

How-To-Vote Card Registration Guide

2026 Secret Harbour State By-election

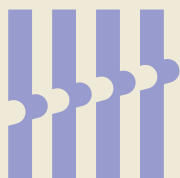


WESTERN AUSTRALIAN
Electoral Commission

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 Overview

How-to-vote cards (HTVCs) have been a part of elections for many years. They allow election participants to guide their supporters on how to vote and indicate their preferred distribution of preferences on the ballot paper during an election.

To ensure HTVCs are accurate and will not mislead voters, they are now required to be registered with the Commission.

HTVCs are not permitted to be published or distributed at places to vote unless they are registered with us.

2 What is a how-to-vote card?

A how-to-vote card (HTVC) is defined in the *Electoral Act 1907* (the *Act*) as a card, pamphlet, handbill, or document, that:

- is given to an elector for the purpose of instructing them on how to vote for a particular candidate in the election; and
- lists the names of one or more candidates, along with an indication of the voting preference or preferences for those candidates.

A HTVC may include a representation of a ballot paper, either in full or partially.

HTVCs published online, including on social media, are included in the scope of HTVCs that require registration with the Commission.

When a HTVC includes a QR code, the webpage linked from the QR code is also considered part of the HTVC.

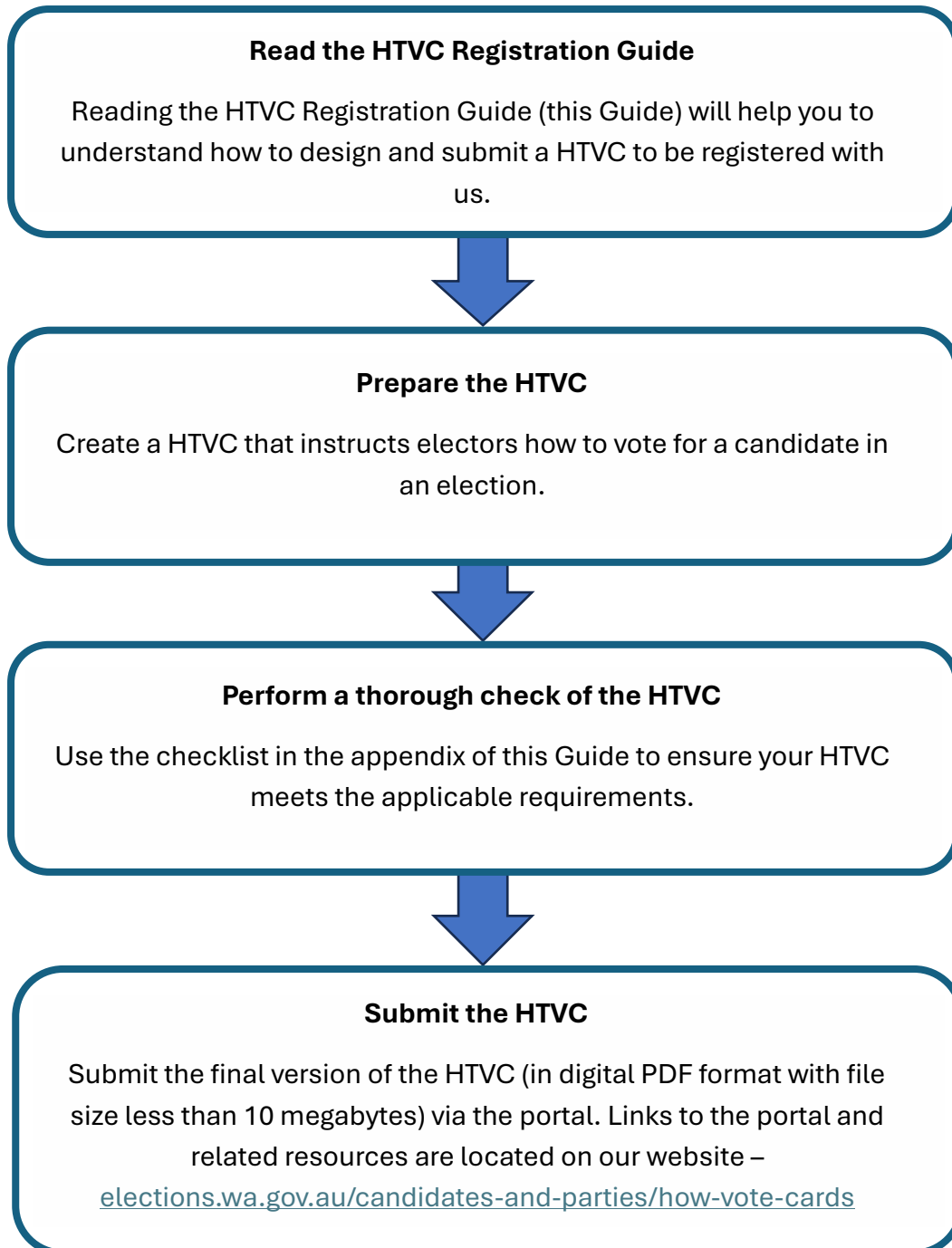
3 Why Register a how-to-vote card with the WA Electoral Commission?

The registration of HTVCs has been established in the *Act* to ensure that people who are going to a place to vote are not misled or deceived by a publication.

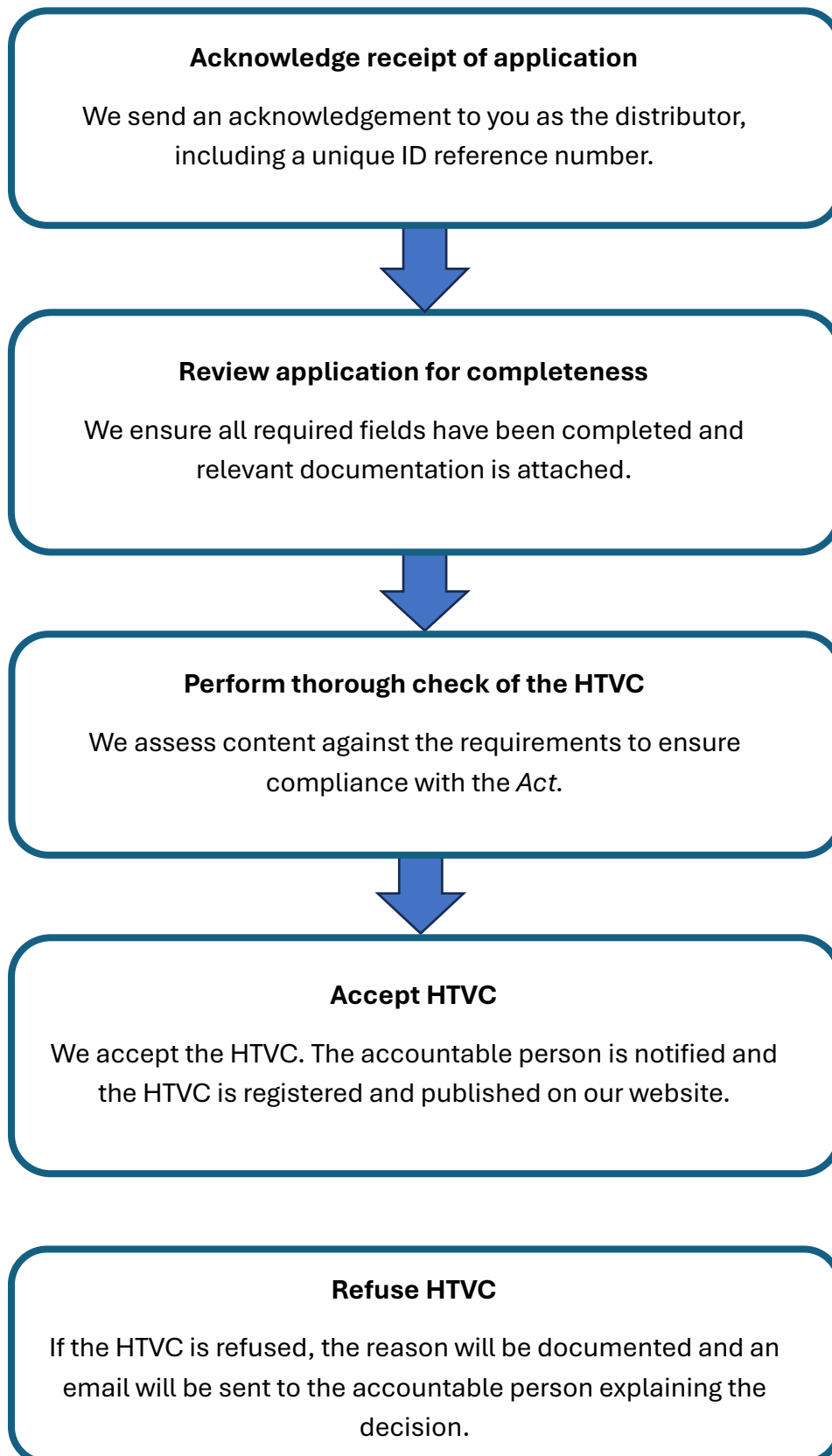
Publishing or distributing a HTVC that has not been registered with us is a criminal offence. This includes distributing an unregistered HTVC within 100 metres of a place to vote. The penalty for each of these offences is a fine of \$24,000 and imprisonment for two years.

All HTVCs that are registered will be published on our website, elections.wa.gov.au

4 Registering a how-to-vote card – what you need to do



5 How-to-vote card registration process – what we do



6 Distributor and accountable person

For each HTVC there is a distributor and an accountable person.

The distributor for a HTVC is the entity, for example the person, political party who wishes to distribute or publish the HTVC to electors in an election. The distributor applies to register a HTVC with us during the HTVC registration period.

The accountable person for a HTVC is the entity considered by the distributor and us to be responsible for the publication and distribution of the HTVC. The accountable person:

- receives all notices issued by us in relation to the HTVC
- is able to replace or cancel the HTVC once it has been registered
- is responsible for ensuring publication and distribution of the HTVC complies with electoral legislation, avoiding any actions that could be considered illegal.

An accountable person for a HTVC must be a legal person, e.g. an individual or an incorporated entity. A distributor can nominate themselves as an accountable person, provided they are a legal person. Given the significant responsibilities of the accountable person it is a role that should be occupied by someone who is able to regularly check for correspondence from us and is a suitable person to act on behalf of the distributor.

7 Registration period

Registration begins at 8am the day after the close of nominations and closes at 5pm, six business days before polling day. Refer to the by-election timeline for further details.

8 Requirements to register a how-to-vote card

To register a HTVC, the following requirements must be met:

1. An application must be correctly submitted.
2. The HTVC must fulfill the requirements of being suitable to be registered.
3. The HTVC must not fall within any of the categories that would deem it unsuitable for registration.
4. There is no other reason for us to refuse to register the HTVC.

8.1 Correct submission of application

To apply to register a HTVC, submit via the HTVC portal on our website, together with the proposed HTVC and any other relevant material.

The following information must be provided:

- contact details of the distributor. If the distributor is not a legal person, the contact details of an accountable person for the HTVC must be included
- the details of the accountable person
- a statement from the distributor confirming that the HTVC is suitable for registration

- the election(s) for which the HTVC will be distributed or published. For the 2026 Legislative Assembly Secret Harbour by-election, select the district name “Secret Harbour”.

Attach the following to the application form:

- final version of the HTVC in digital PDF format with a file size of less than 10 megabytes
- if the HTVC includes or links to audio or audio-visual material:
 - a copy of the audio, in mp3 format, or audio-visual material in mp4 format, no larger than 100MB, or a link to the audio-visual file on YouTube
 - a transcript of the audio or audio-visual material
- if the HTVC includes a QR code:
 - we will assess the web link (URL) to ensure the webpage complies with the legislation
- if the HTVC includes a language other than English, the application must include:
 - a translation into English; and
 - a certificate from the translator that includes their name, address, translation qualifications, and a statement confirming accuracy of translation.

If the translator makes a false statement in relation to the translation or the certificate of translation, they are liable for a fine of \$1,000.

8.2 A how-to-vote card can be registered if:

- the HTVC clearly identifies the person or party on whose behalf the card is being distributed or published
- it indicates or specifies a method of marking an elector’s vote formally on the ballot paper
- the name and address of the person or political party authorising the HTVC is stated on all sides of the HTVC that specify a method of voting
- the HTVC includes the following statement: “Registered by the Western Australian Electoral Commission”.

8.3 A how-to-vote card is unsuitable to be registered if:

- it is likely to mislead or deceive an elector in relation to the casting of their vote. This includes misrepresentations of the ballot paper.

Examples of a misleading or deceptive HTVC include:

- listing the candidates in an incorrect ballot paper order
- incorrect spelling of the names of parties or candidates.
- it is likely to cause an elector to mark their ballot paper in a way that is not in accordance with the directions on the ballot paper
- it contains an error or abusive, obscene, threatening, violent, unlawful or similarly offensive material.

Where a HTVC contains a QR code or other link to a webpage, it cannot be registered if that webpage is not suitable, for the reasons above.

8.4. Other reasons a how-to-vote card may be refused

If a substantially similar HTVC has already been registered by the distributor for the election in that district and the initial registered HTVC has not been cancelled.

9 Application to register a how-to-vote card

9.1 Portal submission

The application to submit a HTVC for registration must be completed via our online submission portal. Submissions must include an application form, final version of the HTVC and any accompanying documents such as transcripts and translations.

9.2 What happens next?

We will evaluate each HTVC, application form and any accompanying material to ensure it complies with the *Act*. During this process, we may contact the accountable person if there are any technical issues with accessing contents of the application. Please ensure that the accountable person is available during this time.

9.3 Approved

If approved, the HTVC will be published on our website and the accountable person notified of the approval by email.

The HTVC can be published and distributed at a place to vote on polling days.

9.4 Refused

If refused, the HTVC will not be published on our website and the accountable person will be notified by email.

We will state the reasons why the HTVC has been refused and advise the distributor they have three days to re-apply with an amended HTVC and a new application form.

The refused HTVC cannot be distributed or published at a place to vote on polling days. Failure to comply is an offence that carries a penalty of imprisonment of up to two years and a fine of \$24,000.

10 Replacing a registered how-to-vote card

An accountable person for a registered HTVC may apply to replace an existing registered HTVC with another HTVC (a replacement HTVC).

An application to replace a registered HTVC must be completed on the submission portal. The application must state the differences between the registered HTVC and the replacement HTVC. If the differences correct an error on the registered HTVC, the form must state the error.

The application must include the final version of the replacement HTVC in digital PDF format with a file size of less than 10 megabytes, ensuring the replacement HTVC meets the same requirements for registration.

10.1 What happens next?

We will assess the replacement HTVC and application form to ensure that it complies with Division 2A, section 89E of the *Electoral Act 1907*.

10.2 Approved

If approved, the replacement HTVC will cancel the registration of the previous HTVC. The replacement HTVC will be published on our website and the previous HTVC will be removed. The accountable person named on the form will be notified of the decision and reasons for the decision.

The replacement HTVC may be then published or distributed at a place to vote on polling days. The previous HTVC can no longer be published or distributed.

10.3 Refused

If refused, the replacement HTVC will not be published on our website and the accountable person will be notified of the refusal to register and reason for the refusal by email.

The previous HTVC will remain registered, unless an application to cancel the HTVC is submitted and accepted.

The refused replacement HTVC cannot be published or distributed at a place to vote on polling day. Failure to comply is an offence that carries a penalty of imprisonment of up to two years and a fine of \$24,000.

11 Error notices

We may become aware of a material and serious error in a registered HTVC. If this occurs, we will issue the accountable person an error notice by email.

The error notice will specify the identified error and provide a reasonable timeframe for either:

- a replacement HTVC with the error corrected to be provided to us; or
- a submission to be made to us disputing the error.

If an error notice is received, the accountable person must take immediate steps to ensure the HTVC is no longer distributed or published. The registration of the HTVC may be cancelled by us unless a replacement or an accepted submission disputing the error is provided. We will remove the HTVC from the website until a replacement or submission disputing the error notice is accepted.

It is an offence to continue to produce and distribute a HTVC after a material and serious error notice has been issued. Doing so carries a penalty of imprisonment of up to two years and a fine of \$24,000.

If issued an error notice, it is an offence to fail to provide a replacement HTVC or fail to make a submission to us disputing the error. This offence carries a penalty of a fine of \$2,000.

12 Cancelling registration of a how-to-vote card

To request cancellation of a HTVC registration, the accountable person must make the cancellation application on our portal. Once this application is made, we will cancel the registration of the HTVC, remove it from our website and provide written notice of the cancellation. The HTVC can no longer be published or distributed at a place to vote.

13 Changing the accountable person for a registered how-to-vote card

The accountable person for a registered HTVC, or the person or party on whose behalf the HTVC is registered, may change the accountable person for a registered HTVC by making an application on our portal.

An application to change an accountable person for a registered HTVC can be made at any time during the existence of the registered HTVC. This would include the duration of the registration period, plus the six days up to and including polling day for an election.

14 How-to-vote cards during polling

If a Presiding Officer suspects that someone within 100 metres of a place to vote on a day when voting occurs is distributing or publishing an unregistered HTVC or a HTVC that is subject to a material and serious error notice, they can:

- request that the person produce the HTVC in their possession for inspection
- confiscate the unregistered HTVC.

It is an offence to fail to comply with this requirement which carries a penalty of imprisonment for two years and a fine of \$24,000.

15 Complaints

If an election campaign worker identifies another person as distributing or publishing an unregistered HTVC they may lodge a complaint to the Presiding Officer. If required, the election campaign worker can escalate the complaint to the Returning Officer for the district. All complaints made should be accompanied by a copy or photo of the HTVC in question. The accountable person for a HTVC may be contacted in relation to any complaints about the HTVC.

Distribution or publishing of an unregistered HTVC is a crime that carries a penalty of two years imprisonment and a fine of \$24,000.

16 Last day submissions

HTVCs should be submitted for registration well before the close of registration. If a HTVC is submitted on or close to the last day of registration and refused, there may not be sufficient time to reapply. Consequently, the HTVC cannot be published or distributed within 100 metres of a place to vote on a day when voting occurs and will not appear on our website.

17 Definitions

Accountable person: The person accountable for the publication and distribution of the how-to-vote card as specified in either the application to register a HTVC or application to nominate or change an accountable person.

Commission website: The Western Australian Electoral Commission website:
elections.wa.gov.au

Distributor: A person or political party wishing to distribute or publish a HTVC – the person who applies to register a HTVC with the Commission.

Error notice: A notice issued by the Commission to the accountable person for a HTVC, detailing an error that has been identified in a registered HTVC.

HTVC registration period: The period starting the day after the close of nominations and ending six business days before polling day.

Legal person: a body with individual legal powers, privileges, rights, duties or liabilities, whether a natural person (a human being) or an artificial person (e.g. a corporation).

Place to vote: Means a polling place or mobile voting place.

Presiding Officer: The person appointed to preside over and manage the staff and operations of a place to vote during the polling period.

Registered how-to-vote card: A how-to-vote card that has been registered by the Electoral Commission and has been published on the Commission website.

Registration statement: the statement to be included on all HTVCs submitted as a mandatory requirement – “Registered by the Western Australian Electoral Commission”.

Replacement how-to-vote card: A draft how-to-vote card proposed to replace a registered how-to-vote card. A replacement how-to-vote card cannot be published or distributed unless it is approved by the Electoral Commission.

Appendices

Appendix 1: Registering how-to-vote cards – checklist

This checklist is a guide to help you meet requirements for registering a HTVC.

Note: Publishing or distribution of a HTVC is not permitted unless it has been registered with the Commission.

Checklist items	Yes	No	N/A
Does the HTVC clearly identify the person or political party it is being distributed or published on behalf of?	☐	☐	☐
Voting instructions for Legislative Assembly (LA) elections <u>More than two candidates</u> - The HTVC instructs the voter to place the number '1' in the box adjacent to the preferred candidate and also clearly instructs the voter to place consecutive numbers from '2' for all the remaining candidates listed on the ballot paper. <u>ONLY two candidates</u> - The HTVC instructs the voter to place the number '1' in the box adjacent to the preferred candidate.	☐	☐	☐
Legislative Assembly ballot paper representations: - Candidates are listed in correct ballot paper order. - District and candidate names must be spelt correctly. - Political party affiliation (or independent status) is accurate for each candidate shown. - Ballot paper representation markings are numbers only.	☐	☐	☐
Have you listed all candidates on the HTVC in ballot paper order, with the correct spelling of their names?	☐	☐	☐
Have you ensured that the HTVC displays the name and address of the authorising person or political party on each side of the HTVC that specifies a method of marking the ballot paper?	☐	☐	☐
If the HTVC includes a language other than English, is the application accompanied by: - an English translation; and - a certificate from the person who performed the translation, stating the translator's name and address, their qualification to translate the language into English and a statement that the translation is correct?	☐	☐	☐
Have you ensured that if the HTVC includes or gives access to audio or audio-visual material, the application is accompanied by: - a copy of the audio or audio-visual material; or - a transcript of the audio or audio-visual material?	☐	☐	☐
Have you ensured that the HTVC does not contain an error? An error may include misspellings, incomplete sentences, incomplete graphics, or anything else that may cause confusion for the reader.	☐	☐	☐

Checklist items	Yes	No	N/A
Have you ensured that the HTVC does not contain abusive, threatening, violent, unlawful or similarly offensive material?	☐	☐	☐
Have you ensured that the HTVC is not designed to look as though it has been produced by or communicated from the Western Australian Electoral Commission or the Electoral Commissioner?	☐	☐	☐
If the HTVC is for a political party, have you ensured that the voting directions preference your own candidates before all others?	☐	☐	☐
If the HTVC is for an independent, have you ensured that the voting directions give preference to them before giving preferences to any other candidates?	☐	☐	☐
If registered, your HTVC will be displayed online. Have you ensured you are satisfied with the quality of the digital imagery?	☐	☐	☐
Have you submitted an electronic PDF version of the HTVC in the final print ready format?	☐	☐	☐
Have you ensured the HTVC contains the following statement? "Registered by the Western Australian Electoral Commission"	☐	☐	☐

Western Australian Electoral Commission

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Phone (08) 9214 0400 or 13 63 06

Email waec@waec.wa.gov.au

Web elections.wa.gov.au

Translating & Interpreting Service (TIS)

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

National Relay Service (NRS)

Voice Relay 1300 555 727

SMS Relay 0423 677 767



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