OUR PURPOSE
To provide Western Australians with quality electoral services through the conduct of impartial and independent elections and the promotion of public awareness of electoral matters, thereby fostering public confidence and participation in the electoral process.

OUR VALUES

Professional How we go about our work
At all times we act with integrity and independence, are ethical, transparent and work to the highest standards.

Respectful How we treat others and expect to be treated
We are civil, courteous, credible and value others.

Customer focused How we deliver our services
We strive to understand our customers’ needs, honour our commitments, build long-term relationships and foster good communication.

Collaboration How we work together
We build a positive work environment through teamwork, support and good working relationships.

Continuously improving How we move forward and work better
We strive to improve the efficiency and effectiveness of everything we do through innovation, learning and development.
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Foreword

This booklet is issued by the Western Australian Electoral Commission (the Commission) as a guide for scrutineers.

Scrutineers are an important part of the election process and are appointed by candidates to represent them during various stages of the election. Scrutineers provide a vital role as a safeguard of the integrity and transparency of elections to ensure that they are conducted according to the Electoral Act 1907.

For further explanation or clarification of the matters covered, read this guide in conjunction with provisions of the Electoral Act 1907 (E), the Electoral Regulations 1996 (R), the Constitution Act 1889 (CA) and the Constitution Acts Amendment Act 1899 (CAA). Copies of the legislation are available from the State Law Publisher and online at www.slp.wa.gov.au.

The Commission can assist you by providing information, but cannot provide legal advice to scrutineers. If any doubt arises regarding your legal position, it is recommended that you seek advice from your own legal adviser.

I also seek your support in recognising that there are steps and procedures that must be followed in accordance with legislation or regulation, and that sound logic gained through extensive experience sits behind the various systems and processes employed by the Commission. It is important that scrutineers respect the need for polling officials to be able to undertake their duties in a productive, cooperative and safe workplace.

Warwick Gately AM
Electoral Commissioner
December 2012
2013 State General Election Timeline

**ISSUE OF WRITS**
First Wednesday in February

- Nominations & Applications for Early Vote (by post) Open

**CLOSE OF ROLLS**
8 days after Issue of Wrists at 6 pm

- Party Nominations Close (12 noon)

**CLOSE OF NOMINATIONS**
At 12 noon & Draw for Ballot Paper positions

- Voting Tickets to be Lodged by 12 noon
- Early Voting (in person and by post) Commences
- Mobile Polling (for special institutions, hospitals and declared remote areas) May Commence

**POLLING DAY**
-(8 am to 6 pm)
Second Saturday in March

- Public Holiday – Labour Day
- Processing of Early Votes Commences
- Close of Applications for Early Votes (by post) at 6 pm
- Close of Early Votes (in person) at 6 pm

**RETURN OF WRITS**

- Final day for Receipt of Early Votes at 9 am
  - by MAY 6 Mon

Note: As at December 2012.
1 Appointment and Role of Scrutineers

Scrutineers are an important part of the election process and are appointed by candidates to represent them during various stages of the election. Scrutineers provide a vital role as a safeguard of the integrity and transparency of elections to ensure that they are conducted according to the Electoral Act 1907.

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

- accompanying mobile polling teams
- observe the processing of declaration votes
- observe the operation of polling places during polling
- observe the operation of the scrutiny of ballot papers.

Scrutineers are required to wear name tags as provided by the Returning Officer (or Polling Place Manager), after being appointed by written notice to the Returning Officer or Polling Place Manager. This notice must be signed by a candidate (or any candidate in a group). The appointment must bear the name and address of the scrutineer, be signed, witnessed, and handed to the Returning Officer (or Polling Place Manager, as appropriate). The Commission supplies forms to candidates for this purpose.

Scrutineers must never:

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

Penalties are prescribed for these offences.
2 Polling Places

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

The Electoral Commissioner may, by notice in the Government Gazette:

- appoint polling places for each district
- appoint general polling places for all districts
- appoint polling places in any institution or hospital
- declare any institution or hospital to be a special institution or hospital where mobile polling takes place
- declare any part of the State a remote area where mobile polling can take place
- abolish any polling place.

3 Hospitals, Institutions, Remote Areas and Early Voting Centres

Mobile polling can take place in declared special institutions, hospitals, and remote areas of the State, up to and including 14 days prior to polling day. These special institutions, hospitals, and remote areas are published in the Government Gazette and on www.elections.wa.gov.au. Generally such mobile polling will be conducted within the last week prior to polling day. At least 48 hours notice shall be provided to candidates of the times that voting will take place at these locations.

A hospital may be declared a normal polling place and may also function as a mobile polling place on polling day and the days preceding polling day.

Information for electors may be left at the general office of a special institution or hospital by candidates and political parties. During mobile polling 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.

In the lead-up to polling day, the Commission also operates a number of Early Voting Centres throughout Western Australia, as well as at various inter-state and overseas locations, where eligible electors may apply for an early vote (in person). Within WA, early voting locations include Magistrates’ Courts, AEC offices, the Perth domestic and international airports and the Commission’s office within the Perth CBD. ‘How to vote’ materials can typically be left at these locations.
4 **Operation of Polling Places**

A presiding officer, known by the title of Polling Place Manager, supervises staff and ensures the smooth operation of the polling place. The Polling Place Manager is then responsible for the scrutiny of ballot papers and the counting of votes commencing after 6.00 pm on polling day.

5 **During Polling at a Polling Place**

On polling day scrutineers may:

- witness the sealing of ballot boxes by the Polling Place Manager after they have been examined to determine that they are empty
- observe the questioning of electors as to their name, whether they have voted earlier and where they live
- accompany the Polling Place Manager or another polling officer when assistance is given in marking the ballot paper of an elector.

Only an electoral official or nominated person assisting can mark the elector's ballot paper when assistance is being provided; never a candidate or scrutineer.

- observe an electoral official assisting an elector to vote when the elector is unable, because of physical disability, to enter the polling place
- request that an elector, who claims to vote, make a declaration in the prescribed form (a provisional vote) before being permitted to vote, if that person is believed to be ineligible to vote
- enter and leave the polling place at any time and be replaced by another appointed scrutineer
- affix a seal to the cover of a ballot box to be forwarded to a counting place.

Scrutineers must not bring any election material into the polling place.

6 **During the Count of Votes**

For each polling place, unless otherwise agreed to by the Returning Officer, no more than two scrutineers may be appointed to represent each candidate at the scrutiny and count of votes after the close of the poll for the Legislative Assembly, (or in practice, one scrutineer per table if multiple tables are being used) and no more than three scrutineers can represent candidates in a group for the Legislative Council.
Scrutineers may during the counting of ballot papers:

- observe the scrutiny of votes
- observe all proceedings at the count of votes
- make submissions regarding the formality of any ballot paper. The Polling Place Manager conducting the count will then endorse the paper as ‘admitted’ or ‘rejected’, according to his or her decision to admit or reject the ballot paper
- observe the sealing and affix a seal to a packet containing the used ballot papers sealed by the Polling Place Manager
- when the Polling Place Manager sends a list of contents of packets to the Returning Officer, may countersign the list
- request the Returning Officer to re-count the ballot papers contained in any parcel. The Returning Officer may, if they think fit, grant the request
- if the count is adjourned, observe the sealing of packets and the scrutineer may then affix their own seal on the ballot box.

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

7 Party Workers During Polling

Party workers can only enter the polling place in order to cast their vote. Before entering the polling place, all material that may persuade an elector to vote in a certain way must be removed from, or be covered by, the party worker including hats, badges and T-shirts.

Party workers may hand out how-to-vote cards and other printed information to electors but not within six metres of the entrance to any polling place.

8 Polling Day Offences

Party workers, candidates, scrutineers and the public are not permitted to engage in the following activities which constitute offences under the Electoral Act 1907:

- personating any person to secure a ballot paper to which the personator 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 his or her authority.

Penalties are also prescribed for these offences.

8.1 Prohibitions Outside a Polling Place - Six Metre Rule

The following activities are prohibited within six metres of the 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 entrance to a polling place will be determined by the Polling Place Manager.

8.2 Prohibitions Outside Declared Institutions and Hospitals

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

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

Collecting, canvassing for, soliciting or inviting signatures or comments for the purpose of any petition, opinion poll or survey (or display or distribution of any information for such purpose) may be prohibited in an area up to 100 metres from the entrance to a polling place.

For the 2013 State election the Electoral Commissioner will declare a 100 metre area around all polling places by notice in the Government Gazette.
9  **Voting**

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

9.1  **Early Voting**

An elector who cannot attend a polling place for a valid reason may apply for an early ballot paper either by going to an early vote issuing place and requesting an early ballot paper in person or by completing an early vote (by post) application form.

9.1.1  **Checking Early Votes**

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

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

9.2  **Ordinary Voting**

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

The majority of electors will attend a polling place within their own electoral district and cast an ordinary vote on polling day.

The *Electoral Act 1907* provides that certain questions must be put to all electors to establish their identity and make sure that they have not voted previously in the election. The questions can be asked in less formal language if necessary.

An elector must be asked:

**QUESTION 1**

*Have you cast an early vote for this election or already voted today?*

If YES, the elector is not entitled to vote again.
If NO, the elector is asked question 2
QUESTION 2
What is your full name?

QUESTION 3
Where do you live?

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

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

If the elector does not live in the local district they may be entitled to an absent vote.

9.3 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.

The elector's name will not appear on the electoral roll for the polling place district, as only the local roll is held.

The elector will be asked the compulsory questions, as above, to determine eligibility before being given the ballot papers for his or her enrolled district. The elector will then be asked to sign a declaration of eligibility to vote.

The declaration is sent to the Commission attached to the envelope containing the ballot papers. It is used to confirm the elector's eligibility and mark the elector's name off the electoral roll.

Some polling places may use netbook computers with the Elector Recording System (ERS) installed on them. This allows electors to apply for an absent vote orally, be found on the electoral roll, marked as having voted and be given appropriate ballot papers without signing a declaration of eligibility.

9.4 Provisional Voting

A provisional vote may be issued to an elector in a polling place in the following situations:

- the elector claims to have lived in the district and enrolled, yet the elector's name cannot be found on the electoral roll
- the elector's entry on the electoral roll is already marked
• 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 the compulsory questions to determine eligibility before being given ballot papers to complete and place into an envelope.

The elector will also be asked to sign a declaration of eligibility. Electors who complete a provisional vote should also complete a new electoral enrolment form.

The eligibility of provisional voters is checked at the Count Centre before the final count of votes by the Returning Officer.

10 Count of Ballot Papers

Counting commences immediately after the poll closes at 6.00 pm on polling day. Legislative Assembly ballot papers are always counted before Legislative Council ballot papers.

10.1 Legislative Assembly

Scrutineers are entitled to be present at the scrutiny and count of votes. Ordinary ballot papers are firstly removed from the ballot box by the Polling Place Manager at each counting centre and then sorted into the order of first preference for each candidate. Ballot papers which are possibly informal are put to one side for checking by the Polling Place Manager.

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

Absent and provisional envelopes are counted and packaged (unopened), then sent to the Commission’s Count Centre as soon as practicable after election night to be checked and counted.

10.1.1 Notional Distribution - Legislative Assembly

Polling Place Managers will be asked to complete a notional distribution of preferences on election night. This involves the distribution of preferences from candidates who will probably be excluded under the preferential system. When the results of all the polling places in the district are aggregated, it provides an informal and unofficial, but fairly accurate, means of predicting the likely result on election night.

E, s 119(4)
E, s 122(2)
E, s 134,
 s 135, s 136
E, s 136A–146
E, s 144,
 s 145, s 146
The Electoral Commissioner will select two candidates in each district for the notional distribution.

Steps of the notional distribution procedure:

1. Ballot papers for the two selected candidates are set aside.

2. Each non-selected candidates’ ballot papers are allocated in turn between the two selected candidates. The selected candidate will be the candidate with the lowest numbered preference mark. For example, a 2 next to a selected candidate’s name shows the voter prefers that candidate over a 4 marked against the other selected candidate. A single blank square is treated as the least preferred candidate.

3. The new ballot papers allocated for the two selected candidates are counted and recorded and then set aside.

4. Steps 2 and 3 are repeated for each of the remaining non-selected candidates’ ballot papers.

5. When ballot papers for all non-selected candidates have been distributed, the results are tallied by the Polling Place Manager and are then telephoned through to the Returning Officer.

This whole process should not take long, as the majority of the votes recorded in the polling place have usually been cast for the two selected candidates. Additionally, the process may be modified by the Polling Place Manager depending on local circumstances.

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

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

10.1.2 Fresh Scrutiny - Legislative Assembly

The Returning Officer will then open the sealed packets of ballot papers and carry out a fresh scrutiny within 48 hours after polling day. The Returning Officer has the same powers as if the fresh scrutiny was the original scrutiny and may reverse any decision made by the Polling Place Manager or Deputy Returning Officer in regard to the formality of any ballot paper.
The fresh scrutiny is essentially a quality control measure to ensure polling places have sorted bundles of ballot papers correctly and that ballot papers deemed to be informal by Polling Place Managers were assessed correctly. Scrutineers may be present at the fresh scrutiny.

10.1.3 Full Distribution of Preferences - Legislative Assembly

A full distribution normally takes place from the Saturday after polling day.

Absent, early, postal and provisional ballot papers are forwarded to the Returning Officer after they have been processed at the Count Centre for inclusion in the full distribution. The Returning Officer will advise the candidates 48 hours prior to the count of the time and location of the scrutiny, which will allow time for them to appoint scrutineers to be present at the count.

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

10.2 Legislative Council

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

- **Ticket Vote (left hand side of ballot paper)**
  By marking with a numeral ‘1’, a tick or a cross in one square only on the ticket vote side. The elector automatically allocates preferences to all candidates according to the group, party or candidate’s registered ticket vote claim as lodged with the Electoral Commissioner.

- **Candidate Preference or Non-ticket Vote (right hand side of ballot paper)**
  By marking all squares with consecutive numbers starting with the numeral ‘1’ to indicate the order of preference for all candidates on the candidate preference vote side.

Where both the ticket vote and candidate preference vote sides of the ballot paper are marked as above, the candidate preference vote is counted and the ticket vote side is ignored. If, however, the candidate preference vote side is not filled out correctly, the ticket vote side is counted.

10.2.1 Scrutiny - Legislative Council

At each polling place, during or after the Legislative Assembly votes have been counted, the Polling Place Manager will empty all Legislative Council ballot boxes, sorting the ballot papers into ticket and non-ticket votes, and putting aside those that are
informal. Ticket votes are then allocated to the first preference on the ticket. Then the first preference votes for each candidate are counted for the non-ticket votes. No further counting of Legislative Council ballot papers occurs at the polling place.

The ballot papers are then sealed in a package and sent to the Deputy Returning Officer for the region who conveys them to the Regional Returning Officer. The Deputy Returning Officer is usually the Returning Officer for the Assembly district within which the polling place is located.

The Regional Returning Officer will then open the sealed packets of ballot papers and carry out a fresh scrutiny at the Counting Centre after polling day. The Regional Returning Officer has the same powers as if the fresh scrutiny was the original scrutiny and may reverse any decision made by the Polling Place Manager or Deputy Returning Officer in regard to the formality of any ballot paper.

10.2.2 Computer Counting

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

Ticket votes are sorted manually into each ticket group then groups are entered in batches by the supervisor. The preferences for non ticket ballot papers are entered into the computer counting system. Scrutiny of all ballot papers will occur at the sorting stage.

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

If a scrutineer wishes to query the input of a ballot paper they should record the batch number and ballot paper number from the information on the screen. This then can be later queried with the data entry supervisor and a decision made by the Returning Officer on the validity of the vote. The data entry operators are not to be asked questions by scrutineers.

After all batches have been entered and verified, the Regional Returning Officer generates the count of all the ballot papers. This process can be observed by scrutineers.
11 Close Seat and Re-count Policy

A scrutineer may request a re-count of votes. The Polling Place Manager or Returning Officer is not obliged to act on this, but will consider it.

The Returning Officer may decide to undertake a re-count on his or her own volition.

Polling Place Managers may need to recount some or all of the ballots papers from their polling place when the number of first preference votes plus informal and discarded ballot papers does not equal the number of ballot papers issued.

11.1 Legislative Assembly Re-count Policy

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

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

A Returning Officer may also, at the request of a candidate or scrutineer or of their own volition, 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 be held.

11.2 Legislative Council Re-count Policy

With the Legislative Council count, a Regional Returning Officer may of their own volition initiate a recount of the votes on ballot papers from any district or portion of the district, or a particular bundle or group of ballot papers. A candidate requesting a Legislative Council recount must do so in writing to the Regional Returning Officer, setting forth the reasons for the request.
With the Legislative Council ballot papers, ticket votes will be counted manually twice at the central count centre before the numbers are entered into the electronic vote counting system (CountWA).

12 Formality of Ballot Papers

The Commission’s publication *Formality of Ballot Papers* provides examples of formal and informal ballot papers.
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Collaboration How we work together
We build a positive work environment through teamwork, support and good working relationships.

Continuously improving How we move forward and work better
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