

Western Australian
Electoral Commission

2025 State General Election

Election Campaign Workers and Scrutineers Guide



WESTERN AUSTRALIAN
Electoral Commission

Our purpose and values

The WA Electoral Commission's purpose is to provide Western Australians with an electoral experience that they understand, trust and can access easily and efficiently. The Commission is guided by its five core values:

Impartial

Our electoral outcomes will not be influenced by others.

Professional

Our work will be at the highest standards for ethics, accuracy and efficiency.

Respectful

Our relationships will be courteous, honest and fair with all.

Innovative

Our systems and processes will adapt to customers' needs.

Collaborative

As a team we will consult and test new ideas with customers.

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. 2025 State General Election Timeline

Milestone events	Days from polling day	Date	Day
Postal vote applications commence	65	JAN 3	Fri
DAY OF ISSUE OF WRITS (First Wednesday of February) 6 pm	32	FEB 5	Wed
Nominations commence	31	FEB 6	Thurs
	30	FEB 7	Fri
	29	FEB 8	Sat
	28	FEB 9	Sun
	27	FEB 10	Mon
	26	FEB 11	Tues
Close of party nominations (12 pm)	25	FEB 12	Wed
CLOSE OF NOMINATIONS (12 pm), Draw for ballot paper positions may commence Close of rolls (6 pm)	24	FEB 13	Thurs
How-to-vote card registration commences (8 am)	23	FEB 14	Fri
	22	FEB 15	Sat
	21	FEB 16	Sun
	20	FEB 17	Mon
	19	FEB 18	Tues
Postal voting mail out commences	18	FEB 19	Wed
	17	FEB 20	Thurs
	16	FEB 21	Fri
	15	FEB 22	Sat
Mobile voting for institutions, hospitals and remote areas may commence	14	FEB 23	Sun
Early polling and Phone Assisted Voting commences	13	FEB 24	Mon
	12	FEB 25	Tues
	11	FEB 26	Wed
Close of how-to-vote card registration (5 pm)	10	FEB 27	Thurs
	9	FEB 28	Fri
	8	MAR 1	Sat
	7	MAR 2	Sun

Milestone events	Days from polling day	Date	Day
Public holiday – Labour Day	6	MAR 3	Mon
	5	MAR 4	Tues
Scrutiny of early votes may commence (8 am) Close of written applications for postal votes (6 pm)	4	MAR 5	Wed
	3	MAR 6	Thu
	2	MAR 7	Fri
POLLING DAY (8 am to 6 pm) (Second Saturday of March) Close of applications for PAV (4 pm)	1	MAR 8	Sat
	2	MAR 9	Sun
	3	MAR 10	Mon
	4	MAR 11	Tue
	5	MAR 12	Wed
Close for receipt of postal votes (9 am)	6	MAR 13	Thu
Last possible date for return of Writ	58	MAY 6	Tues

The planned 2025 State General Election timeline illustrated above is in accordance with the provisions of the *Electoral Act 1907* that came into force on 1st July 2024. The abovementioned dates could change subject to sections 64(1), 71 or 76 of the *Act*.

2. Election Campaign Workers and Scrutineers

E, s 92F, 101D(1), 137(1), 146C or 156D(11);

An Election Campaign Worker is a person who works or volunteers for a political party a group or a Candidate. They can be located at a Polling Place, Mobile Voting place or somewhere where votes are counted.

Although they need to be specifically appointed, Scrutineers are considered to be Election Campaign Workers and therefore this guide covers both roles.

3. Candidates

E, s 92K, 134

Candidates cannot enter a polling place except to cast their own vote. They can be present at a counting place to observe the counting of votes but cannot scrutineer any count where they are a candidate.

4. Responsibilities of Election Campaign Workers

E, s 92H

It is the responsibility of the Candidate, group or political party to make sure that the people representing them as Election Campaign Workers:

- Comply with the *Electoral Act 1907*
- Behave in a respectful and otherwise appropriate manner to all persons, including electors, Officers and other Election Campaign Workers
- Wear or display identification identifying the Candidate, group or political party for which they are working or volunteering, unless they are appointed as a Scrutineer (where different requirements apply)
- Comply with a direction given by a Presiding Officer, Assistant Returning Officer for a place to vote or counting place or a Returning Officer, to do something or refrain from doing something
- Do not wear any badge or emblem of a Candidate or political party within a Polling Place during polling.

5. Appointment of Scrutineers

E, s 92F, 101D, 137 & 146C

Scrutineers are appointed by Candidates or their official agents to represent them during

various stages of the election. A form *PP16 - Scrutineer Appointment* form is available to download from the Commission's website. Scrutineers provide a vital role as a safeguard of the integrity and transparency of elections to ensure that they are conducted according to the *Electoral Act 1907*.

Scrutineers may be appointed for the following stages of the election process:

- accompanying Mobile Voting teams
- observing the operation of Polling Places during polling
- observing the processing of declaration votes
- observing the operation of the scrutiny and count of ballot papers
- observing Technology Assisted Voting.

The three primary activities where Scrutineers may be formally appointed are:

1. Polling
2. Scrutiny and counting
3. Phone Assisted Voting – the only form of technology assisted voting available at this election.

The *PP16 - Scrutineer Appointment* form must be signed by a Candidate, Official Agent or any Candidate in a group, and designate the activity and location where the Scrutineer will attend.

The form must be signed by the Scrutineer in the presence of the Presiding Officer or Returning Officer when attending a place to vote.

If the Scrutineer has not provided their name and address on the form for attending a place to vote, the Returning Officer or Presiding Officer may not approve the appointment.

Scrutineers must never:

- interfere with or attempt to interfere with the free exercise of the franchise of any elector
- wilfully make a false statement in any objection to any claim or to any name on the roll
- disclose any knowledge officially acquired that concerns the vote of any elector
- fail to obey lawful directions of the Returning Officer, Assistant Returning Officer or Presiding Officer
- wear or display any badge or emblem of a Candidate or political party whilst in a Polling Place or performing their role.

Penalties are prescribed for these offences.

6. Polling Places

A Polling Place is any building or structure in which polling at elections is appointed to take place.

The Electoral Commissioner may, by notice on the Commission website:

- appoint Polling Places for each district and whole of State electorate (*E s 90*)
- appoint Polling Places for one or more districts
- appoint general Polling Places for all districts
- appoint Polling Places where people can vote on an early voting day
- appoint Mobile Voting places in any institution or hospital
- declare any institution or hospital to be an institution or hospital where Mobile Voting takes place
- appoint prisons, psychiatric hospitals and nursing homes as Mobile Voting places
- declare any part of the State a remote area where Mobile Voting can take place
- adjourn or postpone voting for certain reasons (*E, s 103*)
- abolish any Polling Place.

7. Mobile Voting

E, s 90

Mobile Voting can take place in declared institutions, hospitals, prisons, psychiatric hospitals, nursing homes and remote areas of the State, up to and including 14 days prior to polling day. These Mobile Voting places will be published on the Commission website and each Returning Officer who has such places in their district will provide at least 48 hours notice to candidates of the places, dates and times that voting will take place at these locations (*E, s 90E*). Generally such Mobile Voting will be conducted within the last week prior to polling day.

A hospital may be declared a normal Polling Place and may also function as a Mobile Voting Polling Place on polling day and the days preceding polling day.

How-to-vote cards for electors may typically be left at the general office of these places by Candidates and political parties if practicable and approved by the managers of the location. During Mobile Voting, and when accompanying polling officials with a mobile portable ballot box, Scrutineers can generally distribute literature (including how-to-vote cards) but may not otherwise influence, canvass, solicit or petition voters. Care must be taken not to disrupt normal operations at the facility being used for Mobile Voting. Note in some cases, the operators of places where mobile polling occurs may request the Commission that

scrutineers not accompany the team due to the operational disruption it may cause in that place.

Remote Mobile Voting teams will be authorised to carry a file containing plastic sleeves in which a copy of each how-to-vote card or pamphlet relevant to the district or whole of state electorate can be placed by the Remote Presiding Officer. Electors can look up their registered district how-to-vote card on the Commission's website on their mobile device.

Such material must be provided to the Commission's Head Office (Attn: Election Operations Division), or the relevant District Returning Officer before the scheduled commencement of remote mobile polling.

At each remote Mobile Voting place, the file referred to above will be placed in a location where it can be accessed by electors.

Remote polling teams that are flying or sharing vehicular journeys have limited capacity to carry excess material or to set up a table with HTV cards on display at some locations.

At each mobile polling venue, the file referred to will be placed in a location where it can be accessed by electors.

8. Early Polling Places

In the lead-up to polling day, the Commission also operates a number of Early Polling Places throughout Western Australia, as well as at various interstate and overseas locations, where electors may vote. These may be open for up to 11 days prior to polling day.

Within WA, early Polling Places may include commercial premises or the Perth airport terminals. In some cases landlords do not permit Election Campaign Workers to be present on their premises and where [practicable the Commission will arrange for How-to-vote cards to be left at these locations in consultation with the Presiding Officer.

9. Operation of Polling Places

E, s 104, 105, 141

A Presiding Officer supervises staff and ensures the smooth operation of the Polling Place prior to the commencement of the scrutiny of ballot papers and counting of votes.

An Assistant Returning Officer is then responsible for the scrutiny of ballot papers and the counting of votes commencing after 6 pm on polling day.

Usually this will be the same person, but for those Polling Places that operate on polling day and early voting days, a separate person will be responsible for the conduct of the larger count at that location.

10. Scrutineer Role in a Polling Place

E, s 99B

On polling days Scrutineers may:

- witness the sealing of ballot boxes by the Presiding Officer after they have been examined to determine that they are empty at the commencement of polling
- accompany the Presiding Officer or another Polling Officer when assistance is given in marking the ballot paper of an elector. Only an Officer or nominated person assisting can mark the elector's ballot paper when assistance is being provided, never a Candidate or Scrutineer
- observe an Officer assisting an elector to vote when the elector is unable, because of physical disability, to enter the Polling Place
- request that an elector, who claims to be eligible to vote, make a declaration on the prescribed form (a declaration vote) before being permitted to vote, if that person is believed to be ineligible to vote
- enter and leave the Polling Place at any time and be replaced by another appointed Scrutineer.

Scrutineers must not bring any election material into the Polling Place nor display any election material on their person or clothing.

11. Scrutineer Role During the Count of Votes

E, s 137, 146C

For each Counting Place, unless otherwise agreed to by the Returning Officer, no more than two Scrutineers may be appointed to represent each Candidate at the scrutiny and count of votes for the Legislative Assembly, (or in practice, one Scrutineer per count table if multiple tables are being used). A form *PP16 – Scrutineer Appointment* must be signed by a Candidate, their official agent or any Candidate in a group. At their discretion, the Assistant Returning Officer or Returning Officer may allow more Scrutineers to attend.

For the Legislative Council counts, no more than three Scrutineers can represent Candidates in a group at an election night counting place. No more than two Scrutineers can represent Candidates who are not in a group for the Legislative Council. At counting places after election night, the Returning Officer will determine the number of Scrutineers allowed.

Scrutineers may, during the counting of ballot papers:

E, 134, 136, 138, 142, 146, 156G, 146H

- observe the scrutiny of votes
- observe all proceedings at the count of votes
- make submissions regarding the formality of any ballot paper. The Assistant Returning Officer or Returning Officer conducting the count can then endorse the back of the paper as 'admitted' or 'rejected', according to their decision to admit or reject the ballot paper
- observe the sealing and countersign of a sealed packet containing the used ballot papers sealed by the Assistant Returning Officer or Returning Officer
- countersign the list of contents of packets sent to the Returning Officer by the Assistant Returning Officer
- if the count is adjourned, observe the sealing of packets and the Scrutineer may then countersign the packets or form on the ballot box.

Scrutineers **must not** assist with the unfolding or counting of ballot papers during the scrutiny or otherwise touch ballot papers at any time.

11.1. Filming and photography

The secret ballot is a key aspect of Australian democracy and that is why an elector's vote is made anonymously. Electors mark their ballot papers in separate voting compartments to ensure that their vote is not observed, fold their ballot papers and then deposit them in sealed ballot boxes.

Consequently, Scrutineers must not film or take photographs of an elector marking their ballot papers at a Polling Place.

Similarly, filming and photography is not permitted at a Counting Place.

Additionally, consent from people inside a Polling Place must be obtained by anyone who intends to take photographs or film activity which may include their image.

12. Election Campaign Workers During Polling

E, 190, 192, 192A, 193, 98F

Election Campaign Workers may hand out *How-To-Vote* cards and other printed information to electors, but not within six metres of the designated entrance to any Polling Place. Presiding Officers have some discretion relating to the placement of the designated entrance sign depending on the physical layout and positioning of a Polling Place, giving due consideration to ease of entrance and exit for electors, possible car parking for a person with a disability and the safety and comfort of all involved.

A number of electors have reported to the Commission that, in the past, they have been

made to feel anxious and sometimes frightened by the number of Election Campaign Workers approaching them at the entrance to polling venues as they go to vote. For this reason, it is important that Election Campaign Workers provide wide and clear access for electors at polling venues and respect their decision to either engage or not with election campaign workers.

The placement of posters and placards must not hinder the movement of electors or cause damage to property and should be in compliance with any directions from the Presiding officer or with relevant local government by-laws and those of Main Roads.

Once the election is announced advertising material relating to the State general election may be placed within Main Roads' reserves but must comply with Main Roads' conditions or be subject to removal without notice. More information is available on the Main Roads website www.mainroads.wa.gov.au by searching "election advertising".

It is to be noted that it may not be permissible for Election Campaign Workers to attend a limited number of Early Polling Places and in particular some commercial premises due to landlord restrictions.

Early Polling Places and Polling places are unable to offer over-night storage of Candidate/party campaign materials (i.e. additional stocks of HTVC material, items of furniture, triangular and tear-drop signs, placards and the like).

All such material must be removed at the conclusion of polling. There have been instances where the careless use of plastic ties to attach campaign posters to ring-lock fencing at schools has injured children. Your attention is drawn to the appropriate clean up methods of candidate/party campaign materials.

At the 2021 State General Election the Commission received complaints from some schools about Election Campaign Workers placing signage on fences while after-school activities were still underway on the Friday afternoon, as well as reports of smoking in carparks and on school grounds. Signage should not be placed on fences or other school buildings or grounds until early Saturday morning at Polling Places.

Election Campaign Workers can only enter a Polling Place in order to cast their vote. Before entering the Polling Place, all material that may persuade an elector to vote in a certain way must be removed from, or be covered by, the election campaign worker. This includes hats, badges and T-shirts.

Election Campaign Workers and Candidates are not permitted to assist voters to cast their vote.

13. Election Matter - Authorisation and Display

E, s 175, 187

Election matter is defined as "matter that is intended, calculated or likely to affect voting in an election". In terms of printed material, this most commonly extends to How-To-Vote cards

(HTVC), posters and placards.

With the exception of T-shirts, lapel buttons and give-aways such as pens or balloons, printed materials to be distributed to voters and signage to be placed outside a polling place must include the name and address of the person authorising the same.

14. How-to-vote Cards

A How-To-Vote card distributed by Election Campaign Workers indicates to electors how they may record their preferences when voting. These are to be approved by the Electoral Commissioner prior to being used in an election and will be published on the Commission website when approved.

They must have details of who authorised them printed on both sides if both sides are used.

The Commission's publication *How-To-Vote Card (HTVC) Registration Guide* provides more information about how-to-vote cards. It is a serious offence to distribute unregistered how-to-vote cards.

Where practicable, the Commission will always endeavour to provide a surface (e.g., a table) inside or at the entrance to every Early Polling Place, on which HTVC's can be placed for reference by electors. The intention is that a table will be provided at all venues irrespective of whether the venue can accommodate Campaign Workers outside of the voting area. A small number of Early Polling Place locations (e.g., airport terminals and central CBD building lobbies) do not allow Campaign Workers on site.

The provision of a table for HTVC material is a courtesy extended to parties, groups and Candidates. There is no legislative requirement to provide it. Consequently, parties and Candidates are reminded of the need to respect staff and their requests and directions concerning HTVC material.

This arrangement will not apply at polling places on Polling Day itself owing to its potential impact on elector movement within the polling place, given the possible greater numbers of voters and the greater likelihood that parties and Candidates can find Election Campaign Workers to assist on a weekend.

Parties will be advised that it is their responsibility to check if a table is available for display of HTVC material and to bring HTVC material directly to an Early Polling Place. Early Polling Place staff will not receive unaccompanied deliveries or place material on the table on behalf of parties.

Access to Early Polling Places for party workers or Candidates stocking HTVC material will only be during the standard opening hours for that Early Polling Place. Opening hours and locations will be displayed on the www.elections.wa.gov.au website.

Staff delivering material should not enter the Early Polling Place wearing any party identification on their clothing.

Unused material can remain overnight, but each Candidate or party/group is responsible for monitoring and replenishing supplies of their material. Early Polling Place staff will not advise Election Campaign Workers about the status of their stocks of HTVC material. Do not call or contact Early Polling Place staff seeking this information.

Parties will be expected to limit their material to one or two versions of HTVC documents per Early Polling Place. There will not be space for any one party or Candidate to dominate a single table and any attempts to do so will be considered misbehaviour.

Any abuse of this arrangement or misbehaviour by Election Campaign Workers or Candidates will result in removal of their material from that Early Polling Place or the removal of the display table altogether. This decision will be made by the Electoral Commissioner and communicated to the affected parties, groups or Candidates.

Any complaints by parties or Candidates about HTVC material or the behaviour of Election Campaign Workers at a specific polling place should be directed to the Presiding Officer for that Polling Place in the first instance. If applicable, relevant examples of electoral material should be provided. If it is a serious matter the Returning Officer should be contacted directly. Other matters can be reported to the Commission via the Complaints and Feedback Webform which can be found under “Contact Us” on the Commission’s website www.elections.wa.gov.au.

The recycling of HTVC material is discouraged due to Government Health advice.

15. Toilet Facilities

E, 92G

Where practicable, Election Campaign Workers will be provided access to toilet facilities at Polling Places. The Presiding Officer at each location can provide further information about this.

16. Crimes and Offences

E, s 190

Election Campaign Workers, Candidates, Scrutineers and the public are not permitted to engage in the following activities which constitute crimes and offences under the *Electoral Act 1907*:

- impersonating any person to secure a ballot paper to which the impersonator is not entitled. Penalty 2 yrs imprisonment.
- fraudulently destroying or defacing any nomination or ballot paper. Penalty 2 yrs imprisonment.

- forging a ballot paper. Penalty 2 yrs imprisonment.
- fraudulently putting any ballot or other paper into the ballot box. Penalty not exceeding \$6,000.
- fraudulently taking any ballot paper out of any Polling Place. Penalty not exceeding \$6,000.
- supplying ballot papers without authority. Penalty not exceeding \$6,000.
- unlawfully destroying, taking, opening or otherwise interfering with ballot boxes or ballot papers. Penalty up to 9 months imprisonment.
- voting more than once. Penalty up to 12 months imprisonment.
- wilfully defacing, mutilating, destroying or removing any notice, list or other document affixed by any Returning Officer or by their authority. Penalty not exceeding \$1000.

There are a broad range of other offences for which penalties are prescribed. These can be found in Part VII of the *Electoral Act 1907*.

16.1. Prohibitions Outside a Polling Place – Six Metre Rule

E, s 192

The following activities are prohibited within six metres of the designated entrance to any Polling Place:

- canvassing for votes
- soliciting the vote of any elector
- inducing any elector not to vote for any particular Candidate
- inducing any elector not to vote at the election.

The designated entrance to a Polling Place and the precise application of the ‘six metre rule’ will be determined by the Presiding Officer.

The penalty for this offence is a fine of \$1,000.

16.2. Prohibitions at Mobile Voting Places

E, s 192

All acts which are prohibited within six metres of a Polling Place designated entrance are at all times prohibited in the grounds of a declared Mobile Voting place, or within six metres from the designated entrance or the entrance to the grounds, whichever entrance is the furthest distance away from the hospital or institution.

16.3. Restrictions Relating to Petitions, Opinion Polls or Surveys in or near Polling Places

E, s 193

A person must not collect, canvass for, solicit or invite signatures or comments for the purpose of any petition, opinion poll or survey (or display or distribution of any information for such purpose) at or in a Polling Place.

The penalty for this offence is \$1,000.

17. Voting

Under the *Electoral Act 1907*, there are several ways in which an elector may cast a vote.

17.1. Early Voting

E, s 90

An elector who cannot attend a Polling Place on polling day may apply for an early ballot paper either by going to an Early Polling Place and requesting a ballot paper in person, by completing a postal vote application form, or for electors who are eligible, by using Phone Assisted Voting. Residents or occupants at Mobile Voting locations may also be visited by a Mobile Voting team.

17.1.1. Checking Postal Votes

E, s 92(8)

Initial checking of postal votes received (but not vote counting) can commence in the three days prior to polling day. This takes place at the Commission's Processing Centre and involves:

- checking the declaration forms for completion
- confirming eligibility of the electors
- removing the declarations
- opening the ballot paper envelopes
- placing the ballot papers uninspected in a ballot box

17.2. Ordinary Voting

Ordinary ballot papers are issued to those people enrolled for the district in which the Polling Place is situated. The elector's name must appear on the roll without being marked as having already voted.

A significant number of electors will attend a Polling Place within their own electoral district and cast an ordinary vote on polling day.

The *Electoral Act 1907* provides that certain questions must be put to all electors to establish their identity and make sure that they have not voted previously in the election (*E, s 119*).

An elector must be asked:

QUESTION 1

Have you already voted in this election?

If the response is YES, the elector is not entitled to vote again.

If NO, the elector is asked question 2:

QUESTION 2

What is your full name?

QUESTION 3

What is the address of where you live?

If the elector lives in the local district, they can be marked off the roll and given ballot papers.

The elector is still entitled to vote if they are on the roll for one address but have moved to another address within the same district.

If the elector does not live in the local district they may be entitled to an absent or provisional vote or to enrol and cast a provisional vote on the day.

17.3. Absent Voting

E, s 4, 99A, 142A

An absent vote is given to an elector who is enrolled in another district and is temporarily

out of that district. Absent ballot papers may be issued for any district in any Polling Place within the State.

The elector's name will not appear on the roll for the Polling Place district, as only the district roll is held.

Most Polling Places will use a computer with the Elector Recording System (ERS) installed. This allows electors to apply for an absent vote orally, be found on the roll, marked as having voted and be given appropriate ballot papers, and an envelope to put them into, without signing a declaration form.

The elector will be asked the compulsory questions, as above, to determine eligibility before being given the ballot papers for their enrolled district.

If the Polling Place does not have an ERS computer the elector will then be asked to complete and sign a declaration form on an envelope.

The manual declaration form is then sent to the Commission attached to the envelope containing the ballot papers. It is used to confirm the elector's eligibility and mark the elector's name off the roll. If eligible, the declaration is then removed from the envelope before the envelope is opened and the votes admitted to the count, by a second team.

17.4. Provisional Voting

A provisional vote may be issued to an elector in a Polling Place in the following situations:

- the elector claims to have lived in the district and enrolled, yet the elector's name cannot be found on the roll (*E, s 122A*)
- the elector's name on the roll has already been marked (*E, s 122A*)
- the elector's claim to vote is challenged by a Scrutineer (*E, s 119(4)*)
- the elector's name has been objected to by an enrolment Officer (*E, s 122(2)*).

The elector will be asked the compulsory questions to determine initial eligibility before being given ballot papers to complete and place into an envelope with an attached declaration form.

The elector will also be asked to complete and sign the declaration form.

The eligibility of provisional voters is checked at the Commission Processing Centre. If eligible, the declaration is then removed from the envelope before the envelope is opened and the votes admitted to the count, by a second team.

17.5. Phone Assisted Voting

Phone Assisted Voting allows eligible electors to vote over the telephone (via a two-stage process) by having the voting instructions and ballot paper information read to them and

interactive voice response software recording their vote preferences, whilst ensuring elector anonymity.

Scrutineers are able to be appointed to observe the production of vote records and any other element approved by the Electoral Commissioner. Form *PP16 - Scrutineer Appointment* is required to be completed for this activity.

17.6. Enrol and Vote on the Day

97G

A person can apply to enrol and vote on the day that they attend a place to vote.

The vote is treated as a provisional vote in this situation.

In the days after polling day their enrolment claim will be processed at the Commission Processing Centre and, if eligible, their vote will be included in the relevant counts.

18. Count of Ballot Papers

E, s 134, 135, 136

Counting of ballot papers commences immediately after the poll closes at 6 pm on polling day. Legislative Assembly ballot papers are always counted before Legislative Council ballot papers. Legislative Assembly Returning Officers will notify Candidates of the counting places within each district. Postal votes and interstate and overseas early votes will initially be counted at the Commission's Processing Centre on an ongoing basis from that time.

18.1. Legislative Assembly

E, s 136A–146, 144, 145, 146

Scrutineers and Candidates are entitled to be present at the scrutiny and count of votes. Ordinary ballot papers are firstly removed from the ballot box by the Assistant Returning Officer at each Polling Place and then sorted into the order of first preference for each Candidate. Ballot papers which are obviously informal are put to one side for checking by the Assistant Returning Officer.

Form *PP16 – Scrutineer Appointment* is required to be appointed to observe any counting at a counting place.

When the count of the first preferences is finished, the results are recorded and phoned through to the Returning Officer for each district. The Returning Officer will then publish the results online at www.elections.wa.gov.au .

Declaration envelopes are counted and packaged (unopened), then sent to the Commission's Processing Centre as soon as practicable after election night to be checked

and counted.

Technology assisted votes recorded via Phone Assisted Voting are also processed and counted at the Commission's Processing Centre.

18.1.1. Indicative Two Candidate Preferred (2CP) Count – Legislative Assembly

Assistant Returning Officers will be asked to complete an indicative 2CP on election night. This involves the distribution of preferences from Candidates who will probably be excluded under the preferential system. When the results of all the Polling Places in the district are aggregated, it provides an indicative and unofficial, but fairly accurate, means of predicting the likely result on election night.

The Electoral Commissioner will select two Candidates in each district for the Indicative 2CP. This will be known to the Assistant Returning Officer at 6 pm on polling day who will inform Scrutineers of this at the commencement of the 2CP count.

Steps of the Indicative 2CP Count:

1. Ballot papers for the two selected Candidates are set aside.
2. Each non-selected Candidates' ballot papers are allocated in turn between the two selected Candidates. The selected Candidate will be the Candidate with the lowest numbered preference mark. For example, a 2 next to a selected Candidate's name shows the voter prefers that Candidate over a 4 marked against the other selected candidate. A single blank square is treated as the least preferred Candidate.
3. The new ballot papers allocated for the two selected Candidates are counted and recorded and then set aside.
4. Steps 2 and 3 are repeated for each of the remaining non-selected Candidates' ballot papers.
5. When ballot papers for all non-selected Candidates have been distributed, the results are tallied by the Assistant Returning Officer and are then telephoned through to the Returning Officer.

This whole process should not take long, as the majority of the votes recorded in the Polling Place have usually been cast for the two selected Candidates.

It may transpire that because of the local popularity of a Candidate in some Polling Places, a non-selected Candidate may have one of the bigger bundles of votes. This will not affect the process for the whole district and the preferences of the Candidate are still to be distributed to the two selected Candidates.

Once the scrutiny of ordinary votes ends, the ballot papers, including those assessed as informal, are placed in sealed parcels and delivered to the Returning Officer.

18.1.2. Fresh Scrutiny – Legislative Assembly

E, s 144

The Returning Officer will open the sealed packets of ballot papers and carry out a fresh scrutiny, usually within 72 hours after polling day. The Returning Officer has the same powers as if the fresh scrutiny was the original scrutiny and may reverse any decision made by the Assistant Returning Officer, or other Electoral officials in regard to the formality of any ballot paper.

The fresh scrutiny is essentially a quality control measure to ensure Polling Places have sorted bundles of ballot papers correctly and that ballot papers deemed to be informal by Assistant Returning Officers were assessed correctly. Scrutineers may be present at the fresh scrutiny.

18.1.3. Full Distribution of Preferences – Legislative Assembly

The full distribution count takes place from the second Monday after polling day. This is the formal count to determine the actual final result and for the first time includes all ballot papers. Note that returned postal votes can be accepted up to the Thursday morning following polling day.

Declaration ballot papers and Phone Assisted Voting votes are forwarded to the Returning Officer after they have been processed or printed (Phone Assisted Voting) at the Processing Centre for inclusion in the full distribution.

The Returning Officer will advise the Candidates 48 hours prior to the count of the time and location of the count, which will allow time for them to appoint Scrutineers to be present at the count.

All ballot papers are counted and distributed until there are two Candidates remaining.

18.2. Legislative Council

There are two alternative methods of voting on Legislative Council ballot papers:

- Above-the-line (ATL) Vote (*E, s 128(2)(b)*)

By marking with a number '1', a tick or a cross in one square above-the-line. The elector can then mark further squares starting from 2. By doing so, the elector automatically allocates preferences to all candidates according to the order shown below-the-line.

- Below-the-line (BTL) Candidate Preference Vote (*E, s 146E(5)*)

By marking 20 or more squares with consecutive numbers starting with the numeral '1' to indicate the order of preference for Candidates below-the-line.

Where both the ATL and BTL preference vote sections of the ballot paper are marked as above, the BTL vote is counted and the ATL vote section is ignored. If, however, the BTL vote section is not filled out correctly, the ATL vote section is counted.

18.2.1. Scrutiny – Legislative Council

At each Polling Place, during or after the Legislative Assembly votes have been counted, the Assistant Returning Officer will empty all Legislative Council ballot boxes, sorting the ballot papers into ATL and BTL votes and putting aside those that are obviously informal. Then the BTL and informal ballot papers are totalled and ATL votes are allocated to the first preference. Thus, at Polling Places on the night, only ATL first preference votes are counted and published on the results website.

The ballot papers are then sealed in a package and sent to the Returning Officer for the district who conveys them to the Returning Officer for the whole of State electorate.

The Whole of State Electorate Returning Officer will then open the sealed packets of ballot papers and carry out a fresh scrutiny at the Commission's Processing Centre after polling day. The Returning Officer may reverse any decision made by the Assistant Returning Officer in regard to the formality of any ballot paper (*E, s 146I(1)*).

18.2.2. Computer Counting

E, s 7, 146I(3)

A computer counting system (CountWA) is used for the final Legislative Council count. Under this system ballot papers are manually scrutinised and separated into ATL and BTL ballot papers.

ATL votes with a single preference marked are sorted manually and are entered in batches by the supervisor into CountWA.

All ballot papers marked with more than one preference ATL and or all preferences BTL will be boxed up and transported to a contracted off site scanning centre for processing. Scrutineers may observe this sorting and boxing for transport activity.

Scrutiny of all ballot papers will occur at the sorting stage.

Scrutineers may observe the data-entry operators when they type in the details of the ballot papers. They are entered in batches of 50 ballot papers and will be re-keyed in for verification. The software can detect votes which are informal due to numerical errors or mis-numbering.

If a Scrutineer wishes to query the input of a ballot paper, they should record the batch number and ballot paper number from the information on the screen. This then can be later queried with the data-entry supervisor and a decision made by the Returning Officer, or

Assistant Returning Officer, on the validity of the vote. The data-entry operators are not to be asked questions by Scrutineers.

After all batches have been entered and verified, the Returning Officer generates the count of all the ballot papers. This process can be observed by Scrutineers and Candidates.

19. Close Seat and Re-count Policy

E, s 146(1)

A Candidate may make a written request for a re-count of votes in writing to a Returning Officer. The Returning Officer is not obliged to act on this, but will consider it.

The Returning Officer may decide to undertake a re-count on their own volition.

At a Polling Place, Assistant Returning Officers may need to re-count some or all of the ballots papers from their Polling Place when the number of first preference votes plus informal and discarded ballot papers does not equal the number of ballot papers issued (and the discrepancy is more than just a few).

19.1. Legislative Assembly Re-count Policy

If after the full count for the distribution of preferences for a Legislative Assembly seat, the margin between the two highest polling Candidates is 100 votes or less, the Returning Officer automatically offers the Candidates another full count for the distribution of preferences before declaring the result.

Where the margin after the full count for the distribution of preferences is greater than 100 votes, the Returning Officer will only consider a full re-count where a Candidate or Scrutineer provides sufficient evidence in writing that in the Returning Officer's opinion calls into question the accuracy of the count figures.

A Returning Officer may also, at the request of a Candidate or Scrutineer or of their own volition, re-count a particular bundle or group of ballot papers at any time prior to the poll being declared.

If after a full re-count of all votes there is a tied election, the Returning Officer will notify the Electoral Commissioner, who will petition the Court of Disputed Returns. If unable to declare a Candidate elected, the Court may order that a new election be held.

19.2. Legislative Council Re-count Policy

With the Legislative Council count, the Returning Officer may of their own volition initiate a re-count of the votes on ballot papers from any district or portion of the district, or a particular bundle or group of ballot papers. A Candidate requesting a Legislative Council re-count must

do so in writing to the Returning Officer, setting forth the reasons for the request.

With the Legislative Council ballot papers, ATL votes marked with a single “1” will be counted manually twice at the Processing Centre before the numbers are entered into the electronic vote counting system (CountWA).

20. Formality of Ballot Papers

The Commission’s publication *Formality of Ballot Papers Guide* provides examples of formal and informal ballot papers.

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