

ELECTION  
2017

Local Government  
Ordinary Elections

# Information for Candidates



This guide is intended as a resource for candidates wishing to nominate for Local Government Elections. The Returning Officer will keep candidates informed about the election process and hold briefings as appropriate and should be the first contact point for Candidates. Candidates are elected using the first past the post system. The Candidate who receives the greatest number of votes is elected, then the Candidate who receives the next highest number of votes; and so on, up to the number of offices to be filled.

## **ELIGIBILITY**

In order to nominate, a candidate must be an elector of the district at the close of enrolment, on the Electoral Roll, aged 18 years or over and qualified under section 2.19 of the *Local Government Act 1995* to be elected. A candidate does not need to be an elector of the particular ward for which they are standing.

### **Resident**

The Commission maintains the residents roll. A candidate can check that they are enrolled on the Electoral roll for an address in their Local Government district by checking the Commission's website [www.elections.wa.gov.au](http://www.elections.wa.gov.au). If a candidate is on the residents roll and has changed address after the rolls have closed, the candidate is still an elector of the district and therefore eligible to nominate.

### **Non-Resident Owners and Occupiers**

Non-resident owners and occupiers rolls are maintained by individual Local Governments, so candidates must check with their Local Government to confirm eligibility.

### **Non-Resident Owner**

To be eligible to stand for election, a non-resident owner of rateable property within an electorate must be enrolled on the Electoral roll and have completed an *Enrolment Eligibility Claim* form which has been accepted by the local government. The CEO of the Local Government must have received the *Enrolment Eligibility Claim* form before the close of enrolments.

### **Non-Resident Occupier**

A non-resident occupier is a person who lives outside the electorate and has a right of continuous occupation for rateable property within the electorate under a lease, tenancy agreement or other legal instrument. The right of continuous occupation must extend for a period of at least three months at the time the person claims enrolment. A non-resident occupier must be on the Electoral Roll for an address outside the electorate and have completed an *Enrolment Eligibility Claim* form which has been accepted by the local government. The CEO of the Local Government must have received the *Enrolment Eligibility Claim* form before the close of enrolments prior to any election.

### **Nominee of a Body Corporate**

A person is not eligible to nominate if they are on the roll as a nominee of a body corporate.

### **Certain Other Electors**

If an elector was on the last owners and occupiers roll prepared under section 43 of the previous *Local Government Act 1995* for that Local Government and has continued to own or occupy rateable property within the district continuously since that roll was prepared, the *Local Government Act 1995* provides for that elector to be eligible to vote at elections for that Local Government. These electors are, however, ineligible to stand for election.

## **DISQUALIFICATIONS**

A candidate is disqualified for membership of a council if they:

- are a member of the Legislative Assembly, the Legislative Council, the House of Representatives or the Senate (or has been elected as such a member but has not yet taken office); or
- are a member of the council of another Local Government; or
- are an insolvent under administration; or
- are in prison serving a sentence for a crime; or
- have been convicted of a serious Local Government offence within the last 5 years (unless the court waived the disqualification); or
- have been convicted on indictment of an offence for which the indictable penalty was or included –  
imprisonment for life; or imprisonment for more than 5 years; or
- are subject to a court order disqualifying them from being a member of a council because they have misapplied Local Government funds or property.

A candidate cannot stand for two positions on council, except if one is for the position of mayor or shire president and the other is councillor.

If a candidate currently holds office as a councillor, they cannot nominate for a councillor vacancy unless the term of their current office expires on or before polling day.

## **CANDIDATE INFORMATION**

The Returning Officer will provide candidates with a USB containing relevant forms and information. A candidate may obtain a free copy of the owners and occupiers roll and the residents roll for the electorate (ward or district) for which they nominate, from the Returning Officer.

## **NOMINATIONS**

Nominations must be made to the Returning Officer only, before the close of nominations at 4.00 pm on the 37th day before election day. Candidates are encouraged to make an appointment with the Returning Officer well before nominations close to discuss nomination requirements. A nomination form must be completed by the candidate. A candidate may appoint another person to submit the nomination on their behalf but they must bring a letter from the candidate confirming this.

When a candidate makes a declaration, they are stating that they are an elector of the district. The Returning Officer can witness a candidate's declaration. The Returning Officer will issue a receipt to a candidate on receipt of an effective nomination.

An effective nomination consists of the following:

- a completed nomination form;
- a profile of the candidate, prepared in accordance with the regulations;
- a nomination deposit of \$80; and
- a photograph (optional).

The Commission has developed an online system called Nomination Builder to assist candidates complete their nomination form. This is the preferred method of completing the nomination.

A candidate can nominate for both mayor/president and councillor if they wish to contest both vacancies. A candidate will need a separate online form for each nomination including a profile and \$80 nomination deposit for each nomination.

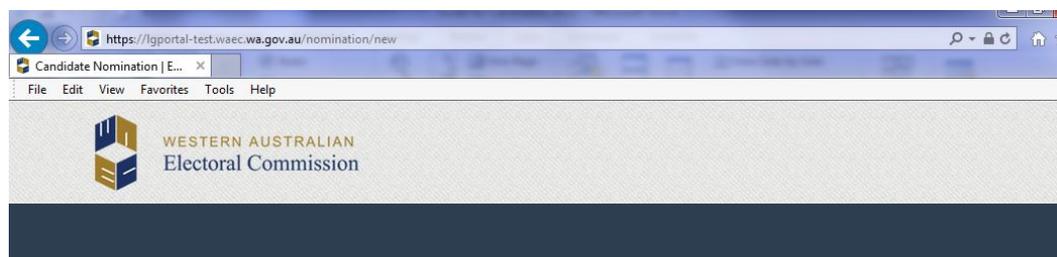
A nomination cannot be withdrawn after the close of nominations. A nomination may be withdrawn if a candidate gives notice before the close of nominations. The withdrawal of a nomination is effective if:

- written notice of it is received by the Returning Officer at the nomination place;
- evidence that the withdrawal is made by or with a candidate's consent is given to the Returning Officer in writing before close of nominations; or
- a candidate dies before the close of nominations.

## NOMINATION BUILDER

Candidates complete their nomination details and profile via Nomination Builder. They then print the completed form which has a barcode reference number allocated which is then lodged with the Returning Officer in person or by a properly appointed agent. The accuracy of nomination details and the profile is the candidate's responsibility.

The online Nomination Builder which includes the nomination form, photo template and a profile template is available on the Commission's website at [www.elections.wa.gov.au](http://www.elections.wa.gov.au)



### Candidate Nomination

Create a new nomination, or retrieve and edit a nomination that you created previously.

#### Create New Nomination

Press the button below to start the process of creating a new nomination.

Create New Nomination

#### Retrieve Existing Nomination

Enter the reference number and password to retrieve and edit your previously created nomination.

Reference Number

Password

Retrieve Existing Nomination

## NOMINATION FORM

How a candidate's name is to look on the ballot paper must be specified on the nomination form. It must include the candidate's surname and one or more of that candidate's given names or a commonly accepted variation. These may appear as follows:

- the given name;
- an initial; or
- a commonly accepted variation.

The Returning Officer has discretion as to what is acceptable and to resolve any situation when two candidates ask for the same name to be used. A candidate's surname will always appear first on the ballot paper.

## CANDIDATE PROFILE

The purpose of a profile is to provide information about a candidate to electors so that they can make a more informed choice when voting and to provide contact details to electors.

Profiles must:

- be written in English and contain no more than 150 words;
- be able to be printed on a single A4 page;
- stay confined to biographical information about a candidate and statements of their beliefs
- not contain information that the Returning Officer considers to be false, misleading or defamatory;
- include the Candidates name (in the form to which it is to be included on the ballot paper)

The Local Government and ward name, candidates name and contact details will not be counted in the 150 word limit.

It is suggested that your profile be provided to the Returning Officer for review prior to nomination. The Returning Officer may amend the wording of the profile to make it acceptable in accordance with the Regulations. The Returning Officer will advise of any changes required to the text of a profile and provide the reasons for the changes. The Returning Officer has the discretion to amend profiles after the close of nominations.

A candidate may amend their online nominations at any time prior to final acceptance by the Returning Officer which must occur prior to the close of nominations. Access to the online nomination form is via the barcode number and password created by the candidate.

The candidate's profile will be displayed on the Local Government public noticeboard. Profiles are also published and posted out to all electors as part of the election package. All profiles for this purpose are printed in a standard style with all formatting removed.

## CANDIDATE PHOTOGRAPH

The inclusion of a photograph with the profile is optional. If a photograph is supplied, it must be of the candidate's head or head and shoulders view, have a clear background, and be not more than six months old. Photographs should be clear and meet passport standards. Photos can be supplied as hard copies or in electronic format.

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

## DEPOSIT

An \$80 deposit must be paid to the Returning Officer. The deposit will be accepted if it is paid by bank cheque or money order made payable to the Local Government or in cash. A personal cheque will not be accepted. The Returning Officer may accept payment of the deposit by electronic transfer or other means (e.g. credit card), if proof can be provided that the deposit has been credited to the Local Government's trust account before close of nominations. Arrangements for paying the deposit like this must be made in advance.

The Returning Officer will advise the Local Government to refund deposits to those candidates who are eligible under the following conditions:

- if a candidate receives at least 5% of the total number of votes included in the count;
- nomination is withdrawn not later than 4.00 pm on the day before the close of nominations ;
- successful candidate in a principal office election (e.g. for mayor) where an additional deposit was paid to nominate for election as a councillor for the same Local Government;
- election is declared invalid by a Court of Disputed Returns;
- the death of candidate occurring after the close of nominations but before the election.

## REJECTION OF NOMINATION

A nomination may be rejected if:

- it is incomplete - the deposit is unpaid, missing the nomination form or profile;
- a candidate was not an elector of the district as at the close of enrolments;
- a candidate is standing for office as councillor at another election; or
- a candidate is the holder of an office or a member of the council whose term of office expires later than election day.

## DECLARATION OF NOMINATIONS

Immediately after nominations have closed, the Returning Officer publicly declares all nominations that have been accepted. The declaration will be made at the designated nomination place in the presence of any candidates and other people who wish to attend.

If there are no candidates for an office at the close of nominations, an extraordinary election must be held to fill the office as if it had become vacant on the day after the close of nominations.

If the number of candidates is less than the number of offices to be filled at the close of nominations, the candidates are elected unopposed. An extraordinary election may then be held at a later date to fill the remaining unfilled office or offices.

If at the close of nominations, the number of candidates is equal to the number of vacancies to be filled, the candidates are elected unopposed. If the vacancies are for varied terms, they are filled by the Returning Officer drawing lots. The first drawn will be appointed to the longer term.

If at the close of nominations, there are more candidates than vacancies, the Returning Officer will draw lots to decide the position in which each candidate will be placed on the ballot paper.

## **DRAW FOR POSITIONS ON BALLOT PAPER**

The following is the method used by the Returning Officer to draw positions on the ballot paper:

**Step 1** – Writes names of candidates on slips

**Step 2** – Places slips in separate opaque spheres

**Step 3** – Place spheres in a box

**Step 4** – Shakes and rotates box

**Step 5** – Removes a sphere and opens it

**Step 6** – Records name on list in descending order on the ballot paper

**Step 7** – Goes back to step 4 until all names have been drawn and recorded.

When the list is completed, it must be signed and dated by the Returning Officer. If any mishap occurs during the Ballot Paper Draw (eg a sphere opens) the RO is to start the Draw again and inform the Commission.

## **ELECTION CAMPAIGN – In Person Elections**

### **Early Voting**

The times and dates that early voting occurs is detailed in the election notice. This will include issuing at the local government office as well as possible other locations.

The votes received at these early voting centres are placed by the elector in a sealed ballot box. The votes are counted after 6.00pm on election day by the Returning Officer.

### **Ordinary Voting at Polling Places**

Ordinary votes are issued at polling places on election day. Electors that have not already cast an early, postal or absent vote can be issued a ballot paper.

Returning Officers have the power to take any reasonable steps to ensure that voting is conducted in a peaceful and orderly manner.

If, on any day on which polling for an election takes place, a person:

- canvasses for votes;
- solicits the vote of an elector;
- induces an elector not to vote for a particular candidate; or
- induces an elector not to vote at the election,

inside a polling place or within 6 metres from the entrance to a polling place, that person commits an offence. The Act provides a severe penalty for an offence.

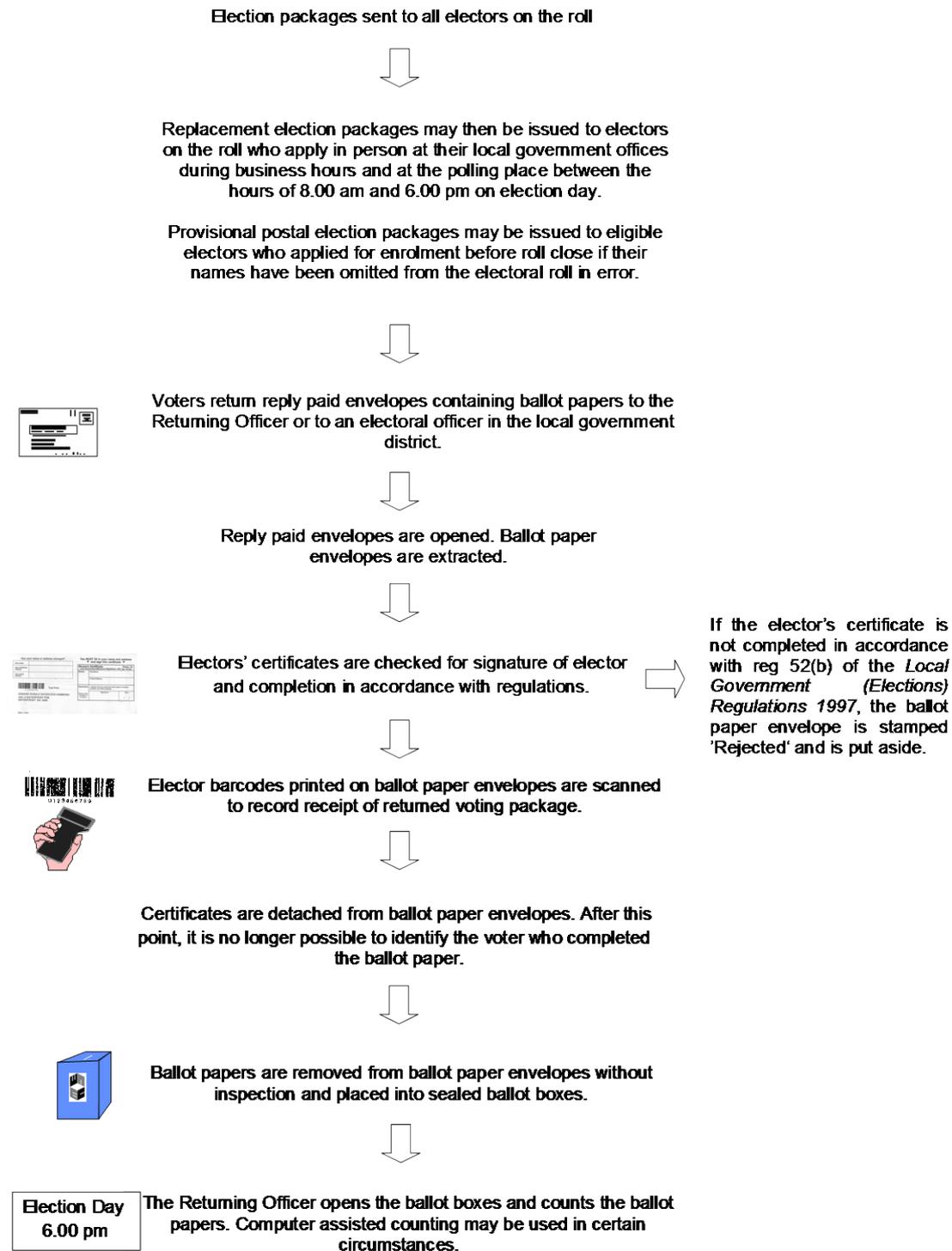
## **ELECTION CAMPAIGN – Postal Elections**

For a postal election, electors will be sent an election package. Election packages contain postal voting instructions, ballot papers with profiles of the candidates attached, a ballot paper envelope with an elector certificate attached and a prepaid postage envelope. Replacement voting packages are available from the Local Government. The Commission keeps daily statistics of postal election packages returned. These will be published on the Commission's website.

An effective election campaign should peak in intensity several days after the lodgement of packages with Australia Post, around three weeks before election day. This is because the majority of voters (between 50% and 60% of those voting) return their ballot papers within a week of receiving them, i.e. about 10 days before election day.

## POSTAL VOTING PROCESS

The following is a flow chart indicating how the postal voting process operates:



## **CHECK OF POSTAL VOTES**

The check of returned election packages usually commences three weeks before the count and continues each day that packages are received. The candidates will be notified where and when the checking is to take place.

Elector certificates are checked in accordance with regulations. If, during this process, a certificate is found to be incomplete, unsigned or otherwise deficient, the vote will be rejected and not included in the count. Elector certificates are detached from the accepted ballot paper envelopes and stored separately. This removes identification from the ballot paper envelopes, thereby preserving the secrecy of the votes.

Each ballot paper envelope has a barcode on it which identifies the elector. This is scanned and the elector is recorded as having voted.

The Returning Officer may open the ballot paper envelope, remove ballot papers from the ballot paper envelopes, unfold the ballot paper(s) and, without examining them personally or allowing the examination of the ballot paper(s) by any scrutineer present, place the ballot papers into a sealed ballot box, which must remain sealed until 6.00 pm on election day. These steps are usually undertaken by staff on the Returning Officers behalf.

## **COUNT OF VOTES**

As soon as is practicable after voting has finished the Returning Officer will arrange for the votes to be counted and determine the result of the election.

The votes will be counted at the place(s) notified in the election notice or at any other place appointed by the Returning Officer.

In the event of a common candidate for a mayoral/presidential and councillor election, the result of the election for mayor or president will be determined first.

The Electoral Commissioner may decide to use a computer-assisted counting system (CountWA) for a Local Government election. A computer-assisted count will be quicker than the manual method in some circumstances.

A ballot paper can be admitted if, in the Returning Officer's opinion, it clearly indicates an elector's wishes. The Returning Officer may review a decision in the course of a re-count of votes. The Returning Officer's decision about the acceptance or rejection of a ballot paper is final. The Commission has a Formality of Ballot Papers Guide to assist Returning Officers.

## **DECLARATION OF RESULT**

The result of a count is not final until the Returning Officer formally declares the result. If the initial count indicates that two candidates are close, the Returning Officer may decide to conduct a recount before they declare the result.

## **DISPUTED RETURNS**

The validity of any election may be disputed by an invalidity complaint made in writing within 28 days after notice is given of the result of the election. An invalidity complaint must be made to a Court of Disputed Returns constituted by a Magistrate.

## **ELECTORAL OFFENCES**

Candidates should be aware of Division 11 of Part 4 of the *Local Government Act 1995* relating to offences.

It is unlawful for a candidate, or a person authorised to act on a candidate's behalf, to communicate with, assist or interfere with an elector while the elector is marking a ballot paper.

It is unlawful for a candidate (or a person acting on behalf of the candidate) to take custody of or deliver voting papers to the Returning Officer. The Act provides a severe penalty for this offence.

## **ELECTORAL ADVERTISING AND PUBLICATIONS**

Electoral material consists of any advertisement, handbill, pamphlet, notice, letter or article for the election. Electoral material must have the name and address (not being a post office box) of the person who authorised its publication.

The address must be one that enables the person authorising the material to be identified and located without difficulty. A residential address is preferable, however a business address is also acceptable.

In the case of electoral material that is printed other than in a newspaper, the name and business address of the printer must also appear at the end of the electoral material.

Where authorisation and printer details must appear, it is an offence not to include these. The name and address of the person authorising the electoral material and a printer does not have to appear on car stickers, clothing, lapel badges, pens, pencils, balloons and other similar promotional material.

## **FALSE, MISLEADING OR DECEPTIVE MATERIAL**

It is illegal to publish editorial or advertising material that is likely to mislead or deceive an elector a) in the casting of their vote or b) into making an invalid vote. This provision has been narrowly defined by the courts. It applies when a voter has already decided who to vote for but is misled about how to carry out that intention.

Material that can affect a voter's decision about who to vote for does not come within the scope of the *Local Government Act*. To this end, the Commission has no jurisdiction over the publication of allegedly untrue statements intended to influence electors' judgements.

## **ELECTORAL DONATIONS**

Candidates have a duty to disclose electoral donations. All enquiries referring to the disclosure of gifts and donations should be directed to the CEO of the Local Government district, not the Returning Officer.

## **SCRUTINEERS**

Candidates are entitled to appoint Scrutineers at different stages of the electoral process. Further information on the rights and, responsibilities of Scrutineers can be found in the *Information for Scrutineers* publication, which is available on the Commission's website or on the Candidate USB supplied by the Returning Officer.