballot box keys in a safe place ready to deliver to the returning officer.

Packing up material

1. The ballot paper return should be completed and signed.
2. The presiding officer's ballot paper return should be placed in a separate envelope with the tally sheets (**example.doc E5/11**) and completed ballot box witness sheets (**example.doc E6/11**) as these will be needed on arrival at the count.
3. Place in separate large envelopes the used electoral rolls, unused ballot papers, declaration forms, and the Occurrence Sheet (**example.doc E3/11**) and any other materials that provide a record of the day's proceedings.
4. Pack up in the plastic bag provided, all the remaining stationery and materials used during the poll.

Responsibilities of presiding officer

The presiding officer remains responsible for the ballot box(es) and electoral material until they are delivered to the returning officer at the count area. The presiding officer is not to unseal the ballot box unless authorised to do so by the returning officer or an officer delegated to authorise that boxes be opened.

Leaving the polling place

Returning officers should instruct electoral staff to leave polling places in a tidy condition. They should be locked and if necessary, security systems activated. All signs should be removed and placed ready for collection.

Reference**R****Checklist****Deliveries to count area**

Presiding officers should deliver separately to the count area:

- ballot box(es)
- ballot box keys
- envelope(s) containing ballot paper return, tally sheets, witness sheets and other papers required immediately at the count;
- the polling place keys; and
- stationery and other materials used at the polling place.

Arrangements should be made for other material to be stored when it arrives at the count area until it can be sorted out after counting has finished.

13.16 Quality document control

Document Reference	Document Title	Electronic Reference	* Position authorised to review and check	* Distribution
Form 16	Provisional voter's declaration	<Insert computer file reference>	Prescribed document	As regulations

& * Complete for local situation and maintain this list in the records management system.

Form 16 - Provisional voter's declaration

Local Government (Elections) Regulations 1997, reg. 46 and 62

PROVISIONAL VOTER'S DECLARATION

Applicant	Full name:		
	Home address:		
	Postal address:		
	(if different to Home address)		
	Phone numbers (H):	(W):	(M):
Fax number:		Email:	

Electorate	Local government district:
	Ward:

Reason for application [Tick one box]	I apply for provisional voting papers because:
	<input type="checkbox"/> a mark has been made against my name on the electoral roll showing that I have voted although I have not voted; or <input type="checkbox"/> my name has been omitted from the electoral roll in error. I am eligible to be included on owners and occupiers roll for the electorate and I have submitted an enrolment eligibility claim form in accordance with the requirements of the Act. The address of the property of which I am an owner or occupier is:

Type of vote [Tick one box]	I wish to vote:
	<input type="checkbox"/> in person or <input type="checkbox"/> by lodging a postal vote

Declaration [Making a false declaration is an offence]	I declare that all the details set out above are true and correct.	
	Signature:	Date:

Electoral Officer	Full name:	
[Tick appropriate box]	In considering this claim, I have had regard to: <ul style="list-style-type: none"> <input type="checkbox"/> a previously compiled electoral roll of the local government; <input type="checkbox"/> an electoral roll or other documentation prepared under the <i>Electoral Act 1904</i> or the <i>Commonwealth Electoral Act 1918</i>; <input type="checkbox"/> the owners and occupiers register; <input type="checkbox"/> advice sent by the CEO as to whether or not the person is an elector; <input type="checkbox"/> other relevant documents and materials – (describe briefly) 	
	This application is <input type="checkbox"/> accepted <input type="checkbox"/> rejected	
	Signature:	Date:

14 The count

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14.1 Method of counting

Reference

Voting system

In accordance with Schedule 4.1 of the Act, votes are to be counted - using optional preferential voting (OPV). Preferential voting is the same method used in state and federal elections. The elector however is not required to complete all preferences when casting a vote as this is optional, however they will need to mark one square for their vote to be counted.

An elector may select the candidate of their choice by placing a '1' in the square opposite their name and they may also indicate further preferences by placing consecutive numbers from '2' onwards in the squares opposite the names of the remaining candidates in the order of their preference up to the total number of vacancies.

Returning officers will arrange for the ballot papers to be sorted to those candidates receiving the first preference.

Where a district is divided into wards each individual ward is a separate election.

For all counting methods (including a computer count) follow the processes described in part 14.7 for dealing with the arrival of ballot boxes.

Refer to Part 14.7 –
“Arrival of ballot
boxes”

Reconciliation of total votes cast

It is essential that reconciliation be conducted so that every vote (rather than every ballot paper) is accounted for as an elector may vote for one or many candidates on the same ballot paper.

This is necessary because an elector may cast a valid vote even if they mark less squares than the number of vacancies or make more than one vote per ballot paper in any election with multiple vacancies. All valid votes are counted with any candidate that an elector chooses gaining the benefit of the vote cast in their favour.

Example – where there are two vacancies and four candidates, but the elector only likes one of the candidates and does not wish to vote for the others, the elector marks the square opposite the name of their preferred candidate and leaves the remaining squares unmarked. This means that the particular ballot paper will only yield one vote rather than the possible two votes that could have been expected.

If an elector has marked the same preference number more than once, then the vote is rejected and not entered into the count because it is not possible to determine which candidates are not meant to receive a vote.

Reference

Single Vacancy

For a single vacancy, the optional preferential voting (OPV) system requires a candidate to receive more than 50 per cent of the formal, non-exhausted ballot papers. This is called reaching the absolute majority of votes.

Two or more Multiple Vacancies

The process of filling multiple vacancies, rather than needing to obtain an absolute majority, the successful candidates need to obtain a 'quota' of votes.

To determine the quota - the number of votes are divided by the number of vacancies plus one, disregarding any remainder and then plus one as shown by the following formula:

$$Quota = \left(\frac{\text{Number of formal votes}}{\text{Number of vacancies} + 1} \right) + 1$$

As an example to demonstrate this quota, if there are 2 positions to fill and 900 votes are cast, the quota for the election would be 301 votes, as shown below:

$$\left(\frac{900}{(2+1)=3} \right) = 300 + 1 = 301$$

Candidates achieving quota are elected, for those receiving over the quota, these surplus votes are distributed in accordance with preferences and candidates with the least number of votes are excluded until all of the remaining positions are elected.

See **Section 14.8** – Counting the votes procedures

Refer to Section
14.8 – Counting the
votes

14.2 Setting up for the count

Reference	
<p style="font-size: 2em; font-weight: bold; margin: 0;">R</p> <p style="margin: 0;">Checklist</p>	<p>Count area layout</p> <p>The following will be needed for the count area:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Ballot box table(s) <input type="checkbox"/> Table for the returning officer <input type="checkbox"/> Sufficient counting tables <input type="checkbox"/> Chairs for counting staff (optional) <input type="checkbox"/> Public tally board <input type="checkbox"/> Rope and posts or similar to create a barrier <input type="checkbox"/> Public seating outside count area <p>Ballot box table(s)</p> <p>A ballot box table is for the receipt of ballot boxes when they first arrive at the count. Once the seals are checked and the receipt of the ballot box logged they are delivered across to the counting tables. Ballot boxes not being counted are kept on the ballot box table. Counted ballot boxes with the ballot papers and box tally sheet are returned to the ballot box table for safe keeping until the count is finished.</p> <p>Table for returning officer</p> <p>The returning officer needs a base to operate from at the count. Typically this table will be equipped with the forms necessary for declaring the result, a master tally sheet (per ward), a “rejected” stamp, and if required a calculator. This equipment should be set apart from the counting tables even if the returning officer is involved in personally counting votes.</p> <p>Counting tables</p> <p>Usually counting tables are trestle style. They should be of a sufficient size to allow for ballot boxes to be emptied and votes counted in an organised manner. Tape tables so that ballot papers cannot fall between tables. It may be preferable to set the tables up in a long continuous length with a ‘T’ formation at the end to allow for the emptying of ballot box contents and unfolding of ballot papers ready for count staff to gather for sorting.</p> <p>Chairs for counting staff (optional)</p> <p>Counting staff will need to walk along the tables for some counting methods. If using chairs, the table manager sits at the end of the table with a good view of proceedings.</p>

Reference

2

Equipment

Computers and computer tables

Computer screens should be placed in a manner that allows scrutineers and the returning officer to view input screens and ballot papers being input.

Public tally board

It is usual for a board to display results as the count progresses. It should reflect the master tally sheet used by the returning officer. Some local governments use a data projector attached to a computer that records the count as it progresses, generally using spreadsheet software.

Rope to form a barrier

There should be some form of barrier between the counting staff and members of the public that have come to view the count. A rope, row of chairs (backs to count area) or similar can be used. The barrier should not obscure the view of the counting.

Public seating outside count area

Some seats should be provided for the public to view the count.

Equipment list

- Supply of forms for counting method used
- Master tally sheet (and spares)
- Pens
- Rubber bands
- Paper clips for small batches of votes
- Calculators
- Rubber finger stalls for counting staff
- Supplies of prescribed **Form 18** (Appointment of Scrutineers) for any scrutineers
- Spare scrutineer badges
- Ward signs for tables (if wards used)
- Sort/Count cards (*suggest new form for ease of sorting first preference votes*)
- Distribution of Preference cards (*new form*)
- Sign for returning officer's table
- Sign for ballot box table
- Signs saying "authorised persons only" along rope barrier

Reference

- Tape or other adhesive to fix signs
- Prescribed **Form 19** (Results of Election) for each ward
- Envelopes with material to present to successful candidate for special council meeting (if given at this time).

14.3 Responsibility for the count

Reference	
s. 4.72	<p>Powers and duties of the returning officer</p> <p>As soon as is practicable after voting has finished the returning officer is to arrange for the votes to be counted and ascertain the result of the election.</p> <p>The returning officer is in control of the count area and responsible for security of election papers – including ballot papers. This includes ensuring that the count is conducted impeccably in a fair and impartial manner. Generally the returning officer circulates around the counting tables, checking the validity of votes and ensuring that provisional votes and postal votes or absent votes delivered to the polling places are checked.</p>
s. 4.75 s. 4.76	<p>The returning officer is the arbiter of whether a ballot paper should be admitted into the count and their decision is final unless changed by a Court of Disputed Returns. The returning officer is responsible for counting the votes although this is undertaken by electoral officers acting at the direction of the returning officer. Usually the returning officer records the votes as they progress on a master tally sheet and the public tally board.</p> <p>A professional manner in the returning officer, coupled with good public relations, will set the tone for proceedings and will have a great impact on the credibility of the counting process.</p> <p>Candidates and scrutineers may be present inside the barrier when the votes are counted but must follow any directions the returning officer issues and must not disrupt counting or affect the concentration of the counting staff.</p> <p>Overseeing the conduct of the count</p> <p>While not always possible, it is advisable for the returning officer to be seen as supervising the counting of votes rather than actually handling the ballot papers. If the returning officer is needed to count votes ensure that a deputy is available to take over if it becomes necessary to handle a query from a scrutineer or move to the tally board to record votes as the count progresses.</p> <p>Be well prepared and make sure staff are well briefed on what they have to do. It will not be possible to “wing it” on the day.</p> <p>This briefing is even more important now that the voting method has changed for the 2023 election, it is essential that everyone involved understands the changes and the counting process.</p>

14.4 Specific staff duties

Reference	
<p>Refer to part 14.7 for information on procedures for the Ballot Box Manager</p>	<p>Ballot box manager</p> <p>The deputy returning officer may perform the duties of the ballot box manager. Whoever is selected must know their tasks and responsibilities so that the returning officer can concentrate on other matters.</p> <p>Essentially the task of the ballot box manager is to receive the ballot boxes as the presiding officers bring them in and to check the seals. At that point responsibility for the ballot boxes passes to the ballot box manager.</p> <p>The ballot box manager is also responsible for receiving election papers and keys from the presiding officer and ensures that electoral material from the polling places is stowed out of the way.</p>
<p>Refer to part 14.8 for information on procedures for the Table Manager</p>	<p>Table manager(s)</p> <p>A table manager should be appointed for each counting table. They are responsible for the ballot papers while they are being counted. The table manager will break the seal of the ballot box, remove all the ballot papers and supervise counting procedures. The table manager is responsible for reconciling the ballot papers from each of the boxes counted at that table and for completing the box tally sheet.</p>
	<p>Counting staff</p> <p>Counting staff are required to follow the directions of the table manager. They sort, count or batch the ballot papers as directed. If the count is being done manually, they set aside potentially invalid ballot papers for a ruling by the returning officer. With an electronic count, all ballot papers are entered on to the computer system and, for each batch entered, the software will “flag” any potentially invalid ballot papers for a ruling by the returning officer.</p>
	<p>Returning officer</p> <p>During counting, the returning officer rules on the validity of ballot papers set aside by counting staff. The returning officer should also receive the box tally sheet and enter the results onto a master tally sheet. Progressively, the public tally board should be kept up to date with information from the master tally sheet.</p> <p>In some local governments file trays are used to carry the counted ballot papers to the returning officer’s table so that the returning officer can form a view about the accuracy of the accompanying completed box tally sheet before entering this onto the master tally sheet.</p>

14.5 Advice to counting staff

Reference

The need for practice

A briefing session should be held with counting staff and their role on the day explained clearly. If possible, allow time for staff to practice with some mocked up ballot papers. The returning officer, if conducting a manual count, should expect counting staff to be able to recognise potentially invalid votes.

In the case of an electronic count, it is recommended that relevant staff, candidates and scrutineers be invited to view a “mock count”, using the WA Electoral Commission software, some weeks prior to the election. The purpose of this exercise would be to allow them to ask questions and familiarise them with the process in advance of election night.

Explain the method to be used for counting and batching the votes and brief staff on using the batch tally sheets. Table managers must understand how to complete box tally sheets accurately.

It is very important for everyone to have confidence in the counting of the votes, and for this reason table managers should become familiar with counting procedures so that they are not hesitant on the day. This is even more important when the counting method is different from previous elections.

The ballot box manager must understand the importance of the role and presiding officers need to know who to report to when they deliver the ballot boxes.

Providing written instructions

The returning officer will be held accountable for the actions of staff at the count. Make sure they all attend a briefing session and that they are provided with written instructions in a simple format. The reference sheets provided in this manual can be adapted for use in local circumstances.

14.6 Checking absent and postal voting papers

Reference	
<p>reg. 51(1) and (2) reg. 58(2)</p>	<p>Checking absent voting papers</p> <p>The returning officer can check absent votes:</p> <ul style="list-style-type: none"> • any time after they are received by the returning officer before election day; • after being stored in a ballot box to await checking; or • after they arrive at the count in a ballot box from the polling place.
<p>reg. 51(1) reg. 51(4) reg. 51(5) reg. 58(2)</p>	<p>Timing</p> <p>For convenience, returning officers may check but not count absent votes and postal voting papers before the close of poll. Candidates must be advised when this is to occur and scrutineers can attend. Any absent votes not checked before the close of the poll are checked at the count and if accepted are entered into the count for the relevant election.</p>
<p>&</p> <p>Reference Sheet</p>	<p>Procedure – Checking absent voting papers</p> <ol style="list-style-type: none"> 1. If the absent voting papers are in a separate ballot box, break the ballot box seal in front of a witness and have the witness sign a declaration (example.doc E6/11). 2. Sort the absent vote envelopes into wards if appropriate. 3. For each ward take each absent vote declaration envelope and check that the application has been completed correctly or in a manner that is considered to be substantially correct. 4. Check the roll used for early votes, absent votes and postal votes to ensure that the elector’s name has been ruled through when the absent vote envelope was received. 5. Record on the declaration envelope acceptance of the vote for later inclusion in the counting process. 6. Take the ballot paper envelope out of the declaration envelope and, without opening it, write on the outside of the envelope the ward to which the vote relates if wards are used (detach the elector’s certificate if this is in the form of an attachment) and place the ballot paper envelope in a ballot box. 7. Process all absent voting papers for each ward in this way. 8. If not satisfied that the person has the right to vote record the rejection on the declaration envelope. 9. Secure the ballot box that contains ballot paper envelopes. 10. Store in a secure location until vote counting begins. <p>Note: All envelopes must be kept whether accepted or rejected.</p>

Reference

Checking postal voting papers

The returning officer can check postal votes:

reg. 51(1) and (2)

- any time after they are received by the returning officer before election day;
- after being stored in a ballot box to await checking; or
- after they arrive at the count in a ballot box from the polling place.

Timing

reg. 51(1)
reg. 51(4)
reg. 51(5)
reg. 58(2)

For convenience, returning officers may check but not count absent votes and postal voting papers before the close of poll. Candidates must be advised when this is to occur and scrutineers can attend. Any postal voting papers not checked before the close of the poll are checked at the count and if accepted are entered into the count for the relevant election.

Procedure – Checking postal voting papers

&

Reference sheet

1. If the postal voting papers are in a ballot box, break the ballot box seal in front of a witness and have the witness sign a declaration (**example.doc E6/11**).
2. Sort the postal vote envelopes into wards if appropriate.
3. For each ward open each pre-paid return envelope addressed to the returning officer and remove the contents.
4. Check the elector's certificate that may be attached to the ballot paper envelope or printed on the pre-paid return envelope to ensure that it is completed properly.
5. Check the roll used for early votes, absent votes and postal votes to ensure that the elector's name has been ruled through when the postal vote envelope was received.
6. If satisfied, record on the declaration envelope acceptance of the vote for later inclusion in the counting process.
7. Take the ballot paper envelope and write on the outside of the envelope the ward to which the vote relates if wards are used (detach the elector's certificate if this is in the form of an attachment) and place the ballot paper envelope in a ballot box.
8. Process all postal voting papers for each ward in this way.
9. If not satisfied that the elector's certificate is completed correctly or the elector has not already voted then record the rejection on the ballot paper envelope without opening it or allowing it to be opened.
10. When finished, secure the ballot box that contains the ballot paper envelopes and store in a secure location until counting of all votes begins.

Note: All envelopes must be kept whether accepted or rejected.

14.7 Arrival of ballot boxes

Reference	
<p data-bbox="188 593 236 651" style="font-size: 2em; font-weight: bold;">&</p> <p data-bbox="188 696 395 723">Reference sheet</p>	<p data-bbox="507 367 1086 403">Procedures for ballot box manager</p> <p data-bbox="507 423 1406 526">When the presiding officers arrive they must report to the ballot box manager (this may be the deputy returning officer) at the ballot box table.</p> <p data-bbox="507 546 1110 582">Procedure – Receiving the ballot boxes</p> <ol data-bbox="507 600 1422 1653" style="list-style-type: none"> 1. Check election papers and polling place materials as they arrive. 2. Check that each ballot box is labelled with the name of the polling place. 3. Place the ballot box on the ballot box table in clear sight. 4. Take charge of the ballot box keys and check that they are labelled with the name of the polling place. Place the keys on top of the ballot box or in a secure, easily accessible position. 5. Check the seal numbers on the ballot box against the seal numbers issued to the presiding officer using the completed issue sheet for seals and ballot boxes (example.doc E2/11) and take charge of spare seals. 6. Check that the envelope from the polling place contains the completed ballot paper return, tally sheets and witness sheets. 7. Check the polling place keys are labelled and place in a secure place to be returned the next working day. 8. Assist the presiding officer to stow the remainder of the materials from the polling place for checking the next working day. 9. Put the tally sheets from the envelope on the returning officer’s table and retain the ballot paper return and witness forms in case of queries. 10. Issue the ballot boxes for counting when appropriate. <p data-bbox="507 1673 1398 1776">Ballot boxes containing early votes and absent and postal vote ballot paper envelopes should be treated in the same way as those from other polling places.</p> <p data-bbox="507 1827 1118 1863">Issuing the ballot boxes for counting</p> <p data-bbox="507 1883 1401 1951">Once the ballot boxes are delivered to the counting tables they become the responsibility of the table manager.</p> <p data-bbox="507 1971 1417 2074">For this reason, a ballot box should not be placed on the counting tables until the relevant table manager has arrived and is ready to supervise counting at that table.</p>

Reference

Resist the temptation to begin counting when the table does not have the full complement of staff. However the returning officer may transfer electoral staff across tables to make an early start if it becomes obvious that some counting staff will be late arrivals from distant polling places.

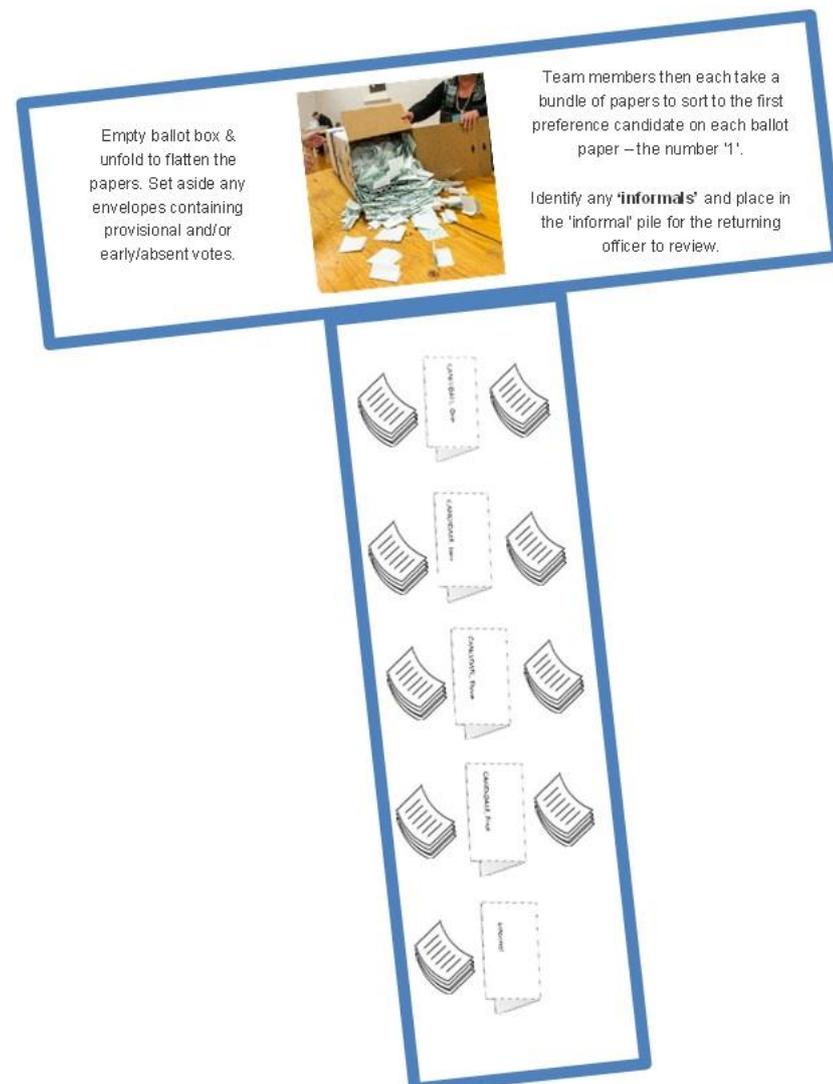
The ballot box manager or another person authorised by the returning officer should issue the ballot boxes by taking them from the ballot box table across to the counting table(s) together with the keys if padlocks are used. Only one ballot box should be on each counting table at the one time.

Table managers should draw the attention of scrutineers to the fact that the ballot box seal is to be broken and scrutineers if present should witness this happening.

Shake out the contents of the ballot box onto the table and begin sorting and counting the votes.

Use of a “T” formation for the sorting tables will greatly assist the ballot paper sorting process, if space permits.

Counting procedures are provided in part 14.8.



14.8 Counting the votes

Reference	
<p data-bbox="212 405 260 461" style="font-size: 2em; font-weight: bold;">&</p> <p data-bbox="212 510 419 535">Reference sheet</p>	<p data-bbox="509 342 1431 450">All the procedures should be done in a calm and controlled manner with entries being made onto the box tally sheet by the table manager who supervises the other counting staff.</p> <p data-bbox="509 517 1431 696">Ballot boxes containing early votes and absent and postal vote ballot paper envelopes should be treated in the same way as those from other polling places other than the need to open the ballot paper envelopes for absent and postal votes before counting the votes.</p> <p data-bbox="509 763 1431 981">Counting staff should check that the ballot papers are for those marked on the outside of the ballot paper envelope. The returning officer should reject any ballot papers that are not for the correct election. However, absent ballot papers may be put in the same ballot paper envelope for different elections (mayor/president or wards).</p> <p data-bbox="509 1048 1431 1155">Counting staff separate any envelopes containing provisional votes and any absent or postal votes and pass to the table manager for noting on box tally sheet.</p> <p data-bbox="509 1173 1431 1207">Take these envelopes to the returning officer's table for checking.</p> <p data-bbox="509 1225 1431 1368">Sort ballot papers into wards (if wards are used) with the intention to count minor wards first. Once minor wards have been counted proceed with the remaining wards ensuring that all ward counts are kept separate.</p> <p data-bbox="509 1386 1431 1458">Follow the counting procedures as indicated below for either single or multiple vacancies.</p> <p data-bbox="509 1476 1431 1619">Check the back of all ballot papers for the electoral officer's initials or other approved authentication and pass any potentially invalid ballot papers to the table manager for checking by the returning officer.</p> <p data-bbox="509 1637 1431 1709">Retain the box tally sheets to assist in compiling the number of ballot papers for the prescribed Form 20 (Report to Minister)</p> <p data-bbox="509 1783 1431 1890">Conduct the popularly elected Mayor/President counts first – always keep ballot boxes for ward result counts separate (do not amalgamate)</p> <p data-bbox="509 1908 1431 2087">Conduct the count for the popularly elected Mayor/President first because in the event that a Mayoral/Presidential candidate has also nominated for a Councillor position and they are subsequently elected in the Mayor/President position – they are then excluded from the Councillor count.</p>

Reference



Reference sheet

Counting the votes

Single vacancy

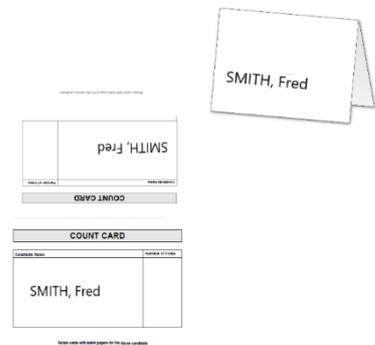
Where there is one position vacant, as each valid ballot paper will only have one first preference vote indicated against the candidate of choice, counting staff will sort the ballot papers into piles of valid ballot papers that relate to each candidate.

These are then counted into bundles of 50 ballot papers of first preferences for each candidate. Once all the ballot papers from the box are tallied against the relevant candidates, the next box is counted, sorted and so on. When the totals from each box are known, the total of first preference votes cast for each candidate from all of the boxes is tallied and the result obtained.

For a single vacancy, the optional preferential voting (OPV) system requires a candidate to receive more than 50 per cent of the formal, non-exhausted ballot papers. This is called reaching the absolute majority of votes.

Step 1 – Calculate the absolute majority of votes needed to win (which is half of the total number of formal, non-exhausted, votes rounded down, plus 1) meaning 50% +1 or known as the absolute majority.

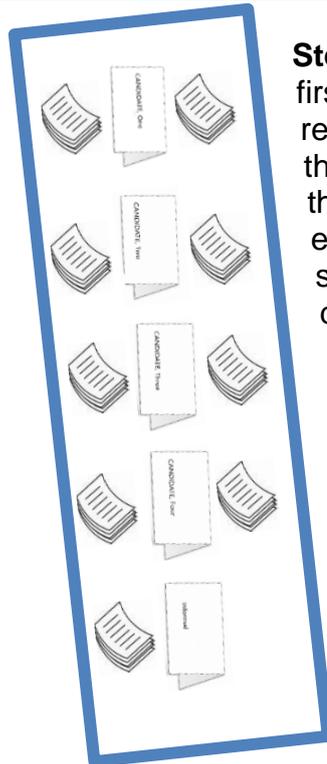
Step 2 – Write out a count card with the name of each candidate with their name printed on front and back so they can be seen from both sides of the table when set up to assist with staff sorting (see picture) and write one card marked 'Informal' and another marked 'Exhausted'.



Using a 'T' formation on the table, evenly space out the count cards and place them in the same order as listed on the ballot paper.

Have staff sort ballot papers and place in front of their respective count cards.

Reference



Step 3 - Manually sort ballot papers to the first preference votes for each candidate reviewing the ballot paper for formality at the same time. Take care with sorting to the first preference votes and double count each bundle, as errors made in the first sort can present problems with further distributions.

Step 4 - Set aside any informal votes and sort them to the "Informal" pile

Step 5 – Count the number of ballot papers for each candidate, securing with an elastic band around each bundle of 50 ballot papers, recording the total number for each candidate on the sort card and wrap around the ballot paper bundles.

Step 6 – Has a candidate reached an absolute majority of votes yet?

If **YES** – then they are declared elected.

If **NO** – then proceed with the following action(s) to reach a result.

Step 7 – Eliminate the candidate with the lowest number of votes and distribute the vote to the next preference candidate remaining in the count (marked 2) as indicated on the ballot paper. If there is no second preference indicated, then set this ballot paper aside into the 'Exhausted' pile.

Step 8 – Once votes have been distributed, count the votes - has a candidate now reached an absolute majority?

If **YES** – then they are declared elected.

If **NO** – then proceed with the following action to reach a result.

Step 9 – Repeat steps 7 to 8 eliminating each candidate with the next lowest votes and keep distributing to the next preference as indicated on the ballot paper until a result is determined (if votes exhaust, recalculate majority which may reduce). 'Exhausted' votes cannot be distributed and have no further value in the count.

Reference

Step 10 – candidate who has reached the absolute majority of votes is declared elected.

Complete the 'Result of Count' **Form 19** and display final result to the audience viewing the count.

1st and 2nd Unelected Candidates

Under the new OPV count procedures being used in 2023, there is the introduction of 1st and 2nd unelected candidates even after the successful candidate is elected allowing for backfilling a future vacancy and potentially saving the cost of an extraordinary election. The 1st and 2nd unelected candidates are the unsuccessful candidates who would have been next placed in the order of votes received. In the event that a president/mayor or councillor position becomes available within 12 months of the current election, the 1st unelected candidate in the election for that position will be asked to complete the term of office. If they decline, the 2nd unelected candidate will be asked to complete the term of office. If both candidates decline, an extraordinary election will be required to be held at a later date.

See Section 18.3 'Backfilling Vacancies'



Reference sheet

Reference

Two or more multiple vacancies

The process of filling multiple vacancies, rather than needing to obtain an absolute majority, a candidate needs to obtain a 'quota' of votes.

Step 1 – Determine Quota

To determine the quota - the number of votes are divided by the number of vacancies plus one, disregarding any remainder and then plus one as shown by the following formula:

$$\text{Round down} \left(\frac{\text{Number of votes}}{\text{Number of Vacancies} + 1} \right) + 1$$

As an example to demonstrate this quota, if there are 2 positions to fill and 900 votes are cast, the quota for the election would be 301 votes, as shown below:

$$\left(\frac{900}{(2 + 1) = 3} \right) = 300 + 1 = 301$$

Step 2 – Write out a count card with the name of each candidate, and one card marked 'Informal' and another marked 'Exhausted'. Using a 'T' formation on the table, evenly space out the count cards and place them in the same order as listed on the ballot paper.

Step 3 - Manually sort ballot papers to the first preference votes for each candidate reviewing the ballot paper for formality at the same time. Take care with sorting to the first preference votes and double count each bundle, as errors made in the first sort can present problems with further distributions.

Step 4 - Set aside any informal votes and sort them to the "Informal" pile

Step 5 – Count the number of ballot papers for each candidate, securing with an elastic band around each bundle of 50 ballot papers, recording the total number on the sort card for each candidate

Step 6 – When the first distribution has been finished – have any candidate/s achieved quota?

If **YES** – then the candidate(s) who have reached quota are elected.

Reference

[Check point, are all vacancies filled? (e.g. 2 vacancies, 3 candidates, could end up with 2 candidates & 2 quotas)]

Clauses 13 and 14 of Schedule 4.1 division 3. (e.g. you don't need to count for the final vacancy if there are only two remaining candidates or if the number of candidates remaining are equal to the number of vacancies, they are elected).

If a candidate has more than the required quota, it means they have a surplus and that surplus must be transferred to the remaining candidates. A **transfer value** is determined so that each ballot paper transferred is worth a percentage of that surplus.

If **NO** – then proceed with distributing preferences of the candidates with the least number of votes, excluding until all of the remaining positions are elected to reach a result.

Step 7 - Complete the 'Result of Count' **Form 19** and display final result to the audience viewing the count.

Transfer Value

- In order to achieve proportional representation, when a candidate has more votes than the quota, their surplus votes are transferred with a reduced value.
- Surplus votes are transferred in accordance with the following formula:

$$\frac{\text{Number of surplus votes}}{\text{Total number of first preference votes for the candidate}} = \text{Transfer value}$$

- The ballot papers of the candidate are then transferred at that reduced value to the next candidate in the voter's order of preferences, or if no preference expressed the votes are exhausted.
- To simplify the count, if the result of a transfer results in any fractional number, that fraction is to be disregarded. Essentially meaning vote totals are rounded down. Despite this, it is important to carry out the transfer of the ballot papers in order to be able to track where each vote eventually ended up.

If two or more candidates have the same number of first preference votes, then the returning officer must draw lots in accordance with regulations to determine the order in which the positions are elected.

Reference

If all vacancies have not been filled, further exclusions and distributions will take place until that occurs.

Where the Western Australian Electoral Commission's CountWA vote counting software is being used, the software will process all of the above steps electronically and is recommended for electing complex multiple vacancies where transfer values and surpluses apply.

To assist with the transfer of preferences – sample Preference Cards below.

PREFERENCE COUNT CARD	
To Candidate	Doe
Count No.	2
Transfer Value	1
From Candidate	Citizen
From Count No.	1
Transfer Value	1
No. of ballot papers	17

Place on bundles of ballot papers at each transfer.

For simple counts with few vacancies, an MS Excel spreadsheet may be appropriate.

Also additional information is available from the Department's website –
<https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/local-government-act-reform/toolkit-for-local-governments>
[toolkit-for-local-governments](https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/local-government-act-reform/toolkit-for-local-governments)

14.9 Returning Officer's table

Reference	
<p data-bbox="185 1451 408 1541">Refer to part 14.6 for checking procedures</p> <p data-bbox="185 1809 236 1868">&</p> <p data-bbox="185 1912 395 2002">Reference sheet reg. 68</p>	<p data-bbox="507 465 804 501">Master tally sheet</p> <p data-bbox="507 524 1327 591">During the count the returning officer will receive box tally sheets from the table managers.</p> <p data-bbox="507 613 1417 748">The returning officer's primary task at this stage is to maintain the master tally sheet (example.doc 6/14). This sheet is designed to act as a cross check of exactly which polling places have provided the votes to each of the candidates.</p> <p data-bbox="507 770 1398 949">In addition it shows a progressive total of the votes for each candidate and the final result. Where vote counting software is used, the master tally sheet can be printed in hardcopy, and where a computer spreadsheet is used to tally votes, the spreadsheet can be printed in hard copy.</p> <p data-bbox="507 972 1398 1039">The master tally sheet information is used to update the public tally board either manually or electronically.</p> <p data-bbox="507 1084 983 1120">Envelopes from ballot boxes</p> <p data-bbox="507 1142 1378 1249">The table managers will deliver to the returning officer's table any envelopes containing votes that are found in the ballot boxes when they are unsealed. Envelopes might be:</p> <ul data-bbox="507 1272 932 1397" style="list-style-type: none"> • postal voting papers; • absent voting papers; or • provisional voting papers. <p data-bbox="507 1420 1407 1599">Postal voting papers and absent voting papers should be processed as described in part 14.6. If the votes are to be entered into the count they should be placed with the other postal or absent votes and if these have already been counted, the additional votes should be added to the totals.</p> <p data-bbox="507 1621 1423 1729">There are special procedures for the returning officer to review the electoral officer's decision to issue a provisional vote.</p> <p data-bbox="507 1751 1251 1787">Procedure – Checking provisional voting papers</p> <ol data-bbox="507 1809 1398 2033" style="list-style-type: none"> 1. Application forms for a provisional vote can be printed on the outside of the provisional voting papers envelope or printed on a separate form and inserted inside the provisional vote envelope with the ballot paper envelope. 2. Check the information on the application against computer records, any previous electoral roll and give consideration

Reference

to any notation made by the electoral officer at the polling place.

3. If satisfied that the person is entitled to vote, record the acceptance of the vote for participation in the counting process.
4. Open the provisional voting papers envelope and remove the ballot paper envelope at the same time checking which election the vote refers to (mayoral/presidential or ward) and write the name of the election on the outside of the ballot paper envelope.
5. Without opening them, place the ballot paper envelopes in a ballot box in the care of the ballot box manager having first removed the application form if a separate form is used.
6. When it is clear that all polling place ballot boxes have been opened and all envelopes processed, the ballot box manager should issue the ballot box containing any provisional votes to a counting table so that the ballot paper envelopes can be opened and the votes counted in the usual way.
7. It is advisable to shuffle the ballot papers before checking them or take any necessary steps to protect the identity of individual voters.

Rejecting a provisional vote

If a provisional vote is not accepted its rejection should be noted on the application.

The returning officer must keep all provisional voting paper envelopes as part of the record of the election.

Ruling on validity of ballot papers

During the count the returning officer should circulate amongst the counting tables or computer stations ready to rule on the validity of ballot papers.

Equity and consistency about acceptance or rejection are very important.

The returning officer may accept a ballot paper that in his or her opinion clearly indicates the elector's wishes.

When a ballot paper is accepted, return it to the table manager for inclusion in the box count that it came from.

If a ballot paper is rejected put a line through the ballot paper, write or stamp the word "rejected" on it and sign or initial it. Return it to the table manager to be entered onto the box tally sheet in the space provided. Examples of the validity of ballot papers can be found as an attachment to this chapter.

s. 4.69
s. 4.75
reg. 34 and 35

**Refer to
attachment to this
chapter for
examples of ballot
papers**

Reference

Acceptance of absent votes

Because of the difficulties for electors in making an absent vote at another local government office there are special provisions that aim to ensure the vote is counted if possible.

If the intention of the elector is clear, an absent vote is not to be rejected by reason only of any or more of the following:

reg. 56(3)

- (a) the names of the candidates not being listed in correct order on the ballot paper;
- (b) the names of any one or more of the candidates not being listed on the ballot paper; or
- (c) any mistake in the spelling of the names of the candidates.

Request for Re-count

The returning officer may arrange for some or all of the votes to be re-counted if, and to the extent that, the returning officer considers appropriate.

A returning officer can decide to re-count some or all the votes on their own initiative.

A candidate or a scrutineer on behalf of a candidate may, ask the returning officer to re-count the ballot papers. This request must be in writing and must —

- (i) be made before the returning officer declares the result of the election under section 4.77; and
- (ii) include the candidate's or scrutineer's reasons for the request.

Returning officers should carefully consider the reasons and make a decision as to whether to re-count the ballot papers. If a returning officer believes a re-count is not necessary, then advise all candidates and scrutineers who are present of the decision. The returning officer's decision is final and can only be overturned by the Court of Disputed Returns. Keep candidates and scrutineers informed of the re-count.

Regulations may prescribe circumstances in which the returning officer must arrange for some or all of the votes to be re-counted to the extent prescribed.

Reference

Tied Result

If at any point during the count two or more candidates receive the same number of votes, and the use of the WAEC CountWA software is unable to determine the order of exclusion or election by countback, then a draw by lot will need to be completed to determine this.

Use the opaque spheres and a ballot box to conduct this process. If the draw is for the order of exclusion, then announce prior to draw that “The first name drawn will be excluded”. If the draw is for the order of election, then announce prior to draw that “The first drawn will be elected”.

If there are two vacancies for different terms, the first candidate drawn will receive the four-year term and the second candidate drawn the two-year term.

Four and two year terms

If there are two vacancies for different terms, the candidate with the highest number of first preference votes receives the longer term (Schedule 4.2 clauses 7A and 7B).

If there are two vacancies for different terms in an unopposed election, the length of the term is decided by a draw. The name of the first drawn candidate receives the four-year term.

Ballot Paper Formality

Refer to *Formality of Ballot Papers Guide – Local Government Election 2023* for formality guidelines which is also available on the WA Electoral Commission’s website at www.elections.wa.gov.au.

14.10 Validity of ballot papers

Reference	
	<p>Equity and consistency</p> <p>Be fair but firm in rulings about ballot papers. Do not be pressured into a decision by scrutineers. It may be advisable to consult with the deputy returning officer in some situations. However, the final decision is that of the returning officer and can only be overturned by a Court of Disputed Returns.</p> <p>If a ballot paper marked in a particular way is accepted or rejected then other papers marked in the same way should also be dealt with in exactly the same way.</p> <p>Less experienced returning officers may wish to have a small notebook and make notes on how they have ruled on ballot papers. For example if a ballot paper has been accepted that has the correct number of ticks but the other candidates have been crossed out, make a note of this as a precedent has been created. This will help to make consistent judgments.</p> <p>The examples used in the attachment to this chapter are a guide only. The decision is for the returning officer.</p> <p>Principles of acceptance</p> <p>The underpinning principles for acceptance of ballot papers are review the ballot paper as a whole to capture the voter's intent:</p> <ul style="list-style-type: none"> • If only one vacancy is to be filled, a single number '1' is to be placed in the square opposite the name of the candidate whom the elector wishes to be elected. If in the returning officer's opinion the elector's intent is clear and there are no other marks on the ballot paper a single 'tick' may be accepted as a formal vote for the marked candidate. • If two or more vacancies are to be filled, numbers indicating an elector's order of preference is to be placed in the squares opposite the name of each candidate whom the elector wishes to be elected. The elector may choose to vote for one or many candidates up to but no more than the total number of vacancies. If the elector has marked more than one number '1' on the ballot paper, then this paper is deemed informal. If there is a break in the preference consecutive numbers indicated on the ballot paper (ie 1; 3; 4) or if there are two of the same numbers (ie 1; 2; 2; 3) then the ballot paper would be formal for the first preference count but is not able to be distributed beyond the break in
s. 4.69(1) reg. 34	
s. 4.69(2) reg. 35	
s. 4.75	

Reference

sequence or duplicated numbers and is declared exhausted at that point.

- The ballot paper clearly indicates the elector's wishes even if it is not marked precisely in accordance with regulations.

Sample ballot papers for guidance are included in the attachments to this chapter.

14.11 Scrutineers at the count

Reference	
	<p>Appointment and declaration</p> <p>A person cannot be a scrutineer unless they are appointed by a candidate in a written notice provided to the returning officer in duplicate using prescribed Form 18. A scrutineer cannot act until they have made the declaration on the duplicate of prescribed Form 18.</p> <p>The returning officer is required to acknowledge the appointment of a scrutineer. The acknowledgement cannot be made until the scrutineer has completed the declaration.</p>
reg. 70(3)	<p>Scrutineers must wear a badge or other article of identification at all times whilst acting as a scrutineer.</p>
reg. 71	<p>Properly appointed scrutineers have the right to be present when the ballot boxes are opened and during the counting of votes.</p> <p>A candidate may also be present at the counting of the votes.</p>
	<p>Behaviour of scrutineers and candidates</p>
reg. 71	<p>Scrutineers and candidates may observe the counting of votes, but they must not interfere with the process in any way. For example, they must not ask for the counting to be slowed down so that they can check the ballot papers.</p>
reg. 72	<p>The returning officer may direct a scrutineer or candidate if they consider they are behaving in a way that is not appropriate. Scrutineers and candidates must comply with directions given by the returning officer.</p>
Refer also to Chapter 10 – “Candidates and scrutineers”	<p>Scrutineers must comply with reasonable requests by electoral officers. However, during the count it is advisable for table managers and counting staff to draw any inappropriate behaviour by candidates or scrutineers to the attention of the returning officer.</p> <p>If the count is going to be conducted using vote counting software, it is recommended that scrutineers and candidates be invited to a mock count so that they are aware of how the count will be undertaken on the night.</p>

14.12 Quality document control

Document Reference	Document Title	Electronic Reference	* Position authorised to review and check	* Distribution
E1/14	Batch tally slip	<Insert computer file reference>	Deputy Returning Officer	The count area, stored with election papers after use
-	-	-	-	--
-	-	-	-	-
-	-	---	-	-
E5/14	Example.doc E5/14 - Box tally sheet-	<Insert computer file reference>	Deputy Returning Officer	The count area, stored with election papers after use
E6/14	Master tally sheet -	<Insert computer file reference>	Deputy Returning Officer	The count area, stored with election papers after use
E7/14	Batch number allocation sheet -	<Insert computer file reference>	Deputy Returning Officer	The count area, stored with election papers after use



* Complete for local situation and maintain this list in the records management system.

Example.doc E5/14 - Box tally sheet -

Box tally sheet

(Insert election date)

Polling Place: _____ Ward: _____

List all candidates by name	List batch numbers*	Total candidate votes from this box
Total valid votes		**

Reconciliation of ballot papers

Total valid ballot papers	**
Total ballot papers rejected by Returning Officer	***
Total ballot papers this box	****

<p>Totals in ballot box if any:</p> <p>Provisional vote envelopes:</p> <p>Postal vote envelopes:</p> <p>Absent vote envelopes :</p>

<p>.....</p> <p>Signature: Table Manager</p>

Box tally sheet -
Version 1
Issue -Updated:
Checked by: (insert name)
Approved by: (insert name)
Strictly controlled document for use by authorised staff only

Example.doc E6/14 - Master tally sheet -

Master tally sheet

(Insert election date)

Ward: _____

	Candidate name	Candidate name	Candidate name	Candidate name	Total valid votes	Total rejected votes	Total votes cast
Polling place							
Polling place							
Polling place							
Polling place							
Polling place							
Early votes							
Postal votes							
Postal votes							
Absent votes							
Provisional votes							
Totals	**						

Notes: Enter votes cast for each candidate and total number of rejected votes from the box tally sheet for each polling place. Use a separate master tally sheet for each ward if wards used. Minor wards are entered opposite the polling place at which the votes were cast.

As votes are entered check the total votes cast against the presiding officer's tally sheets from the polling place to ensure that there is no discrepancy in the votes. Progressively transfer the results onto the public tally board.

When all the ballot boxes have been counted total the votes received for each candidate. Total the votes for all candidates, include the total of the rejected votes and reconcile against the total of all votes cast.

When satisfied that the votes have been reconciled, work out the result of the election using CountWA if using computerised count or an Excel spreadsheet option.

Example.doc – Preference Count Cards – Four Up

PREFERENCE COUNT CARD	
To Candidate	
Count No.	
Transfer Value	

PREFERENCE COUNT CARD	
To Candidate	
Count No.	
Transfer Value	

From Candidate	
From Count No.	
Transfer Value	

From Candidate	
From Count No.	
Transfer Value	

No. of ballot papers	
-----------------------------	--

No. of ballot papers	
-----------------------------	--

Place on bundles of ballot papers at each transfer.

Place on bundles of ballot papers at each transfer

PREFERENCE COUNT CARD	
To Candidate	
Count No.	
Transfer Value	

PREFERENCE COUNT CARD	
To Candidate	
Count No.	
Transfer Value	

From Candidate	
From Count No.	
Transfer Value	

From Candidate	
From Count No.	
Transfer Value	

No. of ballot papers	
-----------------------------	--

No. of ballot papers	
-----------------------------	--

Place on bundles of ballot papers at each transfer.

Place on bundles of ballot papers at each transfer

Attachments - Sample ballot papers

This attachment contains information relating to:

Sample ballot papers for the guidance of returning officers

A guide only to acceptance or rejection of ballot papers in local government elections

Voting instructions and details of the election have not been included on the sample ballot papers in order that the markings and decisions can be highlighted.

The multiple vacancy example election used here is for three vacancies with six candidates – so interpretation for Preferences is applied. The use of ‘Exhausted’ options now come in where a first preference may be **FORMAL** but unable to determine further elector preferences beyond that due to :- an omission of other preferences; a duplicate of numbers; or a break in the number sequence. It would not be clear in a multiple vacancy election to determine if a tick or cross is the elector preference over a number ‘1’. The voter instruction on a ballot paper is to use number ‘1’ when voting therefore this now overrides the previous practice of ticks in optional preferential voting.

For elections where there are only single vacancies, the returning officer’s interpretation of the elector’s intent would be far simpler. EG: if an elector used a ‘tick’ in place of a number ‘1’ for a single vacancy with two candidates – then this would be considered **FORMAL**.

1	2	3
Candidates	Candidates	Candidates
<input checked="" type="checkbox"/> Jet Black	<input type="checkbox"/> Jet Black	<input type="checkbox"/> Jet Black
<input type="checkbox"/> Gary Green	<input checked="" type="checkbox"/> Gary Green	<input type="checkbox"/> Gary Green
<input checked="" type="checkbox"/> Pearl White	<input checked="" type="checkbox"/> Pearl White	<input checked="" type="checkbox"/> Pearl White
<input checked="" type="checkbox"/> George Grey	<input checked="" type="checkbox"/> George Grey	<input type="checkbox"/> George Grey
<input checked="" type="checkbox"/> Rose Red	<input checked="" type="checkbox"/> Rose Red	<input type="checkbox"/> Rose Red
<input checked="" type="checkbox"/> Violet Blue	<input type="checkbox"/> Violet Blue	<input type="checkbox"/> Violet Blue
INFORMAL – No first preference indicated and more marks than vacancies Reject. s. 4.69(2)	INFORMAL – No first preference indicated and unable to determine elector intent. Reject. s. 4.69(2)	FORMAL – as there are no other marks on ballot paper, even though no number ‘1’ it indicates elector’s wish for one candidate. Accept. s. 4.75

4	5	6
Candidates	Candidates	Candidates
<input type="checkbox"/> Jet Black	<input type="checkbox"/> Jet Black	<input type="checkbox" value="1"/> Jet Black
<input type="checkbox"/> Gary Green ✓	<input type="checkbox" value="1"/> Gary Green	<input type="checkbox" value="2"/> Gary Green
<input type="checkbox"/> Pearl White ✓	<input type="checkbox"/> Pearl White	<input type="checkbox" value="2"/> Pearl White
<input type="checkbox"/> George Grey	<input checked="" type="checkbox"/> George Grey	<input type="checkbox"/> George Grey
<input type="checkbox"/> Rose Red ✓	<input checked="" type="checkbox"/> Rose Red	<input type="checkbox"/> Rose Red
<input type="checkbox"/> Violet Blue	<input type="checkbox"/> Violet Blue	<input type="checkbox"/> Violet Blue
INFORMAL – No first preference indicated and unable to determine elector intent. Reject. s. 4.69(2)	FORMAL – for the ‘1’ preference only as unclear for elector preference beyond that. Accept first preference only	FORMAL – for the ‘1’ preference only but sequence is stopped at 2 as unclear for elector preference beyond that. Accept first preference only and is Exhausted at 2.

7	8	9
Candidates	Candidates	Candidates
<input type="checkbox"/> Jet Black	<input type="checkbox"/> Jet Black	<input type="checkbox"/> Jet Black
<input type="checkbox" value="1"/> Gary Green	<input type="checkbox" value="2"/> Gary Green	<input type="checkbox" value="1"/> Gary Green
<input type="checkbox"/> Pearl White	<input type="checkbox"/> Pearl White	<input type="checkbox"/> Pearl White
<input type="checkbox" value="2"/> George Grey	<input checked="" type="checkbox"/> George Grey	<input type="checkbox" value="1"/> George Grey
<input type="checkbox"/> Rose Red	<input type="checkbox"/> Rose Red	<input type="checkbox" value="1"/> Rose Red
<input type="checkbox" value="4"/> Violet Blue	<input type="checkbox"/> Violet Blue	<input type="checkbox"/> Violet Blue
FORMAL – for the ‘1’ & ‘2’ preferences only, but sequence is broken at 3 so no elector preference given beyond that. Accept first & second preferences only and is Exhausted at 3. s. 4.69 (2)	INFORMAL – there is no ‘1’ preference given. Reject*. However this will be up to the RO’s discretion* s. 4.69 (2)	INFORMAL – there is more than ‘1’ preference given – unable to determine elector intent. Reject. s. 4.69(2)

10	11	12
Candidates	Candidates	Candidates
<input type="checkbox"/> Jet Black	<input type="checkbox" value="4"/> Jet Black	<input type="checkbox"/> Jet Black
<input checked="" type="checkbox"/> Gary Green	<input type="checkbox" value="2"/> Gary Green	<input checked="" type="checkbox"/> Gary Green
<input type="checkbox"/> Pearl White	<input type="checkbox" value="1"/> Pearl White	<input type="checkbox"/> Pearl White
<input checked="" type="checkbox"/> George Grey	<input type="checkbox" value="5"/> George Grey	<input type="checkbox"/> George Grey
<input checked="" type="checkbox"/> Rose Red	<input type="checkbox" value="3"/> Rose Red	<input type="checkbox"/> Rose Red ?
<input checked="" type="checkbox"/> Violet Blue	<input type="checkbox" value="6"/> Violet Blue	<input type="checkbox"/> Violet Blue
INFORMAL – there is no '1' preference given. Reject. s. 4.69(2)	Elector wishes to clearly vote for candidates numbered one to six. Accept and apply all preferences as indicated. s. 4.69(3)	Accept first preference vote for Green only. Intention to vote for others not clear and no '1' indicated. s. 4.75

** Refer to the Western Australian Electoral Commission (WAEC) website (elections.wa.gov.au) under Forms and Guides for the document Local Government elections - 'Ballot Paper Formality Guide' which provides further ballot paper examples.

15 Reporting the results of the election

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15.1 Declaring the result

Reference	
reg. 80	<p>Declaration of the result</p> <p>As soon as practicable after the result of the election is known, the returning officer is to publicly declare the result. Do not make any announcement until satisfied that the count has been conducted in a proper manner and any recounts have been dealt with. ** There is a need to manage expectations with regard to timing of declaration, in the event that this may need to be delayed until the day after the election (or even the next business day) to allow for confirming all preference votes.</p> <p>Formal procedures</p> <p>Complete the results of election on prescribed Form 19 (Results of Election) and sign it. Retain this as an official record of the result. Use this form as the basis for giving local public notice.</p> <p>Result of Election document is also to include 1st and 2nd unelected candidates.</p> <p>Verbally declaring the result</p> <p>The first declaration of the result will be a verbal declaration at the conclusion of the count. As the announcement (for each ward) is completed, it is a nice gesture to call forward the successful candidate if they are present to formally congratulate them. At this time a first meeting package could be given to them (optional).</p>
<p>Refer to Schedule 4.2 to calculate term of office for each candidate</p> <p>s. 4.77 reg. 80</p>	<p>What the declaration is to include</p> <p>Before making the declaration, ensure the order and term of office for each successful candidate have been correctly calculated using Schedule 4.2 of the Act. Complete the results on prescribed Form 19 and make the declaration announcement. Give all the following details:</p> <ul style="list-style-type: none"> <input type="checkbox"/> the names of the candidates; <input type="checkbox"/> the fact that the election has been decided by voting in person by electors; <input type="checkbox"/> the number of first-preference votes received for each candidate; and <input type="checkbox"/> the name and term of office of each candidate declared elected <input type="checkbox"/> Result of Election document is also to include 1st and 2nd unelected candidates.

15.2 Public notice

Reference	
reg. 80	<p>Form of public notice</p> <p>Notice of the result of the election is to be in the form of prescribed Form 19. Take enough photocopies of completed Form 19 for notice boards and place the original on the election file.</p>
s. 4.77 reg. 80(3)	<p>Advising the public</p> <p>Local public notice must be given by publishing the notice on the local government's official website and in at least 3 of the following ways:</p> <ul style="list-style-type: none"> • advertising the results of the election in a newspaper circulating in the State; • advertising the results of the election in a newspaper circulating in the district; • placing copies on the notice board at the local government office and at each library in the district; • circulate by email, text message or similar electronic means; or • posting on a social media account administered by the local government.
Refer also to Chapter 4 – “Advertising requirements”	<p>Follow up the legal requirement with additional advertising in such media as a council newsletter. It is a good idea to provide a copy to the switchboard and place on the front counter, as staff are frequently asked the result. Consider posting the results on the intranet or email to advise staff.</p> <p>It is useful to participate in the joint advertising scheme sponsored by WALGA to help satisfy all advertising requirements. Results of elections can be sent to WALGA immediately after declaring the results of the election.</p>

15.3 Report to the Minister

Reference	
<p>s. 4.79 reg. 81</p>	<p>Reporting to the Minister</p> <p>A report relating to the election is to be provided by the returning officer to the Minister for Local Government within 14 days after the declaration of the result of the election – prescribed Form 20 is to be used.</p> <p>If a distribution of preferences occurred, a copy of the distribution sheet (refer Example) is required to be lodged with the report.</p> <p>The report is to be completed online from the Departmental website</p> <p>While the Report is to the Minister, in practice it should be completed online from the following address: https://elections.dlgc.wa.gov.au/ (current as at 2023).</p>

15.4 Report to council

Reference

Submitting report to council

In many local governments, the returning officer submits a report to the local government on the conduct of the election. This report must be provided in a timely fashion and is usually submitted to the first or second ordinary council meeting following the election of new councillors.

Purpose of the report

The office of the returning officer is independent of the council. The purpose of the report is to provide the local government with a briefing on the conduct and results of the election. The report should be statistical and general in nature. It could contain information about events during the election period of public interest but should not be used to list complaints or possible electoral offences that the returning officer may be investigating.

Councillors' bulletin

It is recommended that the report is circulated in the councillors' bulletin. This is because the report is for information purposes only and does not require any decision of the council.

Report format

A suitable format is provided in **example.doc E1/15**. The format is suitable for the councillors' bulletin or for a council meeting agenda.

15.5 Quality document control

Document Reference	Document Title	Electronic Reference	* Position authorised to review and check	* Distribution
E1/15	Format for election report to council	<Insert computer file reference>	Returning Officer	Councillor's bulletin or agenda item – public document
Form 19	Results of election	<Insert computer file reference>	Prescribed form	As regulations. Used as basis for local public notice, switchboard, CEO's personal assistant, other staff through staff bulletin or e-mail, election file
Form 20	Report to Minister	<Insert computer file reference>	Prescribed form	Submitted online form, election file.



* Complete for local situation and maintain this list in the records management system.

Example.doc E1/15 - Format for election report to council**REPORT OF THE RETURNING OFFICER
ELECTION HELD ON <INSERT DATE>**

File ref:

Date of report:

Author:

Signature of returning officer:

Summary

This report is to brief elected members on the conduct of the election held on <insert date> and to provide an overview of statistics that relate to the election.

Background

Insert background information relating to:

Electoral structure of the district — whether divided into wards and number of electors.

Number of positions available for election.

Polling places used.

Comment

A total of <insert number> staff worked on Election Day. Most staff worked from <insert time> am to <insert time> pm at the close of poll. <Insert number> of staff worked at the count that finished at <insert time>.

<Insert comment on the conduct of electoral staff and any issue of public interest applicable to the particular election>.

Results and statistics

Ward: <insert ward name>

Candidate elected: <insert name of successful candidate>

Term of office: <insert term of office>

Number of Candidates	Total number eligible votes on roll	Total valid votes cast	Total informal votes	Total votes cast	Percentage turnout

Insert further tables for the number of wards.

Consultation

Not applicable.

Statutory environment

For this election the CEO <or insert alternate if applicable> acted as returning officer. The election was conducted on the basis of electors voting in person. Part 4 of the *Local Government Act 1995* and *Local Government (Elections) Regulations 1997* specify the way local government elections are to be conducted.

Policy Implications

<Insert any policy matters that might be considered by the council>. These could relate to the method of voting, or controls on election signs if applicable under a town planning scheme or local law.

Financial implications

The total cost of conducting the election this year was \$..... This compares with \$..... for the last election. <Insert any items that were a particular cost this year> (e.g. new directional signs).

Strategic implications

Not applicable.

Conclusion

<Insert brief comment on the conduct of the election> (e.g. the election was conducted successfully and the voter turnout increased/decreased compared to the previous election)

Form 19 - Results of Election

Local Government (Elections) Regulations 1997

Local Government Act 1995, s. 4.77

The Director General of the Department of Local Government, Sport and Cultural Industries approved the Result of Election (Form 19) in accordance with regulation 80(10) of the Local Government (Elections) Regulations 1997.

Form 19 can be found here: <https://www.dlgsc.wa.gov.au/docs/default-source/local-government/elections/form-19---results-of-election.docx>

Example of distribution sheet to be attached to Report to Minister

Candidate	First-preference votes	Votes at last count after distribution
Name of first candidate to backfill: _____		
Name of second candidate to backfill: _____		

Form 20 - Report to Minister

For Illustration Only – Please complete the 2023 online form at
elections.dlgc.wa.gov.au

REPORT TO MINISTER

*Local Government Act 1995,
s. 4.79(2)
Local Government (Elections)
Regulations 1997, reg. 81*

Part 1 - General information

***Use one form for each election**

District and date

District (and ward, if applicable) where election held: Election date:	
---	--

Vacancies

Number of vacancies:	
Vacancies unfilled: (i.e. vacancies for which no nominations were received at the close of nominations):	

Type of election

Voting in person:	<input type="checkbox"/>
Postal:	<input type="checkbox"/>
	(Tick one box)

Position/s

Mayor/President/Councillor*
* Delete whichever is inapplicable.

Number of persons on rolls

Number of persons on owners and occupiers roll	
Number of persons on residents roll	
Total number of names of persons on rolls (roll, if consolidated)	

For Illustration Only – Please complete the 2023 online form at
elections.dlgs.wa.gov.au

Part 2 - Voter turnout

Voter categories	Number of voters
Absent voters whose voting papers were rejected ¹	
Postal voters whose voting papers were rejected ¹	
Absent voters whose voting papers were accepted ²	
Postal voters whose voting papers were accepted ³	
Early voters recorded on roll	
Voters who voted in person on election day recorded on roll	
Provisional voters whose voting papers were accepted ⁴	
Total voter turnout⁵	

¹ Assume the voting papers include a ballot paper for this election.

² Work out using number of accepted absent voter declarations retained.

³ Work out using number of accepted elector certificates retained.

⁴ Work out using number of Form 16s accepted by an electoral officer.

⁵ Total number of eligible electors who attempted to vote by the close of poll.

Part 3 – Number of late arriving postal packages Number of late arriving postal packages ⁶ :	
---	--

⁶ Include voting packages arriving up to one week after the close of poll. Assume the voting papers include a ballot paper for this election.

For Illustration Only – Please complete the 2023 online form at
elections.dlgc.wa.gov.au

Part 4 – Details of candidates and votes

Surname	Other names	Gender	Previous member (yes/no)	Votes received ⁷

⁷ Insert the total number of votes received by each candidate.

Insert “unopposed” if the candidate was elected unopposed under section 4.55 of the *Local Government Act 1995*.

Insert “appointed” if the candidate was appointed under section 4.57(3) of the *Local Government Act 1995*.

Part 5 – Ballot papers counted

Ballot papers	Number
Number of valid ballot papers counted	
Number of informal ballot papers counted	

Part 6 – Candidate/s elected

Surname	Other names	Year term expires	Type of vacancy (Ordinary/extraordinary/other)

Returning officer	Full name:	
	Signature:	Date:

16 After the count

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16.1 Materials check

Reference	
<p style="font-size: 2em; font-weight: bold; margin: 0;">R</p> <p style="margin: 0;">Checklist</p>	<p>Accounting for issued materials</p> <p>On election night after the count, using counting staff to assist, carry out a check of election papers and materials used at the count and those returned from polling places, and put them in secure storage. Ensure the security of computers and software used in the count.</p> <p>This is recommended so that ballot papers, electoral rolls and other materials are secured immediately for official storage in the archives. This can be done at a more convenient time, usually the next working day.</p> <p>From the count area there should be:</p> <ul style="list-style-type: none"> <input type="checkbox"/> ballot boxes containing counted ballot papers and box tally sheets; <input type="checkbox"/> envelopes that have declarations on them from postal and absent votes; <input type="checkbox"/> any used applications for postal vote replacement ballot papers and provisional voters' declarations; <input type="checkbox"/> the returning officer's master tally sheet; <input type="checkbox"/> the public notice board tally sheet, if such a tally sheet was displayed; <input type="checkbox"/> the ballot box manager's receipt of polling place materials; <input type="checkbox"/> tally sheets of votes issued at polling places; <input type="checkbox"/> witnessed sealing of ballot box sheets; <input type="checkbox"/> presiding officer ballot papers returns from all polling places; <input type="checkbox"/> occurrence sheets from all polling places; <input type="checkbox"/> scrutineer appointment forms; and <input type="checkbox"/> stationery and equipment used at the count, including computers and software. <p>Storing election materials</p> <p>As soon as practicable all minor reusable materials and equipment from the election (not election papers) should be sorted and where appropriate stored in labelled boxes until the next election.</p>

Reference

Collecting heavy equipment

Make arrangements to collect all the heavy equipment used in polling places as soon as practicable after the election.

Voting screens and signs will be needed again at the next election so they should be stored carefully.

Returning keys

The keys to the polling places and any security devices should be returned to the booking clerk, school principal or other relevant person.

Re-booking the venue

If the venue has a booking system, it is a good idea to consider making a provisional booking for an election in two years.

16.2 Security of election papers

Reference	
<p>s. 4.84 reg. 82</p>	<p>Keeping and storing election papers</p> <p>As soon as practicable after the result of the election is declared (usually the next working day, except in the case of prescribed Form 20, where it may take a little longer to extract and tabulate some of the data required) the returning officer should ensure that:</p> <ul style="list-style-type: none"> • Forms 19 and 20 are completed,; • all the papers used in or for the purposes of the election are collected and put into one or more parcels; • each parcel is secured; and • each parcel is endorsed by the returning officer by signing and dating it. <p>It is helpful to mark on the outside of each parcel exactly what it contains (such as electoral rolls for a certain ward).</p>
<p>reg. 82(2&3)</p>	<p>Retention period for election papers</p> <p>If the returning officer is not the CEO, the parcels are to be delivered to the CEO (obtain a receipt). The CEO is to keep the parcels in safe custody and retain them for a period of at least 4 years after the declaration of the result of the election.</p> <p>They may also be conveyed securely to a secure paper destruction company, by or under the supervision of the CEO in the presence of at least two employees.</p>
<p>s. 4.84 reg. 82</p>	<p>Destruction of election papers</p> <p>The used election papers may be destroyed after four years from the declaration of the result of the election.</p> <p>If they are to be destroyed, the destruction is to be carried out by or under the supervision of the CEO, in the presence of at least two employees. They may also be conveyed securely to a secure paper destruction company, or placed in a locked bin provided by such a company, by or under the supervision of the CEO in the presence of at least two employees.</p> <p>The manner of destruction must be such that “all of the information recorded or stored on the papers” is “obliterated or rendered illegible or irrecoverable”.</p>

Reference**Definition of election papers**

The regulations define election papers as:

reg. 3

- marked off electoral rolls used for the election;
- nominations, ballot papers, declarations, and postal voting packages used for the election;
- either a record of the manual count that shows the total number of votes received by each candidate or, in the case of an electronic count, a paper copy of the electronic count that shows the total number of votes received by each candidate;
- any other papers required by regulations to be kept as part of the record of the election, other than “disclosure of gifts” forms completed in accordance with Part 5A of the Regulations; and
- copies of notices and other formal documents that the returning officer considers to be appropriate for inclusion in the record of the election.

16.3 Inspection of election papers

Reference	
<p>s. 4.84 reg. 82(3)</p>	<p>CEO's responsibility for safe keeping</p> <p>The responsibility for the safe keeping of the election papers passes to the CEO.</p>
<p>s. 4.84 reg. 83</p> <p>s. 4.79(3) relates to a report to the Minister on the result of the election</p>	<p>Inspection of election papers</p> <p>The CEO is to make the sealed parcels of election papers available for inspection:</p> <ul style="list-style-type: none"> • by a Court of Disputed Returns; • by the Director General of the Department of Local Government, Sport and Cultural Industries or another authorised person for the purposes of an inquiry under Part 8, Division 1 of the Act; • by an Inquiry Panel for the purposes of an inquiry under Part 8, Division 2 of the Act; • by the returning officer for the purposes of preparing a report under section 4.79(3); • by the Electoral Commissioner or the returning officer for the purposes of investigating electoral misconduct; or • in accordance with the order of any competent court.

16.4 Security of gift disclosure forms

Reference	
reg. 30C and 30G	<p>Keeping gift disclosure forms</p> <p>For candidates, the “disclosure of gifts” forms remain in the electoral gift register for four years. Following four years, they may be removed and stored separately for two years before being destroyed.</p>
	<p>Destruction of gift disclosure forms</p> <p>Although not prescribed in regulations, it is recommended that completed “disclosure of gifts” forms are destroyed in the same way as other election papers, once the period of retention has expired.</p>
reg. 30H	<p>Access to electoral gift register</p> <p>The electoral gift register is to be kept at the appropriate local government office and on the local government website and may be inspected by members of the public.</p>

17 Complaints and disputes

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17.1 Handling complaints

Reference

Establishing a complaints handling system

A complaints handling system to respond to electoral complaints will provide the returning officer with an organised and consistent way to deal with issues drawn to his or her attention.

It is possible that complaints will escalate into a hearing by a Court of Disputed Returns after the election. For this reason, returning officers should be able to prove that they responded to all complaints in a fair and impartial manner. Competent record keeping will allow this to occur. If a systematic complaint procedure is already used in your local government, this can be adapted for use during the election. If not, create a specific system for electoral complaints. This manual will assist.

Responding to a complaint

As with any complaint, basic complaint handling principles should be followed. These principles include:

- allowing the complainant to be heard;
- making the complainant feel understood;
- making the complainant feel respected;
- providing information to the complainant about the issue as it becomes known;
- investigating in an impartial manner and taking prompt action; and
- informing the complainant how the matter was handled.

Sometimes complaints are made because people do not understand the procedures that are being followed or have a false impression of what is or is not allowed during an election. Some people make vexatious complaints. Whatever the possible motive behind the complaint, always follow a consistent and proper approach.

Keeping records of complaints

Start a file for electoral complaints or create a section in the elections file. Keep paper copy records even when a computer system is used for recording and tracking purposes.

Ensure that a record is kept of all complaints made during an election period, however trivial they might appear. Minimum requirements would be to record the date of the complaint and how it was made (for instance, by telephone), name and contact details of the complainant, the type of complaint, specifics of the complaint and what action has been taken. Refer to **example.doc E1/17**.

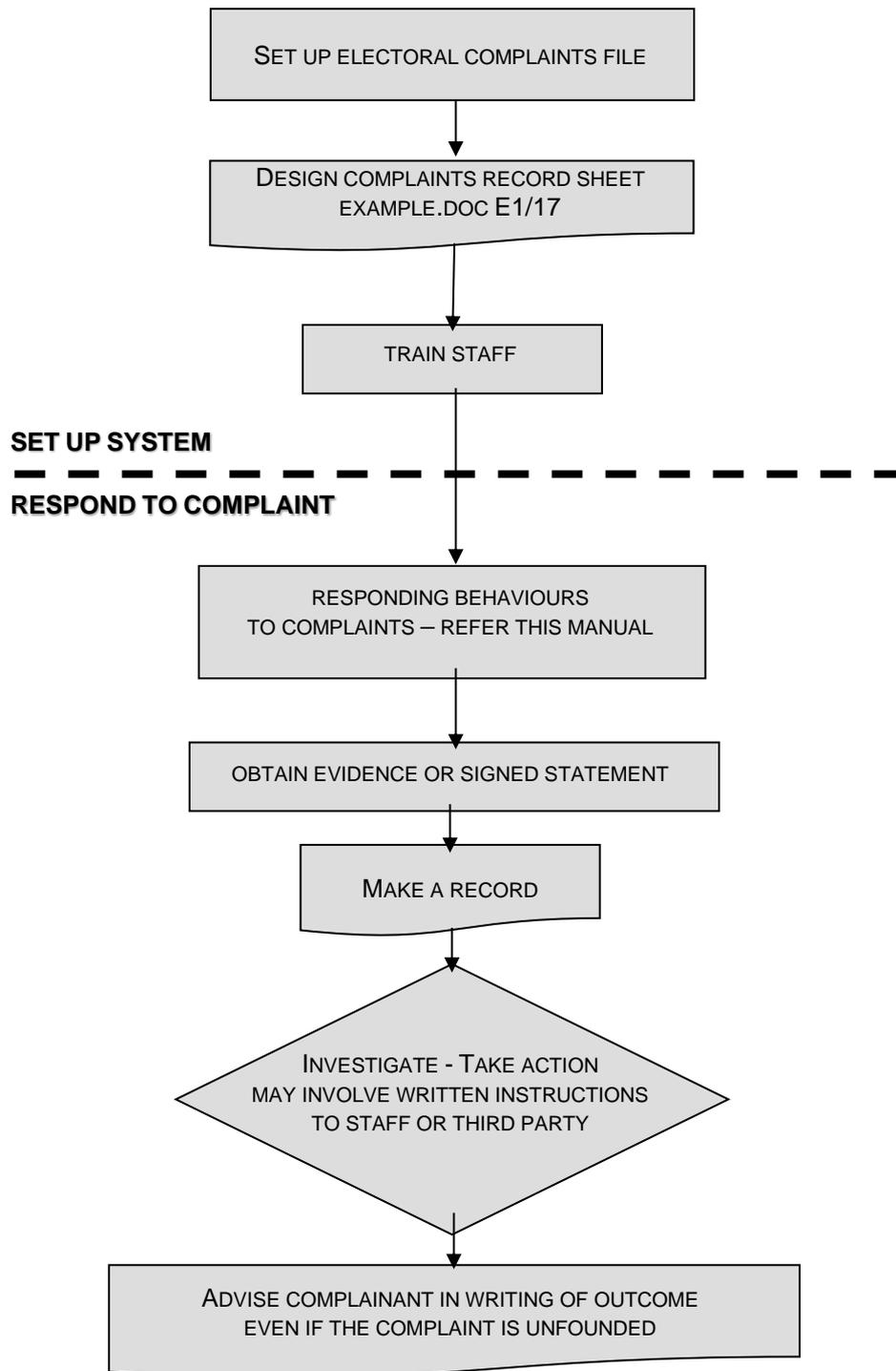
Reference

Training staff

Ensure that staff know about the electoral complaints handling system. Train them on completing the electoral complaint record sheet (**example.doc E1/17**) and make sure they have the necessary skills to handle complaints. Some complaints may be made in the lead up to the election. If possible there needs to be more than one person designated to handle electoral complaints that may be made at the reception counter. This could be a deputy returning officer and another staff member to act if the deputy returning officer is not available.

Impress on staff the importance of handling all complaints properly and especially, in this context, electoral complaints.

Flowchart - Complaints handling system



17.2 Complaints during election period

Reference	
s. 4.51(3)	<p>Complaints about candidate profiles</p> <p>Only the original profile received at the time of nomination can be used (subject to changes made by the returning officer in accordance with regulations). The Act anticipates that alterations will be done before the nomination is officially accepted. Because of this, the returning officer must be very careful to get the profile right before accepting it.</p> <p>If the returning officer receives a complaint drawing attention to matters not initially known to him or her, and these matters may mean that a profile contains false or misleading material, but the profile has been accepted previously, then seek the advice of the Department of Local Government, Sport and Cultural Industries — there is no provision in the Act that allows the returning officer to change a profile after acceptance.</p>
s. 4.87 s. 4.88	<p>Complaints about election signs</p> <p>Complaints about election signs relating to non-conformance with local laws must be dealt with by the CEO. If the returning officer is the CEO, the matter must be dealt with in the role of the CEO. Consideration will need to be given to any local laws the local government has, and safety issues. The ranger may need to become involved.</p> <p>If the complaint relates to the fact that a poster is not properly authorised, contains deceptive, misleading, false or defamatory statements, it may be advisable to make arrangements for a photograph to be taken as evidence for possible future use, since an electoral offence may have been committed. The candidate could also be contacted to draw their attention to the complaint and its cause.</p> <p>Do not become involved in complaints between one candidate and another about signs being removed or defaced. This is a civil matter, not an electoral matter.</p>
s. 4.87 reg. 78	<p>Complaints about printed material</p> <p>Record all complaints received about printed electoral material. Advise the complainant of the action taken or whether it is intended that no action will be taken.</p> <p>Authorisations</p> <p>Printed, published or distributed electoral material must include the name and address of the person who authorised it at the end of the electoral material, and if it is not in a newspaper, the name and business address of the printer at the end of the electoral material. There is a penalty of \$2,000 if an offence is committed in relation to this requirement.</p>

Reference

If a complaint is received, ask for evidence to be provided in the form of a pamphlet, letter or other sample of the original material. If the evidence is a copy (such as a photocopy), do not act on it unless it is certain that the copy is the way in which the material was reproduced by, or for, the candidate.

If the complaint relates to a poster that is fixed to a sign or shop window, it will be necessary to see the poster or ask for a written report from the ranger or deputy returning officer.

It should be a simple matter to judge whether the material could contravene the Act. A photograph could be taken as evidence for future use, as an electoral offence may have been committed.

Depending on the perceived level of the complaint, the candidate could be advised of the complaint and its cause. If this is done, the advice given should be put in writing. Treat all candidates consistently.

Candidates can hand-write corrections on any material, including posters, if they wish.

Misleading or false material

If complaints are received that misleading or false statements have been made in material that is printed, published or distributed; or that someone has caused deceptive material to be printed, published or distributed designed to cause confusion for electors regarding how to vote - make a record of the complaint and put a copy in the election file.

s. 4.88

Ask for evidence and make sure that the complainant makes a statement and signs it. Again, if the evidence is a copy (such as a photocopy), do not act on it unless certain that the copy is the way in which the material was reproduced by, or for, the candidate.

It must be absolutely clear what constitutes an electoral offence. The Act should be checked. The following checklist will also assist.

An alleged electoral offence may have occurred relating to misleading, false or defamatory material if it:

- occurred during the relevant period as defined in the Act;
- is printed, or published or distributed;
- contains deceptive material as defined in the Act; and/or
- has been made or published.

R

Checklist

However if the complaint relates to defamatory statements or personal slander, this is not part of the election complaints process as such and these matters must be privately pursued by parties through civil court action.

Reference

There is a penalty of \$5,000 or imprisonment for one year for offences relating to use of misleading, false or defamatory material. If it is considered after completing the checklist that the complaint may be justified, seek advice from the Department of Local Government, Sport and Cultural Industries or a solicitor before taking any action. The issues that arise with a complaint of this kind are complex. It is sometimes very difficult to establish the actual facts of the case.

It is a defence in a case of this kind that the person did not know and could not reasonably have been expected to know that the material was likely to mislead or deceive an elector in casting a vote or that the person believed the statement to be true and had reasonable grounds for doing so. The returning officer is unlikely to be in a position to test any of these things and should get advice before acting.

17.3 Complaints made during polling

Reference	
<p>s. 4.87 s. 4.88</p>	<p>Complaints about How to Vote cards</p> <p>How to vote cards come under the same provisions as other electoral material. They must be authorised and must not contain any misleading, false or defamatory statement. When dealing with complaints relating to how to vote cards, follow the procedures set out in part 17.2 relating to complaints about printed material.</p>
<p>s. 4.85 s. 4.87 s. 4.88 s. 4.89 s. 4.90 s. 4.91 s. 4.92 s. 4.93 s. 4.94 s. 4.95</p>	<p>Complaints about candidate behaviour</p> <p>Make a record of all complaints. Do not take action on a complaint unless evidence is presented that the candidate has committed an offence that could be an electoral offence. On polling day it may be convenient to enter complaints into a diary or notebook.</p> <p>The most likely offences to be the subject of a complaint on polling day are that the candidate did one or more of the following:</p> <ul style="list-style-type: none"> • entered a polling place other than to vote; • bribed or exerted undue influence on a person to commit an electoral offence; • printed, published or distributed misleading statements or made or published false or defamatory statements about others; • canvassed voters, solicited the vote of an elector, or induced an elector not to vote for a particular candidate or not to vote at the election, within 6 metres of the entrance to the polling place or within such lesser distance as approved by the presiding officer; • forged, defaced or destroyed a ballot paper; • interfered with any ballot box or ballot paper; • assumed the identity of an elector; • supplied a ballot paper or marked a ballot paper without authority.
	<p>Complaints about campaign helpers</p> <p>Do not take action on a complaint unless evidence is presented that the campaign helper has committed what could be an electoral offence.</p> <p>If the alleged offence is something controlled under local laws or relates to council property, the CEO should take action and if the returning officer is the CEO, action should be taken in the CEO role. Advise the complainant of the outcome and if appropriate, other candidates in that election.</p>

Reference

s. 4.85
s. 4.87
s. 4.88
s. 4.89
s. 4.90
s. 4.91
s. 4.92
s. 4.93
s. 4.94
s. 4.95

If there are complaints claiming an offence has occurred on polling day, they are most likely to be made about a campaign helper who has:

- canvassed voters, solicited the vote of an elector, or induced an elector not to vote for a particular candidate or not to vote at the election within 6 metres of the entrance to the polling place; or
- worn a badge or other electoral material whilst entering the polling place to vote.

In the majority of cases these complaints are likely to be made to the presiding officer who will take action and record the event on the occurrence sheet (**example.doc E3/11**). If they are made direct to the returning officer and if they are serious, visit the polling place in question as soon as possible and investigate and take appropriate action if necessary.

Complaints about scrutineers

Complaints about the behaviour of scrutineers are likely to come from the presiding officer who may be experiencing difficulties. They may also come from scrutineers of other candidates.

The offences most likely to be the subject of a polling day complaint are that the scrutineer:

- remained in the polling place at a changeover of scrutineers at the same time as another scrutineer working for the same candidate;
- drew attention to themselves by speaking to electors as they entered the polling place (for instance, greeting voters);
- was not wearing identification of his or her appointment as a scrutineer;
- was not carrying his or her appointment of scrutineer **Form 18**; and
- was not complying with the reasonable request of the presiding officer.

reg. 70 and 72

Complaints about electoral staff

If a complaint is received about an electoral officer, follow the complaints procedure suggested in part 17.1. Take all complaints against staff very seriously. Wherever possible take immediate action by visiting the polling place to investigate.

However, do not be pressured into action by the complainant. Listen to the complainant and the electoral officer to gather the facts, act reasonably and be fair and impartial to both the complainant and the electoral officer.

Record any action taken. Advise the complainant of the outcome, including if it is considered the complaint does not have foundation.

Reference**s. 4.86**

If an electoral officer is in error everything should be done to see that the mistake is corrected.

Electoral officers who attempt to influence the vote of an elector; or the result of an election; or who disclose the way an elector voted; or who refuse, or wilfully neglect a duty under Part 4 of the Act, commit an offence and are liable to prosecution.

17.4 Complaint election is invalid

Reference	
<p>s. 4.80, s. 4.81 reg. 84</p>	<p>Complaints about election result</p> <p>A person who is dissatisfied with the result of an election or with the way the election was conducted may make an invalidity complaint. An invalidity complaint is one that alleges an election is invalid, or that another person should be declared elected or that the term of office of a councillor should be longer or shorter than the returning officer declared.</p>
	<p>How invalidity complaints are made</p> <p>Invalidity complaints must be made in writing to a Court of Disputed Returns within 28 days after notice of the result of the election is published in a local newspaper.</p>
<p>reg. 84</p>	<p>Court of Disputed Returns</p> <p>A magistrate presides over a Court of Disputed Returns. On receiving an invalidity complaint the magistrate may by summons require any of the following to attend before the court:</p> <ul style="list-style-type: none"> • the returning officer; • any person who has been declared elected at the election; and • any other person the magistrate considers appropriate.
<p>reg. 85</p>	<p>Declarations that the court can make</p> <p>After inquiring into and adjudicating an invalidity complaint, the court can make any of the following declarations:</p> <ul style="list-style-type: none"> • a declaration that the election was invalid; • a declaration that a person ought to have been elected in place of another person who has been declared elected by the returning officer; • a declaration determining the term of office of a councillor to be a term that is longer or shorter than the term determined by the returning officer; • a declaration rejecting the invalidity complaint.
<p>s. 4.81(3)</p>	<p>If the court declares the election to have been invalid, the election is null and void and the court will fix a day for holding a fresh election.</p>
<p>s. 4.81(4)</p>	<p>If the court declares that Candidate A ought to have been elected in place of Candidate B then Candidate B is not to act as a member of the council and Candidate A is to be regarded as having been elected.</p>

Reference	
reg. 86	<p>The result of any such decision by the court must be published in a local newspaper and appear on the notice board at the office of the local government and the notice board of libraries. A report is also to be provided to the Minister. If the effect of the decision is to declare a different candidate elected, a prescribed Form 20 is to be completed online, updating the Minister on the outcome of the disputed return. The relevant web address is https://elections.dlgc.wa.gov.au.</p>
reg. 87	<p>Costs</p> <p>The court can make an order as to costs by a candidate but in doing so, the magistrate cannot make an order for a candidate to pay costs unless the candidate is the person who made the invalidity complaint, or that it is proved the candidate or the candidate's agent has contravened Part 4 of the Act.</p>
s. 4.82	<p>No appeal</p> <p>There is no appeal to a decision of the Court of Disputed Returns.</p>

17.5 Irregularities

Reference	
s. 4.83	<p data-bbox="507 300 928 338">Defects and irregularities</p> <p data-bbox="507 353 1420 427">An election is not invalid because of a failure to do something in connection with the election:</p> <ul data-bbox="507 443 1075 577" style="list-style-type: none"><li data-bbox="507 443 820 481">• within the time, or<li data-bbox="507 495 804 533">• for the period, or<li data-bbox="507 546 1075 577">• before the date allowed or required, <p data-bbox="507 593 1388 629">so long as the failure does not affect the result of the election.</p> <p data-bbox="507 645 1398 824">An election is not invalid because of an irregularity or defect in the appointment or authorisation of an electoral officer; or a formal omission, irregularity or defect in a document, declaration, publication or other thing that a person has made, issued or done in good faith.</p>

17.6 Electoral misconduct

Reference	
s. 4.96	<p>Returning officer or Electoral Commissioner can initiate investigation</p> <p>An investigation into whether misconduct, malpractice or maladministration has occurred can be undertaken by the Electoral Commissioner or by the returning officer on their own initiative, or in response to a complaint or information received from any other person, including a candidate.</p> <p>Any returning officer who intends to undertake an official investigation should contact the Department of Local Government, Sport and Cultural Industries or a solicitor for advice before taking any action.</p>
s. 4.96(3)	<p>Power to conduct an inquiry</p> <p>In conducting an inquiry of this nature, the Electoral Commissioner or the returning officer has the powers of an authorised person under Part 8 of the Act for inquiries by the Minister or an authorised person.</p>
s. 8.10	<p>Generally this means that the Electoral Commissioner or the returning officer can require any person to give evidence or produce documents. Providing the returning officer is acting in good faith, they have protection from liability relating to anything done as an authorised person in relation to the inquiry.</p>
s. 4.96(6)	<p>Report of findings to Minister</p> <p>If the returning officer launches an official inquiry and carries out an investigation, he or she is to provide the Minister for Local Government with a report on the findings of the investigation.</p>
s. 4.97	<p>Prosecutions</p> <p>If the returning officer takes proceedings against anyone for an offence relating to conduct at an election, the local government is required to pay the expenses and any costs awarded against the returning officer. If the returning officer is awarded any fees or costs these are to be paid by the returning officer to the local government.</p> <p>Costs awarded against candidates have to be paid by the candidate.</p> <p>The fact that the returning officer can take proceedings does not change the right of a candidate or anyone else from taking proceedings for an electoral offence they believe has been committed.</p>

17.7 Electoral offences

Reference	
	<p>Referring to the Act for specifics</p> <p>The electoral offences described in this section are for general guidance only. Returning officers must read sections 4.85 to 4.98 of the Act for a proper description of offences.</p> <p>Offence of bribery and undue influence</p> <p>There is a penalty of \$10,000 or two years imprisonment for persons found to have bribed or used undue influence to get someone else to commit an electoral offence or to give, take or seek a reward for or with the promise of particular electoral conduct.</p> <p>The penalty for using threats, making offers or causing or suggesting detriment to induce particular electoral conduct by someone is \$10,000 or 2 years imprisonment, as is the penalty for interfering with the free exercise of an elector’s will.</p> <p>The word “detriment” in this connection means – violence, injury, punishment, damage, loss or disadvantage;</p> <p>The phrase “electoral conduct” means – candidature at an election, withdrawal of candidature, a vote or an omission to vote and support of, or opposition to, a candidate;</p> <p>The word “reward” means – a reward in the form of valuable consideration or any other recompense, benefit or advantage.</p>
s. 4.85	
s. 4.86	<p>Breach or neglect by electoral officers</p> <p>There is a penalty of \$10,000 or two years imprisonment for an electoral officer who:</p> <ul style="list-style-type: none"> • attempts to influence the vote of an elector or the result of the election; • discloses knowledge acquired concerning the vote of an elector (except in a lawful situation); or • refuses or wilfully neglects to discharge their duties.
s. 4.87 reg. 78	<p>Printing and publication of electoral material</p> <p>There is a penalty of \$2,000 if the name and street address (not a post office box) of the person who authorised the electoral material does not appear at the end of electoral material (except for some promotional items such as lapel badges or pens) and, if it is not in a newspaper, the name and business address of the printer must also appear at the end of the electoral material.</p>

Reference

s. 4.88

Deceptive material

There is a penalty of \$5,000 or imprisonment for one year for a person who prints, publishes or distributes deceptive material during a relevant period relating to the election or causes someone else to do these things; or who makes or publishes any false or defamatory statement in relation to the personal character or conduct of a candidate in the election or causes such a statement to be made or published.

s. 4.87

s. 4.88

Definitions

“Electoral material” means – any advertisement, handbill, pamphlet, notice, letter or article that is intended or calculated to affect the result of an election but does not include an advertisement in a newspaper announcing the holding of a meeting.

“Print” includes – photocopy or reproduce by any means.

“Deceptive material” means – any matter or thing that is likely to mislead or deceive an elector in relation to the casting of the elector’s vote.

“Publish” includes – publish by radio or television.

“Relevant period” means – the period commencing when the notice calling for nominations for the election is published and ends at 6.00pm on election day.

s. 4.89

No canvassing in or near polling places

There is a penalty of \$2,000 if, on election day, a person:

- canvasses for votes;
- solicits the vote of an elector;
- induces an elector not to vote for a particular candidate; or
- induces an elector not to vote at the election,

in a polling place or within 6 metres of the entrance to a polling place.

Reference

False statements on prescribed documents

There is a \$5,000 penalty or imprisonment for one year for a person who commits an offence relating to making false statements on the following documents:

- application;
- form;
- nomination;
- return;
- declaration;
- certificate; or
- any other document relating to an election

s. 4.90

The same penalty applies where a person gives a false answer to a question that an electoral officer is authorised by regulations to ask. In addition to the person who commits the offence, the penalty applies to a person who induces another person to commit the offence.

Offences relating to nomination papers, ballot papers and ballot boxes

There is a \$10,000 penalty or imprisonment for two years for someone who commits the following offences:

- forges or fraudulently defaces or destroys a ballot paper or nomination paper; or
- fraudulently puts a ballot paper into a ballot box; or
- wilfully destroys, takes, opens or otherwise interferes with any ballot box or ballot papers without authority; or
- personates any elector.

s. 4.91

There is a \$5,000 penalty or imprisonment for one year for someone who commits the following offences:

- supplies a ballot paper without authority;
- is in possession of an unauthorised ballot paper;
- votes more than once in an election; or
- marks a ballot paper without authority.

A person who fraudulently leaves a polling place with a ballot paper also commits an offence, the penalty for which is \$2,000.

Reference

Offences relating to postal votes

A penalty of \$5,000 or imprisonment for one year applies to an offence relating to postal votes.

A candidate or a person expressly authorised to act on behalf of a candidate must not:

s. 4.92

- apply undue influence or pressure on an elector to apply for a postal vote;
- interfere with an elector while the elector is applying for a postal vote;
- take custody of an envelope that contains a postal vote; nor
- cause any other person who is not the elector to take custody of an envelope that contains a postal vote.

Interfering with secrecy

A penalty of \$5,000 or imprisonment for one year applies to an offence whereby anyone:

s. 4.93

- unlawfully communicates with, assists or interferes with an elector while they are marking the ballot paper;
- unlawfully looks at or becomes acquainted with the vote of an elector, or discloses the vote of an elector.

Other electoral offences

A \$2,000 penalty applies to:

s. 4.94

- misconduct in a polling place;
- refusal to obey the reasonable instructions of an electoral officer;
- re-entering a polling place without permission after being removed;
- employees of the relevant local government canvassing at the election;
- wilfully defacing, mutilating, destroying or removing a notice, list or other document; or
- betting on the result of an election.

Note: Attempting to commit an electoral offence is an offence punishable as if the offence itself had been committed.

17.8 Quality document control

Document Reference	Document Title	Electronic Reference	* Position authorised to review and check	* Distribution
E1/7	Electoral complaints form	<Insert computer file reference>	Deputy Returning Officer	Authorised staff, election file

& * Complete for local situation and maintain this list in the records management system.

Example.doc E1/17 - Electoral complaints form

Electoral Complaint Record Sheet

City/Town/Shire of

for the election held on <insert date>

Procedure

1. The person completing the complaint record must put his or her name in the space provided.
2. Copies of this record sheet must be given to:
 - the complainant;
 - the returning officer; and
 - records management section for filing on the elections file.
3. Prompt action must be taken to handle the complaint.

Complainant information

Name of complainant

Contact details (phone/address etc)

Made in person/telephone/letter/fax

Complaint details (use over for more space)

.....

.....

.....

.....

Person completing record of complaint

Name..... Position.....

Signature..... Date.....

Action taken (use over for more space)

.....

.....

.....

Response

Written response to complainant provided byon.....Signed.....

Electoral complaints form

Version 1

Issue date: July 2023

Updated:

Checked by: <insert name>

Approved by: <insert name>

Controlled document for use by authorised staff only

18 First council meeting after the election

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18.1 Pre-meeting ceremony

Reference	
<p>s. 2.29</p> <p>Local Government (Constitution) Regulations 1997 – reg. 13(1) and Form 7</p>	<p>First council meeting</p> <p>Each successful candidate of the election is required to make a declaration before they can act in the capacity of an elector mayor, president or councillor; a council elected mayor or president, deputy mayor or deputy president. This is sometimes called a “swearing in” ceremony and takes place before the first council meeting following the election. This may be a special meeting of council. However, a person may make their declaration away from a council meeting, but in accordance with the following requirements.</p> <p>Declarations of office and rules of conduct</p> <p>The declaration of office is a document (example.doc E1/18) that states the council member will faithfully perform their duties and will adhere to the principles and rules established by the Model Code of Conduct.</p> <p>Newly elected council members should be given a copy of these regulations (and the council’s model code of conduct) before the ceremony or at another place so that they know what they are declaring. The declaration is also made (verbally) and signed in front of an authorised person (under the <i>Oaths, Affidavits and Statutory Declarations Act 2005</i>) who will witness the making of the declaration.</p>

Reference

Declarations - Authorised witnesses

The *Oaths, Affidavits and Statutory Declarations Act 2005* and Schedule 2 of that Act list the authorised people who can witness declarations.

These are:

Schedule 2 — Authorised witnesses for statutory declarations

Oaths, Affidavits and Statutory Declarations Act 2005
Schedule 2

<u>Formal description</u>	<u>Informal description</u>
1. A member of the academic staff of an institution established under any of the following Acts — <ul style="list-style-type: none"> • <i>Curtin University of Technology Act 1966</i>; • <i>Edith Cowan University Act 1984</i>; • <i>Murdoch University Act 1973</i>; • <i>University of Notre Dame Australia Act 1989</i>; • <i>University of Western Australia Act 1911</i>; • <i>Vocational Education and Training Act 1996</i>. 	Academic (post-secondary institution)
2. A member of any of the following bodies — <ul style="list-style-type: none"> • Association of Taxation and Management Accountants (ACN 002 876 208); • CPA Australia (ACN 008 392 452); • The Institute of Chartered Accountants in Australia (ARBN 084 642 571); • National Institute of Accountants (ACN 004 130 643); • National Tax and Accountants' Association Limited (ACN 057 551 854). 	Accountant
3. A person who is registered under the <i>Architects Act 2004</i> .	Architect
4. An Australian Consular Officer within the meaning of the <i>Consular Fees Act 1955</i> of the Commonwealth.	Australian Consular Officer
5. An Australian Diplomatic Officer within the meaning of the <i>Consular Fees Act 1955</i> of the Commonwealth.	Australian Diplomatic Officer
6. A bailiff appointed under the <i>Civil Judgments Enforcement Act 2004</i> .	Bailiff
7. A person appointed to be in charge of the head office or any branch office of an authorised deposit-taking institution carrying on business in the State under the <i>Banking Act 1959</i> of the Commonwealth.	Bank Manager
8. A member of Chartered Secretaries Australia Limited (ACN 008 615 950).	Chartered Secretary
9. A pharmaceutical chemist within the meaning of the <i>Pharmacy Act 1964</i> .	Chemist
10. A chiropractor within the meaning of the <i>Chiropractors Act 1964</i> .	Chiropractor

Reference

*Oaths, Affidavits
and Statutory
Declarations Act
2005*
Schedule 2

<u>Formal description</u>	<u>Informal description</u>
11. A person <i>registered</i> as an auditor or a liquidator under the <i>Corporations Act 2001</i> of the Commonwealth.	Company auditor or liquidator
12. A judge, master, magistrate, registrar or clerk, or the chief executive <i>officer</i> , of any court of the State or the Commonwealth.	Court officer
13. A member of the Australian Defence Force who is — <ul style="list-style-type: none"> • an officer within the meaning of the <i>Defence Force Discipline Act 1982</i> of the Commonwealth; • a non-commissioned officer within the meaning of that Act with 5 or more years of continuous service; or • a warrant officer within the meaning of that Act. 	Defence Force officer
14. A dentist within the <i>meaning</i> of the <i>Dental Act 1939</i> .	Dentist
15. A medical <i>practitioner</i> within the meaning of the <i>Medical Act 1894</i> .	Doctor
16. A member of the <i>Institution</i> of Engineers, Australia, other than at the grade of student.	Engineer
17. The secretary of an <i>organisation</i> of employees or employers that is registered under one of the following Acts — <ul style="list-style-type: none"> • <i>Industrial Relations Act 1979</i>; • <i>Workplace Relations Act 1996</i> of the Commonwealth. 	Industrial organisation secretary
18. A member of the National Insurance Brokers Association of <i>Australia</i> (ACN 006 093 849).	Insurance broker
19. A Justice of the <i>Peace</i> .	Justice of the Peace
20. A legal practitioner <i>within</i> the meaning of the <i>Legal Practice Act 2003</i> .	Lawyer
21. The chief executive <i>officer</i> or deputy chief executive officer of a local government.	Local government CEO or Deputy CEO
22. A member of the <i>council</i> of a local government within the meaning of the <i>Local Government Act 1995</i> .	Local government councillor
23. A member of the <i>Australasian</i> Institute of Chartered Loss Adjusters (ACN 074 804 167).	Loss adjuster
24. An <i>authorised</i> celebrant within the meaning of the <i>Marriage Act 1961</i> of the Commonwealth.	Marriage celebrant
25. A member of either House of Parliament of the State or of the Commonwealth.	Member of Parliament
26. A minister of religion <i>registered</i> under Part IV Division 1 of the <i>Marriage Act 1961</i> of the Commonwealth.	Minister of religion
27. A nurse within the <i>meaning</i> of the <i>Nurses Act 1992</i> .	Nurse

Reference

*Oaths, Affidavits
and Statutory
Declarations Act
2005*
Schedule 2

<u>Formal description</u>	<u>Informal description</u>
28. A registered optometrist within the meaning of the <i>Optometrists Act 1940</i> .	Optometrist
29. A registered patent attorney under the <i>Patents Act 1990</i> of the Commonwealth.	Patent attorney
30. A physiotherapist within the meaning of the <i>Physiotherapists Act 1950</i> .	Physiotherapist
31. A podiatrist within the meaning of the <i>Podiatrists Registration Act 1984</i> .	Podiatrist
32. A police officer.	Police officer
33. The person in charge of an office established by, or conducted by an agent of, Australia Post within the meaning of the <i>Australian Postal Corporation Act 1989</i> of the Commonwealth.	Post office manager
34. A registered psychologist within the meaning of the <i>Psychologists Registration Act 1976</i> .	Psychologist
35. A public notary within the meaning of the <i>Public Notaries Act 1979</i> .	Public notary
36. An officer of the Commonwealth public service.	Public servant (Commonwealth)
37. A person who is employed under the <i>Public Sector Management Act 1994</i> Part 3.	Public servant (State)
38. The holder of a licence under the <i>Real Estate and Business Agents Act 1978</i> .	Real estate agent
39. The holder of a licence under the <i>Settlement Agents Act 1981</i> .	Settlement agent
40. The Sheriff of Western Australia and any deputy sheriff appointed by the Sheriff of Western Australia.	Sheriff or deputy sheriff
41. A licensed surveyor within the meaning of the <i>Licensed Surveyors Act 1909</i> .	Surveyor
42. A person employed as a member of the teaching staff within the meaning of the <i>School Education Act 1999</i> or as a teacher of a non-government school within the meaning of that Act.	Teacher
43. A member, registrar or clerk, or the chief executive officer, of any tribunal of the State or the Commonwealth.	Tribunal officer
44. A registered veterinary surgeon within the meaning of the <i>Veterinary Surgeons Act 1960</i> .	Veterinary surgeon

18.2 Election of mayors, presidents and deputies

Reference	
	<p>Election of mayor or president</p> <p>If the method of election for the mayor or president is popularly elected by the electors, the person so elected presides at the first council meeting.</p> <p>Where the mayor or president is to be elected from amongst councillors, the CEO presides at the meeting until the process for the election of the mayor or president by the councillors is completed, and a declaration is made of the result, and the mayor or president has made their declaration of office.</p>
s. 2.6(2) or (3)	
Schedule 2.3 clauses 1 to 5	<p>The election of the councillor elected mayor or president must be the first matter dealt with at the first meeting of the council after the election. The term of office begins when they are elected and ends when they resign or are next elected at or after the next ordinary election – usually in two years.</p>
<i>Local Government (Constitution) Regulations 1997 – reg. 11A to 11G</i>	<p>The election is to be conducted in accordance with the procedure detailed in clauses 6 to 9 of Schedule 2.3 of the Act and reg. 11A to 11G of the <i>Local Government (Constitution) Regulations 1997</i>.</p>
	<p>Nominations in writing before or at the meeting</p> <p>Nominations must be in writing. They can be given to the CEO before the meeting or at the meeting itself after the CEO calls for nominations. The nomination period is to be sufficient to allow any nominations to be made. Councillors can nominate themselves. Confirmation that they accept the nomination (orally or in writing) must be given to the CEO if a councillor nominates another councillor. The CEO cannot accept a nomination unless the nominee has advised the CEO that he or she is willing to accept.</p>
	<p>Method of voting</p> <p>The method of voting is also conducted as optional preferential voting (OPV) and is specified in clause 8(6) of Schedule 2.3. Clause 8(5) of the Schedule states that councillors are to vote by secret ballot as if they were electors voting at an election.</p>
Schedule 2.3 clause 4(3) to (4)	
	<p>Issuing ballot papers and voting</p> <p>The CEO is to prepare ballot papers complying with Form 10 of the <i>Local Government (Elections) Regulations 1997</i>. Council members are to vote by placing a '1' in the square opposite the name of the candidate they wish to elect and then subsequent numbers from '2' onwards in order of their remaining preferences.</p>
Schedule 2.3 clause 4(5) to (6)	
	<p>The CEO, when issuing the ballot papers, is to initial the back of each ballot paper or ensure that it is authenticated in some other way, and should issue replacement ballot papers for any that are spoilt and write "spoilt" on the ballot paper.</p>

Reference

Local Government (Constitution) Regulations 1997 – reg. 11A to 11D

Assistance to voter

A council member, because of an impairment or other inability to mark the ballot paper, may request the CEO to mark on the ballot paper the member's vote. The CEO can authorise another employee to do this.

Local Government (Constitution) Regulations 1997 – reg. 11E

Conducting the count

To ensure the secrecy of voting, all elected members should be given the same type of pen or pencil for marking their ballot paper. When ballot papers are completed, they are to be returned to the CEO. It is suggested that they be placed in a container, which is then shaken and rotated. Ballot papers are then removed and counted at an area away from, but in sight of, the council members.

Schedule 2.3 clause 4(5) to (6)

Overseeing the count

The counting of votes should be conducted by two persons and, if available, verified by an independent person.

Local Government (Constitution) Regulations 1997 – reg. 11D and 11EA

Ascertaining vote result

In accordance with the OPV method, the councillor receiving the greatest number of first preference votes is declared elected to the position with an absolute majority (50% + 1 of all formal votes cast in the election).

In the event that after the first preference votes are counted a councillor has not received an absolute majority of first preference votes, the ballots from the councillor with the least amount of first preference votes is then distributed among the remaining councillors in accordance with the second preference vote marked on the ballot. If there are no second preferences noted on the ballot it is set aside as 'exhausted' and does not continue in the count.

Is there a councillor who has achieved an absolute majority yet? If **yes**, they are then elected.

Schedule 4.1

If **not**, then continue to remove the next councillor with the least number of first preference votes and distribute their second preferences among the remaining candidates. This process is repeated until someone has achieved an absolute majority and is therefore elected.

Reference

Schedule 2.3
clause 5

(See diagram below).

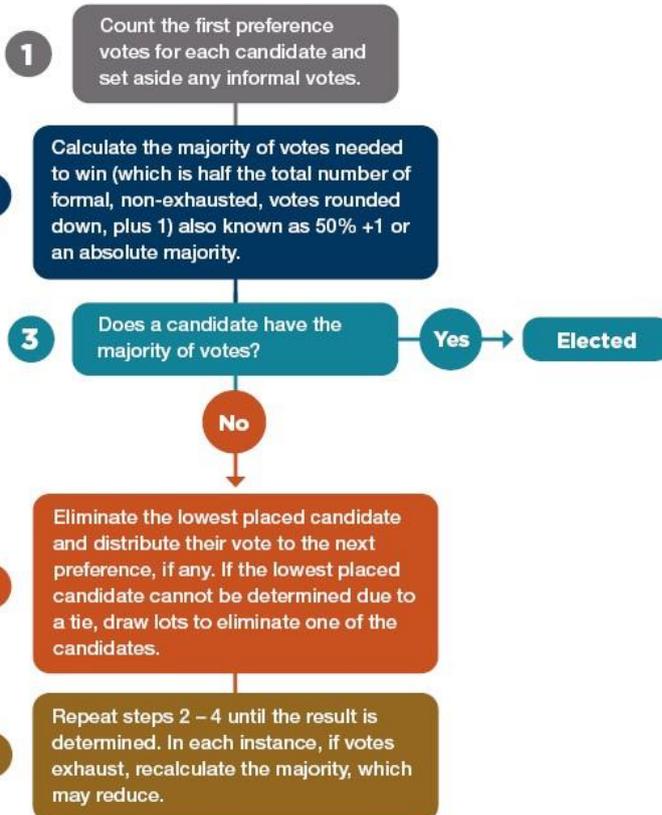
Conducting a council count using Optional Preferential Voting for the election of Deputy Mayor and/or President (and/or other Committee Deputy and Presiding members conducted by council)

Where there are two candidates

The candidate with the most votes wins.
If there is a tie, hold another meeting, conduct a second vote after adjournment (as per Schedule 2.3), if it is tied again, draw lots to determine the winner.

Schedule 4.1
clause 5

Where there are more than two candidates



Note If the result between the final two candidates is a tie, conduct a second vote as per the requirements of Schedule 2.3 of the *Local Government Act 1995*. If after the second vote the result between the final two candidates is again a tie, draw lots in accordance with the regulations to determine a winner.

Declaration and notice of result

The person conducting the election is to declare the result of the election at the meeting. The declaration is to include the names of the candidates and the name and term of office of the successful candidate. The person conducting the election is to give local public notice of the result of the election complying with **Form 19**. A **Form 20** for the Minister should also be completed online at elections.dlgc.wa.gov.au (current at 2023).

Reference

Second election if vote tied

If two or more councillors have the most and an identical number of votes, after all potential eliminations have occurred, the count is discontinued. The meeting is to be adjourned for not more than seven days. The person conducting the election can adjourn the meeting to later on the same day, or another day. When the meeting is resumed the election process is started afresh. Any councillor can withdraw their nomination and further nominations can be made (in writing) during the adjournment or when the meeting resumes.

Tied vote after second election

If a tied vote occurs at the resumed meeting, in accordance with Schedule 4.1 of the Act, the CEO is to draw lots to decide the matter. The draw should also be conducted by two persons and if available, verified by an independent person. Although not prescribed, it is appropriate to use the same method as drawing for positions on the ballot paper for candidates at an election, as shown in the flowchart in Chapter 7 and detailed in regulation 30.

This involves making for each candidate a slip of paper with their name on it, and placing the slips in separate hollow opaque spheres.

The candidates should be shown the names on the slips of paper before they are placed in the spheres, and then in a container. Upon removing the first sphere from the container and opening it, announce the name on the slip of paper and show it to those present, then declare that person elected. It is highly recommended that the name on the slip of paper be verified by the deputy returning officer or another senior staff member of the local government before the name is declared. Withdraw the other sphere(s) and display the name(s) of the unsuccessful candidate(s).

Term of office of mayor or president

s. 2.28

The term of a mayor or president begins when the member is elected and ends when the mayor or president ceases to be a councillor, resigns from office, does not make the required declaration of office within two months after being declared elected to that office, or when the mayor or president is next elected at or after the next ordinary elections.

Term of office – Deputies

s. 2.28

The term of office of the deputy mayor or deputy president begins when the person is elected, and ends at the start of the first meeting of the council after the next ordinary elections, or if the deputy ceases to be a councillor, resigns from office, does not make the declaration as required or is elected subsequently as mayor or president.

Reference**Extraordinary vacancies**

The office of a member of a council as an elected mayor or president, or as a councillor, becomes vacant in certain prescribed circumstances. These are listed in sections 2.31, 2.32 and 2.34 of the Act.

Mayors, presidents or councillors continue to hold office until their term of office ends, irrespective of whether they are re-elected. The table in section 2.28 of the Act should be consulted for when the term of office officially begins and officially ends.

Following the 2023 election where optional preferential voting (OPV) is used, backfilling options will apply to those candidates elected under the new Schedule 4.1 or Schedule 4.1A and can therefore have a future extraordinary vacancy filled under Schedule 4.1A for the next 12 month period in lieu of holding an extraordinary election.

Actions are directly related to the time a resignation has been received, as there are options to either backfill (as mentioned above), apply to leave the vacancy unfilled in certain circumstances following a council meeting where an absolute majority has been reached and a request is made to the Electoral Commissioner to leave unfilled) or to hold an extraordinary election in order to fill the vacancy.

18.3 Backfilling Vacancies

Reference

Backfilling vacancies

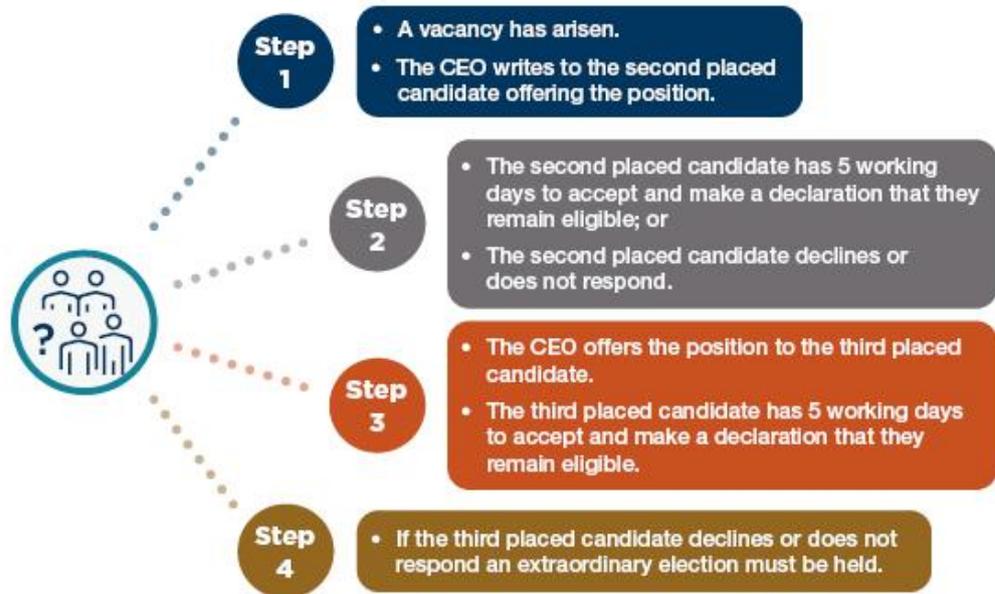
A table clarifying the options following the 2023 Amendment Bill and the calendar period in which the resignation is received is listed below as a source of reference:-

Part of Four-Year Term	Calendar Period	Proportion of Term	Previous Arrangement	Arrangement following the 2023 Amendment Bill
Ordinary Election				
<i>Held in October</i>				
<i>Start of term</i>				
First year in office	That October until the following October	25% (12 months)	Extraordinary Election Required	Must be filled by available candidate from prior Ordinary Election (new Schedule 4.1A)
Second year in office	That October until the following January	6.25% (3 months)	Extraordinary Election Required	May be consolidated* (amended s. 4.16(4) and s. 4.17)
	That January until the following July	12.5% (6 months)	May be consolidated* (s. 4.16(4) and s. 4.17)	
	That July until the following October	6.25% (3 months)	Must generally be consolidated* (s. 4.16(2-3) and s. 4.17)	Must generally be consolidated* (unchanged)
Ordinary Election				
<i>Held in October</i>				
<i>Halfway through term – member is incumbent and is not up for election</i>				
Third year in office	That October until the following October	25% (12 months)	Extraordinary Election Required	Extraordinary Election Required (unchanged)
Fourth year in office	That October until the following January	6.25% (3 months)	Extraordinary Election Required	May be consolidated* (amended s. 4.16(4) and s. 4.17)
	That January until the following July	12.5% (6 months)	May be consolidated* (s. 4.16(4) and s. 4.17)	
	That July until the following October	6.25% (3 months)	Must generally be consolidated* (s. 4.16(2-3) and s. 4.17)	Must generally be consolidated* (unchanged)
Ordinary Election				
<i>Held in October</i>				
<i>End of four-year term – loop back to start next term</i>				

Reference

Schedule 4.1
clause 5

Following an election flow chart for the process of backfilling a vacancy in place of holding an extraordinary election



Validity of elections

A councillor who is dissatisfied with the conduct or result of an election of mayor, president or deputy may take the matter to a Court of Disputed Returns. The Court has the same powers as that for an election of a member of council.

Retention of election papers

The CEO is to parcel up, secure and endorse by signing and dating each parcel, all papers relating to an election of mayor, president, deputy mayor, or deputy president. These papers must be kept in safe custody for at least four years. This also includes any papers relating to the drawing of lots when there is a tied vote. The parcels are to be destroyed by or under the supervision of the CEO in the presence of at least two employees.

18.4 Quality document control

Document Reference	Document Title	Electronic Reference	* Position authorised to review an check	* Distribution
Form 7	Declaration by elected member	<Insert computer file reference>	Prescribed form Local Government (Constitution) Regulations	Records management system

& * Complete for local situation and maintain this list in the records management system.

Example.doc E1/18 - Declaration by elected member

Form 7. Declaration by elected member of council [r. 13(1)(c)]

Local Government Act 1995
Local Government (Constitution) Regulations 1998
Declaration by elected member

I,
.....

of ¹.....

.....,

having been elected to the office of ²mayor/deputy mayor/president/deputy
president/councillor of the³.....,

declare that I take the office upon myself and will duly, faithfully, honestly, and with
integrity, fulfil the duties of the office for the people in the district according to the best
of my judgment and ability, and will observe the and will observe the code of conduct
adopted by the (3) under section 5.104 of the *Local Government
Act 1995* .

Declared at on

by

Before me:

-
- ¹ Insert your residential address.
 - ² Delete those that do not apply.
 - ³ Insert the name of the local government.

19. Refunding deposits

Contents

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19.1 Handling deposits

Reference	
s. 4.50 reg. 26	<p>Deposits</p> <p>The current amount for a deposit is \$100 which must be received via:</p> <ul style="list-style-type: none"> • cash; • bank draft; • postal order; or • by cheque, electronic transfer or other means as long as there is a way of verifying that the amount of the deposit was credited to your local government before the close of nominations. <p>The deposit will have been receipted to a fund of the local government.</p>
reg. 27, 28, 29	<p>When refunds are made</p> <p>Nomination deposits can be refunded immediately if the candidate withdraws the nomination before 4.00pm on the day before nomination day.</p> <p>Other nomination deposits are refunded if applicable once the period has passed when complaints can be made about the conduct of the election. That is after 28 days have passed from the date the election result is published.</p>
reg. 27	<p>Cases where deposits are refunded</p> <p>Deposits are to be refunded:</p> <ul style="list-style-type: none"> • where the candidate is successful; • where a candidate has received at least 5% of first preference votes included in the count; • for all candidates where a candidate dies after the close of nominations but before the election is completed; • where the person was a successful candidate for mayor or president and also a candidate for a councillor for the same election; and • to all candidates where a Court of Disputed Returns declares the election invalid.

Reference	
reg. 28	<p>How deposits are refunded</p> <p>The CEO or the Electoral Commissioner are the officers who refund nomination deposits. If applicable, the whole amount of the deposit is the amount to be refunded.</p> <p>The deposit is repaid to:</p> <ul style="list-style-type: none"> • a candidate; • a person the candidate nominates (in writing); or • in the event of death of the candidate, their personal representative or other person lawfully entitled to receive it.
reg. 28 and 29	<p>Retaining some deposits</p> <p>If the unsuccessful candidate does not qualify for a refund:</p> <ul style="list-style-type: none"> • if the election is conducted by the local government, the local government is to credit that amount to the local government's municipal fund; and • if the election is conducted by the Electoral Commissioner, the Electoral Commissioner is to pay the deposit to the local government, which is to credit it to the local government's municipal fund.

20. Polls and referendums

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20.1 Election procedures apply

Reference

Sections of the Act dealing with referendums

This manual does not deal in detail with polls and referendums. To the extent to which the provisions in the Act relating to the conduct of elections are capable of being applied, with or without adaptation, those provisions apply to polls and referendums.

The section of the Act that relates to holding polls and referendums is section 4.99.

Regulations dealing with referendums

The following regulations deal with polls and referendums:

Regulation 88

Election procedures apply to polls and referendums that are not required under the Act — s.4.99 (3) and (4).

Regulation 89

Election procedures need not be applied in certain cases — s.4.99 (2) to (4).

(The Electoral Commissioner is responsible for polls held under s. 2.12A and clause 9 of Schedule 2.1.)

Regulation 90

Electoral Commissioner may, on agreement, conduct polls and referendums on behalf of local governments.

Regulation 91

Where the Electoral Commissioner conducts a poll under section 2.12A, the expenses of the Commissioner, as agreed, are to be met by the local government.

Regulation 92

The Returning Officer is to publicly declare, and give local public notice of, the result of a poll held under section 2.12A.

Forms applicable to referendums

Forms 21, 22 and 23 from the regulations apply to polls and referendums and these are attached to this chapter for reference purposes and use in appropriate situations.

20.2 Quality document control

Document Reference	Document Title	Electronic Reference	*Position authorised to review and check	*Distribution
Form 21	Referendum ballot paper	<Insert computer file reference>	Prescribed form	As regulations
Form 22	Referendum absent vote ballot paper	<Insert computer file reference>	Prescribed form	As regulations
Form 23	Results of referendum	<Insert computer file reference>	Prescribed form	As regulations



* Complete for local situation and maintain this list in the records management system.

Form 21 - Referendum ballot paper

REFERENDUM BALLOT PAPER

Local government district¹:

Ward²:

Referendum date³:

How to vote

Place a tick [✓] in the **Yes** box or the **No** box.

Do not make any other mark on the ballot paper

Referendum⁴

YES

NO

Notes to Form 21

Notes to Returning Officer when preparing the ballot paper.

1 Local Government District

Fill in the name of the local government district.

2 Ward

Fill in the name of the ward, or if there is no ward delete this box.

3 Referendum date

Fill in the referendum date.

4 Referendum

Set out the question or proposal to be put to the electors.

If the possible answers are other than Yes or No, alter the answer boxes and How to Vote instructions accordingly.

Form 22 - Referendum absent vote ballot paper

REFERENDUM ABSENT VOTE BALLOT PAPER
--

Local government district ¹ :
Ward ² :
Referendum date ³ :

How to vote Place a tick [✓] in the Yes box or the No box. Do not make any other mark on the ballot paper
--

Referendum⁴

YES **NO**

Back of Form 22
How to make an absent vote

1 Local government district	Fill in the name of the local government district in which the referendum is being conducted.
2 Ward	Fill in the name of the ward in which the referendum is being conducted. If the referendum is being conducted in the whole of the district, leave this box blank.
3 Date	Fill in the official referendum voting date – not the date you are filling in this form.
4 Referendum	Set out the question or proposal to be put to the electors. If the possible answers are other than Yes or No, alter the answer boxes accordingly and cast your vote by putting a tick in the appropriate box.
Cast your vote	To cast your vote in the referendum, place a tick [ü] in the Yes box or the No box. Do not make any other marks on the ballot paper.

Form 23 - Results of poll or referendum*Local Government Act 1995, s.4.99***RESULTS OF REFERENDUM**

Local government district	
----------------------------------	--

Referendum	On _____, the electors in the district voted on the following question:
-------------------	---

Results	<p>The results of the referendum were:</p> <p>Number of Yes votes _____</p> <p>Number of No votes _____</p> <p>Number of informal votes _____</p> <p>Therefore the result of the referendum is:</p>
----------------	---

Returning Officer	Full name:	
	Signature:	Date:

Notes to Form 23

Notes to Returning Officer when preparing Results of Referendum.

Referendum or poll

In the case of a poll replace all references to “referendum” with “poll”.

