Formality of Ballot Papers
INTRODUCTION

Ballot papers for the Legislative Assembly and the Legislative Council will only be included in the count of votes where the ballot paper has satisfied formality requirements as established in the *Electoral Act 1907*.

For Legislative Assembly ballot papers relevant sections of the Act include sections 128, 139, 140 and 140A. For Legislative Council ballot papers relevant sections of the Act include 146E and 146F.

Understanding these formality requirements can be confusing. This publication is to assist electoral officials, candidates, scrutineers and electors better understand and apply the requirements during their involvement with ballot papers.
Ballot Paper Formality Principles

When assessing ballot paper formality, the following principles apply:

1. **Favour the Franchise**
   In the situation where the voter has tried to submit a formal vote (ie: the ballot paper is not blank or defaced) questions of formality should wherever possible be resolved in the voter’s favour.

2. **Only have regard to what is written on the ballot paper**
   The intention of the voter must be quite clear. Do not assume what the voter was trying to do if it is not clear – only consider what is written on the ballot paper.

3. **The ballot paper should be considered as a whole**
   By considering the number in each square as one in a series, not as an isolated number, a poorly formed number MAY be recognisable as the one missing from the series.

Authentic Ballot Paper

Ballot papers are printed on official paper carrying a watermark image or other security features. However, on rare occasions ballot papers may be produced locally by a Polling Place Manager due to operational necessity, and are not necessarily informal. Ballot papers so produced (eg: by photocopying an unused ballot paper) must be initialled by the Polling Place Manager or Issuing Officer on the back.
Determining Formality

The scrutiny and count of all ballot papers is undertaken in a prescribed manner. After the close of the poll the officer conducting the count (Polling Place Manager or Assistant Returning Officer as the case may be) will review the ballot papers as to their formality and either, reject or admit the ballot paper to the count.

Scrutineers have a right to challenge the admission or rejection of any ballot paper at the scrutiny. The grounds for a challenge may be the formality or informality of the ballot paper.

A ballot paper so challenged is to be endorsed on the back as “admitted” or “rejected” and initialled by the officer conducting the count.

Subsequently, determining the formality or otherwise of any ballot paper is the responsibility of the Returning Officer, either during a fresh scrutiny or at any time before the declaration of the poll, and may only be varied thereafter by a Court of Disputed Returns.
Legislative Assembly
1. FORMALITY OF LEGISLATIVE ASSEMBLY BALLOT PAPERS

1.1 Informal Ballot Papers

Ballot papers are informal when:
• totally blank;
• the number ‘1’ appears against two or more names;
• two or more names have been left unnumbered; or
• marked in any way by which the voter can be identified, eg the voter may have signed or initialled the ballot paper.

Alterations to the numbers do not make a ballot paper informal provided the voter’s intention is clear.

1.2 Challenge by Scrutineers

If a ballot paper is challenged by a scrutineer, under section 138 of the Electoral Act 1907, the ballot paper is endorsed on the back as ‘admitted’ or ‘rejected’ and initialled by the Polling Place Manager.

Subsequently, determining the formality or otherwise of any ballot paper is the responsibility of the Returning Officer and may only be varied by a Court of Disputed Returns.

Examples of Legislative Assembly ballot papers and how their formality is assessed are illustrated on the following pages.
**Election of one member of the Legislative Assembly**

**DISTRICT**

Number the boxes from 1 to 4 in the order of your choice.

1. **BROWN, Norman**
   - Clear Future Party
2. **JONES, Grace**
   - United People’s Party
3. **WILSON, Sam**
   - Stability Party
4. **WIRGYING, Yorgar**
   - Independent

**REMEMBER ...**
Number every box to make your vote count.

**FORMAL**

A voter does not necessarily have to mark all preferences in the boxes, providing the order of preference is clear.

**FORMAL**

The voter’s intention with respect to the first three preferences is clear and only one box has been left blank.
INFORMAL
Voter’s intention is not clear. In this context, the ✓ is ambiguous.

INFORMAL
Voter’s intention is not clear. In this context, the X is ambiguous.
**Formal**

All boxes are numbered and the first and second choices are clear. The ballot paper is set aside as exhausted after the second preference (ss. 140A(1)(b) & 144(2)(fa)).

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**Formal**

Other marks on the ballot paper do not detract from the voter’s clear expression of the order of preference. In some circumstances, however, the ballot paper may be informal if, for example, the voter’s writing can be identified especially at polling places with a low ordinary ballot paper issue or if the writing is distinctive in some other way.
**FORMAL**
Voter’s intention with respect to the order of preference is clear.

**INFORMAL**
No first preference indicated. It is not possible to be sure for whom the voter intended to allocate first preference.
Two first preferences are indicated.

INFORMAL
Two first preferences are indicated.

INFORMAL
Ballot paper has been initialled.
INFORMAL
Voter’s intention with respect to preferences is not clear.

INFORMAL
Voter’s intention is not clear with respect to the order of preference.
FORMAL
The first choice is formal, then set aside as exhausted (ss. 140A(1)(b) & (f), 140A and 144(2)(fa)).
Two vacant squares (s.140A(1)(b)).

INFORMAL

The first choice is formal and only one box has been left blank. The ballot paper is then set aside as exhausted after the first preference (ss. 140A(1)(b) and 144(2) (fa)).
NOTE: The examples below apply only where there are just two candidates.

**FORMAL**

Paper is marked correctly according to s. 128(1) of the Electoral Act 1907.

**FORMAL**

Marked clearly: indicates for whom the voter wishes to vote.
**NOTE:** The examples below apply only where there are just two candidates.

---

**FORMAL**

Marked clearly; indicates for whom the voter wishes to vote.

---

**INFORMAL**

Two first preferences are indicated. In this context an X can be ambiguous.
NOTE: The examples below apply only where there are just two candidates.

Western Australia

Election of one member of the Legislative Assembly

DISTRICT

Put the number 1 in the box opposite the candidate of your choice.

1 BROWN, Norman
Clear Future Party

1 JONES, Grace
United People’s Party

INFORMAL
Two first preferences are indicated.
Legislative Council
2. FORMALITY OF LEGISLATIVE COUNCIL BALLOT PAPERS

2.1 Marking Legislative Council Ballot Papers

Voters are given two options. They may indicate their vote:

• by placing the numeral “1”, a tick or a cross in a voting ticket square above the line on the coloured Legislative Council ballot paper; or
• by marking the numeral “1” and then consecutive numbers thereafter against all the candidates listed below the line on the ballot paper.

On election night the Legislative Council Count consists of a count of first preference above the line ticket votes only.

2.2 Informal Ballot Papers

Legislative Council ballot papers are informal when:

• totally blank;
• marked in any way by which the voter can be identified, eg the voter may have signed the ballot paper and this signature or initials identifies the voter; or
• are marked incorrectly and the voter’s intention remains unclear.

2.2.1 Informal Ticket Votes

(marked above the line only)

Legislative Council ticket vote ballot papers are informal when two or more first preference marks have been placed above the line.

For example:

• the number 1 appears more than once;
• the number 1 in combination with a cross (x) or a tick (✓) appears;
• a tick (✓) and a cross (x) appear;
• a tick (✓) appears more than once; or
• a cross (x) appears more than once.

Note: The number 1 by itself, a tick (✓) by itself or a cross (x) by itself is formal.
2.2.2 Informal Preference Votes
(marketed below the line only)

Legislative Council preference vote ballot papers are informal if marked below the line and:
• the number 1 does not appear against any candidate’s name (a tick or cross is not acceptable unless the order of preferences is clear);
• any number is repeated against two or more candidates’ names; or
• more than the last preference is missing (ie: more than one blank square).

Note: Alterations to the numbers do not make a ballot paper informal providing the voter's intention is clear.

2.3 Ballot Papers Marked Both Above and Below the Line

Where a voter has marked both the above the line ticket and the below the line preferential options, the ballot paper is treated as follows:
• when both are marked correctly (the ballot paper is formal), count the below the line candidate preference votes;
• when only one is formal, count the formal side; and
• when both are informal, obviously the ballot paper is informal.

2.4 Challenges by Scrutineers

If a ballot paper is challenged by a scrutineer, under section 138, the ballot paper is endorsed on the back as ‘admitted’ or ‘rejected’ and initialled by the Polling Place Manager.

Subsequently, determining the formality or otherwise of any ballot paper is the responsibility of the Regional Returning Officer and may only be varied by a Court of Disputed Returns.

Examples of Legislative Council ballot papers and how their formality is assessed is illustrated on the following pages.
Ballot Paper

Election of six members of the Legislative Council.

For your vote to count, you may vote in one of two ways.

Either  Above the line.  Put the number 1 in the box to show the voting ticket you want. Fill in only.

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Stability Party</td>
<td>Clear Future Party</td>
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<tr>
<td>United People’s Party</td>
<td>Trust Party</td>
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<tr>
<td>The Stability Party</td>
<td>Independent</td>
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<tr>
<td>Independent</td>
<td>Developing Life Party</td>
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</tbody>
</table>

Or  Below the line.  Number the boxes from 1 to 20 in the order of your choice of candidate.

<p>| | |</p>
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<thead>
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<tbody>
<tr>
<td>LOU, Ruby</td>
<td>Stability Party</td>
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<tr>
<td>HALL, Norris</td>
<td>Stability Party</td>
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<tr>
<td>KIPLER, Karl</td>
<td>Stability Party</td>
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<tr>
<td>GRAY, Becky</td>
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<td>SHUM, Edward</td>
<td>Stability Party</td>
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<tr>
<td>KENT, Clark</td>
<td>Clear Future Party</td>
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<tr>
<td>Johnson, Bruce</td>
<td>Clear Future Party</td>
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<tr>
<td>LEE, Craig</td>
<td>United People’s Party</td>
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<tr>
<td>WALKER, Serena</td>
<td>United People’s Party</td>
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<td>MARTIN, Tina</td>
<td>Independent</td>
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</table>

FORMAL

Admit the below the line preference vote; it is marked according to s.128(2)(a) of the Electoral Act 1907.
Ballot Paper

Election of six members of the Legislative Council.
For your vote to count, you may vote in one of two ways.

Either Above the line. Put the number 1 in the box to show the voting ticket you want. Fill in one box only.

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Or Below the line. Number the boxes from 1 to 20 in the order of your choice of candidate.

|   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|   | LOU, Ruby | KENT, Clark | WHITE, Cynthia | ROBINSON, Brad | PATEL, Shazza | THOMAS, Menta | MILLER, Irene | KELLY, Alan |
|   |   |   |   |   |   |   |   |   |
|   | HALL, Norris | Johnson, Bruce | LEE, Craig | HARRIS, Carli | SMITH, Larry | KING, Emma |   |
|   |   |   |   |   |   |   |   |
|   | KIPLER, Karl | WALKER, Serena | ANDERSON, Christopher | MARTIN, Tina |   |
|   | Stability Party | United People’s Party | Trust Party |   |
|   |   |   |   |   |
|   | GRAY, Becky |   |   |   |
|   | Stability Party |   |   |   |
|   |   |   |   |   |
|   | SHUM, Edward |   |   |   |
|   | Stability Party |   |   |   |

FORMAL
Admit the below the line preference vote as it has precedence over the ticket vote when both options are marked correctly.
Ballot Paper

Election of six members of the Legislative Council.

For your vote to count, you may vote in one of two ways.

**Either** □ Above the line. Put the number 1 in the box to show the voting ticket you want. Fill in one box only.

- Stability Party
- Clear Future Party
- United People’s Party
- Trust Party
- The Stability Party
- Independent

**Or** □ Below the line. Number the boxes from 1 to 20 in the order of your choice of candidate.

- LOU, Ruby Stability Party
- KENT, Clark Clear Future Party
- WHITE, Cynthia United People’s Party
- ROBINSON, Brad Trust Party
- PATEL, Shazza The Stability Party
- THOMAS, Menta Independent
- MILLER, Irene
- KELLY, Alan Developing Life Party

**INFORMAL**

Voter’s intention with respect to order of preference is not clear.
Ballot Paper

Election of six members of the Legislative Council.

For your vote to count, you may vote in one of two ways.

Either Above the line. Put the number 1 in the box to show the voting ticket you want. Fill in one box only.

Or Below the line. Number the boxes from 1 to 20 in the order of your choice of candidate.

**FORMAL**

Admit below the line candidate preference vote as the voter’s order of preference for all but one candidate is marked correctly. A formal below the line preference vote takes precedence over a formal above the line ticket vote.
Ballot Paper
Election of six members of the Legislative Council.
For your vote to count, you may vote in one of two ways.

Either
Above the line. Put the number 1 in the box to show the voting ticket you want. Fill in one box only.


Or
Below the line. Number the boxes from 1 to 20 in the order of your choice of candidate.

LOU, Ruby
KENT, Clark
HALL, Norris
KIPLER, Karl
GRAY, Becky
SHUM, Edward
WHITE, Cynthia
Johnson, Bruce
Lee, Craig
Walker, Serena
ANDERSON, Christopher
MARTIN, Tina
ROBINSON, Brad
HARRIS, Carli
SMITH, Larry
PATEL, Shazza
THOMAS, Menta
KING, Emma
MILLER, Irene
KELLY, Alan

FORMAL
Voter’s intention with respect to the ticket vote is clear; as per s.128(2)(b) of the Electoral Act 1907.
Ballot Paper
Election of six members of the Legislative Council.
For your vote to count, you may vote in one of two ways.

Either Above the line. Put the number 1 in the box to show the voting ticket you want. Fill in one box only.

Stability Party or Clear Future Party or United People’s Party or Trust Party or The Stability Party or Independent or Independent or Developing Life Party

Or Below the line. Number the boxes from 1 to 20 in the order of your choice of candidate.

1 LOU, Ruby Stability Party
2 KENT, Clark Clear Future Party
3 KIPLER, Karl Stability Party
4 GRAY, Becky Stability Party
5 SHUM, Edward Stability Party

6 WHITE, Cynthia United People’s Party
7 ROBINSON, Brad The Stability Party
8 PATEL, Shazza The Stability Party
9 THOMAS, Menta Independent
10 MILLET, Irene Independent
11 KELLY, Alan Developing Life Party

12 KENT, Clark Clear Future Party
13 LEE, Craig United People’s Party
14 HARRIS, Cardi Trust Party
15 SMITH, Larry The Stability Party
16 KING, Emma Independent
17 THOMAS, Menta Independent
18 KELLY, Alan Developing Life Party

19 WALKER, Serena United People’s Party
20 ANDERSON, Christopher The Stability Party

FORMAL
Admit the above the line ticked vote as formal; this has precedence over the incorrectly marked below the line preference vote.
Ballot Paper

Election of six members of the Legislative Council.
For your vote to count, you may vote in one of two ways.

**Either** Above the line. Put the number 1 in the box to show the voting ticket you want. Fill in **one box** only.

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**Or** Below the line. Number the boxes from 1 to 20 in the order of your choice of candidate.

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<td>THOMAS, Menta</td>
<td>MILLER, Irene</td>
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![Ballot Paper Image]

**FORMAL**

Voter’s intention with respect to the ticket vote is clear. By marking a first preference above the line, the preferences will be distributed according to those of the party or group. Other preferences marked in the boxes will be disregarded.
Ballot Paper

Election of six members of the Legislative Council.

For your vote to count, you may vote in one of two ways.

Either Above the line. Put the number 1 in the box to show the voting ticket you want. Fill in one box only.

_D_ or _A_ or _E_ or _C_ or _B_ or _G_ or _H_ or _F_


Or Below the line. Number the boxes from 1 to 20 in the order of your choice of candidate.


__HALL, Norris__ Stability Party __Johnson, Bruce__ Clear Future Party __LEE, Craig__ United People’s Party __HARRIS, Cardi__ Trust Party __SMITH, Larry__ The Stability Party __KING, Emma__ Independent

__KIPLER, Karl__ Stability Party __WALKER, Serena__ United People’s Party __ANDERSON, Christopher__ Trust Party __MARTIN, Tina__ Trust Party __MILLER, Irene__ Stability Party __THOMAS, Menta__ Independent

__GRAY, Becky__ Stability Party

__SHUM, Edward__ Stability Party

FORMAL

Voter’s intention with respect to the ticket vote is clear. The alphabetical sequence indicates a first preference for a party or group above the line.
Ballot Paper

Election of six members of the Legislative Council.
For your vote to count, you may vote in one of two ways.

Either

Above the line. Put the number 1 in the box to show the voting ticket you want. Fill in one box only.

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<td>The Stability Party</td>
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<td>or</td>
<td>or</td>
<td>Developing Life Party</td>
<td>or</td>
</tr>
</tbody>
</table>

Or

Below the line. Number the boxes from 1 to 20 in the order of your choice of candidate.

| LOU, Ruby        | or      | KENT, Clark    | or      | WHITE, Cynthia | or      | ROBINSON, Brad | or      | PATEL, Shazza | or      | THOMAS, Menta | or      | MILLER, Irene | or      | KELLY, Alan   | or      |
| Stability Party  | or      | Clear Future Party| or      | United People’s Party| or      | Trust Party| or      | The Stability Party| or      | Independent| or      | Independent| or      | Developing Life Party| or      |
|or             | or      | or             | or      | or             | or      | or         | or      | or             | or      | or         | or      | or         | or      | or         | or      |
| HALL, Norris    | or      | Johnson, Bruce| or      | LEE, Craig     | or      | HARRIS, Carli| or      | SMITH, Larry  | or      | KING, Emma  | or      | or         | or      | or         | or      |
| Stability Party  | or      | Stability Party| or      | United People’s Party| or      | Trust Party| or      | Trust Party| or      | or         | or      | or         | or      | or         | or      |
| KIPLER, Karl    | or      | or             | or      | or             | or      | or         | or      | or             | or      | or         | or      | or         | or      | or         | or      |
| Stability Party  | or      | or             | or      | or             | or      | or         | or      | or             | or      | or         | or      | or         | or      | or         | or      |
| GRAY, Becky     | or      | or             | or      | or             | or      | or         | or      | or             | or      | or         | or      | or         | or      | or         | or      |
| Stability Party  | or      | or             | or      | or             | or      | or         | or      | or             | or      | or         | or      | or         | or      | or         | or      |
| SHUM, Edward    | or      | or             | or      | or             | or      | or         | or      | or             | or      | or         | or      | or         | or      | or         | or      |
| Stability Party  | or      | or             | or      | or             | or      | or         | or      | or             | or      | or         | or      | or         | or      | or         | or      |

**FORMAL**

Voter’s intention with respect to the ticket vote is clear.
Ballot Paper

Election of six members of the Legislative Council.
For your vote to count, you may vote in one of two ways.

Either

Above the line. Put the number 1 in the box to show the voting ticket you want. Fill in one box only.

- Stability Party
- Clear Future Party
- United People's Party
- Trust Party
- The Stability Party
- Independent
- Independent
- Developing Life Party

Or

Below the line. Number the boxes from 1 to 20 in the order of your choice of candidate.

- LOU, Ruby
- KENT, Clark
- WHITE, Cynthia
- ROBINSON, Fred
- PATEL, Shazza
- THOMAS, Menta
- MILLER, Irene
- KELLY, Alan
- HALL, Norris
- Johnson, Bruce
- LEE, Craig
- HARRIS, Cardi
- SMITH, Larry
- KING, Emma
- GRAY, Becky
- WALKER, Serena
- ANDERSON, Christopher
- MARTIN, Tina
-獨立

INFORMAL
Voter’s intention is not clear.
Ballot Paper

Election of six members of the Legislative Council.

For your vote to count, you may vote in one of two ways.

Either Above the line.  Put the number 1 in the box to show the voting ticket you want. Fill in one box only.

- Stability Party
- Clear Future Party
- United People’s Party
- Trust Party
- The Stability Party
- Independent

Or Below the line.  Number the boxes from 1 to 20 in the order of your choice of candidate.

- LOU, Ruby  Stability Party
- KENT, Clark  Clear Future Party
- WHITE, Cynthia  United People’s Party
- ROBINSON, Brad  Trust Party
- PATEL, Shazza  The Stability Party
- THOMAS, Menta  Independent
- MILLER, Irene  Developing Life Party
- HALL, Norris  Stability Party
- Johnson, Bruce  Clear Future Party
- LEE, Craig  United People’s Party
- HARRIS, Carli  Trust Party
- SMITH, Larry  The Stability Party
- KING, Emma  Independent
- GRAY, Becky  Stability Party
- KIPLER, Karl  Stability Party
- WALKER, Serena  United People’s Party
- ANDERSON, Christopher  Trust Party
- MARTIN, Tina  Trust Party
- SHUM, Edward  Stability Party
- KELLY, Alan  Developing Life Party

FORMAL

Voter’s intention with respect to the ticket vote above the line is clear.
Ballot Paper

Election of six members of the Legislative Council.

For your vote to count, you may vote in one of two ways.

Either Above the line. Put the number 1 in the box to show the voting ticket you want. Fill in one box only.

Stability Party or Clear Future Party or United People’s Party or Trust Party or The Stability Party or Independent or Independent or Developing Life Party

Or Below the line. Number the boxes from 1 to 20 in the order of your choice of candidate.

Stability Party: LOU, Ruby, KENT, Clark, HALL, Norris, KIPLER, Karl, GRAY, Becky, SHUM, Edward
Clear Future Party: WHITE, Cynthia, LEE, Craig, Johnson, Bruce, HARRIS, Carli, ANDERSON, Christopher, MARTIN, Tina, THOMAS, Menta
United People’s Party: ROBINSON, Brad, HARRIS, Cardi, WALKER, Serena, WHITE, Cynthia, LEE, Craig, WHITE, Cynthia, LEE, Craig, WALKER, Serena
Trust Party: SMITH, Larry, KING, Emma, ROBINSON, Brad, HARRIS, Cardi, WALKER, Serena, WALKER, Serena, WALKER, Serena
The Stability Party: PATEL, Shazza, SMITH, Larry, ANDERSON, Christopher, MARTIN, Tina, PATEL, Shazza, SMITH, Larry, ANDERSON, Christopher
Independent: MILLER, Irene, KELLY, Alan, MILLER, Irene, KELLY, Alan, MILLER, Irene
Developing Life Party: KELLY, Alan, KELLY, Alan, KELLY, Alan

FORMAL

Voter’s intention with respect to the ticket vote above the line is clear.