



WESTERN AUSTRALIAN
Electoral Commission

Formality of Ballot Papers



INTRODUCTION

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

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

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 respective roles.

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.

Where the Vote Assist system is being used at an election by blind and low vision electors, ballot papers are printed on a local printer on special security paper.

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. A sticker may be affixed to the back indicating the reason for rejection.

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.

Two Candidate Ballot Paper

In the unlikely event that a Legislative Assembly ballot paper comprises only two candidates, a further series of sample formal and informal ballot paper images will be distributed.

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 a way by which the voter can be clearly identified, eg the voter may have signed the ballot paper with their name.

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 thereafter 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.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

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

| | | |
|--------------------------|--|----------|
| <input type="checkbox"/> | BROWN, Norman Clear Future Party | <i>1</i> |
| <input type="checkbox"/> | JONES, Grace United People's Party | <i>2</i> |
| <input type="checkbox"/> | WILSON, Sam Stability Party | <i>3</i> |
| <input type="checkbox"/> | WIRGYING, Yorgar Independent | <i>4</i> |

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

FORMAL

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

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

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

| | |
|------------------------------------|--|
| <input type="checkbox" value="3"/> | BROWN, Norman Clear Future Party |
| <input type="checkbox" value="2"/> | JONES, Grace United People's Party |
| <input type="checkbox" value="1"/> | WILSON, Sam Stability Party |
| <input type="checkbox"/> | WIRGYING, Yorgar Independent |

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

FORMAL

The voter's intention with respect to the first three preferences is clear and only one box has been left blank.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

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

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

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

INFORMAL

Voter's intention is not clear. In this context, the ✓ is ambiguous.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

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

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

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

INFORMAL

Voter's intention is not clear. In this context, the X is ambiguous.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

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

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

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

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)).

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

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

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

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

Donald Duck rules!

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.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

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

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

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

FORMAL

Voter's intention with respect to the order of preference is clear.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

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

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

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

INFORMAL

No first preference indicated. It is not possible to be sure for whom the voter intended to allocate first preference.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

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

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

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

INFORMAL

Two first preferences are indicated.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

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

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

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

FORMAL OR INFORMAL

Formal if the voter's initials are unable to be identified by count staff. May be informal if the voter can be identified, especially at polling places with a low ordinary ballot paper issue.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

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

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

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

INFORMAL

Voter's intention with respect to preferences is not clear.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

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

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

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

vanessa Jane Smyth

INFORMAL

The identity of the voter can be determined.

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

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

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

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

FORMAL

The first choice is formal, then set aside as exhausted (ss. 140A(1)(b) & (f), 140A and 144(2)(fa)).

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

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

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

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

FORMAL

The first choice is formal then set aside as exhausted (ss. 140A(1)(b) and 144(2) (fa)).

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

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

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

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

INFORMAL

Two vacant squares (s.140A(1)(b)).

Western Australia Ballot Paper

Election of one member of the Legislative Assembly

_____ DISTRICT

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

BROWN, Norman
Clear Future Party

JONES, Grace
United People's Party

WILSON, Sam
Stability Party

WIRGYING, Yorgar
Independent

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

FORMAL

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)).

Western Australian Electoral Commission

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