

Formality of Ballot Papers Guide

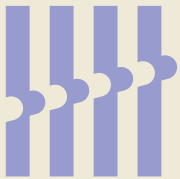
2026 Secret Harbour State By-election



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.

1 About this Guide

Ballot papers for the Legislative Assembly will only be included in the count of votes where the ballot paper has satisfied formality requirements as established by the *Electoral Act 1907* (the *Act*). Relevant sections of the *Act* include sections 98C, 139, 140 and 140A.

Understanding these formality requirements can be confusing. This Guide is to assist electoral officials, candidates, scrutineers and electors better understand and apply the requirements during their respective roles.

2 Ballot paper formality principles

When assessing ballot paper formality, the following principles apply:

1. Favour the franchise

In the situation where the voter has tried to submit a formal vote, (i.e. the ballot paper is not blank or defaced) questions of formality should wherever possible be resolved in the voter's favour.

2. Only have regard to what is written on the ballot paper

The intention of the voter must be quite clear. Do not assume what the voter was trying to do if it is not clear – only consider what is written on the ballot paper.

3. The ballot paper should be considered as a whole

By considering the number in each square as one in a series, not as an isolated number, a poorly formed number MAY be recognisable as the one missing from the series.

3 Authentic ballot paper

Ballot papers are printed on official paper carrying a watermark image or other security features.

However, on rare occasions ballot papers may be produced locally by a Presiding Officer due to operational necessity and are not necessarily informal. Ballot papers so produced (e.g. by photocopying an unused ballot paper) must be initialled by the Presiding Officer or Issuing Officer on the back, prior to issue.

4 Determining formality

The scrutiny and count of all ballot papers is undertaken in a prescribed manner. After the close of the poll the Officer conducting the count (Assistant Returning Officer) will review the ballot papers as to their formality and either reject or admit the ballot paper to the count.

Scrutineers have a right to challenge the admission or rejection of any ballot paper at the scrutiny. The grounds for a challenge may be the formality or informality of the ballot paper.

A ballot paper so challenged is to be endorsed on the back as “admitted” or “rejected” and initialled by the officer conducting the count. If rejected, the officer is to affix a sticker to the back indicating the reason for rejection.

Subsequently, determining the formality or otherwise of any ballot paper is the responsibility of the Returning Officer, either during a fresh scrutiny or at any time before the declaration of the poll, and may only be varied thereafter by a Court of Disputed Returns.

5 Formality of Legislative Assembly ballot papers

5.1 Informal ballot papers

Ballot papers are informal when:

- totally blank
- the number '1' appears against two or more names
- two or more names have been left unnumbered
- marked in any way by which the voter can be identified, e.g. the voter may have signed the ballot paper and the signature identifies the voter; or
- are otherwise marked inconsistent with the requirements of the Act and the voter's intention remains unclear.

Alterations to the numbers do not make a ballot paper informal provided the voter's intention is clear.

If an elector initials their ballot paper in such a way that does not identify the elector, it does not make the ballot paper informal. Conversely, if the initials do identify the name of the elector, then the ballot paper must be considered informal.

5.2 Two candidate ballot paper

In the unlikely event that a Legislative Assembly ballot paper comprises only two candidates, a further series of sample formal and informal ballot paper images will be distributed.

5.3 Challenge by scrutineers

If a ballot paper is challenged by a scrutineer, under section 138 of the *Act*, the ballot paper is endorsed on the back as 'admitted' or 'rejected' and initialled by the officer conducting the count.

Subsequently, determining the formality or otherwise of any ballot paper is the responsibility of the Returning Officer and thereafter may only be varied by a Court of Disputed Returns.

Examples of Legislative Assembly ballot papers and how their formality is assessed are illustrated on the following pages.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____DISTRICT

Number the squares from 1 to 4 in the order of your choice.

☐

BROWN, Norman
Clear Future Party

1

☐

JONES, Grace
United People's Party

2

☐

WILSON, Sam
Stability Party

3

☐

WIRGYING, Yorgar
Independent

4

REMEMBER ...
Number every square to make your vote count.

FORMAL

A voter does not necessarily have to mark their preferences in the squares, providing the order of preference is clear.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____DISTRICT

Number the squares from 1 to 4 in the order of your choice.

3

BROWN, Norman
Clear Future Party

2

JONES, Grace
United People's Party

1

WILSON, Sam
Stability Party

☐

WIRGYING, Yorgar
Independent

REMEMBER ...
Number every square to make your vote count.

FORMAL

The voter's intention with respect to the first three preferences is clear and only one square has been left blank. The ballot paper is then set aside as exhausted after the 3rd preference.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

Number the squares from to in the order of your choice.

☒ **BROWN, Norman**
Clear Future Party

☐ **3 JONES, Grace**
United People's Party

☐ **2 WILSON, Sam**
Stability Party

☐ **4 WIRGYING, Yorgar**
Independent

REMEMBER ...
Number every square to make your vote count.

INFORMAL

The voter's intention is not clear. In this context the X is ambiguous.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

Number the squares from to in the order of your choice.

☒ **BROWN, Norman**
Clear Future Party

☐ **3 JONES, Grace**
United People's Party

☐ **2 WILSON, Sam**
Stability Party

☐ **4 WIRGYING, Yorgar**
Independent

REMEMBER ...
Number every square to make your vote count.

FORMAL

The voter's intention is clear and unambiguous. The ✓ is a positive indicator of choice.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

Number the squares from to
in the order of your choice.

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

☒ **WIRGYING, Yorgar**
Independent

REMEMBER ...
Number every square to make your vote count.

INFORMAL

The voter's intention is not clear. In this context, the ✓ is ambiguous.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

Number the squares from to
in the order of your choice.

☒ **BROWN, Norman**
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

REMEMBER ...
Number every square to make your vote count.

INFORMAL

The voter's intention is not clear. In this context, the X is ambiguous.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

Number the squares from to in the order of your choice.

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

REMEMBER ...
Number every square to make your vote count.

FORMAL

All squares are numbered and the first and second choices are clear. The ballot paper is set aside as exhausted after the second preference (sections 140A(1)(b) and 144(2)(fa) of the Act).

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

Number the squares from to in the order of your choice.

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

Donald Duck rules!

REMEMBER ...
Number every square to make your vote count.

FORMAL OR INFORMAL

Other marks on the ballot paper do not detract from the voter's clear expression of the order of preference. In some circumstances, however, the ballot paper may be informal if, for example, the voter's writing can be identified, especially at polling places with a low ordinary ballot paper issue or if the writing is distinctive in some other way.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

Number the squares from to
in the order of your choice.

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

REMEMBER ...
Number every square to make your vote count.

FORMAL

The voter's intention with respect to the order of preference is clear. The alphabetical sequence indicates a preference order (section 140(2) of the Act).

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

Number the squares from to
in the order of your choice.

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

REMEMBER ...
Number every square to make your vote count.

INFORMAL

No first preference indicated. It is not possible to be sure for whom the voter intended to allocate first preference.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

Number the squares from to
in the order of your choice.

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

REMEMBER ...
Number every square to make your vote count.

INFORMAL

A first preference has been indicated twice.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

Number the squares from to
in the order of your choice.

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

REMEMBER ...
Number every square to make your vote count.

FORMAL OR INFORMAL

Formal if the voter's initials are unable to be identified by count staff. May be informal if the voter can be identified, especially at polling places with a low ordinary ballot paper issue.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

Number the squares from to in the order of your choice.

☒ **BROWN, Norman**
Clear Future Party

☐ **JONES, Grace**
United People's Party

☐ **WILSON, Sam**
Stability Party

☐ **WIRGYING, Yorgar**
Independent

REMEMBER ...
Number every square to make your vote count.

INFORMAL

The voter's intention with respect to preferences is not clear.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

Number the squares from to in the order of your choice.

☐ **BROWN, Norman**
Clear Future Party

☒ **JONES, Grace**
United People's Party

☐ **WILSON, Sam**
Stability Party

☐ **WIRGYING, Yorgar**
Independent

REMEMBER ...
Number every square to make your vote count.

vanessa Jane Smyth

INFORMAL

The identity of the voter can be determined.

Western Australia

Ballot Paper

Election of one member of the Legislative Assembly

DISTRICT

Number the squares from

1

 to

4

in the order of your choice.

1

BROWN, Norman

Clear Future Party

2

JONES, Grace

United People's Party

2

WILSON, Sam

Stability Party

2

WIRGYING, Yorgar

Independent

REMEMBER ...
Number every square to make your vote count.

FORMAL

The first choice is formal, then set aside as exhausted (sections 140A(1)(b)&(f), 140A and 144(2)(fa) of the Act).

Western Australia

Ballot Paper

Election of one member of the Legislative Assembly

DISTRICT

Number the squares from

1

 to

4

in the order of your choice.

1

BROWN, Norman

Clear Future Party

68

JONES, Grace

United People's Party

94

WILSON, Sam

Stability Party

80

WIRGYING, Yorgar

Independent

REMEMBER ...
Number every square to make your vote count.

FORMAL

The first choice is formal than set aside as exhausted (sections 140A(1)(b) and 144(2)(fa) of the Act).

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

Number the squares from to
in the order of your choice.

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

REMEMBER ...
Number every square to make your vote count.

INFORMAL

Two vacant squares (section 140A(1)(b) of the Act).

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

Number the squares from to
in the order of your choice.

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

REMEMBER ...
Number every square to make your vote count.

FORMAL

The first choice is formal and only one square has been left blank. The ballot paper is then set aside as exhausted after the first preference (sections 140A(1)(b) and 144(2)(fa) of the Act).

Western Australian Electoral Commission

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