

Western Australian
Electoral Commission

2025 State General Election

Candidates Guide Legislative Council



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.

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Message from the Electoral Commissioner

Every four years Western Australians come together to make a decision for the State by electing our Government. The Commission is entrusted with conducting this process and is committed to the delivery of an electoral experience that the people of Western Australia understand, trust and can access easily and efficiently.

A range of operational and structural changes have been introduced for the 2025 State Election aimed at improving electoral operations and ensuring the Commission can continue its proud history of delivering a successful election.

The Commission relies extensively on temporary employees to run our election events. Staff training and the operational procedures in place are critical to assisting our workforce in delivering an accurate, timely and impartial election result.

Electoral integrity is at the heart of our operations and is vital to building and maintaining trust in the Commission and its work. The Commission is committed to transparency in our processes and to acting with operational excellence and impartiality.

The Commission welcomes feedback on its performance from internal and external participants that enables us to deliver an improved experience at every election. Please explore the different ways to provide feedback via our website elections.wa.gov.au

Whatever role you have in the coming election, we thank you for your commitment and participation in the upcoming 2025 Western Australian State General Election.

Best Wishes



Robert Kennedy

Electoral Commissioner

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
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

Milestone events	Days from polling day	Date	Day
	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. What You Should Know Before You Nominate

This section describes the qualifications required to be a member of the Legislative Council (MLC) and the qualifications to nominate as a candidate for election as an MLC. It also provides guidance for public servants who nominate as candidates in State elections.

2.1. Qualifications to be a Member of the Legislative Council

Any person is qualified to be elected as a member if the person:

- has reached the age of 18
- is not subject to any legal incapacity
- is an Australian citizen
- has resided in Western Australia for one year
- is an elector entitled to vote in an election in a district.

2.2. Disqualifications to be a Member of the Legislative Council

A person cannot nominate as a candidate in an election if, prior to and until the close of nomination, the person is, either by the *Electoral Act 1907* or any other Act, disqualified from being elected at that election as a member of the House of Parliament for which the election is being held.

A booklet, *Eligibility for Membership of State Parliament*, summarising qualifications and disqualifications can be downloaded from the Commission's website www.elections.wa.gov.au.

The penalty for nominating when a candidate is not qualified is \$2,500.

2.3. Public Employees Standing for Election

A member of the Judiciary or a Parliament of the Commonwealth or another State or Territory must resign his or her office in order to nominate. Holders of certain other senior positions must also resign in order to nominate.

State public sector employees may nominate but must take leave of absence for the election period commencing on the first working day after nomination. The *Electoral Regulations 1996* authorise public sector employees to apply for and take leave and for public employers to grant leave for this period.

A State employee may be required to resign, by other legislation, before nominating for election. Subject to some conditions, a State employee may be entitled to re-enter public sector employment after results have been declared, should the person not be elected.

It is recommended that public sector employees considering nominating as a candidate seek independent legal advice if at all unclear about their rights and obligations under their present employment.

3. Nominating as a candidate

This section describes the process for nominating as a candidate.

3.1. How and When is a Candidate Nominated?

A *RO19 - Nomination Form and Receipt – Legislative Council* can be obtained online at www.elections.wa.gov.au.

Nominations may be received after 6 pm on the day of the issue of the writ and before 12 noon on the day that nominations close – refer to the WA State General Election timeline on page 1 for further details. Political party nominations close 24 hours before independent nominations close.

3.2. Deposit

Nominations are not valid unless a deposit of \$2,000 per Candidate is paid and received before the close of nominations.

If the Candidates are in a political party or group nomination this fee is capped at \$10,000 for 5 or more candidates.

Payments can be made in cash, by bank cheque drawn by a financial institution made payable to the Electoral Commissioner or by electronic funds transfer (EFT).

If Candidates choose to pay by electronic transfer, this must be paid at least 24 hours before the close of nominations. To ensure your money is safe EFT payments, via OSKO, may be held for up to 24 hours if further authentication is required. The Returning Officer must contact the Commission to ensure funds have been deposited before a nomination can be accepted. The Commission's bank details are provided on the bottom right corner of the nomination form.

Please ensure that you reference your name when making the deposit.

A personal cheque or credit card payment is NOT acceptable.

The deposit is returned:

- if the total number of first preference votes polled by the Candidate (or the Candidate's group) is more than 4% of the total first preference votes polled by all the Candidates; or
- on the death of a Candidate either before polling day or on polling day before the close of the poll.

Deposits not returned are forfeited to the Crown.

3.2.1. Candidates of a registered Political Party

Candidates who are endorsed by a registered political party may have their nomination endorsed by the party secretary and complete form *RO28 - Party Nomination Form – Legislative Council*.

The party secretary of a registered political party can endorse candidates and groups by completing form *HO3 – Party Nomination Lodgement Form and Receipt – Legislative Council*.

The registered political party can submit all their endorsed candidates and groups to the Electoral Commissioner up to noon on the day before nominations close.

3.2.2. Independent Candidates

Candidates who are not endorsed by registered political parties can nominate themselves and must provide:

- A completed form *RO19 - Nomination Form and Receipt – Legislative Council*
- A minimum of 250 completed and signed declarations from people who support their nomination. *Form RO19A - Declaration in Support of a Nomination* is the approved form for doing so and is available on the Commission's Website www.elections.wa.gov.au.
- Each supporter must be entitled to vote in the election.
- Each supporter cannot support any other Independent or Group Candidates in the election.

The Returning Officer is required to verify each candidate nomination and will therefore be required to check that a minimum of 250 supporters meet the criteria outlined above.

It is suggested that more than 250 supporters details are supplied in case supporters withdraw their declaration or data matching processes exclude or reject some claims.

In order to nominate in an efficient and timely manner, Independent Candidates are asked to populate a spreadsheet with supporter details and provide it to the Returning Officer. A

template spreadsheet titled *RO19B - Legislative Council Independent Candidate - Supporter Details* spreadsheet template is available on the Commission website for this purpose www.elections.wa.gov.au.

The spreadsheet details will be matched against the State register of electors to verify their entitlement to vote. It will then be entered into a Commission database to cross check and ensure that these people are not supporters of another Candidate nomination.

3.2.3. Avoidance of Delay

Independent Candidates are encouraged to provide all their information to the Legislative Council Returning Officer as soon as possible after nominations open, to allow for all the activities mentioned above.

3.3. How Candidates are Grouped on the Ballot Paper

Two or more candidates may make a request to the Legislative Council Returning Officer or the Electoral Commissioner to be included as a group on the ballot paper. This option is not available to Legislative Assembly candidates.

The names of Candidates who are in a grouping, but not endorsed by a registered political party, must be listed in the order in which they are to appear on the ballot paper and be accompanied by the signature of each Candidate. The claim for the grouping should be made on form *RO20 - Supplementary Nomination Details for Candidates and Group – Legislative Council*. This form is available from the Commission's website at www.elections.wa.gov.au and must be received by the Returning Officer before the close of nominations.

Any party or group claim with more than 37 Candidates will be rejected.

3.3.1. District Returning Officers

An Independent Candidate nomination for the Legislative Council may also be given to a Legislative Assembly Returning Officer. The Legislative Assembly Returning Officer will review and acknowledge the application and then forward it to the Legislative Council Returning Officer for processing the application and verification as detailed previously.

A nomination received and acknowledged by a Returning Officer for a district is deemed to have been received by the Returning Officer for the whole of State electorate at that date and time.

3.3.2. Acceptance of Independent Candidate Nominations

Nomination applications from independent Candidates will be acknowledged by the Returning Officer but cannot be formally accepted until all the previously mentioned checks have taken place and eligibility is confirmed.

3.4. How Candidate Names Appear on the Legislative Council Ballot Paper

The form in which a Candidate's name is to appear on the ballot paper is specified on the nomination form. It must include the Candidate's surname and may include one or more of the candidate's given names which may be stated as one of the following:

- the given name or names in full;
- an initial or initials standing for the given name or names; or
- a commonly accepted variation of the given name (including an abbreviation or truncation of the name or an alternative form of the name – e.g. Pina instead of Giuseppina).

Be very clear when writing names such as van de Klashorst, de Bono or l'Estrange as to what is the exact form and punctuation of the surname.

Where two or more Candidates' names are similar and are likely to cause confusion, the names of those Candidates may be arranged with such description or addition as to distinguish them from one another by the Returning Officer.

A Candidate's name must be written in the alphabet used for the English language and may include hyphens, apostrophes accents or diaeresis.

3.5. Use of a Registered Political Party Name on a Ballot Paper

Only candidates endorsed by a registered political party may apply to have the name of that party printed underneath their name(s) on the ballot paper. The use of this political party name must be authorised by the secretary of the party or, in the case of a composite name of two registered political parties, by the secretaries of both parties, by endorsement on the form *HO3 - Party Nominations Lodgement Form and Receipt – Legislative Council* or *RO32 - Application for Registered Political Party Name to be Printed on the Ballot Paper – Legislative Council*.

Names are printed on ballot papers in the following format:

SMITH, Lee
Purple Party

3.6. Applications for the word Independent to be used on a Ballot Paper

A candidate may apply to have the word 'Independent' printed on the ballot paper by completing the section on the form *RO20 - Supplementary Nomination Details for Candidates and Groups – Legislative Council*.

This will be shown on the ballot papers as:

SMITH, Lee
Independent

A candidate may also opt to have no designation shown on the ballot paper.

This will be shown on the ballot paper as:

SMITH, Lee

4. What happens after you have nominated?

This section describes what happens after you have lodged your nomination form with the Electoral Commissioner or Returning Officer.

4.1. Can a person be nominated more than once?

No. If at the close of nomination (refer to the election timeline) a person is nominated more than once to be a candidate in a particular electorate, or a person is nominated to be a candidate in more than one electorate, each such nomination is invalid and the nominee will not be listed as a candidate.

4.2. Can a nomination be rejected?

No nomination paper shall be rejected by the Returning Officer because of any defect or error, if the Returning Officer is satisfied that the provisions of the *Act* have been complied with.

4.3. Can a nomination be withdrawn?

Yes. A candidate may withdraw a nomination up to the close of nominations by notice in writing to the Returning Officer. A candidate may not withdraw a nomination after the close of nominations.

A candidate included in a group may not withdraw his or her nomination except with the consent of the other candidates in that group. A claim for grouping may be withdrawn before the close of nominations. This must be done using form *RO21 - Withdrawal of Claim for Grouping of Candidates – Legislative Council*.

If a nomination is withdrawn by any member of a group, the original claim for grouping is rendered invalid. A new claim for grouping must be made for the remaining members to stand as a group. This claim must be received by the Electoral Commissioner or Returning Officer **before** the close of nominations.

Upon withdrawal of a nomination, the deposit is forfeited to the Crown.

4.4. Close of nominations

The Electoral Commissioner will appoint a place for the close and declaration of nominations. The date and place will be published on the Commission's website at www.elections.wa.gov.au Information is also available from the Returning Officer.

The Returning Officer will be available at the place for the declaration of nominations between 11 am and 12 noon on the day of close of nominations. At other times a suitable place and time to lodge a nomination can be negotiated by arrangement with the Returning Officer.

4.5. Having a voting square above-the-line

To qualify to have a voting square above-the-line there must be 5 or more Candidates nominated in the party or group.

Independent (ungrouped) Candidates cannot have a square above-the-line and are listed below the line, sequentially under each other in the order of the ballot paper draw.

For candidates who are endorsed by a registered political party, the secretary of the party is able to list the order Candidates are to appear on the ballot paper. The claim for grouping should be made on form *HO3 – Party Nomination Lodgement Form and Receipt – Legislative Council* and must be received by the Electoral Commissioner 24 hours before the close of nominations.

It is advisable to submit a claim for the grouping of Candidates as early as possible so that it can be checked by the Returning Officer for compliance with the legislation.

4.6. Draw for position on Ballot Paper

Up to three draws are conducted to determine the order of parties, groups and independent Candidates on the ballot paper and is conducted by the Returning Officer at the designated place of declaration of nominations as soon as practicable after the close of nominations.

In the first draw, the Returning Officer:

- places a slip for each party bearing the name of that party, in separate hollow opaque spheres, places all spheres in a ballot box and closes it
- shakes and rotates the ballot box and permits any other person present to do likewise upon request
- opens the ballot box
- takes out and opens one of the spheres to remove the slip enclosed, announces and records it
- repeats the procedure until all spheres have been removed.

The Returning Officer then repeats this process to determine the ballot paper order of grouped and then independent Candidates.

The order of parties, groups and independent Candidates derived from this process becomes the order in which they appear on the ballot paper, with the first group drawn being the first listed group on the ballot paper.

Candidates and other interested persons are entitled to observe this process.

Candidate details will be published in ballot paper order on the Commission's website www.elections.wa.gov.au.

4.7. Death of a Candidate

If a Candidate dies after nomination day and before or on polling day (i.e. before the hour of closing of the poll) the election is void. The deceased Candidate's deposit shall be returned to his or her legal representative.

Should it become known that a Candidate has died on polling day, the Returning Officer shall immediately:

- close the poll for the election in the whole of State electorate but keep the polling place(s) open for other elections being held (i.e. Legislative Assembly districts); and
- report the fact of the death and the time and close of the poll to the Electoral Commissioner.

If, after the close of the poll on polling day and before the counting of votes has been completed, a Candidate dies, and on completion of the count of votes it is found that this Candidate would have been elected, it would be treated as if the deceased Candidate had vacated a seat in the Council immediately after being elected.

4.8. Uncontested Elections

If by the close of nominations only 37 Candidates have nominated for the Legislative Council, the Returning Officer declares those Candidates as having been elected unopposed.

4.9. Candidate details publicly available

Once nominations close, Candidate contact details, as specified by the Candidate on the nomination form, become publicly available.

The Commission will publish these details on its website www.elections.gov.au. The only exception being that the address details of a Candidate who is a silent elector will not be made public.

If you are considering nominating as a candidate and are concerned about your address details being made public you may wish to apply to the Commission to be a silent elector. This should be done weeks in advance of the date set for the close of rolls to allow time for the application to be processed. Details of how to apply are available from the Commission's website www.elections.wa.gov.au.

4.10. Correct pronunciation of Candidate names for Technology Assisted Voting

For this State general election, the Commission is providing Technology Assisted Voting - Phone Assisted Voting to eligible electors to cast a secret and unassisted vote. An eligible elector is defined as an elector who cannot vote without assistance because the elector has insufficient literacy skills, other impairment or is sight impaired.

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 by a computerised system and recording their vote preferences using their telephone keypad, whilst ensuring elector anonymity.

Prior to recording Candidate names into the Phone Assisted Voting system, following the close of nominations, the Commission will endeavour to contact Candidates with names that could potentially be pronounced incorrectly, to confirm the correct or preferred pronunciation. Every effort will be made to have names pronounced as requested by Candidates or their representative for Phone Assisted Voting offered by the Commission.

4.11. Copies of the Electoral Roll to Candidates

Candidates may request electronic lists of electors enrolled for the districts in the electorate. Candidates who belong to a well-established and registered political party will typically obtain a copy of the rolls directly from their party administration. The data included on the electoral rolls is to be used for electoral purposes only.

To receive the electronic rolls for the districts within the electorate, Candidates must first complete an application form/confidentiality agreement *RM27C – Candidate/Registered Party Application for the Supply of Election Rolls*. Depending on when they nominate, Candidates can receive a copy of the latest roll (available in 2 working days from the date the application is received) or the final rolls within 8 days of the close of rolls.

If Candidates receive roll information via their political party administrators, the same confidentiality agreement conditions apply *RM27C – Candidate/Registered Party Application for the Supply of Election Rolls*.

Form *RM27C – Candidate/Registered Party Application for the Supply of Election Rolls* is available can be downloaded from the Commission's website at www.elections.wa.gov.au. It should be lodged directly with the Commission at enrolinfo@waec.wa.gov.au. Once a request has been processed, the electronic rolls are provided for download through a secure internet site.

5. What you must, can and cannot do as a Candidate

This section describes what a Candidate must and can do in an election, and those things that a candidate is not permitted to do.

The most obvious role for a Candidate in an election is to conduct their campaign in an attempt to be elected. In doing so, there are some rules that apply, for example with advertising in both electronic and paper forms. There are requirements of how gifts (donations) and electoral expenditure must be recorded and reported.

Candidates are not permitted to take a direct role in the conduct of the election, including observing electors casting their vote and scrutineering the count in their district. They are permitted to observe the counting of votes at a counting place.

Candidates can appoint Election Campaign Workers and Scrutineers to represent them during the voting process and at the scrutiny of votes.

5.1. Campaigning

Prospective Candidates can commence their campaign for election at anytime. They do not have to formally nominate or have their nomination declared before they start campaigning.

Campaigning can take a number of forms, including advertising in the press, on radio and television, through websites, through the distribution of pamphlets, flyers and posters, email, social media, public relations exercises or meeting the public face to face. How a Candidate conducts their campaign is entirely up to the Candidate (or the party or group they represent) within the confines of the law.

5.2. Election Campaign Workers

People who work for, or volunteer for a Candidate, group or political party at a place to vote or a counting place are called Election Campaign Workers and this includes Scrutineers.

A separate guide is available from the Commission's website which lays out the roles and responsibilities of Election Campaign Workers and Scrutineers.

5.2.1. Toilet Facilities

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.

5.3. 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.

5.4. 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.

5.5. 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.

5.6. Election material must be correctly authorised

Any publication of material, whether printed or electronic, that is intended to, calculated or likely to affect voting in an election must be authorised.

Any publication of any electoral advertisement, handbill, pamphlet or electoral notice (other than an advertisement in a newspaper announcing the holding of a meeting), must have at the end of it, the name and address of the person authorising it. It must be a physical address as opposed to a PO Box number.

Certain small items of a Candidate or party promotional nature are exempt from the requirement to carry the authorisation and addresses. These include:

- T-shirts, lapel buttons, lapel badges, pens, pencils or balloons
- business or visiting cards that promote the candidacy of any person in an election
- letters and cards that bear the name and address of the sender and which do not contain a representation or purported representation of a ballot paper for use in an election.

A campaign website or social media site must be authorised, along with any advertising on the Internet (e.g. banner ads). Comments posted to a social media site do not need to be authorised.

The *Electoral Act 1907* requires that campaign material be authorised. The requirement to authorise radio and television advertising is regulated under the Commonwealth's *Broadcasting Services Act 1992*.

Penalties may be applied for non-compliance with the authorisation requirements.

5.7. Signage

The *Electoral Act 1907* imposes no limitations on the size or placement of electoral signage (apart from in the immediate vicinity of a polling place), however it is recommended that Candidates make themselves familiar with relevant local government by-laws and ensure the placement of signage near road verges does not impact on traffic safety. WA's three key transport agencies - Main Roads, Department of Transport and Public Transport Authority also have powers in respect of the placement of signage near roads and intersections in the interest of public safety.

5.8. Misleading or deceptive publications must not be produced

A person must not, during the relevant period in relation to an election, print, publish or distribute or cause, permit or authorise to be printed, published or distributed:

- any matter or thing that is likely to mislead or deceive an elector in relation to the casting of the elector's vote (i.e. in the act of voting)
- an advertisement, handbill, pamphlet or notice that contains a representation of a ballot paper for use in that election that is likely to induce an elector to mark a ballot paper otherwise than in accordance with the directions on the ballot paper.

To 'publish' includes publish by radio, television digital or other electronic means. The 'relevant period' means the period commencing when the notice of the issue of the writ is published in the *Government Gazette* and ending at the latest time on polling day at which an elector can enter a polling place to cast a vote.

5.9. eSafety

The eSafety Commissioner (eSafety) is Australia's independent regulator for online safety. eSafety can help people experiencing online bullying or abuse to take action or make a complaint. eSafety also help by offering online safety training, presentations and workshops, research insights and a wealth of information.

Adult cyber abuse is when someone sends seriously harmful content to a person who is 18 or older, or posts or shares harmful content about them, using an online or electronic service or platform. It can include posts, comments, emails, messages, chats, livestreams, memes, images and videos.

If someone is just being rude, annoying or upsetting or you do not like their opinions, you can use simple strategies such as changing the settings on your device or online account to limit contact with them.

However, if the content is seriously harmful you should send a complaint to the service or platform that was used to send, post or share it.

You can find reporting links for common services and platforms in the eSafety Guide.

Also, you can follow eSafety's tips about how to manage the impacts of adult cyber abuse.

For more information go to the eSafety website: www.esafety.gov.au

5.10. How-To-Vote Cards

A how-to-vote card (HTVC) is any electoral material that:

- Is provided to an elector for the purpose of instructing them on how to vote for a particular Candidate, party or group in the election.
- Lists the names of one or more candidates, along with an indication of the order of voting preference for those candidates.

A HTVC may include a representation of a ballot paper, which may be a partial representation of the ballot paper.

A person commits a crime if the person distributes, or causes, permits or authorises the distribution of, a how-to-vote card within 100 m from a place to vote on a day on which voting occurs at the place unless it is has been registered by the Electoral Commission.

Additionally, a person commits a crime if the person publishes, or causes, permits or authorises the publication of, a how-to-vote card unless it is registered by the Electoral Commission.

The penalty for both these crimes is imprisonment for 2 years and a fine of \$24,000.

A separate guide for HTVC is available from the Commission's website at www.elections.wa.gov.au

5.11. Prohibition on Petitions, Polls or Surveys

It is unlawful to collect, canvass for, solicit or invite signatures or comments for the purpose of any petition, opinion poll or survey, or display or distribute any information for such a purpose at the place to vote or in the voting area of a place to vote.

5.12. Gifts Received and Expenditure Incurred

All Candidates and Legislative Council groups should be aware that they, or their Agent, have requirements concerning gifts (donations) received and electoral expenditure relating to the election contested.

5.13. Agents

The party agent is automatically the agent for a Candidate, or Legislative Council group, that is endorsed by a political party. A party endorsed Candidate, or Legislative Council group, can appoint their own agent, or appoint themselves as their own agent, if they so wish.

An Independent Candidate is personally responsible for keeping and maintaining records for any gifts (donations) or electoral expenditure, unless they appoint an agent to do so on their behalf.

If an Independent Legislative Council group does not appoint an agent, then the person whose name is to appear first in the group on the ballot paper becomes responsible for the disclosure obligations of the group.

The deadline for appointing an agent is before 6 pm on the Friday before polling day.

5.14. Gifts

Once a Candidate, or Legislative Council Group, has nominated, they or their Agent are required to disclose any gifts they receive over the specified amount, \$2,600, by the end of the next business day after the gift is received.

5.15. Electoral expenditure

If a Candidate, or Legislative Council Group, intends to incur electoral expenditure, they will need to establish a State campaign account. Details of the account will need to be provided to the Commission within five days of nomination. Candidates, or Legislative Council groups, incurring electoral expenditure before they nominate will need to have a State campaign account, as electoral expenditure can only be paid for from this dedicated account. In some cases candidates may not have a state campaign account and instead use the account of a registered political party that has endorsed them. In those cases the party agent will notify the Commission of creation of the State campaign account.

Candidates and Legislative Council groups should be aware that only certain types of funds can be paid into their State Campaign account.

If a State campaign account is established for electoral expenditure, a return concerning the account will need to be lodged with the Commission by 30 November 2025.

5.16. Caps on electoral expenditure

There is a limit on how much a Candidate or Legislative Council group can spend on their election campaign. If a Candidate or Legislative Council group is endorsed by a political party, their expenditure is included in the cap for the political party.

The cap for an Independent Legislative Council candidate at the 2025 State election is \$65,000.

The cap for an Independent Legislative Council group is \$65,000 multiplied by the number of Candidates in the group.

5.17. Election return

After the election, Candidates and Legislative Council groups, or their agent, are required to lodge a return to the Commission summarising gifts received during the relevant disclosure period, and any electoral expenditure incurred for the election. Even if no gifts are received or no expenditure made, there is a requirement to indicate this to the Western Australian Electoral Commission after the election by lodging a 'NIL' return. The return is due within 12 weeks after polling day.

5.18. Disclosure Period - for Returning Candidates

If a Candidate has previously stood for election within the past five years, the disclosure period for gifts and expenditure commences 30 days after polling day in the most recent previous election at which the person was a Candidate. The disclosure period ends 30 days after polling in the current election.

5.19. Disclosure Period - for New Candidates

For new Candidates, the disclosure period extends from one year before the Candidate is nominated in the current election to 30 days after polling day in the current election.

5.20. Disclosure Period – for Legislative Council Groups

For Legislative Council groups the disclosure period for all relevant expenditure extends from the time of claim for grouping to 30 days after polling day in the current election.

The publication *Funding and Disclosure in Western Australia Guide* outlines in greater detail the disclosure obligations of political parties, associated entities, candidates, groups and third-party campaigners and is available from Returning Officers or the Commission's website www.elections.wa.gov.au

5.21. Reimbursement of Electoral Expenditure (Public Funding)

Candidates are not automatically entitled to a reimbursement of their electoral expenditure. Reimbursement of electoral expenditure can be made if the number of first preference valid votes received by the Candidate, or group, is over 4% of the total number of formal votes cast at the election in the electorate.

If Candidates meet the requirement, a claim must be submitted within 20 weeks of polling day. For Candidates who are endorsed by a political party, the party agent may make the claim on their behalf.

The amount paid will be the lesser of the declared electoral expenditure or of the entitled amount. The entitled amount is the number of formal first preference votes multiplied by the public funding amount, which is \$2.26 or \$4.40 per eligible vote depending on their opt-in request lodged with the Commission.

To opt-in for the higher reimbursement amount (\$4.40), Candidates not endorsed by a political party should complete and return *FD21 – Opt-in request for higher reimbursement: Non-party candidate* before the close of nominations.

Please review the document titled *Funding and Disclosure in Western Australia Guide* available on the Commission's website for further details about submitting a claim for reimbursement.

5.22. Appointing Scrutineers

A Scrutineer is a person who observes the conduct of an election on behalf of a Candidate. Although considered to be an Election Campaign Worker they are specifically appointed and can enter polling places or the count area. After an election is called and polling places are identified, the Candidate, or official agent, can appoint Scrutineers to act on their behalf at any polling places, Technology Assisted Voting activity or at a counting place. A *PP16 - Scrutineer Appointment and Declaration* form is available for these three activities.

Scrutineers are an important part of the election process and 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*.

Any number of Scrutineers may be appointed but only one for each Candidate may be present at a polling place at any one time.

The appointment of Scrutineers is made in writing to the Presiding Officer, Assistant Returning Officer, Returning Officer or Electoral Commissioner and must be signed by the Candidate or their Official Agent. Appointment forms are available from the Commission's website www.elections.wa.gov.au. After being appointed, scrutineers are

required to wear name tags (and a yellow vest at most locations), as provided by the Presiding Officer, Assistant Returning Officer, Returning Officer or Electoral Commissioner.

An *Election Campaign Workers and Scrutineers Guide* is also available from the Commissions website www.elections.wa.gov.au.

5.22.1. Rights and duties of Scrutineers

Scrutineers have the right to enter and act as a Scrutineer at the polling place or counting place specified in their appointment. A *PP16 - Scrutineer Appointment and Declaration* is available from the Commission's website for this purpose. They can:

- Attend only at a polling place or counting places specified in their notice of appointment including a mobile polling place
- Observe the conduct of all election processes to see the functions that are being performed and that all legal requirements are being met
- Observe the checking of declaration votes at the Processing Centre
- Observe the scrutiny of ballot papers
- Be present when ballot boxes are opened and votes are being counted.

Scrutineers must not:

- 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 Presiding Officer, Assistant Returning Officer or Returning Officer
- handle ballot papers or voting declaration made by electors
- remove any identification required by the Presiding Officer, Assistant Returning Officer or Returning Officer
- wear or display any badge or emblem of a Candidate or political party while in a polling place.

Penalties are prescribed for these offences.

6. The Voting Process

This section describes the various means by which an elector may cast a vote in an election, as well as details about the electoral roll.

6.1. Electoral Roll

The electoral roll contains the name and address of all WA residents who are eligible to vote at the State election, except for the address of those electors whose address has been suppressed for reasons of personal safety (i.e. known as silent electors).

Enrolment for the election closes at 6 pm eight days after the issue of the Writ. Please refer to the State general election timeline for details.

The roll will be in two formats. For most voters casting an ordinary vote in the district in which they are enrolled, their name will be marked off a printed paper electoral roll.

An electronic State roll using the Elector Recording System (ERS) will be used extensively in early polling places and in polling places where absent (out of district) voters are significant.

By connecting through wireless communication to a central copy of the electoral roll, ERS will:

- speed up the process of issuing absent votes
- identify electors who have already voted or been issued a postal vote
- reduce the risk of a voter being marked off the roll more than once
- reduce the manual tasks and time needed for reconciling and processing of rolls at the end of the election day
- reduce the amount of time required to process absent votes prior to them being included in the full distribution count process.

6.2. Ballot Papers

Two ballot papers are issued to every voter. The smaller, Legislative Assembly ballot paper and the larger Legislative Council ballot paper.

6.3. Ordinary Voting

Ordinary voting is the most common type of voting and occurs on polling day when electors cast their vote at a polling place within the district in which they are enrolled.

Each elector must answer three questions prior to being issued with their ballot papers:

1. Have you already voted in this election?
2. What is your full name?
3. What is the address of where you live?

After the elector has answered the three compulsory questions and been marked off the electoral roll, they are handed ballot papers and directed to a voting screen. In all but the smallest of polling places, each ballot paper is then placed in separate ballot boxes by the elector.

6.4. Absent Voting

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.

If the polling place has an ERS issuing point, to look up and mark off the elector on the roll electronically, the elector will be asked the compulsory questions to determine eligibility before being given the ballot papers for their enrolled district, the whole of State electorate and an envelope to put them in.

If not, and the issuing officer is satisfied that they have not voted before, the elector will be asked to complete a manual declaration form and sign it before being provided with the ballot papers for their enrolled district, the whole of State electorate and the declaration envelope to put them in.

After polling has concluded, the ERS issued envelopes and the manual declaration form envelopes are sent to the Commission. The manual declaration attached to the envelope containing the ballot papers is used to confirm the elector's eligibility and mark the elector's name off the correct electoral roll at the Processing Centre. Once the declarations are removed, these envelopes are opened by a second team and the ballot papers are batched for counting.

6.5. Postal Voting

Electors may apply for a postal vote. When the application has been received by the Commission, ballot papers will be posted to the elector. A postal vote eliminates the need to physically vote at a polling place.

Electors can apply for a postal vote from the beginning of November until 6 pm on the Wednesday prior to polling day. Postal votes must be sent before 6 pm on polling day and received by the Commission no later than 9 am on the Thursday after polling day.

Candidates can apply to the Commission for a list of the names and electoral addresses of electors who postal vote applications have been approved. The request form is available from the Commission's website www.elections.wa.gov.au.

6.6. Early Voting

Early polling is a vote cast by an elector in person at a designated early polling place before the day of the election.

Early voting will be available for up to 11 days prior to polling day. These locations, and their operating hours, will be advertised on the Commission's website.

6.7. Technology Assisted Voting

The Commission is providing one form of Technology Assisted Voting, termed Phone Assisted Voting, to eligible electors to cast a secret and unassisted vote. An eligible elector is defined as an elector who cannot vote without assistance because the elector has insufficient literacy skills or is sight impaired or otherwise incapacitated.

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 by a computerised system and recording their vote preferences, whilst ensuring elector anonymity.

As a form of early polling, Phone Assisted Voting (both Application and Vote Casting) opens at 9 am 13 days prior to polling day. Phone Assisted Voting will be offered throughout the early polling period, up to and including polling day. Application for Phone Assisted Voting will close at 4 pm on polling day, with Vote Casting for Phone Assisted Voting closing at 6 pm on polling day. Phone Assisted Voting daily operating hours throughout the Early Voting period will be posted on the Commission's website.

6.8. Mobile Voting at Institutions, Hospitals and in Remote Areas

Mobile voting has traditionally been conducted at institutions (a legislated term). Historically this has included nursing homes, locations for those experiencing homelessness, remand centres and prisons), hospitals and in remote areas. A team of election officials conduct mobile voting in the 14 days prior to polling. Election officials may move around the venue issuing early votes to voters or establish a static voting area within the venue for a period of time.

Candidates or official agents may appoint Scrutineers to accompany the mobile team. Returning Officers will advise candidates of arrangements for mobile voting.

How-To-Vote cards for electors can usually be left at the general office of an institution or hospital by Candidates and political parties. During mobile voting at an institution, hospital or remote area, when accompanying polling officials with a mobile portable ballot box, Scrutineers may distribute literature (including How-To-Vote cards) but may not otherwise influence, canvass, solicit or petition voters.

Remote mobile voting teams will be authorised to carry a file containing plastic sleeves in which a copy of How-To-Vote cards or pamphlet relevant to the district or whole of State electorate can be placed by the Remote Presiding Officer

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

6.9. Provisional Declaration Voting

A provisional declaration 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
- the elector's entry on the electoral roll is already marked as having voted
- the elector's claim to vote is challenged by a Scrutineer
- the elector's name has been objected to by an enrolment officer.

The elector will be asked to sign a declaration of eligibility. All electors who complete a provisional vote should also check, or update, their enrolment.

The elector will still be asked the three compulsory questions before being given ballot papers to complete and place into an envelope.

All provisional declarations are checked at the Processing Centre. If accepted, the declaration form is removed, then the envelope opened by a separate team, before the ballot papers are removed and admitted to the final count of votes.

6.10. Enrol and vote on voting day

Provisional voting also applies to an elector who enrolls on the day on which they intend to vote, if the elector makes a claim for enrolment and completes a declaration before an Officer at the polling place.

6.11. Further information on Polling Venues

For more information on arrangements in respect to campaigning activities at polling and early vote venues, a document titled *Election Campaign Workers and Scrutineers Guide*

has been authorised by the Electoral Commissioner and is available on the Commissions website.

7. Counting the Votes

This section describes the processes for the counting of votes. Counting of votes is undertaken over a number of stages, from the initial count at the polling places, the check of declaration and postal votes at the Processing Centre to fresh and further scrutinies of ballot papers, and the final count using CountWA software.

7.1. At Polling Places

Counting of ordinary votes commences soon after the poll closes at 6 pm on polling day and the last electors present have cast their vote. Legislative Assembly ballot papers are always counted before Legislative Council ballot papers.

Legislative Assembly ballot papers are firstly removed from the ballot boxes by the Assistant Returning Officer and then sorted into the order of first preference for each Candidate (i.e. ballot papers are sorted and then counted based on which candidate has the number 1 vote). Ballot papers which are possibly informal are put to one side for checking by the Assistant Returning Officer.

The Assistant Returning Officer also completes a two Candidate preferred count. This involves the distribution of preferences from candidates who will probably be excluded under the preferential system. The Electoral Commissioner selects the two Candidates in each district that he believes are likely to receive the highest number of first preference votes. The preferences of the other Candidates are distributed to the two selected candidates. When the results of all the polling places in the district are aggregated, it provides an indicative and unofficial, but typically fairly accurate, means of predicting the likely result of the election.

After the Legislative Assembly votes have been counted, the Legislative Council ballot papers are sorted by first preference (those marked above-the-line by a single "1"), Candidate preference votes (those marked below the line) and those that are obviously informal.

Only the above-the-line votes are counted by first preference, recorded and then sent through to Returning Officers for posting to the results website. Assistant Returning Officer's simply record the number of ballot papers where electors have voted below the line, as well as the number of obvious informal papers. No further counting of Legislative Council votes occurs at the polling place.

After each of the three counts described above, the results are recorded and phoned through to the Returning Officer for each district. Each Returning Officer enters the figures into the

SG Portal for posting to the results section of the Commission's website at www.elections.wa.gov.au.

Absent and provisional envelopes are counted and packaged then sent to the Commission's Processing Centre as soon as practicable after election night, to be checked and the votes within them counted in the days following polling day.

7.2. Results to be Published Online

As results become available, they will be progressively published online at www.elections.wa.gov.au. It should be noted that the count on polling day provides an indicative result only, as all ballot papers are rechecked and re-counted by the Returning Officer after the close off for the receipt of postal votes on the Thursday morning in the days after polling day.

Results will be available at polling place level. Results and party summaries will be updated every few minutes up to the close of counting on election night. Updates will also be available progressively as the counting of declaration votes proceeds after polling day.

7.3. Processing Centre

The following activities will be undertaken at the Processing Centre:

- checking of declaration certificates from postal votes from 8 am on the Wednesday before polling day
- preliminary counting of all declaration votes into first preferences and indicative two candidate preferred from 6 pm on election night
- sorting, counting and data entry of Legislative Council ballot papers marked above-the-line with a single "1"
- sorting, packing and transporting Legislative Council ballot papers which are marked with anything other than a single "1" above-the-line to the offsite scanning contractor.

After the close of polling at 6 pm on polling day, verified Legislative Assembly postal votes received up to that point will be counted at the Processing Centre. The counting of Legislative Council postal votes will typically commence on the following Monday.

7.3.1. Computer Counting & OCR Scanning

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 at the Processing Centre and at the location where the off site scanning will take place.

Votes 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.

Candidates may also observe the counting of votes.

7.4. Determination of the Poll

The whole of State Returning Officer will contact all Candidates in their electorate to notify them of the operations at the Processing Centre. The Returning Officer will be able to declare the final results once all votes have been entered into CountWA, the electronic vote counting system. This is likely to be about three to four weeks after polling day.

Candidates or official agents may appoint Scrutineers to represent them at the count.

After the count has completed, the Returning Officer declares the results and returns a statement, endorsed with the names of the elected members of the Legislative Council, to the Electoral Commissioner.

Candidates and interested parties are welcome to attend the declaration of the election results.

7.5. Count Checking and Re-counts

Assistant Returning Officers may need to recheck some or all of the ballot 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. A small discrepancy (less than 10) at the indicative counts on election night is allowable, as it is possible that a small number of electors do not place their ballot papers in the ballot box and instead retain them when they leave the polling place or place them in a rubbish bin.

If after the full count for the distribution of preferences for a Legislative Assembly seat, the margin between the two highest polling candidates is approximately 100 votes or less, the Returning Officer will be advised to automatically offer the candidates another full count for the distribution of preferences before declaring the results.

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 recount where a Candidate provides sufficient reasons 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, recount a particular bundle or group of ballot papers at any time prior to the poll being declared.

If after a full recount 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 take place.

8. Complaints and Disputes

This section describes the process for lodging a complaint or disputing the result of an election and provides a brief list of electoral offences.

Candidate complaints or queries should be directed to the Returning Officer in the first instance.

If you are not satisfied with the response from the Returning Officer, you may seek a review of the matter. You should put your concerns in writing addressed to the Electoral Commissioner or via the online complaints and feedback webform under the "Contact Us" section on the election website www.elections.wa.gov.au. If your concern relates to electoral material, you will need to supply original examples of those documents with your complaint.

Complaints lodged with the Commission will be responded to or acknowledged within 24 hours or by the next business day.

9. Electoral Offences

See the *Electoral Act 1907* for a detailed description of all electoral offences.

The following is a brief list of particular activities that Election campaign workers, Candidates, Scrutineers and the public are not permitted to engage in:

- incorrectly authorising electoral material
- permit or authorise any matter or thing that is likely to mislead or deceive the casting of the elector's vote
- impersonating any person to secure a ballot paper to which the impersonator is not entitled
- fraudulently destroying or defacing any nomination or ballot paper
- forging or uttering, knowing the same to be forged, any nomination or ballot paper
- fraudulently putting any ballot or other paper into the ballot box
- fraudulently taking any ballot paper out of any polling place
- supplying ballot papers without authority
- unlawfully destroying, taking, opening or otherwise interfering with ballot boxes or ballot papers
- voting more than once at the same election
- wilfully defacing, mutilating, destroying or removing any notice, list or other document affixed by any Returning Officer or by their authority.
- Publishing material without stating the name and address of the person authorising it.
- Publishing or distributing unregistered How-To-Vote cards
- Misconducting themselves or failing to obey directions from an Electoral Officer
- Failing to lodge disclosure documents
- Providing false or misleading information in disclosure documents
- Failing to keep and properly use a State campaign bank account
- Exceeding expenditure caps
- Misuse or disclosure of elector or enrolment information (protected information) provided by the Commission

Penalties are prescribed for these crimes and offences.

10. Disputing the Result of an Election

The validity of an election may only be disputed by petition to the Supreme Court sitting as the Court of Disputed Returns after the determination of the poll by the Returning Officer and within 40 days after the return of the writ.

A petition disputing an election or return must:

- set out the facts relied on to potentially invalidate the election or return
- be in the format required by the *Electoral Act 1907*
- be signed by a candidate at the election in dispute
- be filed in the central office of the Supreme Court within 40 days after the return of the writ
- include a deposit of \$100 lodged with the Principal Registrar of the Supreme Court as a security for costs.

Any Candidates wishing to apply to the Court of Disputed Returns should consult their own legal advisers.

Appendix 1 Glossary

Term	Definition
6-Metre Rule	Electoral material must not be distributed within a 6-metre radius of the designated entrance at any place to vote during the hours of voting. Election campaign workers must not cross this line when speaking to electors. A \$1,000 fine is applicable in offences convicted by a court.
Above-the-line square	<p>To qualify to have a voting square above-the-line there must be 5 or more candidates nominated in the party or group.</p> <p>Independent (ungrouped) candidates cannot have a square above-the-line and are listed sequentially under each other in the order of the ballot paper draw.</p> <p>Electors may place a single '1' above-the-line (ATL) to choose the preferences formulated by their chosen group. Alternatively, electors may show more choices by writing numbers in other squares ATL starting from number 2.</p>
Absent Vote	A vote cast at a polling place by an elector who is outside their district. If an elector goes to a polling place where no printed roll is held for the district the person is enrolled for, the elector may be given an absent vote. The elector either completes a declaration form or is marked off an electronic roll at those polling places with Elector Recording System (ERS) facilities.
Absolute Majority	The number of votes exceeding half of the total formal votes cast in an election.
Accessible Polling Place	A polling place that has been assessed by the Returning Officer as having easy access for people with a disability. Refer to the <i>RO8 – Polling Place Information</i> form for the guidelines in assessing venues. Approval as an accessible polling place does not follow the same standard used by disability groups to assess a venue as “accessible”.
Assistant Presiding Officer	A person who is appointed to assist the Presiding Officer as required.
Assistant Returning Officer	Appointed by a Returning Officer to open ballot boxes, count and tally votes at an appointed counting place or other polling places.

	<p>Assistant Returning Officers can act in an official capacity to direct an Election Campaign Worker or Scrutineer to do, or refrain from doing, something in order to ensure the election campaign worker complies with s92H(1) of the <i>Act</i>.</p> <p>At the majority of polling places, the Presiding Officer and Assistant Returning Officer will be the same person.</p>
Australian Electoral Commission (AEC)	The Electoral Commission responsible for conducting federal elections and referenda and maintaining the Commonwealth electoral roll.
Ballot Box	A sealed box in which ballot papers are placed by electors after voting.
Ballot Box Guard	Responsible for the security of the ballot box and ensures all electors place their ballot papers in the correct ballot box before leaving the polling place. May also perform other roles such as an Issuing Officer and a Queue Controller during the course of a shift. These positions are referred to in the <i>Act</i> as an Officer.
Ballot Draw	Random allocation of candidate names to a position on the ballot paper. It is a public event conducted by the Returning Officer and held as soon as practicable after the close of nominations, which will occur at 12 pm on Thursday 13 February 2025.
Ballot Paper	A paper printed for an election showing candidate names, party affiliation (if any) which voters mark to record their vote choices. It also contains voting instructions.
Below-the-line square	Electors may number twenty or more candidate boxes below-the-line (BTL) to indicate their choices in preference order. If they do they should not mark any boxes above the line.
Boundary Distribution	The review and redrawing of electoral boundaries. For State elections in Western Australia, it is conducted every four years by the Electoral Distribution Commissioners in accordance with the provisions of the <i>Electoral Act 1907</i> .
Business Day	Means a day other than a Saturday, a Sunday or a public holiday.
By-election	In cases where a Member of the Legislative Assembly (MLA) dies, resigns, or is disqualified during their period of office, a by-election may be held to fill the casual vacancy.

	In such cases, a person is elected for the remainder of the term of the former MLA.
Candidate	For the purposes of recording income and expenditure related to the election, a person is defined as a candidate who, within three months before polling day in an election, publicly announces that they will be a candidate for the election. Otherwise, a person is defined as a candidate in an election once their nomination has been formally accepted and the period of nominations closes.
Casual Vacancy	A vacancy that arises for reasons other than the Parliament's expiration or dissolution, such as the resignation, retirement, disqualification, or death of the current member.
Central Vote Processing	Postal, Absent, Provisional, and out of state early polling votes are returned to a large metropolitan location to be processed. This will include sorting, checking and preliminary counting.
Close of Nominations	The close of nominations for an election is 12 noon on the second Thursday following the date of the writ. Party nominations close at 12 noon on the preceding day
Close of Enrolments	Enrolments close at 6 pm on the day, eight days after the date of the writ. To be eligible to become a candidate, an elector must be enrolled.
Central Nomination System (CNS)	A database used by registered political parties to record details of each of their candidates. The updated database is provided to the Commission prior to the close of nominations for a State election and imported into EMSWA SG.
Count Card	A count card is prepared for each candidate or group and one for informal votes to help counting staff to sort first preference votes.
Counting Place	Each polling place in a district is a counting place unless declared otherwise by the Returning Officer. The Returning Officer may appoint other places as counting places that are not polling places. These appointed places must be published on the Commission's website and in another manner approved by the Electoral Commissioner.

CountWA	Counting software used by the Commission for the electronic recording of ballot paper choices for the whole of State Legislative Council election.
Court of Disputed Returns	The Court of Disputed Returns has jurisdiction to hear petitions in which the validity of any election or return is disputed. A single Supreme Court Judge exercises this jurisdiction for Parliamentary elections and a Magistrate for local government elections.
Declaration Officer	An officer who issues declaration votes on polling day to electors who are not on that district's roll or cannot be found on any roll. This position is known in the <i>Act</i> as an Officer.
Declaration of the Poll	After the result of an election is determined, the Returning Officer is to formally declare the result of the election and the successful candidate(s).
Declaration Vote	Votes that require a written declaration or claim to vote by the voter. There are several types of declaration votes: postal vote; absent vote and provisional vote.
Declaration Vote Envelope	The envelope electors complete to be issued with a ballot paper for a Declaration vote. Also referred to as a PP25 or PP90.
Designated Entrance	An entrance to a polling place that has been signed to designate it is an entrance for use by electors to enter the polling place.
Discarded Ballot Paper	A ballot paper left by an elector without placing it in a ballot box.
District	The State of Western Australia is divided into 59 electoral districts. For each of these districts, one member is elected to the Legislative Assembly.
Donkey Vote	A ballot paper that has been marked from top to bottom, 1, 2, 3, etc where an elector has not given any consideration to their candidate preferences. A reverse donkey vote is marked in the same way, but from bottom to top (eg 3, 2, 1)
Dual Polling Places	May be established near a boundary between two districts if it is anticipated that there will be sufficient demand from both districts. Two polling places will be set up at the same venue and each will be staffed and resourced separately.

Early Issuing Officer	A person appointed to issue ballot papers to electors at an early polling place. May also rotate as a Ballot Box Guard and a Queue Controller.
Early Polling Place	A polling place at which a person may vote in an election on an early voting day for that election.
Early Voting Days	The early voting days for the election which will be a maximum of 11 days before polling day. They may include a Saturday but not a Sunday.
Elected Member	A member of the Legislative Council or Legislative Assembly.
Election Campaign Worker	A person who works or volunteers for a candidate, group, or political party at a place to vote or a counting place; and includes a scrutineer for a candidate, group, or political party. Their responsibilities are defined in s.92H of the <i>Act</i> .
Election Night	After 6 pm on Polling Day
Elector	A person whose name appears on a roll as eligible to vote for State, Federal or local government elections.
<i>Electoral Act 1907</i>	The Act of Parliament which stipulates statutory requirements for the conduct of State elections, by-elections or filling vacancies in the Legislative Council.
Electoral Commissioner	A person appointed by the <i>Electoral Act 1907</i> to be responsible for the impartial administration of electoral laws in Western Australia.
Electorate	A State electoral district for the Legislative Assembly or whole of State electorate for the Legislative Council.
Endorsed Candidate	A candidate in an election who has been endorsed by a political party.
Enrol and Vote on the Day	Electors who are not enrolled, or who are enrolled for a different district, may now complete a provisional vote declaration to become eligible to vote in the current election. (Note: if an elector still lives in the same district, they should be issued an ordinary vote).
Enrolment	The act of adding or updating a person's name and other enrolment details on the register of electors.

Enrolment Officer	An officer who the Electoral Commissioner directs to enrol persons on the register of electors and performs the other functions of an enrolment officer.
Exhausted Ballot Paper	A ballot paper which has reached the stage where, when distributing preferences, no further preferences can be distributed to a continuing candidate.
Formal Vote	A ballot paper which has been correctly marked and counts towards the result of an election.
Fresh Scrutiny	Procedure undertaken within 72 hours of polling day where ballot papers are re-examined to ensure correct sorting of ballot paper bundles occurred at the polling place and a check of ballot papers classed as informal.
Full Distribution of Preferences	The process of excluding the candidate with the fewest votes then distributing those votes according to the next preferred candidate.
General Postal Voter (GPV)	An elector may apply to be a general postal voter. If they meet specified criteria under the legislation, this means that ballot papers are automatically mailed to the elector after an election has been announced and the ballot papers have been printed.
Homeless Polling	Refer to Mobile Polling
How-to-vote Card (HTVC)	A card distributed by candidates, political parties and election campaign workers indicating 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.
Independent Candidate	A candidate or elected Member of Parliament who is not endorsed by a political party.
Informal Vote	<p>A ballot paper that is either left blank or does not show preferences in accordance with the law. In a State election a ballot paper will also be informal if the voter can be identified through some markings which has been made on it.</p> <p>These ballot papers do not contribute to the election of a candidates nor are they included in calculating the quota/absolute majority required to be successful.</p>
Informal Ballot Paper Report	A report which categorises and counts the various types of informal votes cast. These may include blank ballot

	paper or ballot papers where the elector has just scribbled or made a comment on them.
Information and Communication Technology (ICT)	The Commission's technical team responsible for supplying and supporting laptops, mobile phones and other computer related equipment and software systems used in the election.
Issue of the Writ	The Writ is a legal document issued by the Governor directing the Electoral Commissioner to conduct an election for the Legislative Assembly and the Legislative Council.
Issuing Officer	An officer who issues ordinary votes to electors who are on the district roll. Also rotates as a Ballot Box Guard and a Queue Controller. This position is known in the <i>Act</i> as an Officer.
Issuing Point	The table in a polling place staffed by an Issuing Officer who issues ballot papers.
Legislative Assembly	In Western Australia, this is the Lower House of Parliament, and it is comprised of 59 members. The party or coalition of parties that achieves a majority of seats in this House forms the government.
Legislative Council	In Western Australia, this is the Upper House of Parliament. It is sometimes referred to as the "House of Review" and is comprised of 37 members.
Manual Count	A manual sort and count of ballot papers conducted at polling places on Election night.
Member of the Legislative Assembly (MLA)	A person elected by voters of a district to represent them in the Legislative Assembly.
Member of the Legislative Council (MLC)	A person elected by voters of the state to represent them in the Legislative Council.
Mobile Issuing Officer	An officer who travels to mobile voting places to issue ordinary votes, absent votes and provisional votes. Assists the Mobile Presiding Officer as required.
Mobile Polling	Polling which is carried out by officers who travel to institutions, i.e. aged care facilities, hospitals, prisons, homeless shelters or remote areas within a 14-day period prior to or on polling day, to allow eligible electors who would not be able to attend a polling place to vote.

Mobile Presiding Officer	A Mobile Presiding Officer manages the operation of mobile polling. This includes ensuring electoral procedures are adhered to and supervising staff.
Mobile Voting Place	A place appointed as a mobile voting place, located in aged care facilities, hospitals, homeless shelters, prisons or remote areas.
Mobile Voting Team	The Presiding Officer and other Issuing Officers appointed for the mobile voting place.
Multi-Voter	A person who appears to have voted more than once in an election.
Nomination	The formal process by which a person becomes a candidate in an election.
Nomination Period	The period between the opening of nominations and the close of nominations. Nominations are open for a period of 8 days, refer to the timetable for specific dates.
Non-Party Candidate	A candidate in an election who is not endorsed by a political party.
Non-Voter	A person who appears to have failed to vote in an election.
Notional Distribution of Preferences	Refer to Two-Candidate Preferred (2CP) Count .
Officer	All persons appointed to any office by the Returning Officer or Electoral Commissioner.
Ordinary Vote	A vote cast by an elector at a polling place for the elector's own district during the days set aside for polling.
Parliamentary Party	A political party of which at least one member is a member of the Council or the Assembly.
Party Worker	Refer to Election Campaign Worker .
Phone Assisted Voting (PAV)	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 their vote preferences recorded by the system, whilst ensuring elector anonymity.

Political Entity	A member of the Legislative Council or the Legislative Assembly, a political party, an associated entity, a candidate, a group or a third-party campaigner.
Political Party	A political party is a body or organisation with a constitution or set of rules and stated political objectives. It may or may not be an incorporated body.
Polling Day	The date specified in the Writ for the elections to be held. Ordinarily, this is the second Saturday in March every four years. Polling is conducted from 8 am to 6 pm on that day.
Polling Place	A designated location, appointed by the Electoral Commissioner, where electors can vote.
Postal Vote	Electors may apply for a postal vote. When the application has been received by the Commission ballot papers will be posted to the elector. The completed ballot papers must be posted or delivered to the Commission at any time up to 6 pm on polling day. A postal vote eliminates the need to physically vote at a polling place.
Preferential Voting System	<p>Candidates are elected to the Legislative Assembly through full preferential voting. The term “preferential voting” means voters indicate an order of preferences for candidates on the ballot paper, i.e. who they want as their 1st choice, 2nd choice and so on.</p> <p>The elector must show a preference for all candidates listed on the Legislative Assembly ballot paper. In Western Australia, preferential voting systems are majority systems where candidates must poll an absolute majority of the total formal votes (in excess of 50% in order to be elected).</p>
Presiding Officer	The person appointed by the Returning Officer to preside over and manage the staff and operations of a polling place. This includes ensuring electoral procedures are adhered to and supervising staff at mobile voting places. The polling place may be open on polling day or on an early voting day or a mobile voting day
Primary Vote	The primary vote for a candidate is the number of first preferences received on formal ballot papers in a count.

Processing Centre	A location where Central Vote Processing takes place, polling materials are returned and where Full Distribution of Preferences counts can take place.
Proportional Representation	<p>A voting system used in multi-member electorates which is designed to ensure that the number of successful candidates from each party and independents reflects as closely as possible the votes received as a proportion of all the total valid votes cast in an election. To be successful, a candidate is required to receive enough votes to reach a quota (not an absolute majority) which is based on the number of formal votes and the number of candidates elected.</p> <p>The Legislative Council of the Parliament of Western Australia is elected using a proportional representation system.</p>
Provisional Vote	<p>Where an elector, at a polling place, is unable to vote but believes they are entitled to do so, the elector is issued a provisional vote. The elector signs a declaration, and provides other details, which are used to determine their eligibility to vote prior to the ballot paper being included in the count.</p> <p>Reasons for an elector not being able to vote include not being identified on the roll, having been incorrectly marked off the roll as having already voted, or being subject to objection by a scrutineer.</p> <p>A person entitled to be enrolled may also be issued with a provisional vote if the person makes a claim for enrolment on the day on which they intend to vote.</p>
Queue Controller	An officer who ensures a smooth flow of electors to issuing points as they become available, responds to elector's enquiries and helps to identify an elector's district (if required). Also rotates as an Issuing Officer and Ballot Box Guard. This position is known in the <i>Act</i> as an Officer
Quota	<p>To be elected as a member of the Legislative Council, a candidate must receive enough votes to equal a quota.</p> <p>A quota is calculated using the following formula:</p> $\left(\frac{\text{Number of formal votes}}{\text{Number of MLCs to be elected} + 1} \right) + 1 = \text{Quota}$

	<p>If the quota is not reached, the candidate with the least number of votes is excluded and their votes redistributed according to the second preference shown on the ballot paper by the elector. This process continues until a candidate reaches the quota.</p> <p>Candidates who receive a number of votes equal to or greater than the quota are elected immediately. Any votes of these elected candidates which are surplus to the quota are transferred to the remaining candidates preferenced on the ballot paper at a reduced value known as a transfer value.</p>
Re-count	A further re-examination and count of votes in an election, conducted at the discretion of the Returning Officer.
Referendum	The submission of a question to the electors as a result of an Act of Parliament. A ballot paper will be provided asking electors to vote 'yes' or 'no' to one or more questions.
Register of Electors	The database containing a list of every person currently enrolled under the <i>Electoral Act 1907</i> .
Registered How-to-Vote Card (HTVC)	HTVC that has complied with the requirements of Division 2A of the <i>Electoral Act 1907</i> and has been published on the Commission website by the Electoral Commissioner.
Registered Political Party	A political party that is registered in the register of political parties.
Remote Issuing Officer	An officer who issues ordinary votes, absent votes and provisional votes to electors who preside in a remote area. Assists the Remote Presiding Officer as required.
Remote Polling	Polling which is carried out by officers who travel to remote locations within a 14-day period prior to and/or on polling day, to allow eligible electors who would not be able to attend a polling place to vote. The hours of advertised attendance varies depending on the community population.
Remote Voting Place	A place appointed as a mobile voting place located in Remote area, including Aboriginal communities and pastoral stations.
Remote Polling Team	The Presiding Officer and Issuing Officer(s) appointed for the remote voting place.

Remote Presiding Officer	A Remote Presiding Officer manages the operation of mobile polling at remote locations.
Responsible Person	The agent for a member of the Council or the Assembly, the agent for a political party, the financial controller of an associated entity, the agent of a candidate, the agent of a group, the agent of the third-party campaigner if an unincorporated body or the third-party campaigner.
Return of the Writ	The formal document where the Electoral Commissioner certifies the names of successful candidates at the state election and is returned to the Governor.
Returning Officer (RO)	An electoral officer who is appointed by the Electoral Commissioner to be responsible for the conduct of an election for a Legislative Assembly district or for the whole of State electorate for the Legislative Council.
Returning Officer Assistant (ROA)	Assists the Returning Officer with higher level duties, including receipt and entry of results on polling night, the conduct of mobile counts and assistance with the return of materials (RoM) from Presiding Officers. ROAs also assist the Returning Officer with the Fresh Scrutiny in the 72 hours after polling day.
Returning Officer Liaison Officer (ROLO)	A person employed by the Commission to provide support and assistance to Returning Officers. Each ROLO must liaise with Returning Officers on a regular basis to provide advice, information, monitor their progress and to answer any queries or concerns. They will also assist with training Returning Officers and sharing information from the Commission.
Roll	The roll is an extract from the register of electors as at the date of close of rolls. It is a list of names and addresses of electors entitled to vote in a State election or referendum. The roll may be electronic or paper copy and is used to record that an elector has attended and been issued a ballot paper(s).
Scrutineer	A person appointed by a candidate to observe the polling process and the scrutiny and count of ballot papers, and to ensure that election processes are conducted strictly in accordance with the legislation.
Scrutiny	The process following the close of polling to determine the formality of ballot papers and processes in accordance with the legislation.

Silent Elector	A person whose address is omitted from the roll for security reasons, as permitted in s 51B of the <i>Electoral Act 1907</i> .
Spoilt Ballot Paper	A ballot paper incorrectly numbered or damaged by a voter. The voter is entitled to a replacement ballot paper after handing back the original.
Student Electoral Officer	Year 11 or 12 student engaged to assist in polling place duties performed by Officers. As they are generally under the age of 18 heightened duty of care is required by their supervisor.
Table Supervisor	A Table Supervisor is appointed for each counting table in a manual count. The Table Supervisor manages the count and count staff and reports to the Returning Officer.
Two-Candidate Preferred Count (2CP)	An indicative sort and count of votes following the first preference count of Legislative Assembly ballot papers at polling places on election night. It anticipates the flow of preferences to the two candidates selected as the likely highest first preference vote getters. The ballot papers of other candidates are examined, and each ballot paper is allocated to whichever of the two selected candidates has the lowest preference number opposite their name. The 2CP count has no impact on the final result.
Vote	An elector's indication of their preferred choice of candidates as indicated by the completion of a ballot paper.
Vote Record	Technology Assisted Voting's (TAV's) virtual representation of an elector's completed ballot paper. Output generated (A4 printed) in an aggregate format for inclusion in count processing. One Vote Record may represent more than one ballot paper.
Voting at a Polling Place on an Early Voting Day	Previously called Early Voting. Voting at a polling place on an early voting day gives electors the option of voting early. These services will be available for up to 11 days prior to polling day and will be managed by the Returning Officer in each district.
Western Australian Electoral Commission (the Commission)	The independent body established to facilitate the active participation of all eligible Western Australians in state elections, local government elections, and other elections.

	The Commission was established by the proclamation of the <i>Acts Amendments (Electoral Reform) Act 1987</i> .
Whole of State Electorate	The State is a single electorate (the whole of State electorate) for the purposes of the election of members of the Legislative Council. 37 members will be elected at each election.
Writ	The formal orders, issued by the Governor or Speaker of the House, requiring that an election (or by-election) be held. The writ contains the key dates for the election.

Appendix 2 Optional Proportional Representation

Optional Proportional representation is a voting system used in multi-member electorates such as the Western Australian Parliament's Legislative Council whole of State electorate. It is designed to ensure that the mix of successful Candidates in a multi-member electorate reflects as closely as possible the proportional break-up of all the valid votes cast in an election. To be successful, a candidate is required to receive enough votes to reach a quota (not an absolute majority) which is based on the number of formal votes and the number of Candidates to be elected. The method of proportional representation used in the Legislative Council elections is the Weighted Inclusive Gregory System.

In very general terms, under the notion of optional proportional representation, if a party or group of candidates receives 50% of the formal vote, that party or group will gain 50% of the seats in the parliament. Thus, if a political party received 50% of the vote in the whole of State electorate, it could expect to gain 15 of the 37 seats in the Legislative Council.

The quota required is calculated using the following formula:

$$\frac{\text{Number of formal votes}}{\text{Number of MLCs to be elected} + 1} + 1 = \text{quota required}$$

For example, if we assume there are 1.8 million valid votes made in the whole of State electorate in 2025 the formula would give the following result:

$$\frac{1,800,000}{37 + 1} + 1 = 47,369$$

In this case a Candidate needed at least 47,369 votes to be elected.

Note: The fraction (1,800,000 / 38) is rounded down before the 1 is added to obtain the quota required - i.e. 47,369

Surplus Votes

Candidates, who receive a number of votes equal to or greater than the quota, are elected immediately. Any votes of these elected Candidates, which are surplus to the quota, are transferred to the remaining candidates at a reduced value known as a transfer value.

The transfer value is calculated as follows:

$$\frac{\textit{Candidate's number of surplus votes}}{\textit{Total number of votes the Candidate received}} = \textit{transfer value}$$

Excluding Candidates

If at any stage there are no Candidates with a surplus of votes and not all Council seats have been filled, the candidate with the fewest votes is excluded from the count.

The excluded Candidate's ballot papers are distributed to the remaining Candidates at the same vote value as they were received. In some counts this will mean ballot papers are transferred at the value of 1 while others will have various transfer values.

This process of distributing surplus votes from elected Candidates and excluding the candidate with the fewest votes is continued until all vacancies are filled.

Appendix 3 Material Available to Candidates

Prospective candidates can download the following key materials from the Commission's website at www.elections.wa.gov.au:

- Candidates Guide (Legislative Council) (this document)
- Election Campaign Workers and Scrutineers Guide
- Funding and Disclosure in Western Australia Guide
- Electronic electoral roll application form for the whole of State electorate (comprising of 59 electoral district rolls).

To receive the electronic electoral roll, candidates must complete an *RM27C - Candidate/Registered Party Application for the Supply of Election Rolls*. Depending on when they nominate, candidates can receive a copy of the latest electoral roll (available in 2 working days from the date the application is received) or the final roll within 8 days of the close of roll. Candidates who belong to a well-established and registered political party will typically obtain a copy of the roll directly from their party administration.

Form *RM27C - Candidate/Registered Party Application for the Supply of Election Rolls* can be downloaded from the Commission's website at www.elections.wa.gov.au. It should be lodged directly with the Enrolment & Education Branch at enrolinfo@waec.wa.gov.au. Once a request has been processed, the electronic roll is provided for download through a secure internet site.

Western Australian Electoral Commission

Level 2, 66 St Georges Terrace, PERTH WA 6000
GPO Box F316, PERTH WA 6841

Phone (08) 9214 0400 or 13 63 06

Email waec@waec.wa.gov.au

Web elections.wa.gov.au

Translating & Interpreting Service (TIS)

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

National Relay Service (NRS)

Speak & Listen number 1300 555 727

SMS Relay number 0423 677 767