



ELECTION  
2022

Local Government  
Elections

# Summary Information for Candidates

## MANUAL



WESTERN AUSTRALIAN  
Electoral Commission

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## COVID – 19 Election Requirements

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Some processes may change at these elections due to COVID-19 requirements.

A separate *COVID-19 Local Government Election Guide* will be available on the Commission public website [www.elections.wa.gov.au](http://www.elections.wa.gov.au) outlining any specific requirements at the 2021 local government elections.

Candidates and appointed scrutineers must adhere to applicable public health guidelines and follow Returning Officer directions when attending electoral venues.

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## Eligibility

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In order to nominate, a person must be registered as a voter for the local government 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](http://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 and enrolment status.

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## Disqualifications

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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 have been elected as such a member but have 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.

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## Candidate Information

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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.

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## Nominations

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Nominations can only be made to the Returning Officer during the designated nomination period. See the election timelines at Appendix 1 and 2 for the relevant dates. 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, needs a letter from the candidate);
- a profile of the candidate, prepared in accordance with the Regulations;
- a nomination deposit of \$80
- a photograph (optional); and
- completion of the mandatory 'Induction for prospective candidates' course (reference number and date required).

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. The same induction course reference number can apply.

A nomination may be withdrawn at any stage up to the close of nominations, but not thereafter. Withdrawal of a nomination must be:

- in writing and received by the Returning Officer at the nomination place, either signed by the candidate or accompanied by evidence that the candidate has consented to the withdrawal of their nomination.

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## Nomination Builder

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Candidates complete their nomination details and profile via *Nomination Builder* at [www.elections.wa.gov.au](http://www.elections.wa.gov.au). Access to the online nomination form is via the 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 reference number and lodge it with the Returning Officer in person or through a properly appointed agent.



Candidates must keep a record of their Reference Number and Password.

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## Nomination Form

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

- given name in full;
- an initial for first name(s); or
- a commonly accepted variation of their first name (e.g. Bob in lieu of Robert).

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

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## Candidate Profile

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Profiles must:

- be written in English and contain no more than 800 characters including spaces
- be able to be printed on a single A4 page
- stay confined to biographical information about a candidate and statements of their beliefs
- include the candidate's name (in the form it is to be included on the ballot paper); and
- at least one means of contact (address, phone number, email, social media or web page address).

The local government and ward name, candidate's name and contact details will not be counted in the 800 character limit. Importantly, the 800 character limit includes letters, numerals, all punctuation and grammatical marks (i.e. full stops, commas, brackets, hyphens and so on) as well as spaces between words and sentences.

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 delete characters 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 such as bullet points statements in capital letters and bolding removed.

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## Deposit

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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 with the local government.

After the election 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.

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## Candidate Photograph

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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 or considered by the Returning Officer as an acceptable likeness. The Returning Officer may use their discretion and reject a photograph if they believe it is not a true representation of the candidate.

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## Rejection of Nomination

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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
- a candidate is the holder of an office or a member of the council whose term of office expires later than election day; or
- A candidate is unable to provide the mandatory training course reference number and date.

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## Declaration of Nominations

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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's name will be placed on the ballot paper.

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## Draw for Positions on Ballot Paper

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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 draw form 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.

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## Electoral Advertising and Publications

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Election material must be authorised appropriately, by including the name and address (not being a post-office box) of the person who authorised it. Where the material is printed other than in a newspaper, this authorisation should also include the name and business address of the printer.

Failure to adhere to the authorisation requirements for any relevant election material, by a candidate or member of the public, is an offence under s 4.87 of the *Local Government Act 1995* and will be investigated by the Returning Officer (RO).

Should someone wish to make a complaint about any election material, it must be put in writing to the RO and accompanied by photographic evidence of the offending material.

The RO, upon reviewing the complaint, will then determine whether they have capacity or scope under the *Local Government Act 1995* to proceed with an investigation. Should it be determined that they do not have any legislative provision to investigate the complainant will be informed, and the matter concluded at that point.

Should the complaint have merit, the RO will then contact the relevant parties to seek to resolve the matter quickly and in accordance with the requirements of the *Local Government Act 1995*.

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## Websites and Social Media

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Electoral material published online must be authorised appropriately, by including the name and address (not being a post-office box) of the person who authorised it.

Should a website or social media page not meet the authorisation requirements under the *Local Government Act 1995*, this is deemed an offence. The RO will proceed with investigating any relevant complaints brought to their attention. They will then attempt to contact the owner/operator of the page to ensure that the website is updated and fully compliant with the authorisation requirements.

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## Alleged false or misleading material

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It is an offence under s 4.88 of the *Local Government Act 1995* to print, publish or distribute deceptive material. Electoral material must not mislead an elector in the act of completing their ballot paper i.e. material that might induce an elector to unknowingly cast an informal vote.

Should someone wish to make a complaint about misleading material, it should be put in writing to the RO.

Please note that it is not the RO's responsibility to verify the accuracy of content or comments posted on the internet, social media or print materials regarding allegations or policy claims about which electors must form their own judgements.

Any individual who believes that they have been defamed, or that comments made about them on social media are untrue, can refute such statements publicly and can seek their own legal advice and pursue the matter in the civil courts.

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## Code of Conduct

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In 2021, a mandatory Model Code of Conduct was introduced to guide decisions, actions and behaviours of council members, elected and unelected committee members, and candidates in local elections. The Code of Conduct includes provisions around the declaration of gifts and electoral donations.

Any enquiries or complaints relating to the Code of Conduct, including the disclosure of gifts or donations, should be directed to your local council following their stated processes for complaints.

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## Election Campaign – Postal Elections

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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.

For biennial Local Government Elections, the Commission publishes daily statistics of postal election packages returned via Australia Post on its website. These figures are indicative only.

Approximately 50% of those who vote in local government elections return their ballot papers within a week of receiving them.

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.

## Election Campaign – In Person Elections (not postal elections)

Ordinary voting is the most common type of voting and occurs on election day when electors cast their vote at a polling place(s) within the district in which they are enrolled. Polling commences at 8.00 am and closes at 6.00 pm.

The Commission's and the local government's websites will indicate the location of polling place(s).

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

- canvass for votes
- solicit the vote of an elector
- induce an elector not to vote for a particular candidate
- induce 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.

Early Voting is a vote cast by an elector at a designated location before the day of the election at that local government. Postal voting requires a written application to that specific local government. It is also unlawful for a candidate to handle or collect electors' postal vote packages. The Act provides a severe penalty for any offence.

Electors also may cast an absent vote at any other local government district office before election day.

Please refer to the election timelines in the Appendices for specific start and end dates.

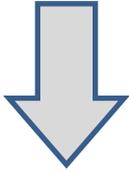
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# Processing Postal Votes

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The processing of returned postal voting packages commences about two weeks before election day, however there is no counting of votes until after 6.00 pm on election day.

## Election Packages sent to all electors on the roll



Replacement election packages may be issued to electors on the roll who apply in person at their local government offices during business hours and at the polling place between the hours of 8.00 am and 6.00 pm on election day.  
Provisional postal election packages may be issued to eligible electors who applied for enrolment before roll close if their names have been omitted from the electoral roll in error.



Voters return reply paid envelopes containing ballot papers to the Returning Officer or to an electoral officer at the local government.

Reply paid envelopes are opened.  
Ballot paper envelopes are extracted.



Electors' certificates are checked for signature of elector and completion in accordance with regulations.

If the elector's certificate has been removed or not completed in accordance with reg 52(b) of the Local Government (Elections) Regulations 1997, the ballot paper envelope is stamped 'Rejected' and is put aside.



Elector barcodes printed on ballot paper envelopes are scanned to record receipt of returned voting package and mark the elector on the roll as having voted.



Certificates are detached from ballot paper envelopes. After this point, it is no longer possible to identify the voter who completed the ballot paper.



Ballot papers are removed from ballot paper envelopes without inspection and placed into sealed ballot boxes.

**ELECTION DAY  
6:00 PM**

Counting of votes commences after 6.00 pm. Scrutineers can 'observe' the count.

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## Scrutineers

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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. Typically, only one scrutineer per candidate per count table will be allowed.

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## Counting of Votes

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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*.

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## Recounts

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A Returning Officer may consider a full recount, or a recount of a particular bundle of votes, at the request of either a candidate, scrutineer or their own volition. Where a candidate or scrutineer requests a full recount, they must provide sufficient evidence in writing to justify querying the accuracy of the count figures.

The Returning Officer's decision whether to conduct a recount is final.

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## Declaration of Result

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

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## Disputed Returns

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Where a person is dissatisfied with the result of an election or the way it was conducted, they may be able to make an invalidity complaint to the Court of Disputed Returns, under section 4.80 of the *Local Government Act 1995*. An invalidity complaint must be made in writing within 28 days after notice is given of the result of an election, and must be a complaint that either:

- An election is invalid; or
- Another person should be declared elected; or
- The term of office of a councillor should be longer or shorter than the term determined by the Returning Officer.

All invalidity complaints must be made in writing to the Magistrates Court.

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