

Election Campaign Workers and Scrutineers Guide

2026 Secret Harbour State By-election

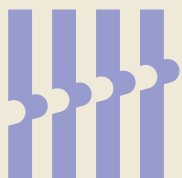


**WESTERN AUSTRALIAN
Electoral Commission**

Our Purpose and Values

The WA Electoral Commission's purpose is to provide all Western Australians with accessible, efficient and high quality electoral and enrolment services.

The Commission is guided by its four core Values:



Make It Count

We strive for excellence in everything we do, because the work we do matters. We're curious, always looking for opportunities to learn, grow and be open to new ideas and ways of working.



Check Every Box

We are accountable and take responsibility for our choices and actions. We are empowered to succeed and take pride in delivering quality outcomes.



Focus On Fairness

We are committed to doing what is right, not what is easy. We act with integrity and sound judgement, fostering trust through fair, impartial, and transparent decision-making.



Achieve Together

We're united in our shared purpose. Strengthened by diversity, we collaborate through open and respectful communication, welcoming every voice.

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 About this Guide

This Guide has been developed to provide general information for election campaign workers and scrutineers. We are unable to provide formal or informal legal advice, and candidates, election campaign workers and scrutineers are responsible for ensuring they understand and comply with their legal obligations. Independent legal advice should be sought where necessary.

State elections and by-elections in Western Australia are governed by the *Electoral Act 1907 (Electoral Act)* and associated regulations. A by-election is held when a vacancy occurs in the Legislative Assembly.

This Guide outlines key information relevant to election campaign workers and scrutineers involved in the Secret Harbour By-election. Additional information is available on the WAEC [website](#), including:

- *2026 Secret Harbour By-election Candidates Guide*
- *2026 Secret Harbour By-election Expected Behaviours Brochure*
- *2026 Secret Harbour By-election Funding and Disclosure in Western Australia Guide*
- *2026 Secret Harbour By-election How-to-vote Card Registration Guide*
- *2026 Secret Harbour By-election Formality of Ballot Papers Guide*
- *2026 Secret Harbour By-election Eligibility for Membership of State Parliament*

Refer to Appendix 1 of the *2026 Secret Harbour By-election Candidates Guide* for a glossary of terms.

2 Secret Harbour By-election timeline

Milestone events	Days from polling day	Date	Day
Postal vote applications commence	55	JUL 7	Tues
DAY OF ISSUE OF WRIT 6pm (nominations may commence after 6pm)	48	JUL 13	Mon
Nominations commence	47	JUL 14	Tues
	46	JUL 15	Wed
	45	JUL 16	Thurs
	44	JUL 17	Fri
	43	JUL 18	Sat
	42	JUL 19	Sun
Close of party nominations (12 noon)	41	JUL 20	Mon
CLOSE OF NOMINATIONS (12 noon), Draw for ballot paper positions may commence	40	JUL 21	Tues
Close of rolls (6pm)			
How-to-vote card registration commences (8am)	39	JUL 22	Wed
	38	JUL 23	Thurs
	37	JUL 24	Fri
	36	JUL 25	Sat
	35	JUL 26	Sun
	34	JUL 27	Mon
Postal voting mail out commences	33	JUL 28	Tues
	32	JUL 29	Wed
	31	JUL 30	Thurs
	30	JUL 31	Fri
	29	AUG 1	Sat
	28	AUG 2	Sun
	27	AUG 3	Mon
	26	AUG 4	Tues
	25	AUG 5	Wed
	24	AUG 6	Thurs
	23	AUG 7	Fri
	22	AUG 8	Sat
	21	AUG 9	Sun
	20	AUG 10	Mon
	19	AUG 11	Tues
	18	AUG 12	Wed
	17	AUG 13	Thurs
	16	AUG 14	Fri
	15	AUG 15	Sat
Mobile voting for institutions, hospitals and remote areas may commence	14	AUG 16	Sun
Early polling commences	13	AUG 17	Mon
	12	AUG 18	Tues
	11	AUG 19	Wed
	10	AUG 20	Thurs
Close of how-to-vote card registration (5pm)	9	AUG 21	Fri
	8	AUG 22	Sat
	7	AUG 23	Sun
	6	AUG 24	Mon
	5	AUG 25	Tues
Scrutiny of postal votes may commence (8am)	4	AUG 26	Wed
Close of written applications for postal votes (6pm)			
	3	AUG 27	Thu
	2	AUG 28	Fri
POLLING DAY (8am to 6pm)	1	AUG 29	Sat
	2	AUG 30	Sun
	3	AUG 31	Mon
	4	SEP 1	Tue
	5	SEP 2	Wed
Close for receipt of postal votes (9am)	6	SEP 3	Thu
Last possible date for return of Writ	42	OCT 10	Sat

The 2026 State By-election timeline illustrated above is in accordance with the provisions of the *Electoral Act 1907* that came into force on 1 July 2024.

3 Election campaign workers and scrutineers

Electoral Act 1907 ('*Electoral Act*'), sections 92F, 101D(1), 137(1), 146C or 156D(11)

An election campaign worker is a person who works or volunteers for a political party or a candidate. They can be located at a polling place, mobile voting place or somewhere where votes are counted.

Although they need to be specifically appointed, scrutineers are considered to be election campaign workers and therefore this Guide covers both roles.

4 Candidates

Electoral Act, sections 92K, 134

Candidates cannot enter a polling place except to cast their own vote. They can be present at a counting place to observe the counting of votes but cannot scrutineer any count where they are a candidate.

5 Responsibilities of election campaign workers

Electoral Act, section 92H

It is the responsibility of the candidate or political party to make sure that the people representing them as election campaign workers:

- comply with the *Electoral Act 1907*
- behave in a respectful and otherwise appropriate manner to all persons, including electors, officers and other election campaign workers
- wear or display identification identifying the candidate or political party for which they are working or volunteering, unless they are appointed as a scrutineer (where different requirements apply)
- comply with a direction given by a Presiding Officer, Assistant Returning Officer for a place to vote or counting place or a Returning Officer, to do something or refrain from doing something
- do not wear any badge or emblem of a candidate or political party within a polling place during polling.

5.1 Expected behaviours of all political participants

Elections often involve passionate debate and strong community engagement, which are important elements of a healthy democracy.

We are committed to fostering a voting environment that is safe, respectful and welcoming for voters, election staff, candidates, election campaign workers and scrutineers.

We have a zero-tolerance approach to abusive, aggressive or threatening behaviour. People engaged in such behaviours will be directed to leave the area, and police assistance will be sought if required.

Promoting a respectful voting environment is a shared responsibility, and all political participants are expected to conduct themselves respectfully, including but not limited to the following:¹

- understanding and complying with all the relevant legal obligations
- supporting a safe voting environment by ensuring no one feels pressured, threatened or intimidated
- keeping polling places and surrounding public areas accessible, ensuring footpaths, entrances, and carparks are clear and unobstructed
- displaying or distributing campaign material, including when communicating online, that assist voters to make informed choices and is properly authorised. Do not distribute information that could mislead or confuse voters about any aspect of the election.
- respecting the campaign materials of others, leaving posters and signs belonging to other candidates, political parties, or third parties intact and visible
- seeking permission from landowners before erecting signage, structures or other material. Obtain any required permits or other approvals from the relevant local government.

6 Appointment of scrutineers

Electoral Act, sections 92F, 101D, 137 & 146C

Scrutineers are appointed by candidates or their official agents to represent them during various stages of the election. The form *PP016 - Scrutineer Appointment* is available to download from our website elections.wa.gov.au. Scrutineers provide a vital role as a safeguard of the integrity and transparency of elections to ensure that they are conducted according to the *Electoral Act*.

Scrutineers may be appointed for the following stages of the election process:

- accompanying mobile voting teams
- observing the operation of polling places during polling
- observing the processing of declaration votes
- observing the operation of the scrutiny and count of ballot papers
- observing technology assisted voting.

The three primary activities where scrutineers may be formally appointed are:

- polling
- scrutiny and counting
- phone assisted voting – the only form of technology assisted voting available at this election.

¹ This is a general guide and candidates must satisfy themselves of their obligations under the *Electoral Act* and subsidiary legislation.

The *PP016 - Scrutineer Appointment* form must be signed by a candidate or official agent, and designate the activity and location where the scrutineer will attend.

The form must be signed by the scrutineer in the presence of the Presiding Officer, Assistant Returning Officer, or Returning Officer when attending a place to vote.

If the scrutineer has not provided their name and address on the form for attending a place to vote, the Returning Officer or Presiding Officer may not approve the appointment.

Scrutineers must never:

- interfere with or attempt to interfere with the free exercise of the franchise of any elector
- wilfully make a false statement in any objection to any claim or to any name on the roll
- disclose any knowledge officially acquired that concerns the vote of any elector
- fail to obey lawful directions of the Returning Officer, Assistant Returning Officer or Presiding Officer
- wear or display any badge or emblem of a candidate or political party whilst in a polling place or performing their role.

Penalties are prescribed for these offences.

7 Polling places

A polling place is any building or structure in which polling at elections is appointed to take place.

The Electoral Commissioner may, by notice on our website at elections.wa.gov.au:

- appoint polling places for each district and whole of State electorate (*Electoral Act* section 90)
- appoint polling places for one or more districts
- appoint general polling places for all districts
- appoint polling places where people can vote on an early voting day
- appoint mobile voting places in any institution or hospital
- declare any institution or hospital to be an institution or hospital where mobile voting takes place
- appoint prisons, psychiatric hospitals and nursing homes as mobile voting places
- declare any part of the State a remote area where mobile voting can take place
- adjourn or postpone voting for certain reasons (*Electoral Act, section 103*)
- abolish any polling place.

8 Mobile voting

Electoral Act, section 90

Mobile voting can take place in declared institutions, hospitals, prisons, psychiatric hospitals, nursing homes and remote areas of the State, up to and including 14 days prior to the polling day. These mobile voting places will be published on our website at elections.wa.gov.au and the Returning Officer who has such places in their district will provide notice to candidates of the places, dates and times that voting will take place at these locations (*Electoral Act*, section 90E). Generally, such mobile voting will be conducted within the last week prior to polling day.

A hospital may be declared an ordinary normal polling place and may also function as a mobile voting polling place on polling day and the days preceding polling day.

How-to-vote cards (HTVC) for electors may typically be left at the general office of these places by candidates and political parties if practicable and approved by the managers of the location. During mobile voting, and when accompanying polling officials with a mobile portable ballot box, scrutineers can generally distribute literature (including HTVC) but may not otherwise influence, canvass, solicit or petition voters. Care must be taken not to disrupt normal operations at the facility being used for mobile voting. Note, in some cases, the operators of places where mobile polling occurs may request that scrutineers not accompany the team due to the operational disruption it may cause in that place.

At each mobile polling venue, a file of HTVC will be placed in a location where it can be accessed by electors.

9 Early polling places

In the lead-up to polling day, we also operate early polling place(s) within the district where electors may vote. These may be open for up to eleven days prior to polling day.

Within WA, early polling places may include commercial premises. In some cases, landlords do not permit election campaign workers to be present on their premises, and where practicable, we will arrange for HTVC to be left at these locations in consultation with the Presiding Officer.

10 Operation of polling places

Electoral Act, sections 104, 105, 141

A Presiding Officer supervises staff and ensures the smooth operation of the polling place prior to the commencement of the scrutiny of ballot papers and counting of votes.

An Assistant Returning Officer is then responsible for the scrutiny of ballot papers and the counting of votes commencing after 6pm on polling day.

Usually this will be the same person, but for those polling places that operate on polling day and early voting days, a separate person will be responsible for the conduct of the larger count at that location.

11 Scrutineer role in a polling place

Electoral Act, section 99B

On polling days scrutineers may:

- witness the sealing of ballot boxes by the Presiding Officer after they have been examined to determine that they are empty at the commencement of polling
- accompany the Presiding Officer or another Polling Officer when assistance is given in marking the ballot paper of an elector. Only an Officer or nominated person assisting can mark the elector's ballot paper when assistance is being provided, never a candidate or scrutineer
- observe an Officer assisting an elector to vote when the elector is unable, because of physical disability, to enter the polling place
- request that an elector, who claims to be eligible to vote, make a declaration on the prescribed form (a declaration vote) before being permitted to vote, if that person is believed to be ineligible to vote
- enter and leave the polling place at any time and be replaced by another appointed scrutineer

Scrutineers must not bring any election material into the polling place nor display any election material on their person or clothing.

12 Scrutineer role during the count of votes

Electoral Act, sections 137, 146C

For each counting place, unless otherwise agreed to by the Returning Officer, no more than two scrutineers may be appointed to represent each candidate at the scrutiny and count of votes for the Legislative Assembly, (or in practice, one scrutineer per count table if multiple tables are being used). The form *PP016 – Scrutineer Appointment* must be signed by a candidate or their official agent or any candidate in a group. At their discretion, the Assistant Returning Officer or Returning Officer may allow more scrutineers to attend.

Scrutineers may, during the counting of ballot papers (see *Electoral Act*, sections 134, 136, 138, 142, 146, 156G, 146H):

- observe the scrutiny of votes
- observe all proceedings at the count of votes
- make submissions regarding the formality of any ballot paper. The Assistant Returning Officer or Returning Officer conducting the count can then endorse the back of the paper as 'admitted' or 'rejected', according to their decision to admit or reject the ballot paper

- observe the sealing and countersign of a sealed packet containing the used ballot papers sealed by the Assistant Returning Officer or Returning Officer
- countersign the list of contents of packets sent to the Returning Officer by the Assistant Returning Officer
- if the count is adjourned, observe the sealing of packets and the scrutineer may then countersign the packets or form on the ballot box.

Scrutineers **must not** assist with the unfolding or counting of ballot papers during the scrutiny or otherwise touch ballot papers at any time.

13 Filming and photography

The secret ballot is a key aspect of Australian democracy and that is why an elector's vote is made anonymously. Electors mark their ballot papers in separate voting compartments to ensure that their vote is not observed, fold their ballot paper and then deposit it in sealed ballot boxes.

Consequently, scrutineers must not film or take photographs of an elector marking their ballot paper at a polling place.

Similarly, filming and photography is not permitted at a counting place.

Additionally, consent from people inside a polling place must be obtained by anyone who intends to take photographs or film activity which may include their image.

14 Election campaign workers during polling

Electoral Act, sections 190, 192, 192A, 193, 98F

Election campaign workers may hand out how-to-vote cards and other printed information to electors, but not within six metres of the designated entrance to any polling place. Presiding Officers have some discretion relating to the placement of the designated entrance sign depending on the physical layout and positioning of a polling place, giving due consideration to ease of entrance and exit for electors, possible car parking for a person with a disability and the safety and comfort of all involved.

A number of electors have reported to the us that, in the past, they have been made to feel anxious and sometimes frightened by the number of election campaign workers approaching them at the entrance to polling venues as they go to vote. For this reason, it is important that election campaign workers provide wide and clear access for electors at polling venues and respect their decision to either engage or not with election campaign workers.

The placement of posters and placards must not hinder the movement of electors or cause damage to property and should be in compliance with any directions from the Presiding Officer or with relevant local government by-laws and those of Main Roads.

Once the election is announced, advertising material relating to the election may be placed within Main Roads reserves but must comply with Main Roads conditions or be subject to removal without notice. More information is available on the Main Roads website mainroads.wa.gov.au by searching “election advertising”.

It is to be noted that it may not be permissible for election campaign workers to attend an early polling place if a commercial premise is used due to landlord restrictions.

Early polling places and polling places are unable to offer over-night storage of candidate/party campaign materials (i.e. additional stocks of HTVC material, items of furniture, triangular and tear-drop signs, placards and the like).

All such material must be removed at the conclusion of polling. There have been instances where the careless use of plastic ties to attach campaign posters to ring-lock fencing at schools has injured children. Your attention is drawn to the appropriate clean up methods of candidate/party campaign materials.

We have previously received complaints from some schools about election campaign workers placing signage on fences while after-school activities were still underway on the Friday afternoon, as well as reports of smoking in carparks and on school grounds. Signage should not be placed on fences or other school buildings or grounds until early Saturday morning at polling places.

Election campaign workers can only enter a polling place in order to cast their vote. Before entering the polling place, all material that may persuade an elector to vote in a certain way must be removed from, or be covered by, the election campaign worker. This includes hats, badges and T-shirts.

Election campaign workers and candidates are not permitted to assist voters to cast their vote.

15 How-to-vote cards

A how-to-vote card (HTVC) distributed by election campaign workers indicates to electors how they may record their preferences when voting. These are to be approved by the Electoral Commissioner prior to being used in an election and will be published on our website when approved.

They must have details of who authorised them printed on both sides if both sides are used.

The *2026 Secret Harbour By-elect How-To-Vote Card (HTVC) Registration Guide* provides more information about how-to-vote cards. It is a serious offence to distribute unregistered HTVCs.

Where practicable, we will always endeavour to provide a surface (e.g. a table) inside or at the entrance to every early polling place, on which HTVCs can be placed for reference by electors. The intention is that a table will be provided at all venues irrespective of whether the venue can accommodate campaign workers outside of the voting area. A small number of early polling place locations do not allow campaign workers on site.

The provision of a table for HTVC material is a courtesy extended to parties and candidates. There is no legislative requirement to provide it. Consequently, parties and candidates are reminded of the need to respect staff and their requests and directions concerning HTVC material.

This arrangement will not apply at polling places on polling day itself owing to its potential impact on elector movement within the polling place, given the possible greater numbers of voters and the greater likelihood that parties and candidates can find election campaign workers to assist on a weekend.

Parties will be advised that it is their responsibility to check if a table is available for display of HTVC material and to bring HTVC material directly to an early polling place. Early polling place staff will not receive unaccompanied deliveries or place material on the table on behalf of parties.

Access to early polling places for party workers or candidates stocking HTVC material will only be during the standard opening hours for that early polling place. Opening hours and locations will be displayed on our website at elections.wa.gov.au.

Staff delivering material should not enter the early polling place wearing any party identification on their clothing.

Unused material can remain overnight, but each candidate or party/group is responsible for monitoring and replenishing supplies of their material. Early polling place staff will not advise election campaign workers about the status of their stocks of HTVC material. Please do not call or contact early polling place staff seeking this information.

Parties will be expected to limit their material to one or two versions of HTVC documents per early polling place. There will not be space for any one party or candidate to dominate a single table and any attempts to do so will be considered misbehaviour.

Any abuse of this arrangement or misbehaviour by election campaign workers or candidates will result in removal of their material from that early polling place or the removal of the display table altogether. This decision will be made by the Electoral Commissioner and communicated to the affected parties or candidates.

Any complaints by parties or candidates about HTVC material or the behaviour of election campaign workers at a specific polling place should be directed to the Presiding Officer for that polling place in the first instance. If applicable, relevant examples of electoral material should be provided. If it is a serious matter the Returning Officer should be contacted directly. Other matters can be reported us via the Complaints and Feedback Webform which can be found under "Contact Us" on our website elections.wa.gov.au.

16 Toilet facilities

Electoral Act, section 92G

Where practicable, election campaign workers will be provided access to toilet facilities at polling places. The Presiding Officer at each location can provide further information about this.

17 Crimes and offences

Electoral Act, section 190

Election campaign workers, candidates, scrutineers and the public are not permitted to engage in the following activities which constitute crimes and offences under the *Electoral Act 1907*:

- impersonating any person to secure a ballot paper to which the impersonator is not entitled. Penalty 2 years imprisonment.
- fraudulently destroying or defacing any nomination or ballot paper. Penalty 2 years imprisonment.
- forging a ballot paper. Penalty 2 years imprisonment.
- fraudulently putting any ballot or other paper into the ballot box. Penalty not exceeding \$6,000.
- fraudulently taking any ballot paper out of any polling place. Penalty not exceeding \$6,000.
- supplying ballot papers without authority. Penalty not exceeding \$6,000.
- unlawfully destroying, taking, opening or otherwise interfering with ballot boxes or ballot papers. Penalty up to 9 months imprisonment.
- voting more than once. Penalty up to 12 months imprisonment.
- wilfully defacing, mutilating, destroying or removing any notice, list or other document affixed by any Returning Officer or by their authority. Penalty not exceeding \$1000.
- Publishing or distributing a how-to-vote card within 100m of a place to vote on a day in which voting occurs unless it is registered with the WAEC. Penalty is imprisonment for 2 years and a fine of \$24,000.
- Failing to comply with the requirement made by a Presiding Officer to produce a how-to-vote card for inspection or hand over a non-registered how-to-vote card. Penalty is imprisonment for 2 years and a fine of \$24,000.

There are a broad range of other offences for which penalties are prescribed. These can be found in Part VII of the *Electoral Act 1907*.

17.1 Prohibitions outside a polling place – six metre rule

Electoral Act, section 192

The following activities are prohibited within six metres of the designated entrance to any polling place:

- canvassing for votes

- soliciting the vote of any elector
- inducing any elector not to vote for any particular candidate
- inducing any elector not to vote at the election.

The designated entrance to a polling place and the precise application of the 'six metre rule' will be determined by the Presiding Officer.

The penalty for this offence is a fine of \$1,000.

17.2 Prohibitions at mobile voting places

Electoral Act, sections 192

All acts which are prohibited within six metres of a polling place designated entrance are at all times prohibited in the grounds of a declared mobile voting place, or within six metres from the designated entrance or the entrance to the grounds, whichever entrance is the furthest distance away from the hospital or institution.

17.3 Restrictions relating to petitions, opinion polls or surveys in or near polling places

Electoral Act, sections 193

A person must not collect, canvass for, solicit or invite signatures or comments for the purpose of any petition, opinion poll or survey (or display or distribution of any information for such purpose) at or in a polling place.

The penalty for this offence is \$1,000.

18 Voting

Under the *Electoral Act 1907*, there are several ways in which an elector may cast a vote.

18.1 Early voting

Electoral Act, section 90

An elector who cannot attend a polling place on polling day may apply for an early ballot paper either by going to an early polling place and requesting a ballot paper in person or by completing a postal vote application form. Residents or occupants at mobile voting locations may also be visited by a mobile voting team.

18.1.1 Checking postal votes

Electoral Act, section 92(8)

Initial checking of postal votes received (but not vote counting) can commence in the three days prior to polling day. This takes place at our processing centre and involves:

- checking the declaration forms for completion
- confirming eligibility of the electors
- removing the declarations
- opening the ballot paper envelopes

- placing the ballot papers uninspected in a ballot box.

18.2 Ordinary voting

Ordinary ballot papers are issued to those people enrolled for the district in which the polling place is situated. The elector's name must appear on the roll without being marked as having already voted.

A significant number of electors will attend a polling place within their own electoral district and cast an ordinary vote on polling day.

The *Electoral Act 1907* provides that certain questions must be put to all electors to establish their identity and make sure that they have not voted previously in the election (E, section 119).

An elector must be asked:

QUESTION 1

Have you already voted in this election?

If the response is YES, the elector is not entitled to vote again. If NO, the elector is asked question 2:

QUESTION 2

What is your full name?

QUESTION 3

What is the address of where you live?

If the elector lives in the local district, they can be marked off the roll and given ballot papers.

The elector is still entitled to vote if they are on the roll for one address but have moved to another address within the same district.

If the elector claims to live in the local district, but their name does not appear on the roll, they can enrol and vote on the day by casting a provisional vote.

18.3 Provisional voting

A provisional vote may be issued to an elector in a polling place in the following situations:

- the elector claims to have lived in the district and enrolled, yet the elector's name cannot be found on the roll (*Electoral Act*, section 122A)
- the elector's name on the roll has already been marked (*Electoral Act*, section 122A)
- the elector's claim to vote is challenged by a scrutineer (*Electoral Act*, section 119(4))

- the elector's name has been objected to by an Enrolment Officer (*Electoral Act*, section 122(2)).

The elector will be asked the compulsory questions to determine initial eligibility before being given ballot papers to complete and place into an envelope with an attached declaration form.

The elector will also be asked to complete and sign the declaration form.

The eligibility of provisional voters is checked at our processing centre. If eligible, the declaration is then removed from the envelope before the envelope is opened and the votes admitted to the count, by a second team.

18.4 Enrol and vote on the day

Electoral Act, section 97G

A person can apply to enrol and vote on the day that they attend a place to vote. The vote is treated as a provisional vote in this situation.

In the days after polling day their enrolment claim will be processed at our processing centre and, if eligible, their vote will be included in the relevant counts.

19 Count of ballot papers

Electoral Act, sections 134, 135, 136

Counting of ballot papers commences immediately after the poll closes at 6pm on polling day. The Returning Officer will notify candidates of the counting places within the district. Postal votes and interstate votes will initially be counted at our processing centre, and then on an ongoing basis from that time.

19.1 Legislative Assembly

Electoral Act, sections 136A–146, 144, 145, 146

Scrutineers and candidates are entitled to be present at the scrutiny and count of votes. Ordinary ballot papers are firstly removed from the ballot box by the Assistant Returning Officer at each polling place and then sorted into the order of first preference for each candidate. Ballot papers which are obviously informal are put to one side for checking by the Assistant Returning Officer.

Form *PP016 – Scrutineer Appointment* is required to be appointed to observe any counting at a counting place.

When the count of the first preferences is finished, the results are recorded and phoned through to the Returning Officer. The Returning Officer will then publish the results online at elections.wa.gov.au

Declaration envelopes are counted and packaged (unopened), then sent to our processing centre as soon as practicable after election night to be checked and counted.

19.1.1 Indicative two candidate preferred (2CP) count – Legislative Assembly

Assistant Returning Officers will be asked to complete an indicative 2CP count on election night. This involves the distribution of preferences from candidates who will probably be excluded under the preferential system. When the results of all the polling places in the district are aggregated, it provides an indicative and unofficial, but fairly accurate, means of predicting the likely result on election night.

The Electoral Commissioner will select two candidates in each district for the indicative 2CP. This will be known to the Assistant Returning Officer at 6pm on polling day who will inform scrutineers of this at the commencement of the 2CP count.

Steps of the indicative 2CP count:

1. Ballot papers for the two selected candidates are set aside.
2. Each non-selected candidate's ballot papers are allocated in turn between the two selected candidates. The selected candidate will be the candidate with the lowest numbered preference mark. For example, a two next to a selected candidate's name shows the voter prefers that candidate over a four marked against the other selected candidate. A single blank square is treated as the least preferred candidate.
3. The new ballot papers allocated for the two selected candidates are counted and recorded and then set aside.
4. Steps 2 and 3 are repeated for each of the remaining non-selected candidates' ballot papers.
5. When ballot papers for all non-selected candidates have been distributed, the results are tallied by the Assistant Returning Officer and are then telephoned through to the Returning Officer.

If the majority of the votes recorded in the polling place have been cast for the two selected candidates, this process can be performed relatively quickly after close of polls.

It may transpire that because of the local popularity of another candidate a second 2CP count may be conducted. The Electoral Commissioner will notify counting place staff of this requirement via the Returning Officer.

Once the scrutiny of ordinary votes ends, the ballot papers, including those assessed as informal, are placed in sealed parcels and delivered to the Returning Officer.

19.1.2 Full distribution of preferences – Legislative Assembly

The full distribution count takes place from the Saturday after polling day. This is the formal count to determine the actual final result and, for the first time, includes all ballot papers. Note that returned postal votes can be accepted up to the Thursday morning following polling day, and enrolment on the day applications can take additional time to process as electors need to have their enrolment processed and confirmed before their vote can be processed and counted.

Declaration ballot papers and phone assisted voting votes are forwarded to the Returning Officer after they have been processed or printed (phone assisted voting) at the processing centre for inclusion in the full distribution.

The Returning Officer will advise the candidates 48 hours prior to the count of the time and location of the count, which will allow time for them to appoint scrutineers to be present at the count.

All ballot papers are counted and distributed until there are two candidates remaining.

20 Close seat and re-count policy

Electoral Act, section 146(1)

A candidate may make a written request for a re-count of votes in writing to a Returning Officer. The Returning Officer is not obliged to act on this, but will consider it.

The Returning Officer may decide to undertake a re-count on their own volition.

At a polling place, Assistant Returning Officers may need to re-count some or all of the ballots papers from their polling place when the number of first preference votes plus informal and discarded ballot papers does not equal the number of ballot papers issued (and the discrepancy is more than just a few).

20.1 Legislative Assembly re-count policy

If after the full count for the distribution of preferences for a Legislative Assembly seat, the margin between the two highest polling candidates is 100 votes or fewer, the Returning Officer automatically offers the candidates another full count for the distribution of preferences before declaring the result.

Where the margin after the full count for the distribution of preferences is greater than 100 votes, the Returning Officer will only consider a full re-count where a candidate or scrutineer provides sufficient evidence in writing that in the Returning Officer's opinion calls into question the accuracy of the count figures.

A Returning Officer may also, at the request of a candidate or scrutineer or of their own volition, re-count a particular bundle or group of ballot papers at any time prior to the poll being declared.

If after a full re-count of all votes there is a tied election, the Returning Officer will notify the Electoral Commissioner, who will petition the Court of Disputed Returns. If unable to declare a Candidate elected, the Court may order that a new election be held.

21 Formality of ballot papers

The *2026 Secret Harbour By-election Formality of Ballot Papers* Guide provides examples of formal and informal ballot papers.

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