

Western Australian
Electoral Commission

Local Government Election

Scrutineer Information Guide

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WESTERN AUSTRALIAN
Electoral Commission

Our purpose and values

The WA Electoral Commission's purpose is to provide Western Australians with an electoral experience that they understand, trust and can access easily and efficiently. The Commission is guided by its five core values:

Impartial

Our electoral outcomes will not be influenced by others.

Professional

Our work will be at the highest standards for ethics, accuracy and efficiency.

Respectful

Our relationships will be courteous, honest and fair with all.

Innovative

Our systems and processes will adapt to customers' needs.

Collaborative

As a team we will consult and test new ideas with customers.

The Western Australian Electoral Commission acknowledges the Traditional Owners of the lands on which our electoral activities take place. We pay our respects to Elders past, present and emerging.

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1. Glossary of Terms

Absolute majority	The number of votes exceeding half of the total formal votes cast in an election.
Ballot paper	A Ballot paper printed for an election showing candidate names which voters mark to record their vote choices. It also contains voting instructions.
Candidate	A person who has nominated to contest an election.
Computer count	The electronic counting of votes after ballot paper preferences are manually entered by an electoral officer.
Councillor	A person who holds the office of member of a council.
Count team supervisor	A person appointed to direct the activities of a team of counting electoral officers or data entry operators.
CountWA	Counting application used by the WAEC for the electronic recording of ballot paper choices.
Distribution of Preferences	The process used to determine the successful candidate in an election when no candidate has received enough first preference votes to be elected or there are still vacancies to be filled.
Formal Vote	A ballot paper which has been correctly marked and counts towards the result of an election.
Re-count	A further re-examination and count of votes in an election.
Returning Officer	The person appointed by the Electoral Commissioner to be responsible for the administration of a council election.
Scrutineer	A person appointed by a candidate to observe the polling process and the scrutiny and count of ballot papers, and to ensure that election processes are conducted in accordance with legislation.
Scrutiny	The process following the close of polling to determine the formality of ballot papers and processes in accordance with the legislation.
Ward	A subdivision of a council. In subdivided councils, councillors are elected to represent a ward.

2. Introduction

This handbook has been developed for individuals appointed as scrutineers at local government elections. It is produced by the Western Australian Electoral Commission (WAEC) as a practical guide to help you understand your role and responsibilities.

The handbook outlines the key provisions of electoral legislation that relate directly to scrutineers and explains the electoral activities you may be appointed to observe on behalf of a candidate.

This handbook does not replace law. It should be read in conjunction with the:

- *Local Government Act 1995* (WA), and
- *Local Government (Electoral) Regulations 1997* (WA).

The most up-to-date versions of Western Australian legislation are available at legislation.wa.gov.au.

As a scrutineer, you represent the interests of a candidate throughout the election process. Candidates are encouraged to read this handbook, so they understand a scrutineer's role, responsibilities, and what to expect at election venues.

Throughout the election period, the WAEC will provide your candidate with information specific to their local government area. It is the candidate's responsibility to pass this information on to you.

3. Appointment as a scrutineer

Overview

This chapter outlines the role and responsibilities of scrutineers in local government elections. It explains eligibility requirements and the process for formal appointment by a candidate.

3.1. About your role

Candidates are not permitted to enter election venues during the extraction or counting of ballot papers. Instead, candidates may appoint scrutineers to observe these activities and represent their interests.

As a scrutineer, you play an important role in supporting a open and fair election by contributing to the integrity, transparency, and public confidence of the electoral process.

You may observe and, where permitted, challenge certain election activities to help maintain the integrity of the count. For more information, see **section 2.3 - Observing election activities**.

Each candidate may only have one scrutineer in a polling place at a time.

Your candidate must formally appoint you as a scrutineer for the specific election and activity you are observing. If you are representing more than one candidate, separate appointments are required by each candidate.

As a scrutineer, you must cooperate with election officials at all times. Failure to comply with directions issued by an Electoral Officer or Returning Officer may result in removal from the venue for misconduct. For more information, see **Chapter 8.0 - Electoral Offences**.

3.2. Eligibility

You cannot be a scrutineer if you are:

- under the age of 18 years
- a candidate at the election
- working for the WAEC at the election.

3.3. Observing election activities

As a scrutineer, you can observe election activities before the close of voting, as well as processing and counting of ballot material.

You may observe the following activities, provided they relate to the election(s) listed on your notice of appointment:

- Attend any polling place specified on your notice of appointment
- Attend any location where ballot papers are processed and counted (counts are typically conducted at each council office)

- Be present during the preparation of postal voting papers for counting, provided you remain far enough that ballot paper markings cannot be seen
- Observe the opening and emptying of postal ballot boxes
- Witness the sealing of ballot boxes at polling places
- Observe all procedures undertaken to ensure compliance with legislative requirements
- Observe manual counting and computerised counting (CountWA)
- Observe re-counts.

The WAEC will advise your candidate of the venue and start time for each election activity and will also notify them of any significant changes to venues or start times.

Your candidate is responsible for notifying you of activity schedules and any changes.

On election night, you should arrive at the count centre by 5.30pm to allow sufficient time to be signed in and briefed before activities commence.

You may be required to wait in a designated scrutineer area or leave the venue when activities relating to candidate's election are not taking place.

Each candidate must specify the polling place or polling places that their scrutineers will attend. A scrutineer may be appointed to one or more polling places. Once the appointment process is complete, scrutineers may move between the polling places to which they are appointed throughout Election Day.

3.4. Observe or challenge

Your role as a scrutineer varies depending on the election activity being undertaken. Scrutineering functions fall into two categories.

- **Observable activities:** where scrutineers may watch electoral processes to ensure they are conducted in accordance with legislative requirements; and
- **Challengeable activities:** where scrutineers may raise objections or queries in specific circumstances permitted by law.

The election activities you may be **appointed to observe**, and the circumstances in which you may **lawfully challenge** those activities, are outlined in the sections below:

Activity	Observe	Challenge
Opening and emptying a postal ballot box	Yes	No
Receiving and processing of returned ballot paper envelopes	Yes	No
Manual Count	Yes	Yes
CountWA data entry of ballot papers	Yes	Yes
Re-count	Yes	Yes

While observing the counting process, you may disagree with an election official's decision to accept or reject a ballot paper. In these circumstances, you may formally challenge the decision.

If a challenge is made, the electoral officer will place the ballot paper in the informal pile. Electoral officers are not permitted to discuss the challenged ballot paper with scrutineers.

The Returning Officer will review the challenged ballot paper and make the final determination on how it is to be treated. For more information, see **Chapter 4.0 - Voting period activities**.

3.5. Scrutineer appointment

Scrutineers are appointed for a specific election and only observe activities relating to that election (district or ward). Candidates are entitled to appoint scrutineers to represent their interests at activities involving the processing or counting of ballot papers.

Before you can observe an election activity, you must be formally appointed by a candidate.

To be appointed as a scrutineer, you must complete the following forms:

1. **LG018A – Appointment of Scrutineer – original copy**

This form must be completed and signed by the candidate.

2. **LG018B – Appointment of Scrutineer – duplicate copy**

This form must be completed by you (the scrutineer) and your candidate. This form must be signed by the candidate, and you must sign the Declaration before one of the following authorised persons:

- a Justice of the Peace; or
- a person authorised under the Oaths, Affidavits and Statutory Declarations Act 2005 to take statutory declarations; or
- the Returning Officer, Deputy Returning Officer or a Presiding Officer.

Both forms must be completed in full and submitted to the Returning Officer or Presiding Officer.

Appointment forms are available from the WAEC website: www.elections.wa.gov.au

Election activities may occur at multiple venues during the election period. You must ensure that all venues at which your candidate wishes you to represent them are clearly listed on the **LG018B – Appointment of Scrutineer** form.

4. Conditions of entry for scrutineers

Overview

This chapter outlines the conditions of entry that apply to scrutineers. By signing the LG018B – Appointment of Scrutineer form, you agree to comply with these conditions when attending election venues.

Any misconduct, or failure to comply with lawful directions given by an election official or Returning Officer, constitutes an offence and may result in removal from the venue.

4.1. Your Role as a Scrutineer

A scrutineer must:

- comply with all lawful directions given by the Returning Officer or Presiding Officer
- not touch any ballot papers at any time
- leave the polling place to make or receive telephone calls
- not interrupt the electoral officers
- not interrupt data entry operators
- not record the name of any person attending a polling place to vote or any information provided by a person to an electoral officer in order to receive a ballot paper
- wear identification supplied by the Returning Officer or Presiding Officer at all times, including a name tag and a yellow scrutineer vest
- not use mobile phones or other devices to photograph or record any proceedings or individuals within a polling place
- direct all enquiries or concerns to the Returning Officer or Presiding Officer.

Scrutineers have a right to:

- attend any polling place specified in their notice of appointment
- witness the sealing of ballot boxes
- attend any location where votes are processed and counted (counts are typically conducted at council offices)
- observe all procedures undertaken to ensure compliance with legislative requirements
- leave a polling place or counting venue at any time
- be present during the preparation of postal voting papers for counting, provided they remain at a distance that prevents ballot paper markings from being identified.
- be present after the close of the poll, when ballot boxes are opened and during the counting of votes, in order to observe all counting proceedings.

4.2. Use of electronic devices

You can use an electronic device provided it does not interfere with election activities.

If you need to make or receive a telephone call, you must step away from the activity you are observing and leave the polling place or count area as directed.

You must not use any electronic device to photograph, record, or capture images or footage of:

- Ballot papers
- Declarations or forms
- Any WAEC employee, agent, appointee, or contractor
- Returning Officers or other election officers
- Any proceedings within the count area.

Devices that must not be used to record or capture images or footage include, but are not limited to:

- Mobile phones
- Smart watches
- Tablets
- Laptops
- Cameras
- Video recorders
- Any other technology capable of recording, storing, or transmitting images or video.

Failure to comply with these requirements may result in removal from the venue.

5. Voting period activities

Overview

This chapter explains key activities that take place during the voting period of local council elections. Postal Voting packages and ballot paper envelope processing are activities that scrutineers may observe.

These activities are often spread over a number of days. This means that detailed schedules for when each council will conduct the specific activities are not routinely communicated to candidates in the emailed bulletins. If a candidate would like you as their scrutineer to attend any of these activities, you will need to contact the Returning Officer for activity-specific scheduling information.

You can only observe activities for the election your candidate is contesting, so you may be able to observe for only small periods of time and may be asked to leave the venue when no activity is occurring for your appointed election.

5.1. Observing ballot paper envelope processing

You can observe election officials receiving and processing postal voting election packages returned by voters. This happens during postal vote receipt period and includes checking if envelopes can be admitted or should be rejected.

At the processing centre

To process returned postal votes, the election officials will:

1. Open the reply-paid envelopes for each ward/district separately
2. Empty envelopes are put aside for storage as election materials
3. Check all elector certificates to determine if the ballot paper envelope can be accepted
4. Accepted ballot paper envelopes are batched into batches of 25
5. Accepted electors' certificate is scanned into the system
6. If ballot paper envelope is scanned as accepted, then it is ready for ballot paper extraction.
7. Rejected envelopes are batched and put aside for storage as election materials.

At the local government venue

1. Unseal the dedicated postal vote ballot box (main seal at the top) and record the unsealing on the LG054 – *Record of Ballot Boxes and Security Seals*
2. Open the reply-paid envelopes for each ward/district separately
3. Empty envelopes are put aside for storage as election materials
4. Check all elector certificates to determine if the ballot paper envelope can be accepted
5. Accepted ballot paper envelopes are batched into batches of 25 plus a short batch of the remainder (less than 25)
6. Accepted electors' certificate is scanned into the system

7. If ballot paper envelope is scanned as accepted, then it is ready for ballot paper extraction
8. Rejected envelopes are batched and put aside for storage as election materials.

5.2. Observing ballot paper extraction

You can observe election officials as they extract ballot papers from ballot paper envelopes so that the ballot papers can be counted.

During ballot paper extraction, identifying declaration flaps are separated and set aside, envelopes are opened, and ballot papers are extracted from the envelope. The number of ballot papers that will proceed to the count is determined during the ballot paper extraction process.

At the processing centre

1. Declaration flap containing the voter's details is removed from each ballot paper envelope and put aside for storage
2. Open the ballot paper envelope and remove the contents without examining the ballot paper
3. If the ballot paper envelope:
 - a. contains one ballot paper for that election, then it will be removed from the envelope and placed into a sealed ballot box
 - b. contains multiple ballot papers for that election, all the ballot papers will be placed back into the ballot paper envelope and then placed into a sealed ballot box
4. Empty ballot paper envelopes are bundled and put aside for storage as election materials.

At the local government venue

1. Declaration flap containing the voter's details is removed from each ballot paper envelope and put aside for storage
2. Open the ballot paper envelope and remove the contents without examining the ballot paper
3. If the ballot paper envelope:
 - a. contains one ballot paper for that election, then it will be removed from the envelope and placed into a sealed ballot box
 - b. contains multiple ballot papers for that election, all the ballot papers will be placed back into the ballot paper envelope and then placed into a sealed ballot box
4. Empty ballot paper envelopes are bundled and put aside for storage as election materials.

5.3. Observing a manual count for a single vacancy

As a scrutineer you can observe election officials while they count ballot papers and challenge the formality of a ballot paper during a manual count. The counting process is deliberately methodical and is not rushed.

Voters indicate their choice by numbering the squares on the ballot paper in order of preference. The number 1 shows their first preference, 2 their second preference, and so on.

In a single vacancy election, a candidate must receive more than 50% of all formal votes to be elected. This is known as an 'absolute majority'.

If no candidate achieves an absolute majority, a distribution of preferences takes place. During this process, the candidate with the fewest number of votes is excluded. Their ballot papers are then redistributed manually to the remaining candidates according to the next highest preference marked on each ballot paper.

This process continues, with the lowest-scoring candidate being excluded and their preferences redistributed, until one candidate receives an absolute majority of the votes.

First preferences

To manually obtain first preference results for single vacancy elections, election officials:

- sort ballot papers according to the first preference vote for each candidate. Any informal ballot papers are placed in a separate informal pile
- count the number of ballot papers for each candidate and the total number of informal ballot papers
- record this result into the CountWA application (CountWA).

CountWA will then indicate whether a candidate has received an absolute majority and therefore elected, or whether a distribution of preferences is required.

Distribution of Preferences

If no candidate receives an absolute majority of first preference votes, a distribution of preferences is conducted. CountWA identifies which candidate is to be excluded and the number of votes to be distributed.

To manually distribute preferences in a single vacancy election, election officials:

- exclude the candidate with the fewest votes, as advised by CountWA
- transfer the excluded candidate's ballot papers to the remaining candidates according to the next highest preference on each ballot paper (for example, a number two (2) indicates a second preference)
- count the redistributed ballot papers for each remaining candidate and enter these totals into CountWA.

CountWA then recalculates the results. If, as a result of the distribution, a candidate gains an absolute majority of votes (more than 50%) that candidate is elected.

If no candidate has an absolute majority, this process is repeated – excluding the candidate with the fewest votes and redistributing their preferences, until one remaining candidate achieves an absolute majority and is elected.

Once a candidate is elected, the ballot papers are packed, placed in security boxes and sealed.

Challenges to ballot paper formality during a manual count

You may challenge the formality of a ballot paper during the counting of votes.

If you disagree with an election official decision about whether a ballot paper is formal, you may raise a challenge at the time the decision is made. Challenged ballot papers are placed in the informal pile.

The Returning Officer will examine each informal ballot paper and make a final determination on whether the ballot paper is admitted to the count.

Important: The Returning Officer's decision on the formality of a ballot paper is final.

5.4. Observing a CountWA count for a full data entry count

As a scrutineer you can observe election officials while they data enter ballot papers into the CountWA. All ballot papers are data entered twice by different data entry operators to ensure accuracy.

Voters indicate their choice by numbering the squares on the ballot paper in order of preference. The number 1 shows their first preference, 2 their second preference, and so on.

During a CountWA count, the preferences marked on each ballot paper are entered into CountWA by data entry operators, and a result is calculated. To be elected, candidates must receive a proportion of the vote known as a 'quota' of the formal vote.

CountWA then accurately and efficiently applies the steps of the preferential counting method to determine the election result.

CountWA process

To obtain results for a full data entry count in CountWA:

1. The number of boxes is confirmed as correct, and the security seals are checked before the ballot boxes are opened
2. The ballot papers are placed into batches of 25
3. Data entry operators enter the preferences marked on each ballot paper into CountWA
4. Each ballot paper is then verified by being entered again into CountWA by a different data entry operator
5. The supervisor or delegate identifies any ballot papers that have been flagged as informal and places a post-it note on each of these ballot papers. The Returning

Officer then examines the ballot papers, makes a determination on formality and records the decision in CountWA

6. Once all ballot papers have been entered and verified, CountWA calculates the election result
7. After the result has been calculated, the Returning Officer will make a provisional *Distribution of preferences* report available for review
8. When the count is completed, all ballot papers are placed in security boxes and sealed.

Scrutiny of a CountWA count

All ballot papers are data entered twice by different data entry operators to ensure accuracy. Ballot papers flagged as informal by CountWA will be scrutinised by the Returning Officer during the progression of the CountWA count.

Copies of the Formality of Ballot Papers Guide will be available to reference during the count. For more information, see **Appendix 1 - Ballot paper formality principles**.

Important: You can only challenge the formality of the ballot paper when it is being reviewed by the Returning Officer. The Returning Officer's decision on the formality of a ballot paper is final.

6. Formality of votes

The scrutiny and counting of all ballot papers is undertaken in a prescribed manner. The Returning Officer conducting the count will review all ballot papers placed in the informal pile to determine its formality and decides whether the ballot paper is admitted to, or rejected from, the count.

As a scrutineer, you have the right to challenge the admission or rejection of any ballot paper during the count. Challenges may relate to whether a ballot paper should be treated as formal or informal.

When determining the formality of a ballot paper, the following principles apply:

1. Giving effect to the electors wishes

The guiding principle in the legislation is that a ballot paper should be accepted if it “clearly indicates the elector’s wishes”.

2. Marking the ballot paper

Single vacancy with two candidates

Where one office is to be filled and only two candidates appear on the ballot paper, the elector must mark the ballot paper by writing the numeral ‘1’ in the square beside the name of the candidate the elector wishes to be elected.

Single vacancy with three or more candidates, or multiple vacancies

Where:

- one office is to be filled and three or more candidates are listed, or
- two or more offices are to be filled

The elector is to mark the ballot paper by writing the numeral ‘1’ in the square opposite the name of the candidate for whom they vote as their first preference.

Electors may indicate further preferences by writing:

- ‘2’ for their second preference
- ‘3’ for their third preference, and so on,

until they have finished allocating their preferences. An elector is not required to number all squares on the ballot paper.

The *Local Government Act 1995* requires the use of the numeral ‘1’ to indicate the first preference. However, section 4.75 provides that the Returning Officer may accept a ballot paper which, in their opinion, clearly indicates the elector’s wishes, even if it is not marked precisely in accordance with section 4.69.

3. Initials and other markings

Under the *Local Government Act 1995* and *Local Government (Elections) Regulations 1997*, electors are entitled to secrecy when casting their vote.

However, a ballot paper is not rendered informal solely because the elector has revealed their identity by choice. This may occur, for example, where an elector initials a correction on the ballot paper. Provided the elector's voting intention is clear, the ballot paper may still be admitted to the count.

4. Torn ballot papers

Torn ballot papers must be examined to ensure that all candidate names and voting squares are present.

If all candidate names and squares remain intact, and the elector's intentions can be clearly determined, the ballot paper may be admitted to the count.

7. Count of votes

As soon as is practicable after 6pm on election night, the Returning Officer will arrange for the count of votes to begin. In the event of a candidate standing for both a mayoral/president and ward (councillor) election, the result of the election for mayor/president must be determined prior to completing the ward (councillor) election count.

Optional Preferential Voting (OPV) is used for local government elections. OPV requires that voters only need to register a first preference on their ballot papers for their vote to be counted. Voters who wish to register one or more additional preferences among the remaining candidates can do so, using consecutive numbers.

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

- the candidate(s) who reached quota
- the highest continuing candidate(s) that remains in the count to fill the remaining vacancy(s).

In the event of a tie, the Returning Officer will then draw lots, in the presence of witnesses. i.e. scrutineers, candidates, public to determine which candidate is elected.

7.1. Timing of counts

All counting and data entry of votes must cease at **10.30pm** on election night, due to Work, Health and Safety (WHS) requirements for all staff.

If the count is not completed on election night, the Returning Officer and count staff will reconvene at **9am** on the following day to finalise the count.

Where counting is adjourned on election night:

- All votes will be returned to a ballot box
- A new seal will be applied to each ballot box
- Ballot boxes will be securely stored overnight.

Due to the complexity of the Optional Preferential Voting (OPV) count, it may not be possible to declare results on election night for all local governments.

7.2. Types of counts

There are different ways to count votes depending on what type of vacancy is being filled. Single vacancy (one councillor per ward and or Mayoral/President) are typically counted manually but ballot papers may be data entered into the WAEC's CountWA application in some circumstances. For example:

- Single vacancy elections with a large number of ballot papers and/or candidates
- In elections with multiple vacancies (more than one councillor), ballot papers will be data entered into the WAEC's CountWA application.

We will let your candidate know ahead of time whether their election will be counted manually or if ballot papers will be data entered into the CountWA application.

7.3. Request for a re-count

The legal requirement for mandatory re-counts depends on the type of election and is outlined in the *Local Government (Elections) Regulations 1997*, Part 12D, Division 2, refer to the following sections of the Regulations for further details:

Election Type	Regulation Reference
One office, 2 candidates	r.75W
One office, 3+ candidates	r.75X
Multiple councillor positions	r.75Y
Also see Local Government Act 1995 (Part 4, Division 9, s4.72A)	

One office election: two candidates

A mandatory re-count must be conducted if either:

- Both candidates receive the same number of first preference votes, or
- The difference in first preference votes between the first placed candidate and the number of first preference votes for the other candidate is less than the re-count threshold.

The re-count threshold is defined as:

- 11 votes or less, or
- If the difference is greater than 11 votes, less than 1% of the total number of first-preference votes.

One office election: three or more candidates

A mandatory re-count must be conducted if either of the following conditions is met:

1. First Preference Vote Margin

The difference between the number of first preference votes for the first placed candidate and the number of first preference votes for another candidate, is less than the re-count threshold.

2. Final Count Margin between Continuing Candidates

On the last count, the difference between the number of votes for the leading continuing candidate and any other continuing candidate is less than the re-count threshold.

Re-count Threshold Definition

- 11 votes or less, or
- More than 11 votes but less than 1% of the total vote count:
 - For condition 1: total number of first-preference votes
 - For condition 2: total number of votes for continuing candidates on the final count

Election for two or more councillors

A mandatory re-count must be conducted if any of the following conditions are met:

1. First Preference Vote Margin

The difference between the number of first preference votes received by an elected candidate who is elected and a continuing candidate who is not elected is less than the re-count threshold.

2. Transfer Completion Margin

After a vote transfer, the difference between the number of votes for a continuing candidate who is elected and a continuing candidate who is not elected is less than the re-count threshold.

3. Equal Vote Count

Two continuing candidates have the same number of votes.

4. Final Count Margin between continuing candidates

The difference between the number of votes for the elected continuing candidate and the other continuing candidate is less than the re-count threshold.

5. Schedule 4.1 clause 14 Margin

The difference between the number of votes for a continuing candidate elected under Schedule 4.1 clause 14 and the last excluded candidate is less than the re-count threshold.

Re-count Threshold Definition

- 11 votes or less, or
- if greater than 11 votes but less than 1% of the election quota.

The Returning Officer has the authority to arrange a re-count of votes if they believe it is appropriate. This may involve re-counting some or all of the votes.

Returning Officers can initiate a re-count:

- On their own initiative, or
- In response to a written request a candidate or a scrutineer.

It is important to note that any request for a re-count must be submitted in writing and before the election result is declared and must include the reasons for the request.

The written request must:

- be made before the Returning Officer declares the result of the election, in accordance with section 4.77 of the *Local Government Act 1995*; and
- include the candidate's or scrutineer's reasons for the request.

The Returning Officer will 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, they will then advise all candidates and scrutineers who are present. The Returning Officer's decision is final and can only be overturned by the Court of Disputed Returns.

8. Declaration of result

Due to the complexity of the count and the possibility of re-counts, declarations may not be able to be conducted on election night and may need to be carried forward to the next day.

The outcome of a count is not final until the Returning Officer formally declares the result. If the initial count indicates that the result of the election is very close, a re-count may be required before a result can be declared.

As soon as practicable after the result of the election is known, the Returning Officer will publicly declare the result. However, this announcement will only be made when the Returning Officer is satisfied that the count has been conducted in a proper manner and that the distribution of all preferences and any re-counts have been finalised.

When the Returning Officer declares the result of the election, they will also declare the 1st and 2nd unelected candidates if any. The 1st and 2nd unelected candidates are the unsuccessful candidates who have been next placed in the order of votes received. These candidates can be used to backfill any potential vacancies that may arise within one year of the election.

9. Electoral offences

This chapter describes offences that exist for local council elections relevant to scrutineers.

9.1. Offences

The following list of offences is not exhaustive and should not be taken as legal advice.

Refer to the Division 11 of Part 4 of the *Local Government Act 1995* for more information about electoral offences. We encourage you to seek independent legal advice if you are concerned about any of these offences:

Removal of scrutineers from a venue

As a scrutineer, you may be removed from a venue if:

- you commit any breach of the Act or the Regulations
- you handle any ballot papers
- you disrupt or hinder election activities, or behave in a disorderly manner
- you fail to obey a lawful direction from an election official.

False Statements

Under section 4.90 of the Act, it is an offence to knowingly make a false written statement in any declaration, application, form, nomination, return, declaration or other document (such as an *Appointment and declaration of scrutineer* form) under the Act or the Regulations.

The maximum penalty is imprisonment for 12 months and a fine of \$12,000.

Offences relating to postal ballots

Under section 4.92 of the Act, it is an indictable offence for a candidate in an election, or a person authorised to act on behalf of a candidate in connection with an election:

- applies undue influence or pressure on an elector to apply for a postal vote
- interferes with an elector while the elector is applying for a postal vote
- interferes with any postal ballot material that will be sent or delivered to a voter by the WAEC at an election
- causes any other person, not being the elector, whose vote is in the envelope, to take custody of an envelope in which there is a postal vote.

The maximum penalty is 24 months imprisonment and a fine of \$24,000.

Interference with secrecy

Under section 4.93 of the Act, it is an indictable offence for a person to:

- unlawfully communicate with, assists or interferes with an elector while the elector is marking a ballot paper; or
- unlawfully looks at or becomes acquainted with the vote of an elector; or
- discloses the vote of an elector.

The maximum penalty is 12 months imprisonment and a fine of \$12,000.

10. Complaints and Feedback

Overview

This chapter provides information on our elections complaint process.

10.1. Responding to Complaints and Feedback

The WAEC has a customer feedback and complaints process for receiving and responding to feedback and complaints.

Please submit your feedback or complaints to our Complaints and Feedback team. You can do this using the online tool at www.elections.wa.gov.au/complaints

Feedback and complaint processing

We will review all written feedback or complaints we receive.

The content of the submission will determine who reviews and actions it.

You may also contact the commission during office hours, 8.30am - 4.30pm, Monday to Friday on 13 63 06 (WA only) or (08) 9214 0400.

Appendix 1 Ballot Paper formality principles

When assessing ballot paper formality, the following principles apply:

Giving effect to the electors wishes

The key words in the legislation refer to accepting a ballot paper that 'clearly indicates the elector's wishes'.

Marking the ballot paper

In an election where one office is to be filled and only two candidates are named on the ballot paper, an elector needs to mark the ballot paper by writing the numeral '1' in the square beside the name of the candidate whom the elector wishes to be elected.

If only one office is to be filled at the election and three or more candidates are named on the ballot paper, or two or more offices are to be filled at the election, an elector is to mark the ballot paper by writing numeral '1' in the square opposite the name of the candidate for whom the elector votes as the elector's first preference. Electors may indicate further preferences for **some** or **all** of the remaining candidates by writing the numeral '2' in the square opposite the name of the candidate for whom the elector votes as the elector's second preference, and so on, until the elector has finished allocating their preferences. The elector is not required to number all the squares.

- The *Local Government Act 1995* states that the elector is to use the number 1 to indicate their first choice of candidate. Some variations are acceptable, s4.75 states the Returning Officer may accept a ballot paper that in the Returning Officer's opinion, clearly indicates the elector's wishes as required or authorised by section 4.69 even if the ballot paper is not marked precisely in accordance with section 4.69.

Initials and other markings

In local government elections electors are entitled to secrecy when casting a vote under the *Local Government Act 1995* and *Local Government (Elections) Regulations 1997*, however, a ballot paper is not rendered informal simply because the elector reveals his or her identity by his or her own choice. This typically may occur where an elector initials a correction.

Torn ballot papers

Ballot paper that are torn, need to be reviewed to confirm all candidate names and boxes are present. If all candidate names and boxes are present, the ballot paper can be admitted to the count.

Examples of formal and informal ballot papers

BALLOT PAPER
ELECTION OF ONE COUNCILLOR
CITY OF TRAINING
TRAINING WARD
Election Date: 18 October 2025

How to vote
Write the number 1 in the square next to the name of the candidate who you want to vote for.

CANDIDATES

CANDIDATE, A	1
CANDIDATE, B	

FORMAL

The elector's first preference is clearly indicated and is made in line with voting instructions.

BALLOT PAPER
ELECTION OF ONE COUNCILLOR
CITY OF TRAINING
TRAINING WARD
Election Date: 18 October 2025

How to vote
Write the number 1 in the square next to the name of the candidate who you want to vote for.

CANDIDATES

CANDIDATE, A	1
CANDIDATE, B	2

FORMAL

The elector's first preference is clearly indicated.

BALLOT PAPER
ELECTION OF ONE COUNCILLOR
CITY OF TRAINING
TRAINING WARD
Election Date: 18 October 2025

How to vote
Write the number 1 in the square next to the name of the candidate who you want to vote for.

CANDIDATES

CANDIDATE, A	✓
CANDIDATE, B	

FORMAL

The tick symbol can be taken as an indication of choice – in the absence of other ballot paper markings.

BALLOT PAPER
ELECTION OF ONE COUNCILLOR
CITY OF TRAINING
TRAINING WARD
Election Date: 18 October 2025

How to vote
Write the number 1 in the square next to the name of the candidate who you want to vote for.

CANDIDATES

CANDIDATE, A	
CANDIDATE, B	X

FORMAL

The cross symbol can be taken as an indication of choice – in the absence of other ballot paper markings.

BALLOT PAPER
ELECTION OF ONE COUNCILLOR
CITY OF TRAINING
TRAINING WARD
Election Date: 18 October 2025

How to vote
Write the number 1 in the square next to the name of the candidate who you want to vote for.

CANDIDATES

CANDIDATE, A	☐
CANDIDATE, B	☐

INFORMAL

It is not clear which mark indicates the preference.

BALLOT PAPER
ELECTION OF ONE COUNCILLOR
CITY OF TRAINING
TRAINING WARD
Election Date: 18 October 2025

How to vote
Write the number 1 in the square next to the name of the candidate who you want to vote for.

CANDIDATES

CANDIDATE, A	☐
CANDIDATE, B	☐

INFORMAL

The dot does not indicate a preference.

BALLOT PAPER
ELECTION OF ONE COUNCILLOR
CITY OF TRAINING
TRAINING WARD
Election Date: 18 October 2025

How to vote
Write the number 1 in the square next to the name of the candidate who you want to vote for.

CANDIDATES

CANDIDATE, A	☐
CANDIDATE, B	☐

INFORMAL

The elector has not indicated a first preference.

BALLOT PAPER
ELECTION OF ONE COUNCILLOR
CITY OF TRAINING
TRAINING WARD
Election Date: 18 October 2025

How to vote
Write the number 1 in the square next to the name of the candidate who you want to vote for.

CANDIDATES

CANDIDATE, A	☐
CANDIDATE, B	☐

INFORMAL

The arrows do not indicate a preference for one candidate over another.

BALLOT PAPER
ELECTION OF 4 COUNCILLORS
CITY OF TRAINING
TRAINING WARD
Election Date: 18 October 2025

How to vote

Write the number 1 in the square next to the name of the candidate who is your first choice.

If you want to, you may show more choices by writing consecutive numbers in the squares next to the names of the other candidate in the order of your choice, starting with the number 2 up to 6.

You do not need to write a number in all the squares.

CANDIDATES

CANDIDATE, A	1
CANDIDATE, B	4
CANDIDATE, C	5
CANDIDATE, D	2
CANDIDATE, E	3
CANDIDATE, F	

FORMAL

The elector's full preferences are clearly marked.

BALLOT PAPER
ELECTION OF 4 COUNCILLORS
CITY OF TRAINING
TRAINING WARD
Election Date: 18 October 2025

How to vote

Write the number 1 in the square next to the name of the candidate who is your first choice.

If you want to, you may show more choices by writing consecutive numbers in the squares next to the names of the other candidate in the order of your choice, starting with the number 2 up to 6.

You do not need to write a number in all the squares.

CANDIDATES

CANDIDATE, A	1
CANDIDATE, B	3
CANDIDATE, C	6
CANDIDATE, D	5
CANDIDATE, E	2
CANDIDATE, F	4

FORMAL

The elector has allocated a preference for all 6 candidates.

BALLOT PAPER

ELECTION OF 4 COUNCILLORS

CITY OF TRAINING

TRAINING WARD

Election Date: 18 October 2025

How to vote

Write the number 1 in the square next to the name of the candidate who is your first choice.

If you want to, you may show more choices by writing consecutive numbers in the squares next to the names of the other candidate in the order of your choice, starting with the number 2 up to 6.

You do not need to write a number in all the squares.

CANDIDATES

CANDIDATE, A

CANDIDATE, B

CANDIDATE, C

CANDIDATE, D

CANDIDATE, E

CANDIDATE, F

1

2

4

5

2

6

BALLOT PAPER

ELECTION OF 4 COUNCILLORS

CITY OF TRAINING

TRAINING WARD

Election Date: 18 October 2025

How to vote

Write the number 1 in the square next to the name of the candidate who is your first choice.

If you want to, you may show more choices by writing consecutive numbers in the squares next to the names of the other candidate in the order of your choice, starting with the number 2 up to 6.

You do not need to write a number in all the squares.

CANDIDATES

CANDIDATE, A

CANDIDATE, B

CANDIDATE, C

CANDIDATE, D

CANDIDATE, E

CANDIDATE, F

1

FORMAL

The elector has indicated a first preference. As there are two second preferences marked, the ballot paper will become exhausted after the first preference.

FORMAL

A first preference is clear. As there is no second preference marked, the ballot paper will become exhausted after the first preference.

BALLOT PAPER

ELECTION OF 4 COUNCILLORS

CITY OF TRAINING

TRAINING WARD

Election Date: 18 October 2025

How to vote

Write the number 1 in the square next to the name of the candidate who is your first choice.

If you want to, you may show more choices by writing consecutive numbers in the squares next to the names of the other candidate in the order of your choice, starting with the number 2 up to 6.

You do not need to write a number in all the squares.

CANDIDATES

CANDIDATE, A	
CANDIDATE, B	✓
CANDIDATE, C	
CANDIDATE, D	
CANDIDATE, E	2
CANDIDATE, F	

BALLOT PAPER

ELECTION OF 4 COUNCILLORS

CITY OF TRAINING

TRAINING WARD

Election Date: 18 October 2025

How to vote

Write the number 1 in the square next to the name of the candidate who is your first choice.

If you want to, you may show more choices by writing consecutive numbers in the squares next to the names of the other candidate in the order of your choice, starting with the number 2 up to 6.

You do not need to write a number in all the squares.

CANDIDATES

CANDIDATE, A	1
CANDIDATE, B	3
CANDIDATE, C	5
CANDIDATE, D	7
CANDIDATE, E	9
CANDIDATE, F	11

FORMAL

The tick symbol can be taken as an indication of the first preference. The ballot paper will become exhausted after the second preference.

FORMAL

The elector has indicated a first preference. As there is no second preference marked, the ballot paper will become exhausted after the first preference.

BALLOT PAPER
ELECTION OF 4 COUNCILLORS
CITY OF TRAINING
TRAINING WARD
Election Date: 18 October 2025

How to vote

Write the number 1 in the square next to the name of the candidate who is your first choice.

If you want to, you may show more choices by writing consecutive numbers in the squares next to the names of the other candidate in the order of your choice, starting with the number 2 up to 6.

You do not need to write a number in all the squares.

CANDIDATES

CANDIDATE, A		3			
CANDIDATE, B		✓			
CANDIDATE, C		4			
CANDIDATE, D		5			
CANDIDATE, E		2			
CANDIDATE, F		6			

Mr Trevor Trainer

BALLOT PAPER
ELECTION OF 4 COUNCILLORS
CITY OF TRAINING
TRAINING WARD
Election Date: 18 October 2025

How to vote

Write the number 1 in the square next to the name of the candidate who is your first choice.

If you want to, you may show more choices by writing consecutive numbers in the squares next to the names of the other candidate in the order of your choice, starting with the number 2 up to 6.

You do not need to write a number in all the squares.

CANDIDATES

CANDIDATE, A		1			
CANDIDATE, B		6			
CANDIDATE, C		4			
CANDIDATE, D		2			
CANDIDATE, E		3			
CANDIDATE, F		5			

FORMAL

The voter's intention with respect to the order of preference is clear. The elector's signature does not invalidate a ballot paper.

FORMAL

The voter's intention with respect to the order of preference is clear. The number written outside of the squares does not invalidate a ballot paper.

BALLOT PAPER

ELECTION OF 4 COUNCILLORS

CITY OF TRAINING

TRAINING WARD

Election Date: 18 October 2025

How to vote

Write the number 1 in the square next to the name of the candidate who is your first choice.

If you want to, you may show more choices by writing consecutive numbers in the squares next to the names of the other candidate in the order of your choice, starting with the number 2 up to 6.

You do not need to write a number in all the squares.

CANDIDATES

CANDIDATE, A	X
CANDIDATE, B	✓
CANDIDATE, C	4
CANDIDATE, D	5
CANDIDATE, E	2
CANDIDATE, F	6

INFORMAL

It is not clear if the tick or cross indicates the elector’s first preference.

BALLOT PAPER

ELECTION OF 4 COUNCILLORS

CITY OF TRAINING

TRAINING WARD

Election Date: 18 October 2025

How to vote

Write the number 1 in the square next to the name of the candidate who is your first choice.

If you want to, you may show more choices by writing consecutive numbers in the squares next to the names of the other candidate in the order of your choice, starting with the number 2 up to 6.

You do not need to write a number in all the squares.

CANDIDATES

CANDIDATE, A	
CANDIDATE, B	✓
CANDIDATE, C	40
CANDIDATE, D	5
CANDIDATE, E	✓
CANDIDATE, F	

INFORMAL

The elector’s first preference is unclear, as there are two ticks.

Note: an elector’s initials or signature does not invalidate a ballot paper.

Western Australian Electoral Commission

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13 14 50 and then ask for (08) 9214 0400

National Relay Service (NRS)

Speak & Listen number 1300 555 727

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