

2023

Local Government Election



CANDIDATES INFORMATION GUIDE



WESTERN AUSTRALIAN
Electoral Commission

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1 Eligibility

In order to nominate, a person must be registered as an elector 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. 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.

2 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.

3 Candidate General Information

- All local elections in WA are conducted using the optional preferential voting system. This means that electors can choose whether to only vote for their first preference or rank any or all candidates in order of preference.
- The candidates with the most votes that also meet the required quota are elected as a council member until all vacancies for the local government are filled. The number of vacancies will vary.
- All election material, including material posted on social media, must have the correct name and physical address of the authorising person.
- Any printed election material, other than in a newspaper, must also have the name and physical address of the printer.
- The WAEC does not regulate the content of election material and has no role in deciding whether a political message is true or untrue.
- The WAEC is responsible for ensuring that electors are aware of who is responsible for statements contained in election material.
- The Returning Officer will provide candidates with access to the 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.
- Candidates (for a councillor vacancy) are eligible for a ward roll. If there are no wards, they receive a district roll. Mayoral or Presidential candidates are eligible for a district roll.
- Rolls provided to candidates are only to be used for electioneering purposes. Candidates must sign the *Record of Rolls Issued* (LG42) provided by the Returning Officer to indicate they will use the rolls accordingly. Penalties apply to candidates for misuse.
- These electoral rolls must be destroyed/deleted by the end of the relevant period.
- The relevant period for unsuccessful candidates to destroy/delete rolls and complete a Statutory Declaration stating that this has occurred is within five business days of the declaration of results. The Statutory Declaration must be returned to the Electoral Commissioner. A copy of a Statutory Declaration template is available from the Returning Officer.
- The relevant period for successful candidates to destroy/delete rolls and complete a Statutory Declaration stating that this has occurred is within five working days after the term of office ends. The Statutory Declaration must be returned to the Electoral Commissioner. A copy of a Statutory Declaration template is available from the Returning Officer.

4 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 \$100
- a photograph (optional)
- completion of the current mandatory online induction course.

Prior to nomination, potential candidates must complete the free online course, provided by the Department of Local Government, Sport & Cultural Industries, so that they are fully aware of what to expect as an elected member and the rules relating to campaigning.

The course can be found on the Department's website - [Local Government Candidate Induction \(https://www.dlgsc.wa.gov.au/local-government/local-governments/council-elections/induction-for-prospective-candidates\)](https://www.dlgsc.wa.gov.au/local-government/local-governments/council-elections/induction-for-prospective-candidates).

All candidates **MUST** complete the online induction course, with no exceptions allowable.

A candidate can nominate for both mayor/president and councillor. A candidate will need a separate online form, profile and \$100 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 be in writing and received by the Returning Officer, either signed by the candidate or accompanied by evidence that the candidate has consented to the withdrawal of their nomination.

5 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 reference number and password created by the candidate at their initial login.

You can watch the step-by-step video for [instructions on how to use Nomination Builder \(https://www.elections.wa.gov.au/using-nomination-builder\)](https://www.elections.wa.gov.au/using-nomination-builder).

The Nomination Builder does not process nominations.

Once you have completed your candidate profile you, or a properly appointed agent, must make an in-person appointment with the Returning Officer for your local government to submit your nomination during the nomination period. It is recommended that you book this appointment before the nomination period commences and bring your printed and signed form (with included reference number).

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

6 Nomination Form

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 (eg. Bob in lieu of Robert).

The candidate's surname is automatically entered in upper case into the Nomination Builder. Names will appear exactly the same in the 'name on ballot paper' field. Candidates requiring the surname as anything other than full caps will need to make the change to the 'name on ballot paper' field. The Nomination Builder does not allow for superscript. A name like M^cKay will need to be entered as MckAY, and then will appear as MckAY on the ballot paper.

Some variations of a person's name are acceptable. For example, for William Ray Dally-Smith, variations could include:

- DALLY-SMITH, W R;
- DALLY-SMITH, William;
- DALLY-SMITH, Bill;
- DALLY- SMITH, Ray.

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

7 Candidate Profile

Profiles must:

- be written in English and contain no more than 1,000 characters (includes spaces, commas and full stops)
- 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 to which it is to be included on the ballot paper)
- at least one means of contact (address, phone number, email, social media or web page address). Council supplied phone and email are only able to be used with prior approval.

Only candidate contact details provided on the profile will be published on the local government website. In the interests of privacy, this need not be a residential address or a telephone number. A Post Office Box, email or social media address is also acceptable.

The local government and ward name, candidate's name and contact details will not be counted in the 1,000 character 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 published on the Local Government website.

All profiles for this purpose are printed as they appear on the final signed printed copy of the approved nomination form.

8 Deposit

A \$100 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 is elected, or receives at least 5% of the total number of first preference votes included in the count
- the nomination is withdrawn not later than the close of nominations
- the 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
- the election is declared invalid by a Court of Disputed Returns
- the death of the candidate occurring after the close of nominations but before the election.

9 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 or must be considered by the Returning Officer as an acceptable likeness. The use of a mayoral chain in a candidate photograph is at the discretion of the individual Council.

The Returning Officer may use their discretion and reject a photograph if they believe it is not a true representation of the candidate.

10 Relevant Additional Information

A candidate may provide, for publication on the local governments official website, a written statement that contains information that the candidate considers to be relevant to their candidature in addition to any information included in their profile under section 4.49(ba).

The written statement must:

- accompany the nomination paper for the candidate
- be in the English language
- contain no more than 2,000 characters and spaces.

11 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 councillor election
- a candidate is the holder of an office or a member of the council whose term of office expires later than election day.

12 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's name will be placed on the ballot paper.

13 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.

14 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 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.

15 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 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 timetables in the Appendices for specific start and end dates.

The processing of returned postal voting packages commences three 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 then 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.

16 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.

17 Declaration of Result

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

18 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.

19 Electoral Advertising and Publications

Electoral material consists of any advertisement, handbill, pamphlet, notice, website, social media page, 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.

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.

20 Websites and Social Media

Anyone (not just candidates) who establishes or utilises a website or social media page (e.g. Facebook, Twitter, etc) that is intended or calculated to affect the result of a local government election is required to ensure its content is duly authorised. The courts have clearly reinforced that anonymity is unacceptable in electoral material; someone must take responsibility for the content and its publication and dissemination. It need not necessarily be the candidate themselves.

As with advertisements, posters, pamphlets and the like, the *Local Government Act 1995* requires that the name and physical address (not a PO Box number) of the authorising person be provided. This may be placed in the footer or landing page of a website (or under the "About" or "Contact" tabs) or in the "bio" or "About" space for a social media site. Subsequent posts or comments placed on that site do not need to be separately authorised.

21 Alleged False or Misleading Material

The Commission often receives complaints from candidates about material published by their opponents or in the media. Most of these complaints are unable to be acted upon by Commission personnel.

It is not the Returning Officer's responsibility to verify the accuracy or otherwise of content or comments posted on the internet or social media. An 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, if they think fit, is able to seek their own legal advice and pursue the matter in the civil courts.

Offence provisions relating to misleading or deceptive material have been narrowly interpreted by the courts to mean misleading an elector in the act of completing their ballot paper (e.g. publishing material that might induce an elector to unknowingly cast an informal vote); as opposed to making allegations about which electors must form their own judgements.

Equivalent provisions in the Commonwealth and WA State Electoral Acts do not apply to local government elections. However, some federal broadcasting provisions, and other laws may still apply.

Social media companies have platform policies, community guidelines and tools to help people ask questions about electoral information on their platforms. More recently, social media companies have taken steps to remove material and groups from their platforms when the information and posts were designed to mislead and misinform electors.

22 Scrutineers

Candidates are entitled to appoint a Scrutineer on their behalf. Only one Scrutineer per candidate per count table will be allowed.

Further information on the rights and responsibilities of Scrutineers can be found on the Commission's website or supplied by the Returning Officer.

23 Electoral Donations and Gifts

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

APPENDIX 1 POSTAL ELECTION TIMETABLE

Days to Polling Day	Day	Date	Election Events	References to Act / Regs
80	Wed	2/08/2023	Last day for declaration to have the Electoral Commissioner conduct a postal election. A decision made to conduct the election as a postal election cannot be rescinded after the 80th day.	LGA 4.20(2)(3)(4) LGA 4.61(5)
77	Sat	5/08/2023	Electoral Commissioner to appoint a person to be the Returning Officer of the Local Government for the election.	LGA 4.20(4)
77 to to	Sat to	5/08/2023 to	Between the 77th / 63rd day the CEO is to give Statewide public notice of the time and date of close of enrolments.	LGA 4.39(2)
63	Sat	19/08/2023	* Preferred date: Wednesday 9 August 2023	
63	Sat	19/08/2023	Last day for the CEO to advise the Electoral Commissioner of the need to prepare a residents roll. Advertising may begin for nominations from 63 days and no later than 52 days before election day. * Preferred date: Wednesday 23 August 2023	LGA 4.40(1) LGA 4.47(1)
57	Fri	25/08/2023	Roll Close Close roll 5.00 pm.	LGA 4.39(1)
52	Wed	30/08/2023	Last day for advertisement to be placed calling for nominations.	LGA 4.47(1)
51	Thu	31/08/2023	Nominations Open First day for candidates to lodge completed nomination paper, in the prescribed form, with the Returning Officer. Nominations period is open for 8 days.	LGA 4.49(a)
44	Thu	7/09/2023	Close of Nominations 4.00 pm on the 44th day before election day.	LGA 4.49(a)
43	Fri	8/09/2023	Last day for the CEO to prepare and certify an owners and occupiers roll for the election. Last day for the Electoral Commissioner to prepare and certify a residents roll.	LGA 4.41(1) LGA 4.40(2)
36	Fri	15/09/2023	Commencement of lodgement of Country Local Government District election packages with Australia Post. Delivery dependent on normal Australia Post standards.	
31	Wed	20/09/2023	* Preferred date for Notice of Election Commencement of lodgement of Metropolitan Local Government District election packages with Australia Post. Delivery dependent on normal Australia Post standards.	LGA 4.64(1)
29	Fri	22/09/2023	The preparation of any consolidated roll under subregulation (1) be completed on or before 29th day before election day.	Reg. 18(2)
26	Mon	25/09/2023	Public Holiday Last day for the Returning Officer to give Statewide public notice of the election. * Preferred date: Wednesday 20 September 2023	LGA 4.64(1)
19	Mon	2/10/2023	Commence processing returned election packages.	
0	Sat	21/10/2023	ELECTION DAY - Close of poll 6.00 pm	LGA 4.7
As soon as practicable			Declaration and Notice of Election Result by the Returning Officer	LGA 4.77
Post Declaration of Results Events				References to Act / Regs
Within 14 days			Report to Minister. The report relating to an election under section 4.79 is to be provided to the Minister within 14 days after the declaration of the result of the election.	Reg. 81
Within 28 days			An invalidity complaint is to be made to a Court of Disputed Returns, constituted by a magistrate, but can only be made within 28 days after notice is given of the result of the election.	LGA 4.81(1)

* Dates subject to change

APPENDIX 2 IN PERSON ELECTION TIMETABLE

Days to Polling Day	Day	Date	Election Events	References to Act / Regs
80	Wed	2/08/2023	Last day for declaration to have the Electoral Commissioner conduct an in person election.	LGA 4.20(2)(3)(4)
77	Sat	5/08/2023	Electoral Commissioner to appoint a person to be the Returning Officer of the Local Government for the election.	LGA 4.20(4)
77 to to	Sat to Sat	5/08/2023 to 19/08/2023	Between the 77th / 63rd day the CEO is to give Statewide public notice of the time and date of close of enrolments.	LGA 4.39(2)
63	Sat	19/08/2023	* Preferred date: Wednesday 9 August 2023	
63	Sat	19/08/2023	Last day for the CEO to advise the Electoral Commissioner of the need to prepare a residents roll. Advertising may begin for nominations from 63 days and no later than 52 days before election day. * Preferred date: Wednesday 23 August 2023	LGA 4.40(1) LGA 4.47(1)
57	Fri	25/08/2023	Roll Close Close roll 5.00 pm.	LGA 4.39(1)
52	Wed	30/08/2023	Last day for advertisement to be placed calling for nominations.	LGA 4.47(1)
51	Thu	31/08/2023	Nominations Open First day for candidates to lodge completed nomination paper, in the prescribed form, with the Returning Officer. Nominations period is open for 8 days.	LGA 4.49(a)
44	Thu	7/09/2023	Close of Nominations 4.00 pm on the 44th day before election day.	LGA 4.49(a)
43	Fri	8/09/2023	Last day for the CEO to prepare and certify an owners and occupiers roll for the election. Last day for the Electoral Commissioner to prepare and certify a residents roll.	LGA 4.41(1) LGA 4.40(2)
31	Wed	20/09/2023	* Preferred date for Notice of Election Issuing of postal election packages is to commence on the date of election notice or as soon as practicable after this day. Commencement of absent voting to be on the date of election notice or as soon as practicable after this day. Commencement of early voting to be on the date of election notice or as soon as practicable after this day.	LGA 4.64(1) Reg. 44(2) Reg. 54(2) Reg. 59(2)
29	Fri	22/09/2023	The preparation of any consolidated roll under subregulation (1) be completed on or before 29th day before election day.	Reg. 18(2)
26	Mon	25/09/2023	Public Holiday Last day for the Returning Officer to give Statewide public notice of the election. * Preferred date: Wednesday 20 September 2023	LGA 4.64(1)
4	Tue	17/10/2023	Absent voting closes 4.00 pm Issuing of Postal Votes closes 4.00 pm	Reg. 54(2) Reg. 37(3)
1	Fri	20/10/2023	Early voting closes 4.00 pm	Reg. 59(2)
0	Sat	21/10/2023	ELECTION DAY - Close of poll 6.00 pm	LGA 4.7
<i>As soon as practicable</i>			Declaration and Notice of Election Result by the Returning Officer	LGA 4.77
Post Declaration of Results Events				References to Act / Regs
Within 14 days	Report to Minister. The report relating to an election under section 4.79 is to be provided to the Minister within 14 days after the declaration of the result of the election.			Reg. 81
Within 28 days	An invalidity complaint is to be made to a Court of Disputed Returns, constituted by a magistrate, but can only be made within 28 days after notice is given of the result of the election.			LGA 4.81(1)

* Dates subject to change

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EMAIL waec@waec.wa.gov.au
WEBSITE www.elections.wa.gov.au



WESTERN AUSTRALIAN
Electoral Commission

Translating and Interpreting Service (TIS)

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

National Relay Service

Speak and Listen number 1300 555 727

SMS Relay number 0423 677 767