

CONTENTS

| SECTION | PAGE |
|---|-----------|
| FOREWORD..... | 1 |
| 1. POSTAL VOTING..... | 3 |
| 2. POSTAL VOTING TIMETABLE | 3 |
| 3. ELIGIBILITY TO NOMINATE | 3 |
| 3.1 Resident..... | 4 |
| 3.2 Non-Resident Owners and Occupiers..... | 4 |
| 3.3 Electors not Eligible to Nominate | 5 |
| 3.4 General Eligibility Criteria..... | 6 |
| 4. CANDIDATE’S PACK..... | 7 |
| 5. DISCLOSURE OF ELECTORAL DONATIONS BY CANDIDATES | 7 |
| 6. COPY OF ELECTORAL ROLL | 8 |
| 7. HOW TO NOMINATE | 8 |
| 7.1 Nomination by Candidate..... | 8 |
| 7.2 Nomination by Agent..... | 9 |
| 7.3 Template of Nomination Form and Profile..... | 9 |
| 8. COMPLETING THE NOMINATION FORM..... | 10 |
| 9. CANDIDATE PROFILE..... | 11 |
| 10. EFFECTIVE NOMINATION | 12 |
| 10.1 Exhibition and Publication of Candidate Details and Profiles | 13 |
| 10.2 Candidate Photograph | 13 |
| 11. DEPOSIT | 14 |
| 11.1 Refund of Deposits..... | 15 |
| 12. REJECTION OF NOMINATION..... | 15 |
| 13. CANCELLATION OF NOMINATION..... | 16 |
| 14. NO NOMINATIONS RECEIVED BY CLOSE OF NOMINATIONS | 16 |
| 15. DECLARATION OF NOMINATIONS..... | 17 |
| 15.1 Less Nominations than Vacancies | 17 |
| 15.2 Same Number of Nominations as Vacancies | 17 |
| 15.3 More Nominations than Vacancies..... | 17 |
| 15.4 Draw for Positions on Ballot Paper..... | 18 |
| 16. CANDIDATES BRIEFING..... | 18 |
| 17. DEATH OF A CANDIDATE | 18 |
| 18. ELECTORAL ADVERTISING AND PUBLICATIONS | 19 |
| 19. ELECTION CAMPAIGN..... | 19 |
| 20. ELECTION PACKAGES..... | 20 |
| 21. POSTAL VOTING PROCESS | 21 |
| 22. STATISTICS OF PACKAGES RETURNED | 22 |

| | | |
|-------------------|---|-----------|
| 23. | REPLACEMENT VOTING PAPERS..... | 22 |
| 24. | PROVISIONAL VOTING PAPERS..... | 23 |
| 25. | ASSISTANCE BY CANDIDATES NOT PERMITTED..... | 23 |
| 26. | DELIVERY OF VOTING PAPERS..... | 23 |
| 27. | CHECK OF POSTAL VOTES..... | 23 |
| 27.1 | Check of Elector Certificates..... | 23 |
| 27.2 | Record of Voters..... | 24 |
| 27.3 | Removal of Elector Certificates..... | 24 |
| 27.4 | Removal of Ballot Papers from the Ballot Paper Envelopes..... | 24 |
| 28. | SCRUTINEERS..... | 24 |
| 29. | COUNT OF VOTES..... | 24 |
| 29.1 | First-Past-the-Post Counting..... | 25 |
| 29.2 | Formality of Votes..... | 25 |
| 29.3 | Computer-Assisted Counting..... | 25 |
| 30. | DECLARATION OF RESULT..... | 26 |
| 31. | DISPUTED RETURNS..... | 26 |
| 32. | ELECTORAL OFFENCES..... | 26 |
| APPENDIX 1 | Sample Candidate Profiles..... | 39 |
| APPENDIX 2 | Disclosure of Electoral Donations by Candidates..... | 41 |
| APPENDIX 3 | Material Available for Candidates..... | 45 |

FOREWORD

This guide is issued by the Western Australian Electoral Commission (the Commission) to assist prospective candidates. It is not intended as a substitute for the law and candidates may need to seek their own legal advice. The guide reflects, and should be read in conjunction with, the *Local Government Act 1995 (LGA)* and the *Local Government (Elections) Regulations 1997 (Reg)* and subsequent amendments at the time of publication. Candidates should check for any amendments after this date.

The Department of Local Government's publication, *Standing for Council – Information for Candidates*, is also available and includes additional information about Local Government elections. Its main focus, however, is on in person elections, whereas this publication primarily focuses on postal elections. Candidates who have questions about Local Government elections generally can also refer to another publication prepared by the Department of Local Government, *Local Government Elections 2011 – Frequently asked questions about Local Government elections*.

Any queries about Local Government elections or the postal voting process should be directed in the first instance to the Returning Officer for the particular Local Government. Contact details are available from the Western Australian Electoral Commission and on the Commission's web site at www.waec.wa.gov.au under the name of the individual Local Government.

Warwick Gately AM
ELECTORAL COMMISSIONER

July 2011

1. POSTAL VOTING

Postal voting was first trialled for Local Government elections after the City of Perth restructure in 1995. Following this, the postal method was introduced as an option for all Local Governments under the *Local Government Act 1995* with the Western Australian Electoral Commissioner being responsible for their conduct.

In 1997, the Electoral Commissioner conducted eight postal elections. This has increased gradually to current levels where 74 postal elections are to be conducted in 2011.

Of those Western Australians who voted in the October 2009 Local Government ordinary elections, 94% voted in a postal election. Postal voting is now the dominant method for voting at ordinary Local Government elections in Western Australia.

2. POSTAL VOTING TIMETABLE

An election is conducted over a period of 80 days. The key events in the election process are:

- close of rolls;
- nominations open;
- close of nominations;
- dispatch of postal voting election packages; and
- polling day and declaration of the poll.

3. ELIGIBILITY TO NOMINATE

In order to nominate, a candidate must be an elector of the district as at the close of enrolment. A candidate need not be an elector of the particular ward for which he or she is standing. A candidate must be on the electoral roll at the close of the rolls.

LGA s.4.48

LGA s.2.19(3)

A candidate may be an eligible resident or a non-resident property owner or occupier.

3.1 Resident

A person who is enrolled as an elector on the State electoral roll for a residence in the Local Government (ward in the case of ward elections or district for district or mayoral elections) is a resident. Residents are automatically enrolled on the district roll. *LGA s.4.29*

Certain residents are not eligible to stand for election (see section 3.3.2).

The Western Australian Electoral Commission maintains the residents roll. A candidate can check the Commission's web site at www.waec.wa.gov.au to confirm that he or she is enrolled on the State electoral roll for an address in his or her Local Government district. Alternatively a candidate can contact the Commission on 13 63 06.

3.2 Non-Resident Owners and Occupiers

Non-resident owners and occupiers rolls are maintained by individual Local Governments, so candidates must check with their Local Government to confirm eligibility.

Certain non-resident owners and occupiers are not eligible to stand for election (*see section 3.3.2*).

3.2.1 Non-Resident Owner

To be eligible to stand for election, a non-resident owner of rateable property within an electorate must be enrolled on the State or Commonwealth roll and have completed an *Enrolment Eligibility Claim* form. The Chief Executive Officer of the Local Government authority must have received the *Enrolment Eligibility Claim* form before the close of enrolments prior to any election. *LGA s.4.30*

3.2.2 Non-Resident Occupier

A non-resident occupier is a person who lives outside the electorate and has a right of continuous occupation for rateable property within the electorate under a lease, tenancy agreement or other legal instrument. The right of continuous occupation must extend for a period of at least three months at the time the person claims enrolment.

LGA
s.4.31(1)(c)

A non-resident occupier must be enrolled on the State or Commonwealth roll for an address outside the electorate and have completed an *Enrolment Eligibility Claim* form. The Chief Executive Officer of the Local Government must have received the *Enrolment Eligibility Claim* form before the close of enrolments prior to any election.

3.3 Electors not Eligible to Nominate

Certain electors are ineligible to nominate for election, as described in the following sub-sections.

3.3.1 Nominee of a Body Corporate

A person is not eligible to nominate for election if he or she is on the electoral roll as a nominee of a body corporate.

LGA s.2.19

3.3.2 Certain Other Electors

If an elector was on the last owners and occupiers roll prepared under section 43 of the previous *Local Government Act* for that Local Government and has continued to own or occupy rateable property within the district continuously since that roll was prepared, the *Local Government Act 1995* provides for that elector to be eligible to vote at elections for that Local Government. These electors are, however, ineligible to stand for election.

Schedule
9.3(12)

3.4 General Eligibility Criteria

At the time of nomination, a candidate must be an elector of the district and 18 years of age or over and be qualified under section 2.19 of the *Local Government Act 1995* to be elected as a member of the council.

LGA ss.2.19, 2.20, 2.21, 2.22, 2.23, 2.24 and 8.43

A candidate is disqualified from being elected as a member of a council if he or she:

*Reg. Form 8
Nomination for
Election by
Candidate*

- 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);
- is a member of the council of another Local Government;
- is an insolvent under administration;
- is in prison serving a sentence for a crime;
- has been convicted of a serious Local Government offence within the last 5 years (unless the court waived the disqualification); or
- 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.

A candidate cannot stand for two positions on council, other than if one is for the position of mayor or shire president.

*LGA
s.4.48(1)(b)*

If a candidate holds office as a councillor, he or she cannot nominate for a councillor vacancy unless the term of their current office expires on or before polling day.

*LGA
s.4.48(1)(c)*

If the election is to fill the office of mayor or president, nominations can only be accepted from persons who were electors of the district at the close of enrolments and who were, at the time of nomination, qualified under section 2.19 of the Act, to be elected as a member of the council.

If a candidate is on the residents roll and has changed address after the rolls have closed, the candidate is still an elector of the district and therefore eligible to nominate, provided other eligibility criteria are met.

4. CANDIDATE'S PACK

The Returning Officer will provide candidates with a CD ROM containing:

- *A Guide for Candidates* (published by the Commission);
- *A Guide for Scrutineers* (published by the Commission);
- *Standing for Council – Information for Candidates* (published by the Department of Local Government);
- *Frequently asked questions about Local Government elections* (published by the Department of Local Government);
- Form LG 08 *Nomination for Election by Candidate*;
- Form LG 09 *Nomination for Election by Agent*;
- Form LG 9A *Disclosure of Gifts*; and
- Form LG 18 *Appointment of Scrutineer*.

5. DISCLOSURE OF ELECTORAL DONATIONS BY CANDIDATES

Candidates have a duty of disclosure of electoral donations. *Reg. Form 9A*
Form LG 9A *Disclosure of Gifts* is included as part of the *Candidate's Pack*. Details about the duty of disclosure are provided in Appendix 2.

All enquiries referring to the disclosure of gifts should be directed to *LGA s.4.59*
the Chief Executive Officer of the Local Government district, not the Returning Officer.

6. COPY OF ELECTORAL ROLL

The close of rolls occurs approximately seven weeks before the election at 5.00 pm on the 50th day before election day. *LGA s.4.39(1)*

A candidate may obtain a free copy of the owners and occupiers roll for the electorate (ward or district) for which he or she nominates, from the Returning Officer in CD format. The residents roll is in CD format only. A charge will apply for additional copies.

7. HOW TO NOMINATE

A nomination can only be made to the Returning Officer. It cannot be made to any other person. *Reg. Form 8
Nomination for
Election by
Candidate*

The nomination must reach the Returning Officer before the close of nominations at 4.00 pm on the 37th day before election day. *LGA s.4.49(a)*

A nomination form must be completed by the candidate.

7.1 Nomination by Candidate

An effective nomination consists of the following: *LGA s.4.49(a)*

- a completed nomination form;
- a profile of the candidate, prepared in accordance with the regulations;
- a nomination deposit of \$80 in the form of cash, bank cheque or money order; and
- a photograph (optional).

*Reg. Form 8
Nomination for
Election by
Candidate*

Candidates are encouraged to make an appointment with the Returning Officer well before nominations close to discuss nomination requirements. The Returning Officer may conduct an information session for prospective candidates and provide a candidate's pack containing guides and forms for candidates and

scrutineers.

The Commission has developed an on line system called Nomination Builder to assist candidates complete their nomination form which include the candidate profile. Candidates complete nomination details and profile via the Internet, print the completed form which has a barcode attached which is then lodged with the Returning Officer in person or by a properly appointed agent. The barcode on the form acts as a key to each candidate's information, allowing the Returning Officer to load this information directly into the Commission's Election Management System (EMSWA). This innovation reduces waiting time for candidates who have traditionally nominated in the last hours before close of nominations and reduces administrative overheads for Returning Officers. The accuracy of nomination details and the profile is the candidate's responsibility.

7.2 Nomination by Agent

A candidate may appoint an agent to submit a nomination on his or her behalf. The agent should make an appointment with the Returning Officer and take the following:

LGA s.4.49(a)

- a candidate completed on line nomination form with barcode and password including the profile;
- a nomination deposit of \$80 in the form of cash, bank cheque or money order;
- a letter from the candidate confirming that the agent has been appointed by that candidate to submit a nomination on his or her behalf; and
- a photograph (optional).

7.3 On line Nomination Builder

The on line nomination builder which includes the nomination form and a profile template is available on the Commission's web site at www.waec.wa.gov.au under *Local Government Elections* select

Candidate Nomination then complete *Nomination Builder*.

8. COMPLETING THE NOMINATION FORM

The following notes are to guide candidates when using the *Nomination Builder*.

How a candidate's name is to look on the ballot paper must be specified on the nomination form. It must include the candidate's surname and one or more of that candidate's given names or a commonly accepted variation. These may appear as follows:

*Reg. Form 8,
Nomination for
Election by
Candidate
Note 1*

- the given name;
- an initial; or
- a commonly accepted variation.

For example, for a candidate with the full name of *William Ray Dally-Smith*, variations could include:

*Reg. Form 8,
Nomination for
Election by
Candidate
Note 1*

*Dally-Smith WR,
Dally-Smith Bill or
Dally-Smith Ray.*

The Returning Officer has discretion as to what is acceptable and to resolve any situation when two candidates ask for the same name to be used on the ballot papers. A candidate's surname will always appear first on the ballot paper.

*Reg. Form 8,
Nomination for
Election by
Candidate
Note 1*

If a candidate is a resident, there is no need to identify the property for which he or she is enrolled as an elector, as this is shown under 'address'. Only non-resident owners and occupiers need identify a property address.

A candidate is eligible as a non-resident if he or she lives outside the electorate but owns or occupies property in the electorate.

*Reg. Form 8,
Nomination for
Election by
Candidate
Note 2*

A candidate can nominate for both mayor/ president and councillor if he or she wishes to contest both vacancies. However, a candidate will need:

- a separate on line form for each nomination (including profile); and
- \$80 nomination deposit for each nomination, i.e. \$160.

If a candidate is contesting a vacancy in an ordinary election, tick the box marked ‘ordinary’.

When a candidate makes a declaration, he or she is stating that they are an elector of the district. Under the *Local Government Act 1995*, an elector is ‘in relation to a district or ward, a person who is eligible to be enrolled to vote at elections for the district or ward’. If he or she is not eligible to be enrolled as described in section 3 of this guide, this declaration cannot be made.

LGA s.1.4

The Returning Officer can witness a candidate’s declaration.

The Returning Officer will issue a receipt to a candidate on receipt of an effective nomination.

9. CANDIDATE PROFILE

The purpose of a profile is to provide information about a candidate to electors so that they can make a more informed choice when voting, and to give a contact address or phone number to electors who may wish to discuss issues with the candidate.

The profile must be written in English, contain no more than 150 words and be confined to biographical information about a candidate and statements of his or her policies or beliefs. It must not contain information that the Returning Officer considers to be false, misleading or defamatory. *Reg. 24(a)*

The profile is to include the candidate's name (in the form in which it is to be included on the ballot paper) and give details of where he or she can be contacted. The Local Government and ward name as well as the candidate's name and contact details will not be counted in the 150 word limit. *Reg. 24(d)*

The Returning Officer may amend the wording of the profile to make it acceptable in accordance with the Regulations. It is suggested that your proposed profile be provided to the Returning Officer for comment prior to nomination. *LGA s.4.51(3)*

The Returning Officer will advise of any changes required to the text of a profile and provide the reasons for the changes. *LGA s.4.51(4)*

A candidate may amend their on line nominations at any time prior to final acceptance by the Returning Officer which must occur prior to the close of nominations. Access to the on line nomination form is via the barcode number and password created by the candidate.

The Returning Officer has the discretion to amend profiles after the close of nominations.

10. EFFECTIVE NOMINATION

A nomination is effective if:

LGA s.4.49

- it has been correctly completed and signed;
- it is received by the Returning Officer after the opening of nominations and before the close of nominations;
- there is evidence that the nomination is made by a candidate or with his or her consent;
- the profile is submitted in accordance with regulations; and
- a deposit of \$80 has been paid.

*Regs. 24, 25
and 26*

10.1 Exhibition and Publication of Candidate Details and Profiles

A formatted version of the candidate's profile will be printed out for display on the Local Government public noticeboard.

*LGA
s.4.52(1), (2)*

The profile for display on the public noticeboard can either be hand written (must be legible), typed or generated automatically from the information supplied by the candidate on line and printed out on a single A4 page.

Profiles are also published and posted out to all electors as part of the election package. All profiles for this purpose are printed in a standard style with all formatting removed (see Appendix 1, p.33).

10.2 Candidate Photograph

The inclusion of a photograph with the profile is optional. If a photograph is supplied, it must be of the candidate's head or head and shoulders view, passport sized and not more than six months old. The photograph is included in the candidate profile sent out to each elector.

Reg. 24(e)

The photograph should be:

- neither very dark, nor very light;
- neither very close, nor very distant;

- taken in front of a plain light-coloured background;
- a full front view of the head and shoulders;
- with eyes open;
- with eyes clearly visible if glasses are worn;
- without head covering (if head covering worn for religious reasons, it will be accepted providing that facial features are visible);
- sharply focused, not blurred or unclear; and
- labelled with the candidate's name, district, ward and barcode number generated during the online nomination process on the reverse.

Photos can be supplied as hard copies or in electronic format. The file name of photographs supplied in electronic format must contain the candidate's surname and automatically generated barcode number.

The Returning Officer may use his or her discretion and reject a photograph if he or she believes it is not a true representation. *Reg. 24*

11. DEPOSIT

An \$80 deposit must be paid to the Returning Officer as part of the nomination process. The deposit will be accepted by the Returning Officer if it is paid in cash, by bank cheque or money order. The bank cheque or money order is to be made payable to the Local Government concerned. A personal cheque is not accepted under any circumstances as there is no way of guaranteeing that funds are available at the time of nomination. *LGA s.4.49(d)*
Reg. 26

The Returning Officer may accept payment of the deposit by electronic transfer or other means (e.g. credit card), so long as proof

can be provided that the deposit has been credited to the Local Government's trust account before close of nominations. Arrangements for this method of paying the deposit must be made in advance.

All deposits are held in the Local Government's trust fund.

11.1 Refund of Deposits

The Returning Officer will advise the Local Government to refund deposits to those candidates who are eligible to receive a refund under the following conditions. *Reg. 27*

- **One vacancy:** if a candidate receives at least 5% of the total number of votes included in the count; *LGA s.4.50*
- **Two or more vacancies:** if a candidate receives at least 5% of the total number of votes included in the count;
- **Nomination withdrawn** not later than 4.00 pm on the 38th day (the day before the close of nominations) before election day;
- **Successful candidate in a principal office election** (e.g. for mayor) where an additional deposit was paid to nominate for election as a councillor for the same Local Government held on the same election day;
- **Election declared invalid** by a Court of Disputed Returns; or
- **Death of candidate** occurring after the close of nominations but before the election is completed.

Refunded deposits are payable to a candidate, a person to whom a candidate has provided written notice to the Chief Executive Officer of the Local Government to pay or, if a candidate is dead or otherwise incapable of receiving the payment, to a personal representative of a candidate or other person lawfully entitled to receive it. *Reg. 28*

12. REJECTION OF NOMINATION

A nomination may be rejected if: *LGA s.4.51*

- it is not an effective nomination (e.g. if some documentation is missing, if it is unsigned, no profile has been submitted, no deposit received, or it was received after the close of nominations);
- a candidate was not an elector of the district, or was not an elector of the district as at the close of enrolments;
- a candidate is standing for office as councillor at another election;
or
- a candidate is the holder of an office or a member of the council whose term of office expires later than election day.

13. CANCELLATION OF NOMINATION

A nomination may be withdrawn if a candidate gives notice before the close of nominations. The withdrawal of a nomination is effective if:

*LGA
s.4.53(1),(2),(3)*

- written notice of it is received by the Returning Officer at the nomination place (by hand, post or facsimile) before the close of nominations;
- evidence that the withdrawal is made by or with a candidate's consent is given to the Returning Officer in writing before close of nominations; or
- in the event of the death of the candidate before the close of nominations.

A nomination cannot be withdrawn after the close of nominations.

14. NO NOMINATIONS RECEIVED BY CLOSE OF NOMINATIONS

If there are no candidates for an office at the close of nominations, an extraordinary election must be held to fill the office as if it had become vacant on the day after the close of nominations.

LGA s.4.57(1)

If there are no candidates at the close of nominations for a subsequent extraordinary election, or the number of candidates is less

LGA s.4.57(3)

than the number of offices to be filled at the election, the council may, by absolute majority, appoint a person who would be eligible and willing to accept the appointment to any unfilled office.

15. DECLARATION OF NOMINATIONS

Immediately after nominations have closed, the Returning Officer publicly declares all nominations that have been accepted. *LGA s.4.54*

The declaration will be made at the designated nomination place in the presence of any candidates and other people who wish to attend.

15.1 Less Nominations than Vacancies

If the number of candidates is less than the number of offices to be filled at the close of nominations, the candidates are elected unopposed. An extraordinary election must then be held at a later date to fill the remaining unfilled office or offices as if they had become vacant on the day after the close of nominations. *LGA s.4.57(2)*

15.2 Same Number of Nominations as Vacancies

If at the close of nominations, the number of candidates is equal to the number of vacancies to be filled, the candidates are elected unopposed. If the vacancies are for varied terms, they are filled by the Returning Officer drawing lots. The first drawn will be appointed to the longer term. *LGA s.4.55*

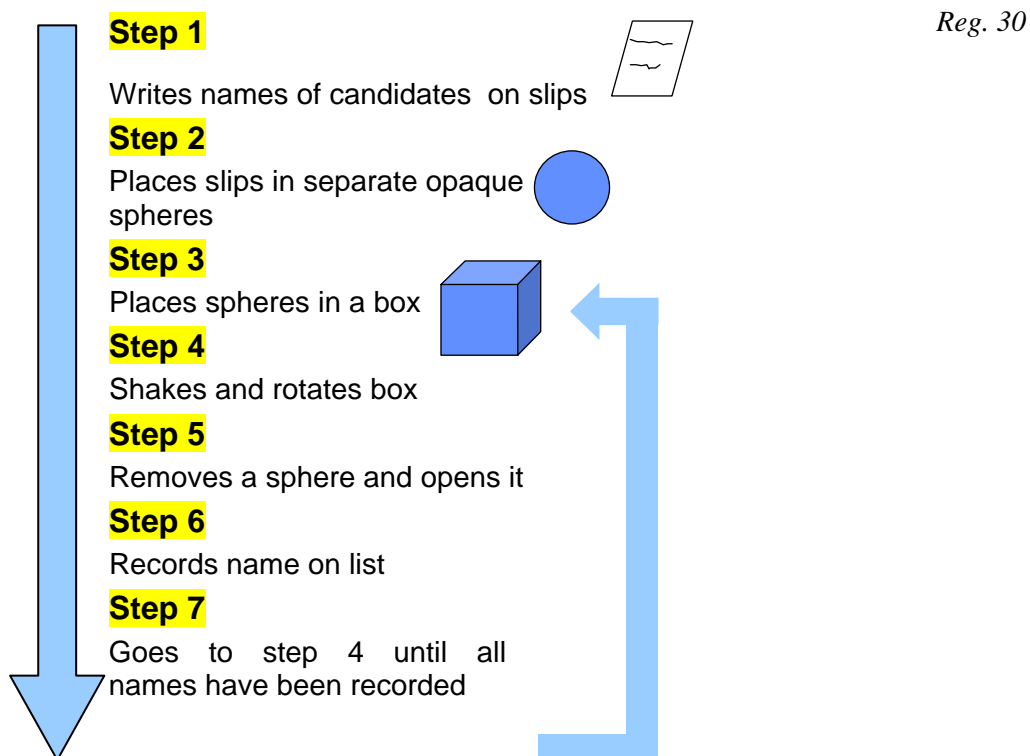
15.3 More Nominations than Vacancies

If at the close of nominations, there is more than one candidate for a *LGA s.4.56(a)*

vacancy, the Returning Officer will draw lots to decide the position in which each candidate will be placed on the ballot paper. The order they are drawn is the order that they will appear on the ballot paper, i.e. first drawn is on top of ballot paper. *Reg. 30*

15.4 Draw for Positions on Ballot Paper

The following is the method used by the Returning Officer to draw positions on the ballot paper:



When the list is completed, it must be signed and dated by the Returning Officer.

16. CANDIDATES BRIEFING

The Returning Officer will conduct a briefing session for candidates on the postal election process before or immediately after the draw for position on the ballot paper.

17. DEATH OF A CANDIDATE

If a candidate dies after the close of nominations but before the vacant office(s) are filled, the election is void and an extraordinary election must be held to fill the vacancy. The office is declared vacant as from the date of death.

If a candidate dies after being elected but before their term of office begins, an extraordinary election must be held.

18. ELECTORAL ADVERTISING AND PUBLICATIONS

Electoral material consists of any advertisement, handbill, pamphlet, notice, letter or article for the election. Electoral material must have the name and address (not being a post office box) of the person who authorised its publication. *LGA s.4.87*

The address must be one that enables the person authorising the material to be identified and located without difficulty. A residential address is preferable, however a business address is also acceptable.

In the case of electoral material that is printed other than in a newspaper, the name and business address of the printer must also appear at the end of the electoral material.

Where authorisation and printer details must appear, it is an offence not to include these. *LGA s.4.87*

The name and address of the person authorising the material and a printer does not have to appear on car stickers, clothing, lapel badges, pens, pencils, balloons and other similar promotional material. *Reg. 78*

19. ELECTION CAMPAIGN

For in person elections, where votes are cast on election day, a candidate's campaign normally grows in intensity up to election day.

In a postal campaign, an effective election campaign should peak in intensity just before the packages are despatched, around three weeks before election day. This is because the majority of voters (between 50% and 60% of those voting) return their ballot papers within a week of receiving them, i.e. about 10 days before election day.

20. ELECTION PACKAGES

Election packages contain the following:

- postal voting instructions;
- profiles of candidates;
- ballot paper(s);
- a ballot paper envelope with an elector certificate attached; and
- a postage pre-paid envelope addressed to the Returning Officer.

Reg. 43, 48

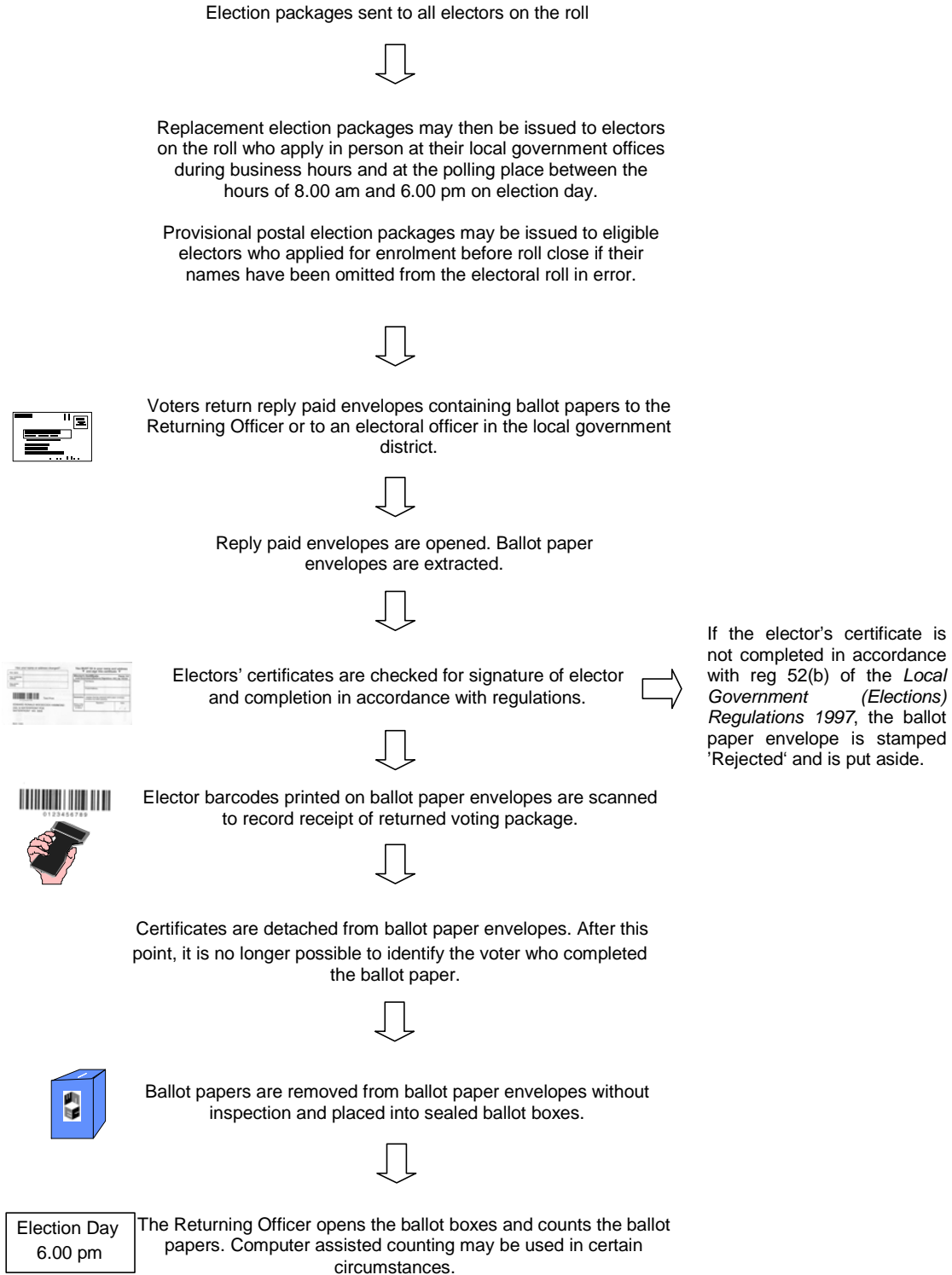
*Reg. Form 13(a)
or (b)*

Reg. Form 10

Reg. Form 14

21. POSTAL VOTING PROCESS

The following is a flow chart indicating how the postal voting process operates:



22. STATISTICS OF PACKAGES RETURNED

The Commission keeps daily statistics of postal election packages returned. These statistics are the number of packages received from Australia Post. Because some envelopes do not contain ballot papers, these figures are not absolutely accurate but will provide a good guide to the response rate.

If candidates wish to receive this information, it is available on the Commission's web site www.waec.wa.gov.au or by contacting the Returning Officer.

23. REPLACEMENT VOTING PAPERS

A person whose name is included on the electoral roll who claims: *Reg. 45*

- that no package was received; or
 - that the election package received did not contain voting material;
- or
- that voting material contained in the election package received has been lost, destroyed or spoilt,

may claim for replacement materials using form LG 15 *Application for Replacement Voting Papers*, which can be obtained from the Local Government office. *Reg. Form 15*

An electoral officer at the Local Government office assesses whether the claim made is valid and checks the voter's eligibility.

If the voting material that was missing from the election package or has been lost, destroyed or spoilt is one of the following: *Reg. 45*

- the postal voting instructions; or
- the postage pre-paid envelope,

an electoral officer at the Local Government office can give the elector replacement material without a written application.

24. PROVISIONAL VOTING PAPERS

A person who claims to be an elector whose name was omitted from the electoral roll in error may apply to be given postal voting papers using the *Provisional Voter's Declaration*. It should be noted that the elector must have applied for enrolment before the close of rolls. A provisional vote will only be issued where the omission or roll production error is proven.

Reg. 46

Reg. 62

Reg. Form 16

25. ASSISTANCE BY CANDIDATES NOT PERMITTED

It is unlawful for a candidate, or a person authorised to act on a candidate's behalf, to communicate with, assist or interfere with an elector while the elector is marking a ballot paper.

LGA

s.4.71(1)(d)

Reg. 49

26. DELIVERY OF VOTING PAPERS

It is unlawful for a candidate (or a person acting on behalf of the candidate) to take custody of or deliver voting papers to the Returning Officer. *The Act provides a severe penalty for this offence.*

LGA s.4.92(c)

LGA s.4.92(c)

27. CHECK OF POSTAL VOTES

Completed voting papers are returned to the Returning Officer at the Commission in Perth. The check of these usually commences three weeks before the count and continues each day that packages are received. The Western Australian Electoral Commission will notify candidates where and when the checking is to take place.

Reg. 51

27.1 Check of Elector Certificates

Elector certificates are checked in accordance with regulations. If, during this process, a certificate is found to be incomplete, unsigned or otherwise deficient, the vote will be rejected before the count.

Reg. 52

27.2 Record of Voters

Each ballot paper envelope has a barcode on it which identifies the elector. This is scanned and the elector is recorded as having voted. *Reg. 52(c)(iii)*

27.3 Removal of Elector Certificates

Elector certificates are detached from the ballot paper envelopes and stored separately. This removes identification from the ballot paper envelopes, thereby preserving the secrecy of the votes. *Reg. 52(1)(d)*

27.4 Removal of Ballot Papers from the Ballot Paper Envelopes

The Returning Officer may open the ballot paper envelope, remove ballot papers from the ballot paper envelopes, unfold the ballot paper(s) and, without examining them personally or allowing the examination of the ballot paper(s) by any scrutineer present, place the ballot papers into a sealed ballot box, which must remain sealed until 6.00 pm on election day. These steps are usually undertaken by staff on the Returning Officers behalf. *Reg. 52(1)(a)*

28. SCRUTINEERS

Details of the role of scrutineers are to be found in the publication *A Guide for Scrutineers*.

29. COUNT OF VOTES

As soon as is practicable after voting has finished the Returning Officer will arrange for the votes to be counted and determine the result of the election. *LGA s.4.72*

The votes will be counted at the place(s) notified in the election notice or, if that is impracticable, at any other place appointed by the Returning Officer. *Reg. 51*

In the event of a common candidate for a mayoral/presidential and ward election, the result of the election for mayor or president will be determined before ward elections.

29.1 First-Past-the-Post Counting

The number of votes given for each candidate is ascertained using the first-past-the-post counting system.

*LGA s.4.74
Schedule 4.1.*

The candidate who receives the greatest number of votes is elected.

If the election is to fill two or more offices of councillor, the candidates elected are:

Schedule 4 I(4)

- the candidate who receives the greatest number of votes; and
- the candidate who receives the next highest number of votes; and so on, up to the number of offices to be filled.

If two or more candidates receive the same number of votes, the Returning Officer must draw lots in the presence of any scrutineers who may be present to determine which candidate is elected. This is done in a similar fashion to the draw for the ballot paper position.

Schedule 4.1(5)

29.2 Formality of Votes

A ballot paper can be admitted if, in the Returning Officer's opinion, it clearly indicates an elector's wishes.

LGA s.4.75(1)

The Returning Officer may review a decision in the course of a recount of votes and, in determining the formality of any ballot paper, is to take into account any instructions given by the Electoral Commissioner (refer to Appendix in *A Guide for Scrutineers*).

*LGA s.4.75(2)
LGA s.4.76*

The Returning Officer's decision about the acceptance or rejection of a ballot paper is final.

LGA s.4.76

29.3 Computer-Assisted Counting (CountWA)

The Electoral Commissioner may decide to use a computer-assisted counting system for a Local Government election if there are several vacancies, more than four candidates and if a sufficiently large number of electors vote. Under these circumstances a computer-assisted count will be quicker than the manual method.

Ballot papers are first scrutinised and sorted manually into batches for data entry.

After all batches have been entered, the Returning Officer will generate an automated count of all the ballot papers.

Scrutineers must address questions to the Returning Officer or the table supervisor, not to other count staff.

30. DECLARATION OF RESULT

The result of a count is not final until the Returning Officer formally declares the result. If the initial count indicates that two candidates are close, the Returning Officer may decide to conduct a fresh count before he or she declares the result.

*LGA s.4.73(1)
Reg. 80(1)*

31. DISPUTED RETURNS

The validity of any election may be disputed by an invalidity complaint made in writing within 28 days after notice is given of the result of the election. An invalidity complaint must be made to a Court of Disputed Returns constituted by a Magistrate.

LGA s.4.76.

*LGA
ss.4.81(1)(2)
Reg. 84, 85, 86,
87*

32. ELECTORAL OFFENCES

Candidates should be aware of Division 11 of Part 4 of the *Local Government Act 1995* relating to offences.

*LGA
Division 11*

APPENDIX 1

Examples of Candidate Profiles

EXAMPLES OF CANDIDATE PROFILES

The following profiles are typical of those placed on the public noticeboard. Note that all formatting, bullet points, etc are removed.



CITY OF PERTH

North Ward

JOHN CITIZEN

112 My Street, Perth WA 6000

Telephone and fax: 9555 4455

I am a lifetime resident of North Ward. My wife Sally and our 3 children have supported me in running our local business since 1980.

About Me

- Actively involved in local community organisations and school boards.
- Lobbied for repairs to kerbs, roads and footpaths around Perth.
- A firm believer that Local Government should be open and accountable.
- I am a new voice and will work hard to represent your interests on Council.
- I will be an independent, impartial decision maker.
- Campaigned vigorously against Rocky Mountain secession.
- Assisted in preventing the sale of many small parks in the area.

If elected I would:

- Support more participation in crime prevention by Rangers.
- Include more funding for projects in older suburbs, like leisure and sporting facilities on the old Peace Train golf course.

A vote for me is a vote for you on council.

CITY OF PERTH
South Ward

MARY JAYNE CROSS



Address: 111 My Street, Perth WA 6000
Phone: 9555 4433
Mobile: 0400 555 321
Email: maryjayne@def.com.au

I was born and raised in Perth.

As the mother of 4 children I am concerned about matters which I believe the city should be addressing. These include facilities for the younger generation and aged members of our community.

Accomplishments and involvements include:



- Responsible for naming Bringitonhome Reserve
- Helped stop the sale of Bringitonhome tennis courts – now leased out
- Support the maintenance of existing 'Parks for the People'
- Through local drug action groups, purchased / established the Perth Youth Centre for young people to use.
- Supporting our senior citizens / Joined the board of Directors at Bringitonhome Village

Once elected I would support

- Positive environmental and waste management policies
- Crime prevention strategies
- Keeping rates down to a minimum
- Promote safer roadways
- Include Ratepayers in decision making

I have the time, energy and experience to be *Your* strong voice in council.

The following are examples of the profiles as printed in the election packages.

| LOCAL GOVERNMENT ELECTIONS | CANDIDATE PROFILES | WESTERN AUSTRALIAN Electoral Commission |
|---|--|--|
| CITY OF PERTH NORTH WARD | | Election of 1 Councillor 1 January 2003 |
| CITIZEN, John | | |
|  | <p>I am a lifetime resident of North Ward. My wife Sally and our 3 children have supported me in running our local business since 1980. About me: Actively involved in local community organisations and school boards. Lobbied for repairs to kerbs, roads and footpaths around Perth. A firm believer that Local Government should be open and accountable. I am a new voice and will work hard to represent your interests on Council. I will be an independent, impartial decision maker. Campaigned vigorously against Rocky Mountain secession. Assisted in preventing the sale of many small parks in the area. If elected I would: Support more participation in crime prevention by Rangers. Include more funding for projects in older suburbs, like leisure and sporting facilities on the old Peace Train golf course. A vote for me is a vote for you on council.</p> | |
| Address: 112 My Street, Perth WA 6000 | | |
| Tel/Fax: (08) 9555 4455 | | |
| CROSS, Mary Jayne | | |
|  | <p>I was born and raised in Perth. As the mother of 4 children I am concerned about matters I believe the city should be addressing. These include facilities for the younger generation and aged members of our community. Accomplishments and involvements include: Responsible for naming Bringithome Reserve. Helped stop the sale of Bringitonhome tennis courts – now leased out. Support the maintenance of existing ‘Parks for the People’. Through local drug action groups, purchased / established the Perth Youth Centre for young people to use. Supporting our senior citizens / Joined the board of Directors at Bringithome Village. Once elected I would support: Positive environmental and waste management policies; Crime prevention strategies; Keeping rates down to a minimum; Promote safer roadways; Include ratepayers in decision making. I have the time, energy and experience to be Your strong voice in council.</p> | |
| Address: 111 My Street, Perth WA 6000 | | |
| Tel: (08) 9555 4433 Mobile: 0400 555 321 Email: maryjayne@def.com.au | | |

APPENDIX 2

Disclosure of Electoral Donations

DISCLOSURE OF ELECTORAL DONATIONS

Provisions relating to the disclosure of electoral donations by Local Government candidates are contained in regulations made under section 4.59 of the *Local Government Act 1995*. The provisions require both candidates and donors at elections to disclose electoral gifts.

These provisions provide, amongst other requirements, that both candidates and donors must disclose information about any electoral related gift with a value of \$200 or more that has been given or promised within the six month period prior to the relevant election day. It is essential that candidates advise donors of their reporting responsibilities.

A gift includes a gift of money, a gift which is nonmonetary but of value, a gift in kind or where there is inadequate financial consideration such as the receipt of a discount (where the difference or the discount is worth more than \$200). A gift could also include a 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. A gift does **not** include a gift by will; a gift by a relative; a gift that the candidate would have received notwithstanding his or her candidature; or the provision of volunteer labour. In addition the regulations state that any gifts received by the candidate from unidentified donors must be disclosed and provided to the Chief Executive Officer of the relevant Local Government for disposal.

The disclosure of a gift has to be made to the Chief Executive Officer of the Local Government on form LG 9A *Disclosure of Gifts* and must be submitted within three days of nomination and also subsequently after any further gift has been received. Information to be supplied includes the name of the candidate; the name and address of the donor; the date the gift was promised or received; the value and description of the gift. The disclosure period finishes three days after the election day for unsuccessful candidates and on the start day for financial interest returns for successful candidates.

Disclosure forms are to be placed in the electoral gift register upon receipt by the Chief Executive Officer who is responsible for its establishment and maintenance. The register is to be kept available for public inspection.

The provisions also provide for a maximum penalty of \$5,000 to be imposed on a candidate who fails to comply with the disclosure requirements.

Should any further information be required, please contact the Department of Local Government on 6552 1500.

APPENDIX 3

Material Available for Candidates

MATERIAL AVAILABLE FOR CANDIDATES

Obtainable from the Returning Officer

- *A Guide for Scrutineers* – Western Australian Electoral Commission, 2011
- One residents roll free of charge
- One owners and occupiers roll free of charge
- Additional copies may be subject to a charge
- *Standing for Council – Information for Candidates* – Department of Local Government
- *Local Government Elections – Frequently asked questions about Local Government elections* – Department of Local Government

Obtainable from State Law Publisher, 10 William Street, Perth WA 6000

Local Government Act 1995

Local Government (Elections) Regulations 1997