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FOREWORD

This guide is intended to provide you with information about the voting process and the electoral requirements you must satisfy as a scrutineer representing a candidate standing for election to a local council in Western Australia.

As a prospective scrutineer, you are also encouraged to read the following:

- Part 4, Division 9, of the Local Government Act 1995; and

If you have questions about your role as a scrutineer, you should contact the Returning Officer for your local government in the first instance. Contact details are available from the Western Australian Electoral Commission’s web site at www.elections.wa.gov.au or by phoning 13 63 06.

David Kerslake
ELECTORAL COMMISSIONER

July 2015
1. **INTRODUCTION**

This guide is written for scrutineers participating in an in-person election.

Your role as a scrutineer is to represent the interests of the candidate who has appointed you for that task. It is therefore, important that you understand what happens during an in-person election and what responsibilities you have in that process.

2. **IN-PERSON VOTING TIMETABLE**

An election is conducted over a period of 80 days. The key functions in the election process are:

- close of rolls;
- opening of nominations;
- close of nominations;
- early voting;
- postal voting; and
- polling day and declaration of the poll.

3. **APPOINTMENT FORM**

Form LG 18 *Appointment of Scrutineer* is included in the CD issued by the Returning Officer to prospective candidates.

The form of appointment is also available in the *Local Government (Elections) Regulations 1997* and from the Western Australian Electoral Commission’s web site at www.elections.wa.gov.au.
4. APPOINTMENT OF SCRUTINEERS

4.1 Role of Scrutineers

Candidates may appoint one or more scrutineers to represent them in observing procedures associated with the conduct of the election. Candidates must complete form LG 18 Appointment of Scrutineer to enable a scrutineer to be appointed. These forms are included in the CD.

A person must be at least 18 years of age to act as a scrutineer. The onus is on the candidate to ensure that the proposed scrutineer is eligible to be appointed.

Candidates can appoint any number of scrutineers, but not more than one scrutineer for each candidate per counting table (scrutiny) or for any other process (e.g. processing of electoral packages).

A person must not act as a scrutineer until he or she has signed a declaration in the prescribed form before either a Justice of the Peace, a person who has authority under the Oaths, Affidavits and Statutory Declarations Act 2005 to take statutory declarations or the Returning Officer.

Subject to the Returning Officer’s direction, candidates and scrutineers may be present when the votes are counted but candidates cannot scrutinise the count.
4.2 **Requirements for Scrutineers**

A copy of the signed form LG 18 *Appointment of Scrutineer* must be presented to the Returning Officer prior to commencing duties and is to be carried by the scrutineer at all times.

The scrutineer must wear an identifying badge, which the Returning Officer will provide.

Scrutineers should arrive at the count before 5.30 pm in order to be admitted for the start of the count at 6.00 pm. If a scrutineer arrives later than this he or she runs the risk of not being admitted until it is convenient for the Returning Officer as there are many tasks to be undertaken at this time.

4.3 **Rights of Scrutineers**

The rights of a scrutineer in relation to an election are as follows:

- to enter and be in any polling place specified in his or her notice of appointment at any time before the close of the poll;
- to observe, while in the polling place, the conduct of the election and ascertain whether the Act and Regulations are being complied with;
- to leave the polling place at any time; and
- to be present after the close of the poll when ballot boxes are opened and during the counting of the votes so as to observe all proceedings at the count.
4.4 Restrictions on Scrutineers

A scrutineer:

• is to comply with the restrictions imposed by section 4.89 of the *Local Government Act 1995* as to conduct in or near polling places;  
• is to comply with reasonable requests made by an electoral officer;  
• is to comply with directions given by the Returning Officer;  
• is not to record the name of a person who attends a polling place to vote;  
• is not to record any information given by a person to an electoral officer in order to receive a ballot paper; and  
• is not to be in any polling place specified in his or her notice of appointment if another scrutineer appointed by the same candidate is also there, except where one of them is there solely to cast or deliver his or her vote.

5. 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.
6. **POSTAL VOTING**

Electors can apply for a postal vote. Electors who have completed an application form for a postal vote are posted an election package.

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

- Election packages sent to electors who have completed an application for a postal vote.
- Voters return reply paid envelopes containing ballot papers to the Returning Officer or to an electoral officer in the local government district.
- Reply paid envelopes are opened. Ballot paper envelopes are extracted.
- Electors' certificates are checked for signature of elector and completion in accordance with regulations.
- Elector is marked of the roll as having voted.
- Certificates are detached from ballot paper envelopes. After this point, it is no longer possible to identify the voter who completed the ballot paper.
- Ballot paper envelopes are placed into sealed ballot boxes.
- The Returning Officer opens the ballot boxes, opens the ballot paper envelopes and includes the ballot papers in the count. Computer assisted counting may be used in certain circumstances.

If the elector's certificate is not completed in accordance with Reg. 52(h) of the Local Government (Elections) Regulations 1997, the ballot paper envelope is stamped 'Rejected' and is put aside.
7. **ORDINARY VOTING AT POLLING PLACES**

Ordinary votes are issued at the polling place 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. They may remove or exclude from the polling place any person who is disrupting or may disrupt the poll. They may call on a member of the Police Service for assistance if this is required.

When a scrutineer arrives at a polling place, the Returning Officer or nominated electoral officer, will request that he or she produces the duplicate notice of appointment for inspection.

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,
in 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.

The counting of votes will be held at the place or places specified in the election notice for the district. This may be the office of the local government or a central counting place.
8. **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.

Counting will typically commence soon after 6.00 pm on election day. As outlined in section 4.2, scrutineers should arrive at the count before 5.30 pm in order to be admitted for the start of the count at 6.00 pm.

8.1 **First-Past-the-Post Counting System**

The number of votes given for each candidate is ascertained using the first-past-the-post counting system.

The candidate who receives the greater or greatest number of votes is elected.

8.2 **Election for Two or More Offices of Councillor**

If the election is to fill two or more offices of councillor, the candidates elected are:

- the candidate who receives the greatest number of votes;
- the candidate who receives the next highest number of votes; and so on up to the number of offices to be filled.

If two or more candidates receive the same number of votes, the Returning Officer must draw lots in the presence of any scrutineers who may be present to determine which candidate is elected.

*LGA s.4.72*  
*LGA s.4.74*  
*Schedule 4.1*
8.3 **Computer-Assisted Counting**

The Electoral Commissioner may decide to use a computer-assisted counting system for a local government election if there are several vacancies, more than four candidates and a sufficiently large number of electors vote. Under these circumstances a computer-assisted count will be quicker than the manual method.

Ballot papers are first scrutinised and counted into batches for data entry.

After all batches have been entered, the Returning Officer will generate an automated count of all the ballot papers.

Data entry operators are not to be questioned by scrutineers. Scrutineers must address questions to the Returning Officer or the table supervisor.

9. **DECLARATION OF RESULT**

The outcome 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 fresh count before he or she declares the result.

10. **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. The invalidity complaint is to be made to a Court of Disputed Returns constituted by a Magistrate.

11. **ELECTORAL OFFENCES**

All scrutineers should read Division 11 of Part 4 of the Local Government Act 1995 relating to offences.