

ELECTION
2019

Local Government
Ordinary Elections

Summary Information for Candidates

MANUAL



Table of Contents

Eligibility.....	2
Disqualifications.....	2
Candidate Information.....	2
Nominations.....	3
Nomination Builder.....	3
Nomination Form.....	4
Candidate Profile.....	4
Deposit.....	4
Candidate Photograph.....	5
Rejection of Nomination.....	5
Declaration of Nominations.....	5
Draw for Positions on Ballot Paper.....	5
Election Campaign – In Person Elections.....	6
Election Campaign – Postal Elections.....	6
Postal Voting Process.....	7
Count of Votes.....	8
Declaration of Result.....	8
Disputed Returns.....	8
Electoral Advertising and Publications.....	8
Alleged False or Misleading Material.....	8
Scrutineers.....	8
Electoral Donations.....	8

Eligibility

In order to nominate, a person must be registered as a voter for the district in which they are standing as a candidate. They do not need to be an elector of the particular ward for which they are standing.

Resident

The Commission maintains the residents roll. Individuals can confirm their enrolment status at the Commission's website www.elections.wa.gov.au. If a person is on the residents roll and has changed address after the rolls have closed, but remains in the district, they will continue to be eligible to sit on council if elected.

Non-Resident Owners and Occupiers

Non-resident owners and occupiers rolls are maintained by individual Local Governments. Prospective candidates in this category must check with their Local Government to confirm their eligibility.

Disqualifications

A candidate is disqualified for membership of a council if they:

- are a member of the Legislative Assembly, the Legislative Council, the House of Representatives or the Senate (or has been elected as such a member but has not yet taken office); or
- are a member of the council of another Local Government; or
- are an insolvent under administration; or
- are in prison serving a sentence for a crime; or
- have been convicted of a serious Local Government offence within the last 5 years (unless the court waived the disqualification); or
- have been convicted on indictment of an offence for which the indictable penalty was or included – imprisonment for life; or imprisonment for more than 5 years; or
- are subject to a court order disqualifying them from being a member of a council because they have misapplied Local Government funds or property.

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

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

Candidate Information

The Returning Officer will provide candidates with a USB containing relevant forms and information. A candidate may obtain a free copy of the owners and occupiers roll and the residents roll for the electorate (ward or district) for which they nominate, from the Returning Officer.

Nominations

Nominations can only be made to the Returning Officer during the designated nomination period. When a candidate makes a declaration, they are attesting that they are an elector of the district and are not disqualified from holding office. The Returning Officer can witness a candidate's declaration.

An effective nomination consists of the following:

- a completed nomination form; (if by proxy this needs to include a letter from the candidate);
- a profile of the candidate, prepared in accordance with the regulations;
- a nomination deposit of \$80; and
- a photograph (optional).

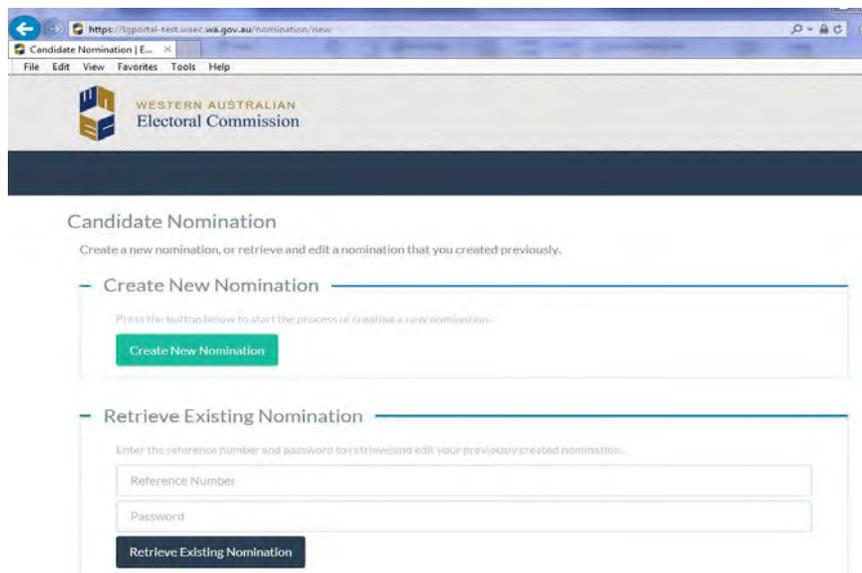
A candidate can nominate for both mayor/president and councillor. A candidate will need a separate online form, profile and \$80 nomination deposit for each nomination.

A nomination may be withdrawn at any stage up to the close of nominations, but not thereafter. Withdrawal of a nomination must in writing and received by the Returning Officer at the nomination place. It is either signed by the candidate or accompanied by evidence that the candidate has consented to the withdrawal of their nominations.

Nomination Builder

Candidates complete their nomination details and profile via Nomination Builder at www.elections.wa.gov.au. Access to the online nomination form is via the barcode reference number and password created by the candidate at their initial login.

Once completed, the candidate must then print and sign the form which has a barcode reference number and lodge it with the Returning Officer in person or through a properly appointed agent.



The screenshot shows a web browser window with the URL <https://portal-test.usac.wa.gov.au/nomination/new>. The page header features the Western Australian Electoral Commission logo and name. The main content area is titled "Candidate Nomination" and includes the instruction: "Create a new nomination, or retrieve and edit a nomination that you created previously." There are two main sections: "Create New Nomination" with a "Create New Nomination" button, and "Retrieve Existing Nomination" with input fields for "Reference Number" and "Password", and a "Retrieve Existing Nomination" button.

Nomination Form

The candidate should specify how they wish their name to appear on the ballot paper. This may be:

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

The Returning Officer has discretion as to what is acceptable. A candidate's surname will always appear first on the ballot paper.

Candidate Profile

Profiles must:

- be written in English and contain no more than 150 words;
- be able to be printed on a single A4 page;
- stay confined to biographical information about a candidate and statements of their beliefs, and
- include the Candidate's name (in the form to which it is to be included on the ballot paper).

The Local Government and ward name, candidate's name and contact details will not be counted in the 150 word limit.

It is suggested that your profile be provided to the Returning Officer for review prior to nomination. If it is longer than the permitted limit, the Returning Officer may amend the wording but will endeavour to consult with the candidate in the time available.

Profiles are also published and posted out to all electors as part of the election package as well as being displayed on the Local Government public noticeboard.

All profiles for this purpose are printed in a standard style with all formatting removed.

Deposit

An \$80 deposit must be paid to the Returning Officer. Cash, bank cheques and money orders (made payable to the Local Government) are acceptable but personal cheques cannot be accepted. The Returning Officer will only accept electronic payment of the deposit by bank transfer or other means (e.g. credit card), if proof can be provided that the deposit has been credited to the Local Government's trust account before close of nominations. Arrangements for paying the deposit like this must be made in advance.

The Returning Officer will advise the Local Government to refund deposits under the following conditions:

- if a candidate receives at least 5% of the total number of votes included in the count;
- nomination is withdrawn not later than 4.00 pm on the day before the close of nominations ;
- successful candidate in a principal office election (e.g. for mayor) where an additional deposit was paid to nominate for election as a councillor for the same Local Government;
- election is declared invalid by a Court of Disputed Returns; or
- the death of candidate occurring after the close of nominations but before the election.

Candidate Photograph

The inclusion of a photograph with the profile is optional. If a photograph is supplied, it must be passport photo size of the candidate's head or head and shoulders, have a clear background, and be not more than six months old. The Returning Officer may use their discretion and reject a photograph if they believe it is not a true representation of the candidate.

Rejection of Nomination

A nomination may be rejected if:

- it is incomplete - the deposit is unpaid, missing the nomination form or profile;
- a candidate was not an elector of the district as at the close of enrolments;
- a candidate is standing for office as councillor at another election; or
- a candidate is the holder of an office or a member of the council whose term of office expires later than election day.

Declaration of Nominations

Immediately after nominations have closed, the Returning Officer publicly declares all nominations that have been accepted. The declaration will be made at the designated nomination place in the presence of any candidates and other people who wish to attend.

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

If at the close of nominations, there are more candidates than vacancies, the Returning Officer will draw lots to decide the position in which each candidate will be placed on the ballot paper.

Draw for Positions on Ballot Paper

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

Step 1 – Writes names of candidates on slips

Step 2 – Places slips in separate opaque spheres

Step 3 – Places spheres in a box and shakes well

Step 4 – Removes a sphere and opens it

Step 5 – Records name on list in descending order on the ballot paper and continues this until all names have been drawn and recorded.

The first drawn name will appear first on the ballot paper list of candidates.

Election Campaign – In Person Elections

Election Day

Polling commences at 8.00am and closes at 6.00pm. Ordinary votes are issued from at least one polling place on election day.

The location (s) will be posted on both the Commission's and the Local Government's website.

A person may not do any of the following inside a polling place or within 6 metres from the entrance to a polling place:

- canvasses for votes
- solicits the vote of an elector
- induces an elector not to vote for a particular candidate
- induces an elector not to vote at the election.

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

The Act provides a severe penalty for any offence.

Counting of votes will commence at 6.00pm.

Early Voting

The times and dates that early voting occurs is detailed in the election notice. This will include issuing early votes at the local government office as well as possible other locations.

The votes received at these early voting centres are placed by the elector in a sealed ballot box for counting on election day.

Ordinary Voting at Polling Places

At an in person election, electors may cast an absent vote at the office of another local government or apply for a postal vote if unable to attend a polling place.

Election Campaign – Postal Elections

Electors will be sent an election package containing postal voting instructions, ballot papers with candidate profiles attached, a ballot paper envelope with an elector certificate attached and a reply paid postage envelope. Replacement voting packages are available from the Local Government. The Commission keeps daily statistics of postal election packages returned via Australia Post. These figures are indicative only and are published on the Commission's website.

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

Approximately 50% of those voting return their ballot papers within a week of receiving them.

Count of Votes

The votes will be counted at the place(s) notified in the election notice. The result of the election for a mayor/president will always be determined first. The Returning Officer's decision about the formality of a ballot paper is final. The USB provided to candidates includes a Ballot Paper Formality Guide.

Declaration of Result

The result of a count is not final until the Returning Officer formally declares the result.

Disputed Returns

An invalidity complaint challenging the result of an election must be made in writing within 28 days of election day, to a Court of Disputed Returns constituted by a Magistrate.

Electoral Advertising and Publications

Electoral material consists of any advertisement, handbill, pamphlet, notice, letter or article for the election, whether printed or in electronic form. Electoral material **must** have the name and address (not being a post office box) of the person who authorised its publication. In the case of electoral material that is printed other than in a newspaper, the name and business address of the printer **must** also appear at the end of the electoral material.

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

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

Alleged False or Misleading Material

The Commission often receives complaints from candidates about material published by their opponents. Most of these complaints are unable to be acted upon. The legislative provisions relating to 'misleading' material have been narrowly defined by the courts to mean misleading an elector 'in the act of filling out the ballot paper'. For example, it might be misleading to for a candidate to publish a purported facsimile of the ballot paper but with the candidates in the wrong order, possibly inducing an elector to mark their ballot paper in a way other than they intended. The legislation has not been taken to apply to actual statements or policies put out by candidates, about which electors must form their own judgements.

The Commission has no role to play in testing the veracity of statements made by candidates that are intended to influence electors' judgements.

Scrutineers

Candidates are entitled to appoint a Scrutineer on their behalf. Further information on the rights and responsibilities of Scrutineers can be found on the Commission's website or on the Candidate USB supplied by the Returning Officer.

Electoral Donations

All enquiries referring to the disclosure of gifts and donations should be directed to the CEO of the Local Government district.

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