



Western Australia

Local Government Act 1995

Local Government (Elections) Regulations 1997

As at 29 Aug 2009

Version 02-b0-03

Extract from www.slp.wa.gov.au, see that website for further information

Local Government (Elections) Regulations 1997

CONTENTS

Part 1 — Preliminary

| | | |
|----|-----------------------|---|
| 1. | Citation | 1 |
| 2. | Application | 1 |
| 3. | Terms used | 1 |
| 4. | Forms | 3 |
| 5. | Delivery of documents | 3 |

Part 2 — Electoral officers

| | | |
|----|---|---|
| 6. | Appointment of electoral officers — s. 4.27(1)(a) and (b) | 4 |
| 7. | Declaration by electoral officer — s. 4.27(1)(c) | 4 |
| 8. | Electoral codes of conduct — s. 4.27(1)(d) | 5 |
| 9. | Fees and expenses of electoral officers — s. 4.28 | 5 |

Part 3 — Enrolment

| | | |
|-----|--|----|
| 10. | Nomination of ward — s. 4.31(1)(b) | 7 |
| 11. | Nomination of co-owners or co-occupiers — s. 4.31 | 7 |
| 12. | Enrolment eligibility claim — s. 4.32(1) | 8 |
| 13. | Register — s. 4.32(6) | 8 |
| 14. | Appeal form to be sent with notice of rejection or expiry of enrolment eligibility claim — s. 4.32(6) and s. 4.35(3) | 9 |
| 15. | Appeals to Electoral Commissioner — s. 4.32(8) and s. 4.35(4) | 10 |
| 16. | Confidentiality | 10 |
| 17. | Retention of documents | 11 |

Part 4 — The rolls

| | | |
|------|---|----|
| 18. | Consolidation of residents roll with owners and occupiers roll — s. 4.38(1) | 12 |
| 19. | District rolls, ward rolls and combined ward rolls — s. 4.38(2) | 12 |
| 20. | Elector's details on the roll — s. 4.38(2) | 13 |
| 21. | Form of rolls — s. 4.38(2) | 14 |
| 22. | Supply of rolls — s. 4.42(2) | 14 |
| 22A. | Certification of corrections to roll — s. 4.43(4) | 14 |

Part 5 — Nominations

| | | |
|-----|--|----|
| 23. | Means of sending nomination or withdrawal — s. 4.49(a) and s. 4.53(2)(a) | 15 |
| 24. | Candidate's profile — s. 4.49(b) | 15 |
| 25. | Evidence of candidate's consent to nomination or withdrawal — s. 4.49(c) and s. 4.53(2)(b) | 16 |
| 26. | Deposits — s. 4.49(d) and s. 4.50 | 16 |
| 27. | Cases in which deposits are refunded — s. 4.50 | 17 |
| 28. | How deposits are refunded — s. 4.50 | 17 |
| 29. | Local government to retain deposits in other cases | 19 |
| 30. | Drawing lots for positions on ballot paper — s. 4.56(a) | 19 |

Part 5A — Disclosure of gifts

| | | |
|-------|--|----|
| 30A. | Terms used | 21 |
| 30BA. | Candidates not to receive gifts from unidentified donors | 22 |
| 30B. | Candidates to disclose gifts — s. 4.59 | 22 |
| 30CA. | Donors to disclose gifts — s. 4.59 | 23 |
| 30C. | Disclosure period | 23 |
| 30D. | Manner and time of disclosure | 24 |
| 30F. | Information to be provided | 24 |
| 30G. | Register | 25 |
| 30H. | Public to have access to electoral gift register | 26 |
| 30I. | Offence to publish information in certain cases | 26 |

Part 6 — Election notices

| | | |
|-----|---|----|
| 31. | Contents of the election notice — s. 4.64 | 27 |
| 32. | Other notices | 28 |

Part 7 — Ballot papers and how to mark them

| | | |
|-----|---|----|
| 33. | RO to print ballot papers — s. 4.71(1)(a) | 29 |
| 34. | One office to be filled — s. 4.69(1) | 29 |
| 35. | Two or more offices to be filled — s. 4.69(2) | 29 |

Part 8 — Postal voting

Division 1 — Application to vote by post — s. 4.71(1)(c)

| | | |
|-----|--|----|
| 36. | No application required for a postal election | 30 |
| 37. | How to apply to vote by post at voting in person elections | 30 |
| 38. | How applications are to be dealt with | 31 |
| 39. | Notice of rejection | 31 |
| 40. | Postal voters register | 31 |

Division 2 — Issue of postal voting papers — s. 4.71(1)(c)

| | | |
|-----|---|----|
| 41. | Postal election | 32 |
| 42. | Voting in person election | 32 |
| 43. | Contents of election package | 32 |
| 44. | Time and record of issue of election packages | 33 |
| 45. | How to apply for postal voting papers to replace missing or spoilt papers | 34 |
| 46. | How to apply for provisional postal voting papers | 35 |
| 47. | Elections on same day | 36 |

Division 3 — How postal voting papers are to be completed, transmitted and dealt with — s. 4.71(1)(d)

| | | |
|------|---|----|
| 48. | Voting instructions to be followed | 36 |
| 49. | Candidates not to assist or interfere with electors | 37 |
| 50. | Duty to send or deliver voting papers | 37 |
| 51. | Times and places for checking postal voting papers | 37 |
| 52. | Procedure for checking postal voting papers | 38 |
| 52A. | Preparation of postal ballot papers for count | 39 |

| | | |
|-----|---|----|
| | Part 9 — Absent voting and early voting | |
| | Division 1 — Application — s. 4.67 | |
| 53. | Application of Part — voting in person elections only | 40 |
| | Division 2 — Absent voting — s. 4.71(1)(e) | |
| 54. | How to apply for absent voting papers | 40 |
| 55. | Issue of absent voting papers | 40 |
| 56. | How to complete absent voting papers | 41 |
| 57. | Elections on same day | 41 |
| 58. | How completed absent voting papers are to be dealt with | 42 |
| | Division 3 — Early voting — s. 4.71(1)(e) | |
| 59. | How to cast an early vote | 43 |
| | Part 10 — Voting in person | |
| | Division 1 — Application | |
| 60. | Application | 44 |
| | Division 2 — Obtaining ballot papers — s. 4.71(1)(f) | |
| 61. | How to obtain a ballot paper to vote in person on election day | 44 |
| 62. | How to obtain a provisional ballot paper | 45 |
| 63. | Spoilt ballot papers | 46 |
| 64. | Ballot papers to be authentic | 46 |
| | Division 3 — Voting arrangements — s. 4.71(1)(g) and (i) | |
| 65. | Arrangements for secret voting | 47 |
| 66. | Marking and dealing with the ballot paper | 47 |
| 67. | Assistance to be given to electors who cannot otherwise vote | 48 |
| 68. | Checking provisional voting papers | 49 |
| | Part 11 — Scrutineers | |
| 69. | Appointment of scrutineers and declarations by them — s. 4.71(1)(j) | 51 |
| 70. | Verification of appointment — s. 4.71(1)(j) | 52 |
| 71. | Rights of scrutineers — s. 4.71(1)(j) | 52 |

| | | |
|------|---|----|
| 72. | Restrictions on scrutineers — s. 4.71(1)(j) | 53 |
| | Part 12 — Delay or interruption of election | |
| 73. | Adjournment or postponement of the poll — s. 4.71(1)(k) | 54 |
| 74. | Notice of postponement or adjournment — s. 4.71(1)(k) | 54 |
| 75. | Security of papers during adjournment — s. 4.71(1)(k) | 55 |
| | Part 12A — Electronic counting of votes | |
| 75B. | Use of electronic counting system | 56 |
| 75C. | Transmission of data between counting places | 56 |
| | Part 13 — Other matters relating to the holding of an election | |
| 76. | Provision, design and preparation of ballot boxes — s. 4.71(1)(h) | 58 |
| 77. | Ballot boxes used on election day — s. 4.71(1)(h) | 58 |
| 77A. | Drawing lots under Schedule 4.1 to the Act — s. 4.74 | 59 |
| 78. | Exempt electoral material — s. 4.87 | 60 |
| 79. | Display of candidates' profiles | 60 |
| | Part 14 — Declaring the election result and subsequent matters | |
| 80. | Declaration and notice of result — s. 4.77 | 61 |
| 80A. | Drawing lots under Schedule 4.2 to the Act — s. 4.78 | 61 |
| 81. | Report to Minister — s. 4.79 | 62 |
| 82. | Keeping the election papers — s. 4.84(a) | 62 |
| 83. | Inspection of the election papers — s. 4.84(b) | 63 |
| | Part 15 — Disputed returns | |
| 84. | How invalidity complaints are made — s. 4.81(2) | 64 |
| 85. | Declarations that the Court can make — s. 4.81(2) | 64 |
| 86. | Notice and report of effect of Court's decision — s. 4.81(2) and (4) | 65 |

Contents

| | | |
|--|---|-----|
| 87. | Orders as to costs — s. 4.81(2) | 65 |
| Part 16 — Polls and referendums | | |
| 88. | Election procedures apply to polls and referendums that are not required under the Act — s. 4.99(3) and (4) | 66 |
| 89. | Election procedures need not be applied in certain cases — s. 4.99(2) to (4) | 66 |
| 90. | Electoral Commissioner may assist | 67 |
| 91. | Expenses of Electoral Commissioner — s. 2.12A(2)(c) | 67 |
| 92. | Declaration and notice of results of poll under section 2.12A | 67 |
| Schedule 1 — Forms | | |
| Notes | | |
| | Compilation table | 113 |
| Defined Terms | | |

Local Government (Elections) Regulations 1997

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Local Government (Elections) Regulations 1997*¹.

2. Application

- (1) These regulations apply in relation to the elections the polls for which will be held on 3 May 1997 and to any subsequent election.
- (2) Regulation 88 does not apply in relation to any poll or referendum for which preparations were started before the commencement of these regulations.

3. Terms used

In these regulations —

contact number includes a phone number, fax number or electronic mail address;

councillor election means the election of a councillor or councillors of a local government whether for a ward or not;

election package means an election package referred to in regulation 43;

election papers means —

- (a) marked-off electoral rolls used for the election; and
- (b) nominations, ballot papers, declarations, and postal voting packages used for the election; and
- (ba) a paper record that shows the total votes received by each candidate named on the ballot paper for the election; and
- (c) any other papers required by these regulations to be kept as part of the record of the election, other than 'disclosure of gifts' forms completed due to the operation of Part 5A; and
- (d) copies of notices and other formal documents that the RO considers to be appropriate for inclusion in the record of the election;

electronic counting system means an electronic system to ascertain the total votes received by each candidate, which may include a process for recording the votes indicated on the ballot papers for an election;

form means a form in Schedule 1;

owners and occupiers register means the register referred to in section 4.32(6);

postal voters register has the meaning given by regulation 40(1);

principal office election means the election of a mayor or president of a local government;

RO means the returning officer of the local government;

section means a section of the Act;

Western Australian Electoral Commission means the department of the Public Service referred to in section 4A of the *Electoral Act 1907*.

[Regulation 3 amended in Gazette 20 Nov 1998 p. 6275; 21 Jan 2005 p. 264; 3 Aug 2007 p. 3990; 28 Aug 2009 p. 3359-60.]

4. Forms

- (1) The forms are prescribed in relation to the matters specified in the forms.
- (2) Subject to section 74 of the *Interpretation Act 1984* if a form is prescribed in relation to a matter, the matter is to be done, effected or set out in that form.
- (3) If a form is to be completed by the insertion of particulars required in the form, those particulars are prescribed as the particulars required under the provision of the Act or of these regulations for the purposes of which the form is prescribed.
- (4) If a form contains directions for its preparation or completion the form is to be prepared or completed in accordance with those directions.
- (5) In these regulations a reference to a Form followed by a designation is a reference to the form that has that designation.

5. Delivery of documents

- (1) Where a person is required or authorised by these regulations to give a document to another person the document may be delivered, posted or sent by fax or any other electronic means (so long as it is capable of being printed in its entirety, including signatures) to that other person.
- (2) If a document is sent by fax it is taken to have been received when the fax machine of the person to whom it was sent generates a paper copy of the document.
- (3) If a document is sent by other electronic means it is taken to have been received when the person to whom it was sent causes a paper copy of the document to be generated.

Part 2 — Electoral officers

6. Appointment of electoral officers — s. 4.27(1)(a) and (b)

- (1) Electoral officers are to be appointed according to the principles set out in section 5.40.
- (2) The RO is not to appoint a person as an electoral officer unless the RO believes that the person is competent to perform the functions of the position.
- (3) The RO may suspend or dismiss an electoral officer if in the RO's opinion —
 - (a) the person is no longer competent to perform the functions of the position;
 - (b) the person has failed to discharge any of the duties that the person has, by declaration, undertaken to perform; or
 - (c) for any other reason, the suspension or dismissal is necessary for the proper conduct of the election.

7. Declaration by electoral officer — s. 4.27(1)(c)

- (1) Before beginning to act as an electoral officer the RO or a person appointed under section 4.21 or 4.23 is to make a declaration (Form 1) before —
 - (a) a justice;
 - (b) a person who has authority under the *Oaths, Affidavits and Statutory Declarations Act 2005* to take statutory declarations; or
 - (c) a more senior electoral officer according to the ranking set out in the table to this paragraph.

| |
|--|
| <u>Table of seniority (in descending order)</u> |
| RO |
| Deputy Returning Officer |
| Presiding Officer |
| Other electoral officer |

- (2) The declaration is to be delivered to —
- (a) the Electoral Commissioner, if the appointment is under section 4.20(4) or 4.21(2);
 - (b) the RO, if the appointment is under section 4.21(1) or 4.23(b); or
 - (c) the local government, if the appointment is by section 4.20(1) or under section 4.20(2).

[Regulation 7 amended in Gazette 3 Aug 2007 p. 4006.]

8. Electoral codes of conduct — s. 4.27(1)(d)

- (1) This regulation applies to the ordinary elections to be held in 1999 and to each subsequent election.
- (2) The RO for any election to which this regulation applies is to prepare or adopt an electoral code of conduct for the election that aims to ensure that all electoral officers act —
- (a) lawfully;
 - (b) professionally;
 - (c) fairly and impartially;
 - (d) with honesty and integrity; and
 - (e) without any conflict of interest,
- in relation to the election.
- (3) The RO is to provide each electoral officer with a copy of, or access to a copy of, the electoral code of conduct.
- (4) An electoral officer is to observe and comply with the electoral code of conduct.

9. Fees and expenses of electoral officers — s. 4.28

- (1) The fees to be paid to an electoral officer for conducting an election are those that are agreed between the local government and the electoral officer.

r. 9

- (2) If the Electoral Commissioner is responsible for the conduct of an election, his or her expenses are to be met by the local government to the extent agreed between the Electoral Commissioner and the local government.
- (3) The Electoral Commissioner's expenses are to be determined on the basis of full accrual cost recovery.

Part 3 — Enrolment

10. Nomination of ward — s. 4.31(1)(b)

- (1) A nomination under section 4.31(1)(b)(i) is to be made by written notice given to the CEO.
- (2) The nomination is to be signed by the person who makes it.
- (3) The nomination can be made at any time and remains in force until —
 - (a) it is withdrawn by written notice given to the CEO; or
 - (b) the enrolment eligibility claim to which it relates expires or is rejected,

whichever occurs first.

- (4) A withdrawal notice is to be signed by the person who made the nomination.

11. Nomination of co-owners or co-occupiers — s. 4.31

- (1) A nomination under section 4.31(1)(e), (f) or (g) is to be made by written notice given to the CEO.
- (1a) The CEO may require the written notice referred to in subregulation (1) to be incorporated into Form 2 in such form as the CEO requires.
- (2) A nomination is to be signed —
 - (a) in the case of a nomination by a body corporate, by an officer of the body corporate; or
 - (b) in any other case, by the people who make it.
- (3) A nomination remains in force until —
 - (a) if it is expressed to be for a limited period, that period ends;
 - (b) it is withdrawn by written notice given to the CEO;

r. 12

- (c) an enrolment eligibility claim made by the nominee expires or is rejected; or
 - (d) the nominee ceases to be eligible to be nominated,
- whichever occurs first.
- (4) A withdrawal notice is to be signed —
- (a) in the case of a nomination by a body corporate, by an officer of the body corporate; or
 - (b) in any other case, by all or a majority of the people who own the property or occupy the property.

[Regulation 11 amended in Gazette 25 Jan 2001 p. 587.]

12. Enrolment eligibility claim — s. 4.32(1)

An enrolment eligibility claim under section 4.32(1) may claim eligibility based on each of 2 or more parcels of rateable property.

13. Register — s. 4.32(6)

- (1) Subject to subregulation (2), the following information is to be recorded in the owners and occupiers register —
- (a) the full name (family name and other names) and postal address of each person making an enrolment eligibility claim;
 - (b) each decision to accept or reject an enrolment eligibility claim;
 - (c) the date of the decision;
 - (d) if an enrolment eligibility claim is accepted —
 - (i) the expiry date of the claim as set out in section 4.33;
 - (ii) details of each parcel of rateable property on the basis of which the person has claimed eligibility;

- (iii) whether the person makes the claim as an owner or occupier or as the nominee of joint owners or joint occupiers or of a body corporate;
 - (iv) the ward to which the claim applies.
- (2) If—
- (a) an elector gives the CEO a declaration made before —
 - (i) a justice; or
 - (ii) a person who has authority under the *Oaths, Affidavits and Statutory Declarations Act 2005* to take statutory declarations,

in which the elector states that publication of the elector’s address would place or places the elector’s safety, or the safety of the elector’s family at risk;
 - (b) the elector requests that the address be omitted from the register and from rolls; and
 - (c) the CEO approves of the omission,
- the notation “*address omitted under regulation 13(2)*”, is to be included in the register instead of the elector’s address and subregulation (1)(d)(ii) does not apply.
- (3) Information from the enrolment eligibility claim is to be recorded in the register at or as soon as is practicable after the time notice of the decision to accept or reject the claim is given to the claimant under section 4.32(6).
 - (4) The CEO may amend the register from time to time to make sure that the information recorded in it is accurate.

[Regulation 13 amended in Gazette 3 Aug 2007 p. 4006.]

14. Appeal form to be sent with notice of rejection or expiry of enrolment eligibility claim — s. 4.32(6) and s. 4.35(3)

- (1) A notice given under section 4.32(6) of a decision to reject an enrolment eligibility claim is to have with it a copy of Form 5.

r. 15

- (2) A notice given under section 4.35(3) is to have with it a copy of Form 7.

15. Appeals to Electoral Commissioner — s. 4.32(8) and s. 4.35(4)

- (1) An appeal under section 4.32(8) can, instead of being made in the form of Form 5, be made by letter signed by the appellant setting out —
 - (a) the appellant's full name and postal address and any contact numbers;
 - (b) the appellant's grounds for appealing; and
 - (c) details of any other information in support of the appeal.
- (2) A letter under subregulation (1) is to have with it a copy of the notice given under section 4.32(6) of the decision to reject the enrolment eligibility claim.
- (3) An appeal under section 4.35(4) can, instead of being made in the form of Form 7, be made by letter signed by the appellant setting out —
 - (a) the appellant's full name and postal address and any contact numbers;
 - (b) the appellant's grounds for appealing; and
 - (c) details of any other information in support of the appeal.
- (4) A letter under subregulation (3) is to have with it a copy of the notice given under section 4.35(3) of the decision that the appellant is no longer eligible to be enrolled.

16. Confidentiality

Details of a person's date of birth or contact number provided in an enrolment eligibility claim are confidential and the CEO, and any person to whom that information is disclosed in accordance with these regulations are to ensure that those details are not used or disclosed to any person other than for the purpose of

preparing electoral rolls for the relevant district or ward or as otherwise required or permitted by law.

17. Retention of documents

A local government must keep —

- (a) an enrolment eligibility claim form —
 - (i) if the claim is accepted, for 2 years after the claim expires; or
 - (ii) if the claim is rejected, for 2 years after it is rejected;
- (b) a copy of a notice of acceptance for 2 years after the enrolment eligibility claim to which it relates expires; and
- (c) a copy of a notice of rejection for 2 years after the claim was rejected.

Part 4 — The rolls

18. Consolidation of residents roll with owners and occupiers roll — s. 4.38(1)

- (1) The RO may, at the RO's discretion, consolidate the residents roll with the owners and occupiers roll for the purposes of the election.
- (1a) If the CEO is not the RO, the RO may direct the CEO to consolidate the residents roll with the owners and occupiers roll for the purposes of the election.
- (2) The preparation of any consolidated roll under subregulation (1) or (1a) has to be completed on or before the 22nd day before election day.

[Regulation 18 amended in Gazette 22 Dec 1998 p. 6869.]

19. District rolls, ward rolls and combined ward rolls — s. 4.38(2)

- (1) If the district is not divided into wards the electoral roll for the election is to be a district roll.
- (2) If the district is divided into wards and the election is of the mayor or president, the electoral roll for the election is to be a district roll.
- (3) Subject to subregulation (4) if the district is divided into wards and the election is of a councillor or councillors, the electoral roll for the election is to be a ward roll.
- (4) If elections of a councillor or councillors are to be held in 2 or more wards, the electoral roll can, at the RO's discretion, be a combined ward roll that sufficiently identifies the ward or wards in relation to which each elector is enrolled to vote.
- (5) Section 4.44 is not contravened by the inclusion of a person's name more than once on a combined ward roll as long as each inclusion is in respect of a different ward.

20. Elector's details on the roll — s. 4.38(2)

- (1) Subject to subregulation (2), the residents roll is to contain the following details in respect of each elector included on it —
 - (a) family name;
 - (b) other names;
 - (c) residential address;
 - (d) if it differs from the residential address, postal address.
- (2) Subregulation (1)(c) and (d) does not apply if under section 51B of the *Electoral Act 1907*, the elector's residence is not to be included in the particulars that are entered in a roll under that Act.
- (3) Subject to subregulation (4), the owners and occupiers roll is to be compiled from the register kept under section 4.32(6) and is to contain the following details in respect of each elector included on it —
 - (a) family name;
 - (b) other names;
 - (c) postal address;
 - (d) details of each parcel of rateable property on the basis of which the elector is eligible for enrolment;
 - (e) whether the elector is —
 - (i) an owner;
 - (ii) an occupier;
 - (iii) a nominee of joint owners;
 - (iv) a nominee of joint occupiers; or
 - (v) a nominee of a body corporate.
- (4) Subregulation (3)(c) and (d) do not apply if the owners and occupiers register contains the notation mentioned in regulation 13(2).

r. 21

- (5) If there is a consolidated roll it is to contain, in respect of each elector included on it, the details that would be included in respect of that elector if the roll were the residents roll or the owners and occupiers roll.

[Regulation 20 amended in Gazette 21 Jan 2005 p. 264.]

21. Form of rolls — s. 4.38(2)

The names on the residents roll, the owners and occupiers roll and the consolidated roll (if there is one) are to be arranged in alphabetical order and each page of the roll is to be numbered.

22. Supply of rolls — s. 4.42(2)

- (1) The CEO is to supply a copy of a roll for any election, free of charge, to —
- (a) each candidate in the election; and
 - (b) any member of the council who asks for a copy.
- (2) If a candidate or member asks for more than one copy of a roll, the CEO may, at his or her discretion, supply the additional copy or copies free of charge but, in exercising that discretion, the CEO is to deal with different candidates and different members in a consistent manner.

22A. Certification of corrections to roll — s. 4.43(4)

An alteration made to a roll for an election under section 4.43(3) by the returning officer —

- (a) where the roll is an owners and occupiers roll, is to be certified as being made under that section by the CEO; or
- (b) where the roll is a residents roll, is to be certified as being made under that section by the Electoral Commissioner.

[Regulation 22A inserted in Gazette 21 Jan 2005 p. 264.]

Part 5 — Nominations

23. Means of sending nomination or withdrawal — s. 4.49(a) and s. 4.53(2)(a)

Regulation 5 applies to the means by which —

- (a) a nomination paper; or
- (b) written notice of the withdrawal of a nomination; or
- (c) an authorisation under regulation 25(2) or (4),

can be received.

24. Candidate's profile — s. 4.49(b)

The profile of a candidate required by section 4.49(b) —

- (a) is to be in the English language and is not to contain more than 150 words (not counting the words needed to comply with paragraph (d));
- (b) is to be confined to biographical information about the proposed candidate and statements of the candidate's policies or beliefs and is not to contain information that the RO considers to be false, misleading or defamatory;
- (c) is to be hand written, typed or printed on a single A4 page, or if it is delivered electronically, is to be capable of being printed on a single A4 page;
- (d) is to include the proposed candidate's full name (in the form in which he or she has asked for it to be included on the ballot paper) and details of where and how he or she can be contacted; and
- (e) can include a photograph (not larger than the size used in passports) of the proposed candidate's head or head and shoulders if the photograph was taken less than 6 months before the date of the nomination form or the RO considers that the photograph shows a reasonable likeness of the proposed candidate.

[Regulation 24 amended in Gazette 25 Jan 2001 p. 588.]

25. Evidence of candidate's consent to nomination or withdrawal — s. 4.49(c) and s. 4.53(2)(b)

- (1) There is sufficient evidence of a nomination having been made by the candidate if the RO receives a nomination paper in the form of Form 8 that has been signed by the candidate in the presence of an authorised witness.
- (2) There is sufficient evidence of a nomination having been made with the consent of the candidate if, in addition to a nomination paper in the form of Form 9, the RO is given a written authorisation signed by the candidate.
- (3) There is sufficient evidence of a candidate having withdrawn his or her nomination if the RO receives a written notice of the withdrawal signed by the candidate.
- (4) There is sufficient evidence of a candidate having consented to the withdrawal of his or her nomination if, in addition to a written notice of withdrawal signed by the candidate's agent, the RO is given a written authorisation signed by the candidate.

26. Deposits — s. 4.49(d) and s. 4.50

- (1) The deposit to be paid in respect of the nomination of a candidate is \$80.
- (2) The deposit is to be accepted by the RO if it is paid in cash or by bank draft or postal order.
- (3) The RO may accept payment of the deposit by cheque, electronic transfer or other means as long as there is a way of verifying that the amount of the deposit was credited to the local government before the close of nominations.
- (4) The deposit is to be kept separate from other moneys and is to be credited to —
 - (a) a fund of the local government; or

- (b) an account maintained by the Western Australian Electoral Commission, if the Electoral Commissioner —
 - (i) is responsible for the conduct of the election; and
 - (ii) approves of the deposit being so credited.

*[Regulation 26 amended in Gazette 22 Dec 1998 p. 6869;
21 Jan 2005 p. 265; 18 Mar 2005 p. 975.]*

27. Cases in which deposits are refunded — s. 4.50

- (1) A successful candidate's deposit is to be refunded.
- (2) If the number of votes received by a candidate is at least 5% of the total number of votes included in the count, that candidate's deposit is to be refunded.
- [(3) deleted]*
- (4) If section 4.58(1) applies (*death of candidate after close of nominations but before election completed*), each candidate's deposit is to be refunded.
- (5) If a candidate's nomination is withdrawn not later than 4 p.m. on the 38th day before election day, the candidate's deposit is to be refunded.
- (6) If the successful candidate in a principal office election was also a candidate at a councillor election for the same local government held on the same election day, that candidate's deposit in the councillor election is to be refunded.
- (7) If a Court of Disputed Returns declares the election to have been invalid, each candidate's deposit is to be refunded.

*[Regulation 27 amended in Gazette 18 Mar 2005 p. 975;
3 Aug 2007 p. 3990-1; 28 Aug 2009 p. 3360.]*

28. How deposits are refunded — s. 4.50

- (1) If a candidate's deposit is to be refunded, and the deposit has been credited under regulation 26(4)(a) to a fund of the local

r. 28

government, the CEO is to pay an amount equal to the deposit to —

- (a) the candidate;
- (b) a person to whom the candidate, by written notice given to the CEO, directs the CEO to pay it; or
- (c) if the candidate is dead or otherwise incapable of receiving the payment, to the personal representative of the candidate or other person lawfully entitled to receive it.

(1a) If a candidate's deposit is to be refunded, and the deposit has been credited under regulation 26(4)(b) to an account maintained by the Western Australian Electoral Commission, the Electoral Commissioner is to pay an amount equal to the deposit to —

- (a) the candidate;
- (b) a person to whom the candidate, by written notice given to the Electoral Commissioner, directs the Electoral Commissioner to pay it; or
- (c) if the candidate is dead or otherwise incapable of receiving the payment, to the personal representative of the candidate or other person lawfully entitled to receive it.

(1b) If a candidate's deposit has not been refunded under subregulation (1a) within 28 days after notice is given of the result of the election —

- (a) the Electoral Commissioner is to pay an amount equal to the deposit to the local government; and
- (b) the local government is to credit that amount to a fund of the local government as referred to in regulation 26(4)(a).

(2) If payment is not made as required under subregulation (1) or (1a), the person entitled to receive the payment can recover the

amount in question from the local government in a court of competent jurisdiction.

- (3) A payment under subregulation (1) or (1a) is to be charged to the fund or account to which the candidate's deposit was credited under regulation 26(4).

[Regulation 28 amended in Gazette 21 Jan 2005 p. 265-6; 18 Mar 2005 p. 976.]

29. Local government to retain deposits in other cases

If regulation 27 does not apply to a deposit, it becomes the property of the local government and is to be credited to the local government's municipal fund.

30. Drawing lots for positions on ballot paper — s. 4.56(a)

- (1) As soon as possible after nominations have been declared the RO is to make out in respect of each candidate a slip bearing the candidate's name.
- (2) The RO is to place each of the slips in separate hollow opaque spheres of exact similarity, securely close the spheres, deposit the spheres in an empty container, and securely fasten the container.
- (3) Then the RO is to shake and rotate the container and permit anyone else present to do likewise if they so wish.
- (4) Then the RO is to open the container, take out and open the spheres one by one to obtain the slips enclosed in them, and record on a list the names appearing on the slips in the order in which they were obtained.
- (5) When the list is complete the RO is to sign and date it.
- (6) The steps set out in subregulations (1) to (5) are to be carried out in front of all the people present and the RO is to show them the list of candidates before retaining it with other records of the election.

r. 30

- (7) The RO is to cause the ballot papers to be printed so that the names of the candidates appear in the order in which they appear on the list.

Part 5A — Disclosure of gifts

[Heading inserted in Gazette 20 Nov 1998 p. 6275.]

30A. Terms used

(1) In this Part —

address means a residential or street address;

donor means a person who makes a gift to a candidate, and, if the gift is made on behalf of another person, includes that other person;

gift means a disposition of property, or the conferral of any financial benefit, made by one person in favour of another.

(2) A gift can include a gift of money, a gift which is non-monetary but of value, a gift in kind, the payment of an inadequate financial consideration or the receipt of a discount (where the difference or discount is more than \$200 worth), financial or other contribution to travel, the provision of a service for no consideration or for inadequate consideration, and a firm promise or agreement to give a gift at some future time.

(3) A gift can be made with or without an instrument in writing, without consideration in money or money's worth passing from one person to another, and in the present or sometime in the future.

(4) A gift is only relevant if —

(a) the value of the gift is \$200 or more; or

(b) the value of the gift is less than \$200, but the gift is one of 2 or more gifts, with a total value of \$200 or more, made by one person at any time during the period set out in regulation 30C.

(5) A gift does not include —

(a) a gift by will; or

(b) a gift by a relative (as defined in section 5.74(1) of the Act); or

r. 30BA

- (c) a gift that does not relate to the candidate's candidature;
or
- (d) the provision of volunteer labour.

*[Regulation 30A inserted in Gazette 20 Nov 1998 p. 6275;
amended in Gazette 14 Aug 2009 p.3216.]*

30BA. Candidates not to receive gifts from unidentified donors

- (1) A candidate must not receive a gift during the period set out in regulation 30C unless the name and address of each donor are known to the candidate.
Penalty: \$5 000.
- (2) A candidate is taken not to have received a gift if as soon as the candidate became aware of the gift the candidate —
 - (a) takes reasonable steps to —
 - (i) return the gift; or
 - (ii) deliver the gift to the CEO for disposal;
 - and
 - (b) discloses to the CEO the gift in the manner set out in regulation 30D(1).

[Regulation 30BA inserted in Gazette 14 Aug 2009 p. 3216-17.]

30B. Candidates to disclose gifts — s. 4.59

- (1) A candidate must disclose to the CEO a gift promised or received during the period set out in regulation 30C.
Penalty: \$5 000.
- (2) A candidate must make a disclosure to the CEO in the manner set out in regulation 30D(1), and within the time set out in regulation 30D(2).
Penalty: \$5 000.

[(3) Deleted]

- (4) A candidate must provide the information set out in regulation 30F(1) relating to a gift, and the candidate must ensure that the information provided is not false or misleading.
Penalty: \$5 000.

[Regulation 30B inserted in Gazette 20 Nov 1998 p. 6275; amended in Gazette 14 Aug 2009 p. 3217.]

30CA. Donors to disclose gifts — s. 4.59

- (1) A donor must disclose to the CEO a gift to a candidate promised or made during the period set out in regulation 30C.
Penalty: \$5 000.
- (2) A donor must make a disclosure to the CEO in the manner set out in regulation 30D(1), and within the time set out in regulation 30D(2).
Penalty: \$5 000.
- (3) A donor must provide the information set out in regulation 30F(1) relating to the gift, and the donor must ensure that the information provided is not false or misleading.
Penalty: \$5 000.

[Regulation 30CA inserted in Gazette 14 Aug 2009 p. 3217.]

30C. Disclosure period

- (1) For the purposes of regulation 30B(1) and 30CA(1), the period commences 6 months before the relevant election day, and concludes —
- (a) 3 days after the election day, for unsuccessful candidates; or
 - (b) on the start day for financial interest returns for successful candidates under section 5.74 of the Act.
- (2) Where a delay results from a declaration from the Court of Disputed Returns the period of delay is to be added to the 6 month period set out in subregulation (1).

r. 30D

- (3) If the day the *Local Government (Elections) Amendment Regulations 2009* regulation 3 comes into operation (the **commencement day**) is less than 6 months before a relevant election day, the period set out in subregulation (1) commences on the commencement day.

[Regulation 30C inserted in Gazette 20 Nov 1998 p. 6276; amended in Gazette 14 Aug 2009 p. 3217.]

30D. Manner and time of disclosure

- (1) For the purposes of regulation 30B(2) or 30CA(2), a disclosure is to be made by completing Form 9A and lodging it with the CEO.
- (2) For the purposes of regulation 30B(2) or 30CA(2), a disclosure is to be made —
- (a) within 3 days of the making, receipt (or promise) of the gift, once nominations are made; or
 - (b) within 3 days of nomination, for gifts made, received (or promised) between the commencement of the period set out in regulation 30B and the day of nomination,

unless the CEO is satisfied that the lodging of a disclosure has occurred outside the time period in paragraph (a) or (b) due to circumstances beyond the control of the person who is required to make the disclosure.

[Regulation 30D inserted in Gazette 20 Nov 1998 p. 6276; amended in Gazette 14 Aug 2009 p. 3218.]

[30E. Deleted in Gazette 14 Aug 2009 p. 3218.]

30F. Information to be provided

- (1) For the purposes of regulation 30B(4) and 30CA(3), a disclosure is to contain the following information —
- (a) a description of the gift;
 - (b) the date the gift was made, received or promised;

- (c) the value of the gift;
 - (d) the name and address of each donor.
- (2) If a candidate is unable to provide some or all of the information set out in subregulation (1), the candidate does not commit an offence under regulation 30B(4) if, on the 'disclosure of gifts' form, the candidate —
 - (a) provides as much of the information as is available to the candidate;
 - (b) indicates what of the required information has not been provided; and
 - (c) sets out the reasons for not being able to provide the information.
- (3) In subregulation (2) —
reasons must be, in the opinion of the CEO, sufficient and appropriate.

*[Regulation 30F inserted in Gazette 20 Nov 1998 p. 6276;
amended in Gazette 14 Aug 2009 p. 3218.]*

30G. Register

- (1) The CEO is to establish and maintain an electoral gift register.
- (2) The CEO is to ensure that all 'disclosure of gifts' forms completed by candidates and donors and received by the CEO are placed on the electoral gift register —
 - (a) upon receipt by the CEO; and
 - (b) in a manner that clearly identifies and distinguishes the forms relating to each candidate.
- (3) When the period under regulation 30C has concluded in relation to any election, the CEO is to remove any 'disclosure of gifts' forms relating to an unsuccessful candidate from the electoral gift register, and retain those forms separately for a period of at least 2 years.
- (4) When a successful candidate completes the term of office resulting from an election, the CEO is to remove any 'disclosure

r. 30H

of gifts' forms relating to that person for that election from the electoral gift register, and retain those forms separately for a period of at least 2 years.

[Regulation 30G inserted as 30H in Gazette 20 Nov 1998 p. 6276; renumbered as 30G in Gazette 22 Dec 1998 p. 6869; 14 Aug 2009 p. 3219.]

30H. Public to have access to electoral gift register

The electoral gift register is to be kept at the appropriate local government offices.

[Regulation 30H inserted as 30I in Gazette 20 Nov 1998 p. 6276; renumbered as 30H in Gazette 22 Dec 1998 p. 6869.]

30I. Offence to publish information in certain cases

- (1) A person must not publish —
 - (a) any information derived from an electoral gift register unless that information constitutes a fair or accurate report or summary of information contained in the register and is published in good faith; or
 - (b) any comment on the facts set forth in an electoral gift register unless that comment is fair and published in good faith.

Penalty: \$5 000.

- (2) In subregulation (1) —

publish has the same meaning in relation to any information or comment referred to in that subregulation as it has in sections 348 and 349 of *The Criminal Code* in relation to the publication of defamatory matter.

[Regulation 30I inserted as 30J in Gazette 20 Nov 1998 p. 6276-7; renumbered as 30I in Gazette 22 Dec 1998 p. 6869.]

Part 6 — Election notices

31. Contents of the election notice — s. 4.64

- (1) The election notice is to contain the following details —
 - (a) the office that is to be filled;
 - (b) the names of the candidates;
 - (c) the election day;
 - (d) whether the election will be conducted as a postal election or as a voting in person election, as described in section 4.61;
 - (e) the polling place or places appointed for the election including the place or places appointed for the casting of early votes;
 - (f) the period during which each polling place will be open for the casting of votes;
 - (g) the period during which the place or places appointed for the casting of early votes will be open for that purpose;
 - (h) when a vote may be cast, posted or delivered in accordance with section 4.68;
 - (i) the place or places where votes are to be counted including, if an electronic counting system is to be used for the election, the following —
 - (i) any place or places appointed by the RO under regulation 75C where ballot boxes are to be opened;
 - (ii) any place or places appointed by the RO under regulation 75C where votes indicated on ballot papers are to be recorded electronically;
 - (iii) the place or places where the electronic counting system is accessible for data input and output.
- (2) If the same election day is fixed for 2 or more elections a combined election notice can be given and, in that case, the

r. 32

notice is to give details of the respective offices for which the candidates are seeking election.

[Regulation 31 amended in Gazette 3 Aug 2007 p. 3991; 28 Aug 2009 p. 3360.]

32. Other notices

- (1) The RO may give such other notices about the election as the RO thinks fit.
- (2) The RO may appoint one or more further polling places after the election notice has been given, and is to give such Statewide or local public notice as is practicable of any polling place so appointed and the purpose and period for which it is to be used.

Part 7 — Ballot papers and how to mark them

33. RO to print ballot papers — s. 4.71(1)(a)

- (1) The RO is to cause sufficient numbers of ballot papers (Forms 10 and 11) to be printed for the purposes of the election.
- (2) Without limiting regulation 4(4), in preparing ballot papers in the form of Form 10 the RO is to apply the notes set out in Schedule 1 after Form 10.
- (3) There is no need to print ballot papers in the form of Form 11 in the case of a postal election.

34. One office to be filled — s. 4.69(1)

If only one office is to be filled at the election, an elector is to mark the ballot paper by placing a tick in the box opposite the name of the candidate whom the elector wishes to be elected.

[Regulation 34 inserted in Gazette 28 Aug 2009 p. 3360.]

35. Two or more offices to be filled — s. 4.69(2)

If 2 or more offices are to be filled at the election, an elector is to mark the ballot paper by placing a tick in the box opposite the name of each candidate whom the elector wishes to be elected but is not to place ticks in more boxes than the number of offices to be filled.

[Regulation 35 inserted in Gazette 28 Aug 2009 p. 3360-1.]

Part 8 — Postal voting

Division 1 — Application to vote by post — s. 4.71(1)(c)

36. No application required for a postal election

- (1) If the election is a postal election no application for postal voting papers is to be made.
- (2) Subregulation (1) does not affect the operation of regulation 45 or 46.

37. How to apply to vote by post at voting in person elections

- (1) A person may apply (Form 12) to be given postal voting papers —
 - (a) for any voting in person election to be held on a particular election day; or
 - (b) for voting in person elections generally.
- (2) No reason has to be given for making an application.
- (3) If an application under subregulation (1)(a) is received after 4 p.m. on the 4th day before the election day, the application is to be rejected.
- (4) If an application under subregulation (1)(b) is received after 4 p.m. on the 4th day before election day for a voting in person election, the application is to be treated as relating to future elections.
- (5) An application made on or after the 36th day, and not later than 4 p.m. on the 4th day, before election day for a voting in person election is to be given to the RO.
- (6) In any other case an application is to be given to the CEO.

38. How applications are to be dealt with

- (1) If on receiving an application under regulation 37(1), the CEO or RO is satisfied —
 - (a) that the person is an elector of the electorate in respect of which the application is made;
 - (b) that the application has been completed correctly or in a manner that, in the opinion of the CEO or RO, is substantially correct; and
 - (c) in the case of an application under regulation 37(1)(a), that a declaration envelope relating to the election has not already been accepted from the elector under regulation 58 and that the person has not already cast an early vote at the election,the CEO or RO is to accept the application.
- (2) If not so satisfied the CEO or RO is to reject the application.

39. Notice of rejection

If an application is rejected under regulation 37(3) or 38(2) the CEO or RO is to give the person who made the application written notice of the rejection and the reason for it.

40. Postal voters register

- (1) A register (the *postal voters register*) is to be kept of electors whose applications under regulation 37(1)(b) are accepted under regulation 38(1).
- (2) The postal voters register is to contain the enrolment details of each elector included on it and any ward in respect of which the elector is registered.
- (3) In subregulation (2) —
enrolment details means the details required to be contained in an electoral roll in respect of the elector under regulation 20(1)

and (2) or under regulation 20(3) and (4), as the case may require.

- (4) An elector remains on the postal voters register until he or she —
- (a) cancels his or her application to be given postal voting papers by written notice given to the CEO or RO; or
 - (b) ceases to be an elector of the district.

Division 2 — Issue of postal voting papers — s. 4.71(1)(c)

41. Postal election

- (1) In the case of a postal election the RO is to send an election package to all electors on the electoral roll.
- (2) Subject to regulations 45 and 46 voting papers for a postal election are not to be issued otherwise than under this regulation.

42. Voting in person election

- (1) In the case of a voting in person election the RO is to send an election package to —
- (a) each elector whose application under regulation 37(1)(a) relating to the election has been accepted under regulation 38(1); and
 - (b) each elector on the postal voters register.
- (2) If the election is a councillor election for a ward, subregulation (1)(b) only applies to electors registered in respect of that ward.

43. Contents of election package

- (1) An election package is to contain —
- (a) postal voting instructions (Form 13(a) or (b));
 - (b) the profiles of candidates required by section 4.49(b) reproduced in such form as the RO determines;

- (ba) information to the effect that the electoral gifts register is available for inspection, by any voter prior to the election, at the relevant local government offices;
 - (c) a ballot paper (Form 10);
 - (d) a ballot paper envelope;
 - (e) an elector's certificate (Form 14); and
 - (f) a postage pre-paid envelope addressed to the RO.
- (1a) A reference in —
- (a) regulation 50 to a postage pre-paid envelope; or
 - (b) regulation 52 or 52A to a ballot paper envelope,
- includes a reference to an envelope that combines a ballot paper envelope referred to in subregulation (1)(d) with a postage pre-paid envelope referred to in subregulation (1)(f).
- (2) Before a ballot paper is included in an election package an electoral officer is to initial the back of it or make sure that it is authenticated in some other way approved by the RO.
- [Regulation 43 amended in Gazette 20 Nov 1998 p. 6277; 22 Dec 1998 p. 6869; 21 Jan 2005 p. 266.]*

44. Time and record of issue of election packages

- (1) In the case of a postal election the issuing of election packages is to start as soon as practicable after the close of nominations on a day determined by the RO.
- (2) In the case of a voting in person election the issuing of election packages is to start on the day on which the election notice is given or as soon as practicable after that day.
- (3) If an application under regulation 37(1) that relates to the election is accepted under regulation 38(1) after election packages have started to be issued, an election package is to be sent to the elector concerned as soon as the application is accepted.

- (4) The RO is to keep a record of electors to whom election packages have been sent.

45. How to apply for postal voting papers to replace missing or spoilt papers

- (1) A person whose name is included on the electoral roll and who claims not to have received an election package that he or she should have received may apply (Form 15) to be given postal voting papers.
- (2) A person who claims —
- (a) that the election package that he or she received did not contain a voting paper; or
 - (b) that a voting paper contained in the election package that he or she received has been lost, destroyed or spoilt,
- may apply (Form 15) to be given a new voting paper of that kind.
- (3) An application under subregulation (2) may be —
- (a) given to the RO within the period starting on the day after the issuing of election packages starts under regulation 44 and ending on the day before election day; or
 - (b) made, in person, to an electoral officer at a polling place —
 - (i) during normal office hours within the period mentioned in paragraph (a); or
 - (ii) when the polling place is open on election day.
- (4) If the electoral officer is satisfied —
- (a) that the claim made in the application is true; and
 - (b) that the person has not voted at the election,
- the electoral officer is to give the person an election package or a voting paper, as the case may require, and make a record of doing so.

- (5) Before giving the person a ballot paper the electoral officer is to initial the back of it or make sure that it is authenticated in some other way approved by the RO.
- (6) If the voting paper that was missing from the election package or has been lost, destroyed or spoiled is the postal voting instructions, the profiles of candidates, or the postage pre-paid envelope, an electoral officer can give the elector a new voting paper of that kind whether or not the elector has made an application under subregulation (2).
- (7) In this regulation —
voting paper means a voting paper of a kind mentioned in regulation 43(1)(a), (b), (c), (d), (e) or (f) or, (other than in subregulation (6)), a combination of those kinds of voting papers as described in regulation 43(1a).

[Regulation 45 amended in Gazette 22 Dec 1998 p. 6869.]

46. How to apply for provisional postal voting papers

- (1) A person who claims to be an elector whose name was omitted from the electoral roll in error may apply (Form 16) to be given postal voting papers.
- (2) Regulation 45(3) applies to an application under this regulation.
- (3) If the electoral officer is satisfied that the claim made in the application is true, the electoral officer is to give the person an election package and make a record of doing so on the application.
- (4) In considering the person's claim the electoral officer may have regard, in addition to the application, to —
 - (a) a previously compiled electoral roll of the local government;
 - (b) an electoral roll or other document prepared under the *Electoral Act 1907*;
 - (c) the owners and occupiers register;

Local Government (Elections) Regulations 1997

Part 8 Postal voting

Division 3 How postal voting papers are to be completed, transmitted and dealt with — s. 4.71(1)(d)

r. 47

- (d) advice sent by the CEO as to whether or not the person is an elector; and
 - (e) any other document or material that the electoral officer considers relevant.
- (5) If the electoral officer rejects the application, the electoral officer is to make a record of doing so on the application and give the person written reasons for the rejection.

47. Elections on same day

- (1) Subject to subregulation (2), if a councillor election and a principal office election for a local government have the same election day and a person is, or claims to be, entitled to vote at both elections —
- (a) one application may be made under regulation 45 or 46 in relation to both elections; and
 - (b) the election package sent or given to the person under regulation 41, 42, 45 or 46 is to contain a ballot paper for each election.
- (2) If 2 or more councillor elections and a principal office election for a local government all have the same election day and a person is, or claims to be, entitled to vote at all of the elections —
- (a) subregulation (1) applies to the person in relation to the principal office election and one of the councillor elections; and
 - (b) these regulations apply to the person in relation to the other councillor election or to each of them as if the principal office election were not being held.

Division 3 — How postal voting papers are to be completed, transmitted and dealt with — s. 4.71(1)(d)

48. Voting instructions to be followed

An elector who has received an election package, and who wishes to vote at an election to which voting papers in the

package relate, is to complete and transmit those voting papers in accordance with the voting instructions in the package.

49. Candidates not to assist or interfere with electors

It is unlawful for a candidate, or a person expressly authorised to act on behalf of a candidate in connection with the election, to communicate with, assist or interfere with an elector while the elector is marking a ballot paper under regulation 48.

50. Duty to send or deliver voting papers

If an elector gives a person custody of a postage pre-paid envelope addressed to the RO for the purpose of posting or delivering it to the RO, that person is to post or deliver it to the RO forthwith.

Penalty: \$5 000.

51. Times and places for checking postal voting papers

- (1) Postal voting papers received up to 6 p.m. on election day may be checked by the RO at any time after they are received.
- (2) If postal voting papers are not checked as soon as they are received, they are to be placed in a ballot box to await checking.
- (3) The RO is to make sure that the ballot box is supervised or otherwise secure at all times.
- (4) If the RO checks postal voting papers before the close of the poll, the checking is to take place at times and places notified by written notice given to each candidate.
- (5) As soon as practicable after the close of the poll, the RO, at such place or places as the RO may determine for the counting of votes, is to check all postal voting papers which have been received up to 6 p.m. on election day and which have not previously been checked.

52. Procedure for checking postal voting papers

- (1) Postal voting papers are to be checked as follows —
- (a) the RO is to open each postage pre-paid envelope and remove the papers contained in it;
 - (b) the RO is to check that the elector's certificate is completed in accordance with these regulations;
 - (c) if satisfied —
 - (i) that the elector's certificate is completed correctly or in a manner that, in the RO's opinion, is substantially correct;
 - (ii) that a ballot paper envelope relating to the election has not already been accepted from the elector under this regulation; and
 - (iii) in the case of a voting in person election, that a declaration envelope relating to the election has not already been accepted from the elector under regulation 58 and that the elector has not already cast an early vote or voted in person, at the election,
- the RO is to record the ballot paper envelope as having been accepted for further scrutiny;
- (d) if the ballot paper envelope is accepted for further scrutiny, the RO without opening the ballot paper envelope, or allowing it to be opened, is to place the ballot paper envelope in a ballot box (having first detached the elector's certificate if it was attached to the ballot paper envelope);
 - (e) if not satisfied as to the matters mentioned in paragraph (c), the RO is to make a record on the ballot paper envelope of its rejection without opening it or allowing it to be opened.
- (2) The RO is to keep —
- (a) the electors' certificates; and

- (b) the ballot paper envelopes rejected under subregulation (1)(e),

as part of the record of the election.

- (3) If the postage pre-paid envelope and the ballot paper envelope are combined, subregulation (1)(a) does not apply.

[Regulation 52 amended in Gazette 22 Dec 1998 p. 6870; 29 Jan 1999 p. 272.]

52A. Preparation of postal ballot papers for count

- (1) Postal voting papers for a postal election that have been —
 - (a) received by the RO before 6 p.m. on election day;
 - (b) checked in accordance with this Division; and
 - (c) accepted for further scrutiny in accordance with regulation 52,

may be prepared for counting by the RO.

- (2) To prepare postal voting papers under subregulation (1), the RO may, before 6 p.m. on election day —
 - (a) remove the ballot paper envelopes from the ballot box in which they were placed under regulation 52(1)(d);
 - (b) open each ballot paper envelope; and
 - (c) without —
 - (i) examining the ballot paper personally; or
 - (ii) allowing the examination of the ballot paper by any scrutineers present,

remove the ballot paper from the envelope and place the ballot paper into a sealed ballot box, which must remain sealed until 6 p.m. on election day.

[Regulation 52A inserted in Gazette 22 Dec 1998 p. 6870.]

Part 9 — Absent voting and early voting

Division 1 — Application — s. 4.67

53. Application of Part — voting in person elections only

This Part applies only to voting in person elections as neither absent votes nor early votes can be cast at a postal election.

Division 2 — Absent voting — s. 4.71(1)(e)

54. How to apply for absent voting papers

- (1) A person who wishes to cast an absent vote at an election is to attend at the offices of the local government at which he or she wishes to vote and present himself or herself to an electoral officer of that local government.
- (2) Attendance is to be during the period starting on the day of the election notice and ending at 4 p.m. on the 4th day before election day and is to be in office hours or at such other times as may be notified in the election notice.
- (3) The person is to apply (Form 17) for absent voting papers by making a declaration printed on an envelope (the *declaration envelope*) before the electoral officer declaring that he or she is an elector with a right to vote at the election.
- (4) No reason has to be given for making an application.

55. Issue of absent voting papers

- (1) If the electoral officer is satisfied that the person is an elector with a right to vote at the election the officer is to give the person a ballot paper and a ballot paper envelope.
- (2) Before giving the person a ballot paper the electoral officer is to initial the back of it or make sure that it is authenticated in some other way approved by the RO.

56. How to complete absent voting papers

- (1) A person who obtains voting papers under this Division is to —
 - (a) find out the names of the candidates and the other relevant details of the election;
 - (b) write the names of the candidates on the ballot paper;
 - (c) mark the ballot paper in accordance with Part 7; and
 - (d) put the ballot paper into the ballot paper envelope, seal the envelope and hand it to the electoral officer.
- (2) Regulation 67 as to assistance to electors applies to an elector casting an absent vote.
- (3) An absent vote is not to be rejected by reason only of any one or more of the following —
 - (a) the names of the candidates not being listed in correct order on the ballot paper;
 - (b) the names of any one or more of the candidates not being listed on the ballot paper;
 - (c) any mistake in the spelling of the names of the candidates,

if the intention of the elector is clear.

[Regulation 56 amended in Gazette 3 Aug 2007 p. 3992; 28 Aug 2009 p. 3361.]

57. Elections on same day

If 2 or more elections for a local government have the same election day a person —

- (a) may make one application under regulation 54 in relation to both or all elections; and
- (b) may put both or all ballot papers marked under regulation 56(1)(c) into the same ballot paper envelope.

58. How completed absent voting papers are to be dealt with

- (1) The electoral officer is to —
 - (a) put the ballot paper envelope received under regulation 56(1)(d) into the declaration envelope and seal the declaration envelope; and
 - (b) post the declaration envelope, or cause it to be delivered, to the RO of the local government for which the election is to be held so that it reaches that RO not later than 6 p.m. on election day.
- (2) Regulation 51 applies to absent voting papers as if the references in that regulation to postal voting papers were references to absent voting papers.
- (3) Absent voting papers are to be checked as follows —
 - (a) the RO is to check that the application on the declaration envelope is completed in accordance with these regulations;
 - (b) if the RO can identify the applicant as an elector entitled to vote at the election and the RO is satisfied —
 - (i) that the application is completed correctly or in a manner that, in the RO's opinion, is substantially correct;
 - (ii) that a ballot paper envelope or declaration envelope relating to the election has not already been accepted from the applicant under regulation 52 or this regulation; and
 - (iii) that the applicant has not already cast an early vote or voted in person at the election,the RO is to record the declaration envelope as having been accepted;
 - (c) if the declaration envelope is accepted, the RO is to remove the ballot paper envelope from the declaration envelope and, without opening the ballot paper envelope

or allowing it to be opened, place the ballot paper envelope in a ballot box;

- (d) if the RO cannot identify the applicant as required by paragraph (b) or is not satisfied as to the matters mentioned in that paragraph, the RO is to make a record on the declaration envelope of its rejection.
- (4) The RO is to keep the declaration envelopes from which ballot paper envelopes have been removed under subregulation (3)(c) and those that were rejected under subregulation (3)(d), as part of the record of the election.

Division 3 — Early voting — s. 4.71(1)(e)

59. How to cast an early vote

- (1) A person who wishes to cast an early vote at an election is to attend at a place appointed by the RO for the casting of early votes and present himself or herself to an electoral officer.
- (2) Attendance is to be during the period starting on the day of the election notice and ending at 4 p.m. on the day before election day and is to be in office hours or at such other times as may be notified in the election notice.
- (3) When the person presents himself or herself to the electoral officer to cast an early vote the provisions of Part 10 about voting in person on election day apply to that early vote.
- (4) The RO is to make sure that any ballot box into which early votes are put is supervised or otherwise secure at all times.

Part 10 — Voting in person

Division 1 — Application

60. Application

This Part applies only to voting in person elections as votes cannot be cast in person at a postal election.

Division 2 — Obtaining ballot papers — s. 4.71(1)(f)

61. How to obtain a ballot paper to vote in person on election day

- (1) A person who wishes to vote in person at an election on election day is to attend at a polling place between 8 a.m. and 6 p.m. and present himself or herself to an electoral officer to obtain a ballot paper.
- (2) The person is to —
 - (a) give his or her name to the electoral officer; and
 - (b) if requested by the electoral officer, provide any other information that will enable the electoral officer to be satisfied as to the matters mentioned in subregulation (3).
- (3) If the electoral officer is satisfied —
 - (a) that the name given is the person's name and appears on the electoral roll;
 - (b) that a ballot paper envelope relating to the election has not already been accepted from the person under regulation 52;
 - (c) that a declaration envelope relating to the election has not already been accepted from the person under regulation 58; and

- (d) that the person has not already cast an early vote or voted in person at the election,

the electoral officer is to give the person a ballot paper and make a record of doing so.

- (4) If the electoral officer is not satisfied as to the matters mentioned in subregulation (3) the electoral officer is not to give the person a ballot paper except under regulation 62.

62. How to obtain a provisional ballot paper

- (1) A person who presents himself or herself to an electoral officer under regulation 61 and claims —
 - (a) to be an elector whose name was omitted from the electoral roll in error; or
 - (b) that it has incorrectly been recorded —
 - (i) that a postal vote envelope or declaration envelope relating to the election has been accepted from him or her under regulation 52 or 58; or
 - (ii) that he or she has cast an early vote or voted in person at the election,

may apply (Form 16) to the electoral officer to be given a ballot paper.

- (2) If the electoral officer is satisfied that the claim made in the application is true, the electoral officer is to give the person a ballot paper and a ballot paper envelope and make a record of doing so on the application.
- (3) In considering the person's claim (if it is made under subregulation (1)(a)) the electoral officer may have regard, in addition to the application, to —
 - (a) a previously compiled electoral roll of the local government;

- (b) an electoral roll or other document prepared under the *Electoral Act 1907* or under the *Commonwealth Electoral Act 1918*;
 - (c) the owners and occupiers register;
 - (d) advice sent by the CEO as to whether or not the person is an elector; and
 - (e) any other document or material that the electoral officer considers relevant.
- (4) If the electoral officer rejects the application, the electoral officer is to make a record of doing so on the application.
- [Regulation 62 amended in Gazette 22 Dec 1998 p. 6870.]*

63. Spoilt ballot papers

- (1) If an electoral officer is satisfied that a ballot paper given to a person under this Part has been spoilt by accident or mistake, the electoral officer is to —
- (a) give the person a replacement ballot paper;
 - (b) endorse “spoilt” on the spoilt ballot paper; and
 - (c) retain the spoilt paper in an envelope marked “spoilt ballot paper” and provide the envelope to the RO at the close of the poll.
- (2) The RO is to keep the spoilt ballot papers in the envelopes as part of the record of the election.

64. Ballot papers to be authentic

Before giving a person a ballot paper under this Part the electoral officer is to initial the back of it or make sure that it is authenticated in some other way approved by the RO.

Division 3 — Voting arrangements — s. 4.71(1)(g) and (i)

65. Arrangements for secret voting

- (1) The RO is to make sure that an elector can mark his or her ballot paper so that the manner in which it is marked cannot be seen by anyone else.
- (2) This can be done by causing separate voting compartments to be provided or in such other manner as the RO thinks fit.

66. Marking and dealing with the ballot paper

- (1) Subject to regulation 67, a person who receives a ballot paper under this Part is to —
 - (a) retire alone to a compartment or other place provided under regulation 65; and
 - (b) mark the ballot paper, in accordance with Part 7, so that it cannot be seen by anyone else.
- (2) If the person received the ballot paper under regulation 61 (or as a replacement for a ballot paper so received) the person is to put the marked ballot paper into a ballot box.
- (3) If the person received the ballot paper under regulation 62 (or as a replacement for a ballot paper so received) the person is to put the marked ballot paper into the ballot paper envelope and seal the envelope and give it to an electoral officer.
- (4) On receiving a ballot paper envelope under subregulation (3) an electoral officer is to —
 - (a) put the ballot paper envelope into an envelope marked “provisional voting papers”;
 - (b) put the application which the person concerned made under regulation 62(1) into the provisional voting papers envelope; and
 - (c) seal the provisional voting papers envelope and put it into a ballot box.

- (5) Subregulation (4)(b) does not apply if the application was made on the provisional voting papers envelope.
- (6) The RO or presiding officer is to make sure that the ballot box is supervised or otherwise secure at all times.

67. Assistance to be given to electors who cannot otherwise vote

- (1) If a person who receives a ballot paper under this Part (the *elector*) cannot vote without assistance because of impairment of sight or any other impairment or condition affecting the person's ability to read or to write, the elector or someone acting on the elector's behalf may request the presiding officer to —
 - (a) arrange for an electoral officer to mark on the ballot paper the vote that the elector wishes to cast; or
 - (b) allow another person to mark on the ballot paper the vote that the elector wishes to cast.
- (2) If a request is made under subregulation (1)(a) the presiding officer, or another electoral officer authorised for that purpose by the presiding officer, is to mark the ballot paper, in accordance with Part 7, to record the vote that the elector wishes to cast.
- (3) If a request is made under subregulation (1)(b), the presiding officer is to allow the elector to retire with another person and have that person mark the ballot paper, in accordance with Part 7, to record the vote that the elector wishes to cast.
- (4) The person with whom the elector retires is not to be a candidate or a person expressly authorised to act on behalf of a candidate in connection with the election.
- (5) The marking of a ballot paper under subregulation (2) or (3) is to be carried out in a compartment or other place provided under regulation 65 unless the elector is not capable of entering the polling place in which case it can be carried out in a place that is

in close proximity to the polling place and is approved by the presiding officer for the purpose.

- (6) If the elector so requests, the electoral officer or other person who has marked the ballot paper is to deal with the ballot paper as required by regulation 66(2) or (3), whichever is applicable.

68. Checking provisional voting papers

- (1) As soon as practicable after the close of the poll the RO, at such place or places as the RO may determine for the counting of votes, is to produce the unopened provisional voting papers envelopes referred to in regulation 66(4).
- (2) If the application under regulation 62(1) was made on the provisional voting papers envelope, the provisional voting papers are to be checked as follows —
- (a) the RO is to check the application to make sure that the claim made in it was true;
 - (b) if satisfied that the person concerned was entitled to be given a ballot paper under regulation 62, the RO is to make a record on the application of its acceptance by the RO;
 - (c) if the RO accepts the application, the RO is to open the provisional voting papers envelope, remove the ballot paper envelope and, without opening the ballot paper envelope or allowing it to be opened, place the ballot paper envelope in a ballot box;
 - (d) if not satisfied that the person concerned was entitled to be given a ballot paper under regulation 62, the RO is to make a record on the application of its rejection by the RO without opening the provisional voting papers envelope or allowing it to be opened.
- (3) The RO is to keep the provisional voting papers envelopes referred to in subregulation (2)(c) or (d) as part of the record of the election.

- (4) If the application under regulation 62(1) was not made on the provisional voting papers envelope, the provisional voting papers are to be checked as follows —
- (a) the RO is to open the provisional voting papers envelope and check the application to make sure that the claim made in the application was true;
 - (b) if satisfied that the person concerned was entitled to be given a ballot paper under regulation 62, the RO is to make a record on the application of its acceptance by the RO;
 - (c) if the RO accepts the application, the RO, without opening the ballot paper envelope or allowing it to be opened, is to place the ballot paper envelope in a ballot box (having first detached the application if it was attached to the ballot paper envelope);
 - (d) if not satisfied that the person concerned was entitled to be given a ballot paper under regulation 62, the RO is to make a record on the application of its rejection by the RO without opening the ballot paper envelope or allowing it to be opened.
- (5) The RO is to keep the applications referred to in subregulation (4)(b) and (d), and the ballot paper envelopes referred to in subregulation (4)(d), as part of the record of the election.
- (6) In checking an application under subregulation (2) or (4) the RO may have regard, in addition to the application, to the matters set out in regulation 62(3)(a) to (e).

Part 11 — Scrutineers

69. Appointment of scrutineers and declarations by them — s. 4.71(1)(j)

- (1) A candidate in an election may, by written notice given to the RO or a presiding officer in duplicate (Form 18), appoint one or more scrutineers to attend during the election at any polling place specified in the notice.
- (2) A person who has not reached the age of 18 years is not to act as a scrutineer.
- (3) A candidate in an election is not to act as a scrutineer at any stage in that election process, and during the election a candidate may only enter or remain at or in a polling place for the election for the purpose of casting his or her own vote or delivering his or her own voting papers.
- (4) A person to be appointed as a scrutineer is to make a declaration on the duplicate notice of appointment described in subregulation (1) before —
 - (a) a justice;
 - (b) a person who has authority under the *Oaths, Affidavits and Statutory Declarations Act 2005* to take statutory declarations; or
 - (c) the RO, a deputy returning officer or a presiding officer.
- (5) On receipt of a completed notice and duplicate notice (Form 18) the RO or presiding officer is to endorse an acknowledgement of the appointment of a scrutineer on the duplicate notice and give it back to the candidate who is to give it to the person appointed.

*[Regulation 69 amended in Gazette 22 Dec 1998 p. 6871;
3 Aug 2007 p. 4006.]*

r. 70

70. Verification of appointment — s. 4.71(1)(j)

- (1) When a scrutineer has arrived at a polling place the presiding officer may request the scrutineer to produce for inspection the duplicate notice of appointment given to him or her under regulation 69(5).
- (2) A scrutineer is to comply with a request under subregulation (1).
- (3) A scrutineer must wear a badge or other article that identifies him or her as a scrutineer at all times while acting as a scrutineer.

[Regulation 70 amended in Gazette 22 Dec 1998 p. 6871.]

71. Rights of scrutineers — s. 4.71(1)(j)

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

- (a) 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;
- (b) while in the polling place, to observe the conduct of the election and ascertain whether the Act and these regulations are being complied with;
- (c) to leave the polling place at any time;
- (d) to observe the checking of absent and postal voting papers;
- (da) to be present at the preparation of postal voting papers for counting under regulation 52A, but only at a sufficient distance from the preparation process that the markings on the ballot papers cannot be ascertained by the scrutineers;
- (e) 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.

*[Regulation 71 amended in Gazette 22 Dec 1998 p. 6871;
3 Aug 2007 p. 3992; 28 Aug 2009 p. 3361.]*

72. Restrictions on scrutineers — s. 4.71(1)(j)

A scrutineer —

- (a) 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 only there to cast or deliver his or her vote;
- (b) is not to take any part in the conduct of the election;
- (c) is to comply with the restrictions imposed by section 4.89 as to conduct in or near polling places;
- (ca) is not to record —
 - (i) the name of a person who presents himself or herself to an electoral officer at the polling place to obtain a ballot paper; or
 - (ii) any other information provided by that person under regulation 61(2)(b);
- (d) is to comply with reasonable requests made by an electoral officer; and
- (e) in exercising the rights given by regulation 71(d), (da) and (e), is to comply with directions given by the RO.

*[Regulation 72 amended in Gazette 22 Dec 1998 p. 6871;
25 Jan 2001 p. 588.]*

Part 12 — Delay or interruption of election

73. Adjournment or postponement of the poll — s. 4.71(1)(k)

- (1) If, before proceedings have begun on election day, the RO decides that the poll will not be able to proceed freely, safely and without interruption on election day, the RO may, by local public notice, postpone the poll until the corresponding day of the next week or as soon as is practicable thereafter.
- (2) If, after proceedings have begun on election day or a day fixed under this regulation (*polling day*), the RO decides that the poll cannot proceed freely, safely and without interruption, the RO may, subject to subregulation (3), adjourn the poll to the next day.
- (3) If the RO does not think that the poll can be completed on the next day the RO may, by local public notice, adjourn the poll until the day corresponding to polling day in the next week or as soon as is practicable thereafter.

[(4) deleted]

- (5) For the purposes of section 1.7(2)(b) the time prescribed in relation to a local public notice under subregulation (1) or (3) is 3 days.
- (6) If a poll is adjourned the RO is to determine the hours for which the poll is to be resumed having regard to the point at which the poll was adjourned.

[Regulation 73 amended in Gazette 22 Dec 1998 p. 6872.]

74. Notice of postponement or adjournment — s. 4.71(1)(k)

- (1) If the poll is adjourned to the next day, the RO is to make sure that notice of the adjournment and the resumption time is given —
 - (a) by notice affixed to the entry to each polling place; and

- (b) orally or in writing to electoral officers, candidates and scrutineers.
- (2) If the poll is postponed or adjourned for a week or more, the RO is to make sure that notice of the postponement or adjournment is given —
 - (a) by notice affixed to the entry to each polling place; and
 - (b) in writing to electoral officers, candidates and scrutineers.

75. Security of papers during adjournment — s. 4.71(1)(k)

On an adjournment of a poll, the RO or the presiding officer, in the presence of the scrutineers and other electoral officers then present, is to —

- (a) secure each ballot box and so seal the cover over the opening that on the cover being opened the seal will break;
- (b) cause the unused ballot papers and the electoral rolls in use at the poll to be placed in parcels and cause each parcel to be sealed; and
- (c) retain those ballot boxes, ballot papers and rolls for safe keeping and keep them safely sealed and unopened until, in the presence of the scrutineers, if any, and any other electoral officers present, the seals are broken and the ballot boxes are opened at the resumption of the adjourned poll.

Part 12A — Electronic counting of votes

[Heading inserted in Gazette 3 Aug 2007 p. 3992.]

[75A. Deleted in Gazette 28 Aug 2009 p. 3361.]

75B. Use of electronic counting system

For the purposes of Schedule 4.1 to the Act the RO may use an electronic counting system to ascertain the number of votes given to each candidate.

[Regulation 75B inserted in Gazette 28 Aug 2009 p. 3361.]

75C. Transmission of data between counting places

- (1) This regulation applies in relation to an election if an electronic counting system is to be used for the election.
- (2) If the RO believes that the counting of votes would be unduly delayed by the need to deliver a ballot box after the close of poll to a place where the electronic counting system is accessible for data input and output (an *electronic counting place*), the RO may do the things set out in subregulation (3) or (4) to facilitate the counting of votes.
- (3) The RO may —
 - (a) before the election notice is given under section 4.64, appoint a place other than an electronic counting place to be a place where —
 - (i) the ballot box is to be opened; and
 - (ii) the votes indicated on ballot papers are to be recorded electronically;and
 - (b) permit the transmission, by data file or any other electronic means, of the data so recorded to an electronic counting place for use as data by the electronic counting system.

- (4) The RO may —
- (a) before the election notice is given under section 4.64, appoint a place other than an electronic counting place to be a place where the ballot box is to be opened; and
 - (b) permit the transmission, by fax or any other electronic means, of an image of a ballot paper to an electronic counting place for use in the electronic counting system.

*[Regulation 75C inserted in Gazette 3 Aug 2007 p. 3993;
amended in Gazette 28 Aug 2009 p. 3361-2.]*

Part 13 — Other matters relating to the holding of an election

76. Provision, design and preparation of ballot boxes — s. 4.71(1)(h)

- (1) The RO is to provide such ballot boxes as are necessary for the election at the places at which ballot boxes are required under these regulations.

[(2) deleted]

- (3) Each ballot box —

- (a) must have an opening that is sufficient to take ballot papers or envelopes that are required to be put in it under these regulations; and
- (b) must contain and conceal its contents.

- (4) Before a ballot box is used to take ballot papers or envelopes the RO or a presiding officer is to satisfy himself or herself that it is empty and then secure it with a security device in a way that ensures that nothing can be removed from it without breaking the security device.

[Regulation 76 amended in Gazette 22 Dec 1998 p. 6872.]

77. Ballot boxes used on election day — s. 4.71(1)(h)

- (1) Ballot boxes that are to be used on election day are to be displayed and secured under regulation 76(4) in the presence of any electoral officers and scrutineers then present.
- (2) At the close of the poll at a polling place the presiding officer is to —
- (a) secure each ballot box used at the polling place by sealing the box with a security device that will break on being opened; and

- (b) deliver the ballot boxes as soon as possible to a place as directed by the RO.

*[Regulation 77 amended in Gazette 22 Dec 1998 p. 6872;
3 Aug 2007 p. 3994.]*

77A. Drawing lots under Schedule 4.1 to the Act — s. 4.74

- (1) In this regulation —
clause 5 means clause 5 of Schedule 4.1 to the Act;
tied candidates means the candidates between whom the drawing of lots is required under clause 5.
- (2) As soon as possible after the occurrence of a circumstance under which the RO is required to draw lots under clause 5, the RO is to make out in respect of each of the tied candidates a slip bearing the candidate's name.
- (3) The RO is to place each of the slips in separate hollow opaque spheres of exact similarity, securely close the spheres, deposit the spheres in an empty container, and securely fasten the container.
- (4) Then the RO is to shake and rotate the container and permit anyone else present to do likewise if they so wish.
- (5) Then the RO is to open the container, take out and open one of the spheres to obtain the slip enclosed in it.
- (6) The steps set out in subregulations (2) to (5) are to be carried out in front of all the people present.
- (7) The candidate whose name appears on the slip obtained by the RO in accordance with subregulation (5) is to be elected.

*[Regulation 77A inserted in Gazette 3 Aug 2007 p. 3994;
amended in Gazette 28 Aug 2009 p. 3362.]*

r. 78

78. Exempt electoral material — s. 4.87

- (1) Section 4.87(1) does not apply to car stickers, clothing, lapel badges, pens, pencils, balloons or similar promotional material.
- (2) Section 4.87(1) does not apply to a profile of a candidate required by section 4.49(b) when it is being —
 - (a) supplied to the RO under section 4.49(b); or
 - (b) reproduced, supplied, distributed or displayed by the RO for the purposes of the election.

79. Display of candidates' profiles

- (1) In the case of a voting in person election, the RO is to arrange for the prominent display at each polling place of copies of the profiles of candidates required by section 4.49(b) reproduced in such form as the RO determines.
- (2) The profiles are to be displayed in the order in which the names of the candidates appear on the ballot paper for the election.

Part 14 — Declaring the election result and subsequent matters

80. Declaration and notice of result — s. 4.77

- (1) The RO is to publicly declare the result of the election.
- (2) The declaration is to include —
 - (a) the names of the candidates; and
 - (b) whether the election was decided under section 4.55 or 4.57 or by voting by electors; and
 - (c) if voting by electors took place, the votes received by each candidate; and
 - (d) the name and term of office of each candidate declared elected.
- (3) The RO is also to give local public notice of the result of the election (Form 19).

[(4), (5) deleted]

*[Regulation 80 amended in Gazette 3 Aug 2007 p. 3995;
amended in Gazette 28 Aug 2009 p. 3362.]*

80A. Drawing lots under Schedule 4.2 to the Act — s. 4.78

- (1) In this regulation —

clause means a clause of Schedule 4.2 to the Act;

tied councillors means the councillors the order of whose retirement is to be determined by the drawing of lots under clause 6, 7, 8(b) or 9(a).
- (2) As soon as possible after the occurrence of a circumstance under which the RO is required to draw lots under clause 6, 7, 8(b) or 9(a), the RO is to make out in respect of each of the tied councillors a slip bearing the councillor's name.
- (3) The RO is to place each of the slips in separate hollow opaque spheres of exact similarity, securely close the spheres, deposit

r. 81

the spheres in an empty container, and securely fasten the container.

- (4) Then the RO is to shake and rotate the container and permit anyone else present to do likewise if they so wish.
- (5) Then the RO is to open the container, take out and open the spheres one by one to obtain the slips enclosed in them.
- (6) The steps set out in subregulations (2) to (5) are to be carried out in front of all the people present.
- (7) The retirement of the tied councillors is to be in the inverse order of that in which the slips bearing their names were obtained by the RO in accordance with subregulation (5).

[Regulation 80A inserted in Gazette 3 Aug 2007 p. 3995-6.]

81. Report to Minister — s. 4.79

The report relating to an election under section 4.79 (Form 20) is to be provided to the Minister within 14 days after the declaration of the result of the election.

82. Keeping the election papers — s. 4.84(a)

- (1) As soon as practicable after the result of the election is declared the RO is to —
 - (a) collect the election papers and put them into one or more parcels;
 - (b) secure each parcel; and
 - (c) endorse each parcel by signing and dating it.
- (2) If the RO is not the CEO, the RO is to deliver the parcels to the CEO as soon as is practicable and the CEO is to give the RO a receipt for the parcels received.
- (3) The CEO is to keep the parcels in safe custody and retain them for a period of at least 4 years after the declaration of the result of the election.

- (4) If, after the period mentioned in subregulation (3), the parcels are to be destroyed, the destruction is to be carried out by or under the supervision of the CEO in the presence of at least 2 employees.

83. Inspection of the election papers — s. 4.84(b)

The CEO is to make the sealed parcels of election papers available for inspection —

- (a) by a Court of Disputed Returns;
- (b) by the Departmental CEO or another authorised person for the purposes of an inquiry under Part 8, Division 1 of the Act;
- (c) by an Inquiry Panel for the purposes of an inquiry under Part 8, Division 2 of the Act;
- (d) by the RO for the purpose of preparing a report under section 4.79(3);
- (e) by the Electoral Commissioner or the RO for the purposes of investigating electoral misconduct; or
- (f) in accordance with the order of any competent court.

[Regulation 83 amended in Gazette 3 Aug 2007 p. 3996.]

Part 15 — Disputed returns

84. How invalidity complaints are made — s. 4.81(2)

- (1) An invalidity complaint relating to an election is to be made in writing.
- (2) On receiving an invalidity complaint the magistrate constituting a Court of Disputed Returns may, by summons, require any of the following —
 - (a) the RO;
 - (b) any person who has been declared elected at the election;
 - (c) any other person whose attendance the magistrate considers to be appropriate,

to attend before the Court on a day and at a time set out in the summons.

- (3) On the parties appearing or, if any of them does not appear, on it being shown that the summons was duly served on him or her, the Court may inquire into and adjudicate on the matter of the invalidity complaint and, for that purpose, may exercise any of the powers of the Magistrates Court in its civil jurisdiction.

[Regulation 84 amended in Gazette 3 Aug 2007 p. 3996.]

85. Declarations that the Court can make — s. 4.81(2)

- (1) In adjudicating on the invalidity complaint the Court can make any of the following declarations —
 - (a) a declaration that the election was invalid;
 - (b) a declaration that a person ought to have been elected in place of another person who has been declared elected by the RO;
 - (c) a declaration determining the term of office of a councillor to be a term that is longer or shorter than the term determined by the RO;

(d) a declaration rejecting the invalidity complaint.

- (2) If the investigation of the invalidity complaint leads to a finding by the Court that 2 or more candidates received the same number of votes, the Court may order the RO to draw lots in accordance with Schedule 4.1 of the Act, and to inform the Court of the result to enable the Court to make a determination under subregulation (1).

[Regulation 85 amended in Gazette 22 Dec 1998 p. 6872.]

86. Notice and report of effect of Court's decision — s. 4.81(2) and (4)

If the Court makes a declaration under regulation 85(1)(a), (b) or (c), the RO is, as soon as practicable —

- (a) to give local public notice in a form that conveys the effect of the declaration; and
- (b) to provide to the Minister a report in a form that conveys the effect of the declaration.

[Regulation 86 inserted in Gazette 3 Aug 2007 p. 3996.]

87. Orders as to costs — s. 4.81(2)

- (1) The Court can make any order as to costs that the magistrate thinks just but an order cannot be made for the payment of costs by a candidate other than the person who made the invalidity complaint unless it is proved to the Court that the candidate, or the candidate's agent, has contravened Part 4 of the Act.
- (2) An order for costs can be enforced as an order of a court of summary jurisdiction.

Part 16 — Polls and referendums

88. Election procedures apply to polls and referendums that are not required under the Act — s. 4.99(3) and (4)

Subject to regulation 89, to the extent to which the provisions of Part 4 of the Act are capable of being applied with or without adaptation in respect of polls and referendums referred to in section 4.99(3), those provisions apply with or without adaptation in respect of those polls and referendums.

89. Election procedures need not be applied in certain cases — s. 4.99(2) to (4)

- (1) A local government can conduct a poll or referendum in such manner as it considers appropriate if —
 - (a) the poll or referendum is not held in conjunction with an election; and
 - (b) voting at the poll or referendum is not confined to electors.
- (2) Where a poll is required by the Minister under Schedule 2.1, clause 7 or 8 of the Act, the Minister may, by notice in writing to the relevant local government or local governments, fix the day on which the poll is to be held.
- (3) Where the Electoral Commissioner is to be responsible for the conduct of a poll, other than an electoral poll, the local governments involved in that poll may, with the agreement of the Electoral Commissioner, abridge the time periods set out in sections 4.20(5) and (6), 4.39(1) and (2), 4.40(1) and (2), 4.41(1), and 4.61(3) and (5), to take account of periods in Part 4 of the Act that only apply to electoral polling.

[Regulation 89 amended in Gazette 22 Dec 1998 p. 6872-3; 18 Mar 2005 p. 976.]

90. Electoral Commissioner may assist

The Electoral Commissioner may, on behalf of a local government, conduct —

- (a) polls and referendums referred to in section 4.99(3); or
- (b) other kinds of surveys,

on such terms and conditions as the Electoral Commissioner and the local government may agree.

91. Expenses of Electoral Commissioner — s. 2.12A(2)(c)

The expenses of the Electoral Commissioner in connection with a poll conducted under section 2.12A are to be met by the local government to the extent agreed between the Electoral Commissioner and the local government.

[Regulation 91 inserted in Gazette 21 Jan 2005 p. 266.]

92. Declaration and notice of results of poll under section 2.12A

- (1) The RO is to publicly declare the result of a poll under section 2.12A.
- (2) The declaration is to include —
 - (a) the question that was voted on; and
 - (b) the answer to that question as determined by the results of the poll.
- (3) The RO is also to give local public notice of the result of the poll (Form 23).

[Regulation 92 inserted in Gazette 21 Jan 2005 p. 266.]

[Part 17 omitted under the Reprints Act 1984 s. 7(4)(f).]

Schedule 1 — Forms

List of Forms

| Form | Heading | Section or regulation |
|------|--|-----------------------|
| 1 | Declaration by Electoral Officer | reg. 7(1) |
| 2 | Enrolment Eligibility Claim incorporating Notice of Nomination of co-owners or co-occupiers (if required by CEO) <small>(front & back)</small> | s. 4.32(2) |
| 3 | Notice of Acceptance of Enrolment Eligibility Claim | s. 4.32(6) |
| 4 | Notice of Rejection of Enrolment Eligibility Claim | s. 4.32(6) |
| 5 | Appeal to Electoral Commissioner Rejection of Enrolment Eligibility Claim <small>(front & back)</small> | s. 4.32(8) |
| 6 | Notice of Cancellation of Eligibility | s. 4.35(3) |
| 7 | Appeal to Electoral Commissioner Cancellation of Eligibility <small>(front & back)</small> | s. 4.35(4) |
| 8 | Nomination for Election By Candidate <small>(front & back)</small> | s. 4.49(a) |
| 9 | Nomination for Election By Agent <small>(front & back)</small> | s. 4.49(a) |
| 9A. | Disclosure of Gifts | s. 4.59 |
| 10 | Ballot Paper | s. 4.71(1)(a) |
| 11 | Absent Vote Ballot Paper <small>(front & back)</small> | s. 4.71(1)(a) |
| 12 | Application for Postal Voting Papers <small>(front & back)</small> | reg. 37 |
| 13 | Postal Voting Instructions (a) Mayoral/Presidential or Ward Elections (b) simultaneous Mayoral/Presidential and Ward Elections | reg. 43(1)(a) |
| 14 | Elector's Certificate | reg. 43(1)(e) |
| 15 | Application for Replacement Postal Voting Papers | reg. 45 |
| 16 | Provisional Voter's Declaration | regs. 46 and 62 |
| 17 | Application for Absent Vote | reg. 54 |
| 18 | Appointment of Scrutineer <small>(Original — front and back, duplicate — front and back)</small> | reg. 69 |
| 19 | Results of Election | s. 4.77 |
| 20 | Report to Minister | s. 4.79 |
| 21 | Referendum Ballot Paper | s. 4.99 |
| 22 | Referendum Absent Vote Ballot Paper <small>(front & back)</small> | s. 4.99 |
| 23 | Results of Referendum | s. 4.99 |

[List of Forms amended in Gazette 25 Jan 2001 p. 588.]

Form 1. Declaration by Electoral Officer

Local Government (Elections) Regulations 1997, reg. 7

**DECLARATION BY
ELECTORAL OFFICER**

| | |
|--------------------------|------------|
| Electoral Officer | Full name: |
| | Address: |

| | |
|---------------|---|
| Office | <input type="checkbox"/> Returning Officer |
| | <input type="checkbox"/> Deputy Returning Officer |
| | <input type="checkbox"/> Presiding Officer |
| | <input type="checkbox"/> Other electoral officer |
| | District: |

| | | |
|---|--|-------|
| Declaration <small>[Making a false declaration is an offence]</small> | I accept the above office and declare that: | |
| | <ul style="list-style-type: none"> • I will act lawfully, professionally and impartially, and with fairness, honesty and integrity; • I will not seek to obtain, and having obtained will not make known, the vote of any elector unless required by law to do so; and • I will observe and comply with any electoral Code of Conduct prepared or adopted by the Returning Officer. | |
| <small>[To be signed before a witness]</small> | Signature: | Date: |

| | |
|----------------|------------|
| Witness | Full name: |
| | Officer: |
| | Signature: |

Notes

| | |
|--------------------|---|
| Declaration | The declaration must be signed before: <ul style="list-style-type: none"> • a Justice of the Peace; • a person authorised under the <i>Oaths, Affidavits and Statutory Declarations Act 2005</i> to take statutory declarations; or • a more senior electoral officer. |
|--------------------|---|

[Form 1 amended in Gazette 3 Aug 2007 p. 4006.]

Form 2. Enrolment Eligibility Claim incorporating Notice of Nomination of co-owners or co-occupiers (if required by CEO)

Local Government Act 1995, s. 4.32(2)

ENROLMENT ELIGIBILITY CLAIM

See back for notes on when¹ and how to complete this form

| | | | | |
|--|--|-----------|----------------|-----------|
| Person making claim² | Family name: | | | |
| | Other names: | | Date of birth: | |
| | Postal address ⁴ | No.: | Street name: | |
| | | Suburb: | | Postcode: |
| | Phone numbers (H): (W): (M): | | | |
| | Fax number: | | Email: | |
| | Rateable property on which claim is based ^{4,5} | No.: | Street name: | |
| Suburb: | | Postcode: | | |
| Lot/Location No.: | | | | |

| | |
|-------------------|----------------------------|
| Electorate | Local government district: |
| | Ward ⁶ : |

| | |
|---|---|
| Entitlement to be enrolled [Tick one box] | I am: <input type="checkbox"/> on the State or Commonwealth electoral roll in respect of a residence outside the electorate. My address shown on that rolls is: |
| | or <input type="checkbox"/> not on the State or Commonwealth electoral roll but I am qualified as an elector under clause 12 of Schedule 9.3 of the <i>Local Government Act 1995</i> ⁷ . |

| | |
|--|--|
| Details of ownership or occupation³ [Tick one box] [* Delete whichever does not apply] | In relation to the rateable property described above I am: |
| | <input type="checkbox"/> the sole owner/occupier* of that property |
| | or <input type="checkbox"/> one of 2 co-owners/occupiers* of that property |
| | or <input type="checkbox"/> one of 3 or more co-owners/occupiers* of that property and I have been nominated ⁸ by all or a majority of those owners/occupiers* for the purposes of being an elector |
| For occupiers only [Tick one box] | or <input type="checkbox"/> the nominee ⁸ of a body corporate that owns/occupies* that property |
| | I (or the body corporate that nominated me): <input type="checkbox"/> do or <input type="checkbox"/> do not have a right, under a lease, tenancy agreement or other legal instrument, to be in a continuous occupation of the property for at least the next 3 months. |

| | | |
|--|---|-------|
| Claim and Declaration [Making a false declaration is an offence] | I claim eligibility to have my name included on any owners and occupiers roll prepared for an election in the electorate. I declare that all of the details set out above are true and correct. | |
| | Signature: | Date: |

| | |
|--|-------|
| <i>Local Government Act 1995, s. 4.31(2)</i> NOTICE OF NOMINATION OF CO-OWNERS OR CO-OCCUPIERS | |
| Signature: | Date: |
| <small>Note : if under regulation 11(1a) of the <i>Local Government (Elections) Regulations 1997</i> the CEO requires the written notice of a nomination under section 4.31(1)(e), (f) or (g) of the Act to be incorporated into Form 2, the notice is to be inserted at this part of Form 2 in such form as the CEO requires and signed in accordance with regulation 11(2) of those regulations.</small> | |

Back of Form 2

| | |
|--|---|
| 1 When to use this form | You may make a claim for eligibility using this form at any time. However if you want to be on the roll for a particular election you must give your claim form to the local government more than 50 days before the election date. |
| 2 Who should use this form | You should fill in this form if you: <ul style="list-style-type: none">• own or occupy³ rateable property in a district or ward but are not on the residents roll in that district or ward; or• qualify under clause 12 of Schedule 9.3 to the <i>Local Government Act 1995</i>⁷, and want to be able to vote at local government elections for that district. |
| 3 Who is an occupier | To qualify as an occupier you must have a right, under a lease, tenancy agreement or other legal instrument, to be in continuous occupation of the property for at least the next 3 months. When the Chief Executive Officer of the local government is considering your claim, he or she may ask you for a copy of your lease or tenancy agreement to support your claim. You do not need to provide a copy unless asked. |
| 4 Silent address | If having your address on the register or on the roll would put your safety, or that of your family, at risk you may ask the Chief Executive Officer not to show your address on the register or on the roll. To do this you must give to the Chief Executive Officer a statutory declaration setting out the reasons why you do not want your address shown on the register or on the roll. |
| 5 Rateable property | If you own or occupy more than one property in the electorate, give details of them all. Add additional pages if necessary. |
| 6 Which ward | If the property in respect of which this claim is made is partly in one ward and partly in another you may choose which of those wards you want your claim to apply to. If you leave this box blank the Chief Executive Officer of the local government will decide which ward the claim is to apply to. In this form the ward, or if no ward is applicable the district, is referred to as “the electorate”. |
| 7 Qualification under clause 12 | To qualify under clause 12 of Schedule 9.3 to the <i>Local Government Act 1995</i> you must: <ul style="list-style-type: none">• own or occupy rateable property in the electorate;• have been on the last electoral roll prepared under the <i>Local Government Act 1960</i> for that electorate; and• have owned or occupied rateable property in the electorate continuously since that roll was prepared. |

| | |
|---|---|
| 8 Nominations | <p>A nomination must be made in writing and be signed by all or a majority of the owners or occupiers of the property (or if the owner or occupier is a body corporate, be signed by an officer of the body corporate) in accordance with the <i>Local Government (Elections) Regulations 1997</i>.</p> <p>If you are a nominee you must give the nomination to the local government with this form unless the CEO requires the written notice of the nomination to be incorporated into this form.</p> <p>If a body corporate or group of people owns or occupies more than one property in a district, a nomination applies to all of those properties.</p> |
| Duration of enrolment of occupiers | <p>If you are an occupier and your enrolment eligibility claim is accepted it will expire in accordance with section 4.33 of the <i>Local Government Act 1995</i> (this will usually be 6 months after the holding of the second ordinary election after your claim was accepted). If you wish to continue to qualify as an elector after that, you will need to make another enrolment eligibility claim.</p> |
| Confidentiality | <p>Your date of birth, phone and fax numbers and email address supplied in this form will be kept confidential and will be used only by the local government and the Western Australian Electoral Commission for the purpose of preparing local government electoral rolls.</p> |
| Where to send your form | <p>When you have completed and signed this form, send it to the Chief Executive Officer of your local government. You may send it by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including a signature. If you send it by fax or electronically you should check that it has been received.</p> |

[Form 2 amended in Gazette 25 Jan 2001 p. 588-9; 21 Jan 2005 p. 268; 18 Mar 2005 p. 976.]

Form 3. Notice of Acceptance of Enrolment Eligibility Claim

Local Government Act 1995, s. 4.32(6)

**NOTICE OF ACCEPTANCE OF
ENROLMENT ELIGIBILITY CLAIM**

| | |
|-----------------|----------|
| Claimant | Name: |
| | Address: |

| | |
|-------------------|----------------------------|
| Electorate | Local government district: |
| | Ward: |

On the basis of the information set out in your eligibility enrolment claim form, your claim has been accepted and you are now qualified as an elector for your electorate.

| | |
|-----------------------|---|
| Electoral roll | When an election is due in your electorate the Chief Executive Officer of the local government will prepare an electoral roll. Your name will automatically be included on that roll and you will be able to vote at that election. |
|-----------------------|---|

| | |
|---|---|
| Duration of enrolment of occupiers | Your enrolment eligibility claim expires in accordance with section 4.33 of the <i>Local Government Act 1995</i> (this will usually be 6 months after the holding of the second ordinary election after your claim was accepted). If you are an occupier and you wish to continue to qualify as an elector after that, you will need to make another enrolment eligibility claim. |
|---|---|

You should keep this notice as evidence of your qualification as an elector.

| | |
|--------------------------------|------------------------------|
| Chief Executive Officer | Name: |
| | Signature: _____ Date: _____ |

[Form 3 amended in Gazette 18 Mar 2005 p. 976.]

Form 4. Notice of Rejection of Enrolment Eligibility Claim

| |
|---|
| <i>Local Government Act 1995, s. 4.32(6)</i> NOTICE OF REJECTION OF ENROLMENT ELIGIBILITY CLAIM |
|---|

| | |
|-----------------|----------|
| Claimant | Name: |
| | Address: |

| | |
|-------------------|----------------------------|
| Electorate | Local government district: |
| | Ward: |

| | |
|---------------------------|---|
| Rejection of claim | Your enrolment eligibility claim has been rejected because: |
|---------------------------|---|

| | |
|---------------|---|
| Appeal | <p>If you are dissatisfied with the decision to reject your enrolment eligibility claim you may appeal to the Electoral Commissioner. If you wish to appeal you should fill in the enclosed appeal form and send it to the Electoral Commissioner at the Western Australian Electoral Commission.</p> <p>Alternatively you can write to the Electoral Commissioner setting out the grounds for your appeal and details of all other information which supports your appeal.</p> <p>You may send your appeal form or letter by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including a signature. If you send it by fax or electronically you should check that it has been received.</p> |
|---------------|---|

| | | |
|--------------------------------|------------|-------|
| Chief Executive Officer | Name: | |
| | Signature: | Date: |

Form 5. Appeal to Electoral Commissioner — Rejection of Enrolment Eligibility Claim

Local Government Act 1995, s. 4.32(8)

**APPEAL TO ELECTORAL COMMISSIONER
 REJECTION OF ENROLMENT
 ELIGIBILITY CLAIM**

See back for notes on how to lodge your appeal

| | | | |
|------------------------------|--------------------|---------|----------------|
| Person lodging appeal | Family name: | | |
| | Other names: | | Date of birth: |
| | Postal address | No.: | Street name: |
| | | Suburb: | Postcode: |
| | Phone numbers (H): | (W): | (M): |
| Fax number: | Email: | | |

On _____ [date] I made a claim for eligibility to have my name included on any owners and occupiers roll prepared for an election in the _____ ward of the district of _____.

My claim has been rejected by the Chief Executive Officer of the local government of that district.

I am dissatisfied with that decision appeal to have it reversed.

| | |
|-------------------------------------|---|
| Grounds for appeal | I consider that my enrolment eligibility claim should have been accepted because: |
| [Add additional pages if necessary] | |

| | |
|-------------------|-------|
| Signature: | Date: |
|-------------------|-------|

| | |
|---|---|
| Information to support your appeal | <p>You should include with this form details of any information which supports your appeal. You may wish to include:</p> <ul style="list-style-type: none"> ❶ your enrolment eligibility claim form; ❷ the notice of rejection from the local government; and ❸ if you are a nominee, a copy of the nomination. <p>Note: The Electoral Commissioner will not be able to process your appeal unless all necessary documentation is provided.</p> |
|---|---|

Back of Form 5

| | |
|---------------------------------------|---|
| Where to send your appeal form | When you have completed and signed this form, send it to the Electoral Commissioner at the Western Australian Electoral Commission. You may send your appeal form by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including a signature. If you send it by fax or electronically you should check that it has been received. |
|---------------------------------------|---|

[Form 5 amended in Gazette 22 Dec 1998 p. 6873; 21 Jan 2005 p. 268.]

Form 6. Notice of Cancellation of Eligibility

Local Government Act 1995, s. 4.35(3)

**NOTICE OF CANCELLATION OF
ELIGIBILITY**

| | |
|----------------|----------|
| Elector | Name: |
| | Address: |

| | |
|-------------------|----------------------------|
| Electorate | Local government district: |
| | Ward: |

| | |
|------------------------------------|--|
| Cancellation of eligibility | On _____ [date] your claim for eligibility to have your name included on any owners and occupiers roll prepared for an election in the electorate was accepted. However the Chief Executive Officer considers that you are no longer eligible to be included when a roll of that kind is prepared because: |
|------------------------------------|--|

| | |
|---------------|--|
| Appeal | <p>It you are dissatisfied with the decision that you are no longer eligible to have your name included when a roll of that kind is prepared you may appeal to the Electoral Commissioner. If you wish to appeal you should fill in the enclosed appeal form and send it to the Electoral Commissioner at the Western Australian Electoral Commission.</p> <p>Alternatively you can write to the Electoral Commissioner setting out the grounds for your appeal and the details of all other information which supports your appeal.</p> <p>You may send your appeal form or letter by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including a signature. If you send it by fax or electronically you should check that it has been received.</p> |
|---------------|--|

| | |
|--------------------------------|---|
| Chief Executive Officer | Name: |
| | Signature: Date: |

**Form 7. Appeal to Electoral Commissioner
Cancellation of Eligibility**

Local Government Act 1995, s. 4.35(4)

**APPEAL TO ELECTORAL COMMISSIONER
CANCELLATION OF ELIGIBILITY**

See back for notes on how to lodge your appeal

| | | | |
|------------------------------|--------------------|---------|----------------|
| Person lodging appeal | Family name: | | |
| | Other names: | | Date of birth: |
| | Postal Address | No.: | Street name: |
| | | Suburb: | |
| | Phone numbers (H): | | (W): |
| Fax number: | | Email: | |

On _____ [date] I was accepted as eligible to have my name included on any owners and occupiers roll prepared for an election in the _____ ward of the district of _____.

The Chief Executive Officer of the local government of that district has decided that I am no longer eligible to have my name included when a roll of that kind is prepared.

I am dissatisfied with that decision to appeal have it reversed.

| | |
|-------------------------------------|---|
| Grounds for appeal | I consider that I should continue to be included on owners and occupiers rolls because: |
| [Add additional pages if necessary] | |

| | |
|-------------------|-------|
| Signature: | Date: |
|-------------------|-------|

| | |
|---|--|
| Information to support your appeal | <p>You should include with this form details of any information which supports your appeal. You may wish to include:</p> <ul style="list-style-type: none"> ① the notice of acceptance you received when your enrolment eligibility claim was accepted; ② the notice of cancellation of eligibility; and ③ any other documents that support your appeal. <p>Note: The Electoral Commissioner will not be able to process your appeal unless all necessary documentation is provided.</p> |
|---|--|

Back of Form 7

| | |
|---------------------------------------|---|
| Where to send your appeal form | When you have completed and signed this form, send it to the Electoral Commissioner at the Western Australian Electoral Commission. You may send your appeal form by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including a signature. If you send it by fax or electronically you should check that it has been received. |
|---------------------------------------|---|

[Form 7 amended in Gazette 22 Dec 1998 p. 6874; 21 Jan 2005 p. 268.]

Form 8. Nomination for Election by Candidate

Local Government Act 1995, s. 4.49(a)

**NOMINATION FOR ELECTION BY
CANDIDATE**

See back for notes on how to make your nomination

| | | | | | |
|----------------|--|-------------------|----------------|-----------|------|
| Nominee | Family name: | | | | |
| | Other names: | | Date of birth: | | |
| | Name on ballot paper ¹ : | | | | |
| | Postal Address | No.: | Street name: | | |
| | | Suburb: | | Postcode: | |
| | Phone numbers (H): | | | (W): | (M): |
| | Fax number: | | Email: | | |
| | Property for which nominee is enrolled as an elector | No.: | Street name: | | |
| | | Suburb: | | Postcode: | |
| | | Lot/Location No.: | | | |

| | | | |
|---------------|----------------------------|--|---|
| Office | Local government district: | | |
| | Ward: | | |
| | Office: | <input type="checkbox"/> Mayor/President | <input type="checkbox"/> Councillor |
| | Vacancy: | <input type="checkbox"/> Ordinary | <input type="checkbox"/> Extraordinary <input type="checkbox"/> Other |

| | | |
|---|--|-------|
| Declaration [Making a false declaration is an offence] [To be signed before a witness] | I declare that: | |
| | <ul style="list-style-type: none"> • I am at least 18 years of age; • I am an elector of the district²; • I am not disqualified from being a member of the council³; • [nominees for councillor only] I am eligible to nominate as a councillor⁴; and • all of the details set out above are true and correct. | |
| | Signature: | Date: |

| | | |
|--|------------|-------|
| Witness [Witness must be at least 18 years of age] | Full name: | |
| | Signature: | Date: |

Back of Form 8

| | |
|--|--|
| 1 Name on ballot paper | The name to be printed on the ballot paper must be your surname and one or more of your given names (or an initial or a commonly accepted variation). You must use the same name on your candidate profile. To ensure fairness between candidates the Returning Officer may rule that a name is inappropriate for inclusion on the ballot paper. If so he or she may ask you to nominate another name or choose one he or she considers appropriate. |
| 2 Who is an elector | You are an elector of the district if you are eligible to be included on the electoral roll for that district. However it is not sufficient if you are only eligible to be on the roll as the nominee of a body corporate which owns or occupies property in the district. You need not be an elector in the ward in which you nominate. |
| 3 Disqualification | You are disqualified from being elected as a member of a council if you: <ul style="list-style-type: none">• are a member of the Legislative Assembly, the Legislative Council, the House of Representatives or the Senate (or have been elected as such a member but have not yet taken office);• are a member of the council of another local government;• are an insolvent under administration;• are in prison serving a sentence for a crime;• have been convicted of a serious local government offence within the last 5 years (unless the court waived the disqualification); or• are subject to a court order disqualifying you from being a member of a council because you have misapplied local government funds or property. |
| 4 Eligibility to nominate as a councillor | You are not eligible to nominate as a councillor if you are: <ul style="list-style-type: none">• a member of the council (unless your term of office expires on election day); or• a candidate in another election for the office of councillor. |
| Where to send your nomination | When you have completed and signed this form, send it to the Returning Officer for the district. You may send your nomination by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including signatures. If you send it by fax or electronically you should check that it has been received. |
| Closing date for nominations | Your nomination must be received by the Returning Officer before 4 p.m. on the 37th day before election day. If you send your nomination electronically it is taken to be received at the time the Returning Officer prints it out. |

| | |
|------------------------------------|---|
| Candidate's profile | Your nomination must be accompanied by a candidate's profile of not more than 150 words plus your name, address and contact numbers. The profile must be confined to information about you. It may include a recent passport size photo of your head or head and shoulders. The profile must be (or if it is sent electronically, be capable of being) printed on a single A4 page. |
| Deposit | When you make your nomination you must pay a deposit of \$80. You may send this with your nomination form or deliver it to the Returning Officer at any time before the closing date for nominations. You may pay your deposit in cash or by cheque, bank draft or postal order. If you make appropriate arrangements with the Returning Officer you may be able to pay your deposit by electronic transfer or other means. |
| Withdrawing your nomination | You may withdraw your nomination by giving written notice to the Returning Officer before the closing date for nominations. You may send your withdrawal by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including signatures. A withdrawal may be lodged by your agent if it is accompanied by a written authorisation, signed by you, permitting the agent to lodge the withdrawal. |

*[Form 8 amended in Gazette 21 Jan 2005 p. 266 and 268;
18 Mar 2005 p. 976.]*

Form 9. Nomination by agent

Local Government Act 1995, s. 4.49(a)

NOMINATION FOR ELECTION BY AGENT

See back for notes on how to make a nomination

| | | | | |
|--------------|--------------------|---------|--------------|-----------|
| Agent | Full name: | | | |
| | Postal Address | No.: | Street name: | |
| | | Suburb: | | Postcode: |
| | Phone numbers (H): | | (W): | (M): |
| | Fax number: | | Email: | |

| | | | | |
|----------------|--|-------------------|----------------|-----------|
| Nominee | Family name: | | | |
| | Other names: | | Date of birth: | |
| | Name on ballot paper ¹ : | | | |
| | Postal Address | No.: | Street name: | |
| | | Suburb: | | Postcode: |
| | Phone numbers (H): | | (W): | (M): |
| | Fax number: | | Email: | |
| | Property for which nominee is enrolled as an elector | No.: | Street name: | |
| Suburb: | | Postcode: | | |
| | | Lot/Location No.: | | |

| | | | | |
|---------------|-----------|--|--|--|
| Office | District: | | Ward: | |
| | Office: | | <input type="checkbox"/> Mayor/President | <input type="checkbox"/> Councillor |
| | Vacancy: | | <input type="checkbox"/> Ordinary | <input type="checkbox"/> Extraordinary |

| | | |
|---|--|-------|
| Declaration [Making a false declaration is an offence] [To be signed before a witness] | I declare that, to the best of knowledge the nominee: | |
| | <ul style="list-style-type: none"> • Is at least 18 years of age; • Is an elector of the district²; • Is not disqualified from being a member of the council³; • [nominees for councillor only] Is eligible to nominate as a councillor⁴; and that all of the details set out above are true and correct. | |
| Signature: | | Date: |

| | | |
|--|------------|-------|
| Witness [Witness must be at least 18 years of age] | Full name: | |
| | Signature: | Date: |

| | | |
|---|------------|-------|
| Authorisation by nominee⁵ | Full name: | |
| | Signature: | Date: |

Back of Form 9

| | |
|--|---|
| 1 Name on ballot paper | The name to be printed on the ballot paper must be the candidate's surname and one or more of his or her given names (or an initial or a commonly accepted variation). The same name must be used on the candidate profile. To ensure fairness between candidates the Returning Officer may rule that a name is inappropriate for inclusion on the ballot paper. If so he or she may ask you to nominate another name or choose one he or she considers appropriate. |
| 2 Who is an elector | The nominee is an elector of the district if he or she is eligible to be included on the electoral roll for that district. However it is not sufficient if he or she is only eligible to be on the roll as the nominee of a body corporate which owns or occupies property in the district. The nominee need not be an elector in the ward in which he or she is nominated. |
| 3 Disqualification | The nominee is disqualified from being elected as a member of a council if he or she: <ul style="list-style-type: none">• is 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);• is a member of the council of another local government;• is an insolvent under administration;• is in prison serving a sentence for a crime;• has been convicted of a serious local government offence within the last 5 years (unless the court waived the disqualification); or• is subject to a court order disqualifying him or her from being a member of a council because he or she has misapplied local government funds or property. |
| 4 Eligibility to nominate as a councillor | The nominee is not eligible to be nominated as a councillor if he or she is: <ul style="list-style-type: none">• a member of the council (unless his or her term of office expires on election day); or• a candidate in another election for the office of councillor. |
| 5 Authorisation | You must give to the Returning Officer written evidence that the nominee has authorised you to make the nomination. The nominee may fill in and sign this box or you may send a written authorisation, signed by the nominee, to the Returning Officer with your nomination form or at any time before the closing date for nominations. |

Local Government (Elections) Regulations 1997
Schedule 1 **Forms**

| | |
|--------------------------------------|--|
| Where to send your nomination | When you have completed and signed this form, send it to the Returning Officer for the district. You may send your nomination by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including signatures. If you send it by fax or electronically you should check that it has been received. |
| Closing date for nominations | Your nomination must be received by the Returning Officer before 4 p.m. on the 37th day before election day. If you send your nomination electronically it is taken to be received at the time the Returning Officer prints it out. |
| Candidate's profile | Your nomination must be accompanied by a candidate's profile of not more than 150 words plus the nominee's name, address and contact numbers. The profile must be confined to information about the candidate. It may include a recent passport size photo of the candidate's head or head and shoulders. The profile must be (or if it is sent electronically, be capable of being) printed on a single A4 page. |
| Deposit | When you make your nomination you must pay a deposit of \$80. You may send this with your nomination form or deliver it to the Returning Officer at any time before the closing date for nominations. You may pay your deposit in cash or by cheque, bank draft or postal order. If you make appropriate arrangements with the Returning Officer you may be able to pay your deposit by electronic transfer or other means. |
| Withdrawing your nomination | You may withdraw your nomination by giving written notice to the Returning Officer before the closing date for nominations. You may send your withdrawal by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including signatures. |

*[Form 9 amended in Gazette 21 Jan 2005 p. 267 and 268;
18 Mar 2005 p. 977.]*

Local Government Act 1995
Local Government (Elections) Regulations 1997

[s. 4.59]

[r. 30D]

Form 9A

DISCLOSURE OF GIFTS

Details of person making disclosure

Candidate Donor [Tick one box]

Surname Other names

Details of candidate

Surname Other names

Details of person making the gift

Name

Address

.....

Details of person on whose behalf the gift is made (if other than the person making the gift)

Name

Address

.....

Details of the gift (value of which is \$200 or more, or which is one of 2 or more gifts with a total value of \$200 or more)

Date gift promised, received or made

Value of gift

Description of gift

.....
.....

Candidates only — *IF YOU ARE UNABLE TO PROVIDE THE INFORMATION REQUIRED BY THIS FORM, SET OUT THE REASONS FOR NOT PROVIDING IT IN THE SPACE BELOW.*

.....
.....

Person making disclosure to complete and sign the declaration below

I declare that all information and details provided are true and correct, and no known, relevant information is omitted.

Signature Date

[Form 9 inserted in Gazette 14 Aug 2009 p. 3219-20.]

Form 10. Ballot Paper

BALLOT PAPER

Election of _____¹

Local government district²:
Ward³:
Election date⁴:

How to vote⁵

Place a tick in the box next to the candidate you want to elect.
Do not make any other marks on the ballot paper.

Candidates⁶

Notes to Form 10

Notes to Returning Officer when preparing the ballot paper

1 Mayor, president or councillor(s)

*Insert "Mayor", "President", "Councillor" or " _____"⁷
Councillors" as appropriate.*

2 District

Fill in the name of the local government district.

3 Ward

Fill in name of the ward, or if there is no ward delete this box.

4 Election date

Fill in the election date.

5 How to vote

This 'How to Vote' note is for an election for a mayor, president or one councillor. If the election is for 2 or more councillors replace it with the following note:

| |
|---|
| How to vote |
| Place a tick <input checked="" type="checkbox"/> in the box next to each of the candidates you want to elect. |
| You may choose up to _____ ⁷ candidates. If you choose more than _____ ⁷ your vote will be invalid. |
| Do not make any other marks on the ballot paper. |

6 Candidates

Insert the names of the candidates in the order determined under section 4.56(a) of the Act. Add more lines if necessary and delete any unused lines.

All names must be in the same size text.

If 2 names are confusingly similar add such descriptions or additions as are necessary to distinguish them from each other.

7 Number of councillors

If the election is for more than one councillor insert the number of councillors to be elected.

[Form 10 inserted in Gazette 28 Aug 2009 p. 3362-3.]

Form 11. Absent Vote Ballot Paper

| |
|--|
| ABSENT VOTE BALLOT PAPER See back for notes on how to vote |
|--|

| | |
|---------------------------------|---|
| Election of ¹ | <input type="checkbox"/> Mayor |
| | <input type="checkbox"/> President |
| | <input type="checkbox"/> Councillor(s) |

| |
|--|
| Local government district ² : |
|--|

| |
|------------------------------|
| Ward ³ : |
| Election date ⁴ : |

Candidates⁶

| | |
|--|--------------------------|
| | <input type="checkbox"/> |
| | <input type="checkbox"/> |
| | <input type="checkbox"/> |
| | <input type="checkbox"/> |
| | <input type="checkbox"/> |
| | <input type="checkbox"/> |

Back of Form 11

How to make an absent vote

| | |
|--|---|
| 1 Mayor, president or councillors | Place a tick <input checked="" type="checkbox"/> in the appropriate box. |
| 2 District | Fill in the name of the local government district in respect of which you are voting. |
| 3 Ward | Fill in the name of the ward in respect of which you are voting. If you are voting in respect of a local government district which is not divided into wards, leave this box blank. |
| 4 Election date | Fill in the official election date — not the day you are filling in this form. |
| 5 Candidates | Fill in the names of the candidates. Write one name on each line. You may fill in the candidates' names in any order. |
| Cast your vote | If the election is for a mayor or president or only one councillor place a tick <input checked="" type="checkbox"/> in the box next to the candidate you want to elect. If the election is for 2 or more councillors place a tick <input checked="" type="checkbox"/> in the box next to each of the candidates you want to elect. You may choose up to the number of candidates as there are |

| | |
|--|--|
| | <p>councillors to be elected. If you choose any more, your vote will be invalid.</p> <p><i>For example — if the election is for 3 councillors you may tick the boxes for 1, 2 or 3 candidates but if you tick 4 boxes your vote will be invalid.</i></p> <p>Do not make any other marks on the ballot paper.</p> |
|--|--|

[Form 11 inserted in Gazette 28 Aug 2009 p. 3364.]

Form 12. Application for Postal Voting Papers

Local Government (Elections) Regulations 1997, reg 37

**APPLICATION FOR POSTAL
VOTING PAPERS**

See back for notes on how to complete this form

| | | |
|--|---|-----------|
| Applicant | Full name: | |
| | Postal address: | |
| | Address of property in respect of which applicant is eligible to vote ¹ : | |
| | Phone numbers (H): | (W): (M): |
| | Fax number: | Email: |
| Electorate ² | Local government district: | |
| | Ward: | |
| Election ³ [Tick one box] | I wish to vote by post: | |
| | <input type="checkbox"/> at the election(s) to be held on _____ only | |
| | or | |
| | <input type="checkbox"/> at all elections held in this electorate | |
| Declaration [Making a false declaration is an offence] | I declare that: | |
| | <ul style="list-style-type: none"> • I am an elector of the electorate(s); and • all of the details set out above are true and correct. | |
| | Signature: | Date: |

Back of Form 12

| | |
|---|---|
| 1 Property | If you are eligible to vote in respect of more than one property you must give the address of each property. Add additional pages if necessary. |
| 2 Electorate | If you are an elector in more than one electorate you must give the details of each electorate for which you wish to receive postal voting papers. |
| 3 Election | You may make your application at any time but if you want to vote by post at a particular election you must make your application before 4 p.m. on the 4th day before that election. |
| Where to send your form | When you have completed and signed this form, send it to — <ul style="list-style-type: none"> • if you are making your application within 36 days of an election, the Returning Officer for the district; or • if you are making your application at any other time, the Chief Executive Officer of your local government. You may send it by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including signatures. If you send it by fax or electronically you should check that it has been received. |
| Postal votes at future elections | If you have ticked the box indicating that you wish to vote by post at all elections your name will be included on the postal voters register until you cease to be an elector or you ask for your name to be removed from the register. The Returning Officer will automatically send you postal voting papers every time there is an election in your electorate. If at any time you no longer wish to vote by post you should write to the Chief Executive Officer of your local government (or, if it is within 36 days of an election, the Returning Officer) and he or she will remove your name from the register. You may send your letter by post, by fax or by other electronic means. |

[Form 12 amended in Gazette 21 Jan 2005 p. 268.]

Form 13. Postal Voting Instructions

(a) Mayoral/Presidential or Ward Election

Local Government (Elections) Regulations 1997, r. 43(1)(a)

POSTAL VOTING INSTRUCTIONS

| | |
|----------------------------------|--|
| Election package | This is your Postal Voting Election Package. It contains: <ul style="list-style-type: none"> • profiles of each of the candidates in your electorate; • a ballot paper; • an elector's certificate 1, 1a; and • a ballot paper envelope 1a; • a postage pre-paid envelope addressed to the Returning Officer^{1a}. If any of these papers are missing from your package please contact the Returning Officer for your district. |
| How to vote ^{1b} | ❶ Decide which candidate(s) you want to elect and mark your |

| | |
|----------------------|---|
| | <p>choice on the ballot paper. The instructions on the ballot paper tell you how to do this.</p> <ul style="list-style-type: none"> ❷ Put your completed ballot paper into the ballot paper envelope and seal that envelope. ❸ Fill in and sign the elector's certificate. ❹ Put the ballot paper envelope and the elector's certificate² into the envelope addressed to the Returning Officer and seal that envelope. ❺ Post that envelope to the Returning Officer or deliver it to an electoral officer at: <ul style="list-style-type: none"> • the offices of the local government during office hours before election day; or • a polling place between 8 a.m. and 6 p.m. on election day. <p>If you post your vote the Returning Officer must receive it before 6 p.m. on election day. Make sure you post it in plenty of time.</p> |
| Any questions | <p>If you have any questions about your Postal Voting Election Package or about how to lodge your vote, contact the Returning Officer for your district.</p> <p style="text-align: center;">Returning Officer ³</p> <p>Name: Address:</p> <p style="text-align: center;">Phone No.: Fax No.: Email address:</p> |

Form 13. Postal Voting Instructions

(b) Simultaneous Mayoral/Presidential and Ward Elections

| |
|---|
| <p><i>Local Government (Elections) Regulations 1997, r. 43(1)(a)</i></p> <p>POSTAL VOTING INSTRUCTIONS</p> |
|---|

| | |
|-------------------------|--|
| Election package | <p>This is your Postal Voting Election Package. It contains:</p> <ul style="list-style-type: none"> • for the election of the mayor ⁴: <ul style="list-style-type: none"> • profiles of each of the candidates; and • a mayoral 4 ballot paper; • for the election of councillors: <ul style="list-style-type: none"> • profiles of each of the candidates; and • a councillors ballot paper; • an elector's certificate ^{1, 1a}; • a ballot paper envelope ¹; • a postage pre-paid envelope addressed to the Returning Officer ^{1a}. |
|-------------------------|--|

| | |
|----------------------------------|--|
| | If any of these papers are missing from your package please contact the Returning Officer for your district. |
| How to vote ^{3a} | <ol style="list-style-type: none"> ❶ Decide which candidate you want to elect as mayor 4 and mark your choice on the mayoral 4 ballot paper. The instructions on the ballot paper tell you how to do this. ❷ Decide which candidate(s) you want to elect as councillor(s) and mark your choice on the councillors ballot paper. The instructions on the ballot paper tell you how to do this. ❸ Put both your completed ballot papers into the ballot paper envelope and seal that envelope. ❹ Fill in and sign the elector’s certificate. ❺ Put the ballot paper envelope and the elector’s certificate 2 into the envelope addressed to the Returning Officer and seal that envelope. ❻ Post or deliver that envelope to the Returning Officer or deliver it to an electoral officer at: <ul style="list-style-type: none"> • the offices of the local government during office hours before election day; or • a polling place between 8 a.m. and 6 p.m. on election day. <p>If you post your vote the Returning Officer must receive it before 6 p.m. on election day. Make sure you post it in plenty of time.</p> |
| Any questions | <p>If you have any questions about your Postal Voting Election Package or about how to lodge your vote, contact the Returning Officer for your district.</p> <p>Returning Officer³</p> <p>Name: Address: Phone No.: Fax No.: Email address:</p> |

Notes to Form 13

Notes to Returning Officer when preparing postal voting instructions

1 Elector’s certificate

If the elector’s certificate is —

- (a) *attached to the ballot paper envelope insert “which is attached to the ballot paper envelope”; or*

(b) *printed on the return envelope insert “which is printed on the envelope addressed to the Returning Officer”.*

1a *Ballot paper envelopes and pre-paid envelopes*

If the ballot paper envelope is also the postage pre-paid envelope addressed to the Returning Officer and incorporates the elector’s certificate, delete these 3 items and insert instead —

- “• a combined ballot paper envelope and postage pre-paid envelope addressed to the Returning Officer with an elector’s certificate attached.”.

1b *How to vote (Form 13(a))*

If the ballot paper envelope is also the postage pre-paid envelope addressed to the Returning Officer and incorporates the elector’s certificate, delete these “How to vote” instructions and insert instead —

| | |
|--------------------|--|
| How to vote | <ul style="list-style-type: none"> ❶ Decide which candidate(s) you want to elect and mark your choice on the ballot paper. The instructions with the ballot paper tell you how to do this. ❷ Put your completed ballot paper into the envelope provided and seal the envelope. ❸ Fill in and sign the elector’s certificate. ❹ Post the envelope to the Returning Officer, or deliver it to an electoral officer at: <ul style="list-style-type: none"> • the offices of the local government during office hours before election day; or • a polling place between 8 a.m. and 6 p.m. on election day. <p>If you post your vote the Returning Officer must receive it before 6 p.m. on election day. Make sure you post it in plenty of time.</p> |
|--------------------|--|

2 *Elector’s certificate*

If the elector’s certificate is:

- (a) *attached to the ballot paper envelope, replace “and the elector’s certificate” with “, including the elector’s certificate”; or*

(b) *printed on the return envelope, delete “and the elector’s certificate” and renumber ‘How to vote’ instructions 3 and 4 as 4 and 3 respectively.*

3 Returning Officer

Insert the name and contact details of the Returning Officer or, where the Electoral Commissioner has been declared responsible for the conduct of an election, such other contact details as are appropriate.

3a How to vote (Form 13(b))

If the ballot paper envelope is also the postage pre-paid envelope addressed to the Returning Officer and incorporates the elector’s certificate, delete these “How to vote” instructions and insert instead —

| | |
|--------------------|--|
| How to vote | <ol style="list-style-type: none"> ❶ Decide which candidate you want to elect as mayor⁴ and mark your choice on the mayoral⁴ ballot paper. The instructions with the ballot paper tell you how to do this. ❷ Decide which candidate(s) you want to elect as councillor(s) and mark your choice on the councillors ballot paper. The instructions with the ballot paper tell you how to do this. ❸ Put your completed ballot papers into the envelope provided and seal the envelope. ❹ Fill in and sign the elector’s certificate. ❺ Post that envelope to the Returning Officer, or deliver it to an electoral officer at: <ul style="list-style-type: none"> • the offices of the local government during office hours before election day; or • a polling place between 8 a.m. and 6 p.m. on election day. <p>If you post your vote the Returning Officer must receive it before 6 p.m. on election day. Make sure you post it in plenty of time.</p> |
|--------------------|--|

4 Mayor/President

For an election in a Shire replace “mayor” with “president” and “mayoral” with “presidential”.

[Form 13 inserted in Gazette 28 Aug 2009 p. 3365-7.]

Form 14. Elector's Certificate

Local Government (Elections) Regulations 1997, reg 43(1)(e)

Elector's Certificate

| | | | |
|--|---|------------|-------|
| <p>Declaration [Making a false declaration is an offence]</p> | <p>I am the elector to whom a package containing the accompanying¹ ballot paper envelope was addressed. I declare that the accompanying¹ ballot paper envelope contains my ballot paper(s) and that I am the person enrolled as:</p> <p>Surname:</p> <p>Other names:</p> <p>Address (as enrolled, or claimed to be enrolled):</p> | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="border: none; width: 70%;">Signature:</td> <td style="border: none; width: 30%;">Date:</td> </tr> </table> | Signature: | Date: |
| Signature: | Date: | | |

Your vote may not be accepted if this certificate is not signed.

Notes to Form 14

Notes to Returning Officer when preparing elector's certificate

1 Declaration

If the elector's certificate is:

- (a) *attached to the ballot paper envelope, replace "accompanying" with "attached"; or*
- (b) *printed on the return envelope, replace "accompanying" with "enclosed".*

2 Postal election

If the certificate is sent under regulation 41 (Postal election) the form may be modified by deleting the part requiring the elector to supply his or her name and address.

[Form 14 inserted in Gazette 21 Jan 2005 p. 267.]

Form 15. Application for Replacement Postal Voting Papers

Local Government (Elections) Regulations 1997, reg 45

**APPLICATION FOR REPLACEMENT
 POSTAL VOTING PAPERS**

| | |
|--|--|
| Applicant | Full name: |
| | Home Address: |
| | Postal Address: <i>(if different to Home Address)</i> |
| | Phone numbers (H): _____ (W): _____ (M): _____ |
| | Fax number: _____ Email: _____ |
| Electorate | Local government district: |
| | Ward: |
| | Election date: |
| Reason for application [Tick one box] | I apply for postal voting papers because: <input type="checkbox"/> I have not received a Postal Voting Election Package or <input type="checkbox"/> I received a Postal Voting Election Package but some of the papers were missing or <input type="checkbox"/> I received a Postal Voting Election Package but have lost, destroyed or spoiled some of the papers |
| Papers required | Please send me another: <input type="checkbox"/> ballot paper <input type="checkbox"/> ballot paper envelope <input type="checkbox"/> elector's certificate <input type="checkbox"/> complete Election Package |
| Declaration [Making a false declaration is an offence] | I declare that: <ul style="list-style-type: none"> • I have not already voted in the election; and • all of the details set out above are true and correct. |
| | Signature: _____ Date: _____ |
| What to do with your application | When you have completed and signed this form, you may send it to the Returning Officer for the district. You may send your form by post, by fax or by any other electronic means so long as it is capable of being printed in its entirety, including signatures. Alternatively you may give your form to an electoral officer at a polling place — <ul style="list-style-type: none"> • If you are making your application before election day: during normal office hours; or • if you are making your application on election day: between 8 a.m. and 6 p.m. |

[Form 15 amended in Gazette 22 Dec 1998 p. 6876; 21 Jan 2005 p. 268.]

Form 17. Application for Absent Vote

Local Government (Elections) Regulations 1997, reg 54

APPLICATION FOR ABSENT VOTE

| | |
|------------------|--|
| Applicant | Full name: |
| | Postal address: |
| | Address of property in respect of which applicant is eligible to vote ¹ : |
| | Phone numbers (H): _____ (W): _____ (M): _____ |
| | Fax number: _____ Email: _____ |

| | |
|-------------------------------|--|
| Electorate² | Local government district: |
| | Ward: |
| | Election date: |
| | Election of: <input type="checkbox"/> Mayor/President <input type="checkbox"/> Councillor(s) |

| | | |
|---|--|-------|
| Declaration³ <small>[Making a false declaration is an offence]</small> | I declare that: | |
| | <ul style="list-style-type: none"> • I am an elector with a right to vote at these elections; and • all of the details set out above are true and correct. | |
| | Signature: | Date: |

| | |
|--------------------------|------------------------------|
| Electoral officer | Full name: |
| | Office held: |
| | Local government: |
| | Signature: _____ Date: _____ |

Back of Form 17

| | |
|-------------------|---|
| 1 Property | If you are eligible to vote in respect of more than one property you need only give the address of one property, but the application process will be facilitated if you list all the properties. Add additional pages if necessary. |
|-------------------|---|

| | |
|---------------------|---|
| 2 Electorate | If you are an elector in more than one electorate you must give the details of each electorate for which you wish to make an absent vote. |
|---------------------|---|

| | |
|----------------------|---|
| 3 Declaration | You must sign this form before an Electoral Officer of the local government at whose offices the application is made. |
|----------------------|---|

[Form 17 amended in Gazette 22 Dec 1998 p. 6878; 21 Jan 2005 p. 268.]

Form 18. Appointment of Scrutineer — original copy

Local Government (Elections) Regulations 1997, reg 69
APPOINTMENT OF SCRUTINEER
 [To be completed by candidate. See back for notes on how to complete this form]

| | |
|------------------|---|
| Candidate | Full name: |
| | Address: |
| | Candidate for: <input type="checkbox"/> Mayor/President <input type="checkbox"/> Councillor |

| | |
|-------------------|--|
| Scrutineer | Full name: |
| | Address: |
| | Phone numbers (H): (W): (M): |
| | Fax number: Email: |

| | |
|-----------------|----------------------------|
| Election | Local government district: |
| | Ward: |
| | Election date: |
| | Polling place(s): |

| | |
|--------------------------------|--------------|
| Signature of candidate: | Date: |
|--------------------------------|--------------|

Back of original copy of Form 18

| | |
|--------------------------------|---|
| Where to send this form | <p>When you have completed and signed your part of this form and the declaration by the scrutineer has been completed, send both copies of the form to the Returning Officer for the district or give them to the presiding officer at a polling place.</p> <p>You may send your form by post, by fax or by other electronic means so long as it is capable of being printed in its entirety, including signatures. If you send it by fax or electronically you should check that it has been received.</p> |
|--------------------------------|---|

| | |
|-------------------------------|--|
| Duplicate copy of form | Your must complete 2 copies of this form. The original will be retained by the Returning Officer or presiding officer. The duplicate will be returned and must be given to and retained by the scrutineer. |
|-------------------------------|--|

Form 18. Appointment of Scrutineer — duplicate copy

Local Government (Elections) Regulations 1997, reg 69
APPOINTMENT OF SCRUTINEER
 To be completed by candidate. See back for notes on how to complete this form

| | |
|------------------|---|
| Candidate | Full name: |
| | Address: |
| | Candidate for: <input type="checkbox"/> Mayor/President <input type="checkbox"/> Councillor |

| | |
|-------------------|--|
| Scrutineer | Full name: |
| | Address: |
| | Phone numbers (H): (W): (M): |
| | Fax number: Email: |

| | |
|-----------------|----------------------------|
| Election | Local government district: |
| | Ward: |
| | Election date: |
| | Polling place(s): |

| | |
|--------------------------------|-------|
| Signature of candidate: | Date: |
|--------------------------------|-------|

ACKNOWLEDGEMENT OF APPOINTMENT

| | |
|---|---|
| Returning officer or presiding officer | Full name: |
| | Signature: Date: |

DECLARATION BY SCRUTINEER
 To be completed before the notice of appointment has been acknowledged and returned

| | | |
|---|--|-------|
| Declaration <small>[Making a false declaration is an offence]</small> | I declare that I am at least 18 years of age and will comply with the provisions of the <i>Local Government Act 1995</i> and the <i>Local Government (Elections) Regulations 1997</i> which relate to scrutineers. | |
| | Signature: | Date: |

| | |
|----------------|---|
| Witness | Full name: |
| | Office: |
| | Signature: Date: |

Back of duplicate copy of Form 18

| | |
|----------------------|--|
| 1 Declaration | The declaration by the scrutineer must be signed before: <ul style="list-style-type: none">• a Justice of the Peace;• a person authorised under the <i>Oaths, Affidavits and Statutory Declarations Act 2005</i> to take statutory declarations; or• the Returning Officer, Deputy Returning Officer or a Presiding Officer. |
|----------------------|--|

The rights and duties of a scrutineer

| | |
|------------------------|--|
| What you may do | As a scrutineer you may: <ul style="list-style-type: none">• attend at a polling place mentioned in your notice of appointment to observe the conduct of the election and to make sure that the <i>Local Government Act 1995</i> is being complied with;• observe the checking of absent and postal votes;• be present at the preparation of postal voting papers but only at a sufficient distance so that you cannot ascertain the markings on the ballot papers; and• be present when ballot boxes are opened and votes are being counted. |
|------------------------|--|

| | |
|-------------------------|--|
| What you must do | As a scrutineer you must: <ul style="list-style-type: none">• wear identification of your appointment as a scrutineer;• have your copy of the Appointment of Scrutineer form with you at all times and produce it when requested to do so by the Presiding Officer at a polling place; and• comply with all directions given by the Returning Officer and all reasonable requests made by any other electoral officer. |
|-------------------------|--|

| | |
|-----------------------------|--|
| What you must not do | As a scrutineer you must not: <ul style="list-style-type: none">• enter a polling place if another scrutineer appointed by the same candidate is already there (unless one of you is just to cast your vote);• take part in the conduct of the election;• while in or within 6 metres of a polling place:<ul style="list-style-type: none">• canvass for votes;• solicit the vote of an elector;• induce an elector to vote for a particular candidate;• induce an elector not to vote at the election;• record the name of a person who attends a polling place to vote or record any information given by a person to an electoral officer in order to receive a ballot paper. |
|-----------------------------|--|

[Form 18 amended in Gazette 22 Dec 1998 p. 6878; 25 Jan 2001 p. 590-1; 21 Jan 2005 p. 268; 3 Aug 2007 p. 4002 and 4006; 28 Aug 2009 p. 3368.]

Form 19. Results of Election

| |
|--|
| <p><i>Local Government Act 1995, s. 4.77</i></p> <p>RESULTS OF ELECTION FOR</p> <p>_____ ¹</p> |
|--|

| | |
|----------------|---|
| Results | These are the results of the local government election held on _____. |
|----------------|---|

| | | |
|--|------------------|-------------------------------------|
| Mayor/President ² | Candidate | Number of votes ³ |
| | _____ | _____ |
| | _____ | _____ |
| | _____ | _____ |
| | _____ | _____ |
| Therefore _____ is elected as mayor/president2 of _____ until _____. | | |

| | | |
|--|------------------|-------------------------------------|
| Ward ⁴ | Candidate | Number of votes ³ |
| | _____ | _____ |
| | _____ | _____ |
| | _____ | _____ |
| | _____ | _____ |
| Therefore the following people are elected as councillors for the _____ ward. Each councillor will hold office until the date set out next to his or her name. | | |
| | Name | Expiry of term |
| | _____ | _____ |
| | _____ | _____ |
| | _____ | _____ |

| | | |
|--------------------------|------------|-------|
| Returning officer | Full name: | |
| | Signature: | Date: |

Notes to Form 19

Notes to Returning Officer when preparing results

1 District

Insert the name of the local government district.

2 Mayor or President

Delete "Mayor" or "President" as appropriate.

If the election did not include the election of the mayor or president, delete this box.

3 Elected unopposed or appointed

If a person was elected unopposed under section 4.55 of the Act insert "elected unopposed" in this column.

If a person was appointed by the council of the local government under section 4.57(3) of the Act insert "appointed by council" in this column.

4 Ward

Repeat this box for each ward in the district in which there was an election and insert the name of the ward.

If there were no councillor elections, delete this box.

If the district is not divided into wards but councillors were elected for the district, change the title of this box to "Councillors" and delete the word "ward" in the last line.

[Form 19 inserted in Gazette 28 Aug 2009 p. 3368-9.]

Form 20. Report to Minister

REPORT TO MINISTER

Local Government Act 1995, s. 4.79(2)
Local Government (Elections)
Regulations 1997, r. 81

Part 1 — General information

Use one form for each election.

District and date

| | |
|--|--|
| District (and ward, if applicable) where election held: | |
| Election date: | |

Vacancies

| | |
|----------------------|--|
| Number of vacancies: | |
|----------------------|--|

| | |
|---|--|
| Vacancies unfilled: (i.e. vacancies for which no nominations were received at the close of nominations): | |
|---|--|

Type of election

| | |
|-------------------|--------------------------|
| Voting in person: | <input type="checkbox"/> |
| Postal: | <input type="checkbox"/> |
| (Tick one box) | |

Position/s

| |
|-------------------------------------|
| Mayor/ president/ councillor* |
| * Delete whichever is inapplicable. |

Number of persons on rolls

| | |
|---|--|
| Number of persons on owners and occupiers roll | |
| Number of persons on residents roll | |
| Total number of names of persons on rolls (roll, if consolidated) | |

Part 2 — Voter turnout

| <i>Voter categories</i> | <i>Number of voters</i> |
|---|-------------------------|
| Absent voters whose voting papers were rejected ¹ | |
| Postal voters whose voting papers were rejected ¹ | |
| Absent voters whose voting papers were accepted ² | |
| Postal voters whose voting papers were accepted ³ | |
| Early voters recorded on roll | |
| Voters who voted in person on election day recorded on roll | |
| Provisional voters whose voting papers were accepted ⁴ | |
| Total voter turnout ⁵ | |

- ¹ Assume the voting papers include a ballot paper for this election.
² Work out using number of accepted absent voter declarations retained.
³ Work out using number of accepted elector certificates retained.
⁴ Work out using number of Form 16s accepted by an electoral officer.
⁵ Total number of eligible electors who attempted to vote by the close of poll.

Part 3 — Number of late arriving postal packages

| | |
|--|--|
| Number of late arriving postal packages ⁶ : | |
|--|--|

⁶ Include voting packages arriving up to one week after the close of poll. Assume the voting papers include a ballot paper for this election.

Part 4 — Details of candidates and votes

| <i>Surname</i> | <i>Other names</i> | <i>Gender</i> | <i>Previous member (yes/no)</i> | <i>Votes received ⁷</i> |
|----------------|--------------------|---------------|---------------------------------|------------------------------------|
| | | | | |
| | | | | |
| | | | | |

⁷ Insert the total number of votes received by each candidate.
 Insert “unopposed” if the candidate was elected unopposed under section 4.55 of the *Local Government Act 1995*.
 Insert “appointed” if the candidate was appointed under section 4.57(3) of the *Local Government Act 1995*.

Part 5 — Ballot papers counted

| <i>Ballot papers</i> | <i>Number</i> |
|--|---------------|
| Number of valid ballot papers counted | |
| Number of informal ballot papers counted | |

Part 6 — Candidate/s elected

| <i>Surname</i> | <i>Other names</i> | <i>Year term expires</i> | <i>Type of vacancy (Ordinary/extraordinary/other)</i> |
|----------------|--------------------|--------------------------|---|
| | | | |
| | | | |
| | | | |

| | | |
|--------------------------|------------|-------|
| Returning officer | Full name: | |
| | Signature: | Date: |

[Form 20 inserted in Gazette 28 Aug 2009 p. 3369-71.]

Form 21. Referendum Ballot Paper

REFERENDUM BALLOT PAPER

| |
|--|
| Local government district ¹ : |
| Ward ² : |
| Referendum date ³ : |

| |
|--|
| <p style="text-align: center;">How to vote</p> <p>Place a tick <input checked="" type="checkbox"/> in the Yes box or the No box. Do not make any other marks on the ballot paper.</p> |
|--|

| |
|--|
| <p style="text-align: center;">Referendum⁴</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> |
|--|

Notes to Form 21

Notes to Returning Officer when preparing the ballot paper

1 Local government district

Fill in the name of the local government district.

2 Ward

Fill in name of the ward, or if there is no ward delete this box.

3 Referendum date

Fill in the referendum date.

4 Referendum

Set out the question or proposal to be put to electors.

If the possible answers are other than Yes or No, alter the answer boxes and How to Vote instructions accordingly.

Form 22. Referendum Absent Vote Ballot Paper

REFERENDUM
ABSENT VOTE BALLOT PAPER

| |
|--|
| Local government district ¹ : |
| Ward ² : |
| Referendum date ³ : |

| |
|--|
| Referendum⁴ _____ _____ _____ _____ _____ <input type="checkbox"/> Yes <input type="checkbox"/> No |
|--|

Back of Form 22.

How to make an absent vote

| | |
|------------------------------------|---|
| 1 Local government district | Fill in the name of the local government district in which the referendum is being conducted. |
| 2 Ward | Fill in the name of the ward in which the referendum is being conducted. If the referendum is being conducted in the whole of the district, leave this box blank. |
| 3 Date | Fill in the official referendum voting date — not the day you are filling in this form. |
| 4 Referendum | Set out the question or proposal to be put to electors. If the possible answers are other than Yes or No, alter the answer boxes accordingly and cast your vote by putting a tick in the appropriate box. |
| Cast your vote | To cast your vote in the referendum place a <input checked="" type="checkbox"/> in the Yes box or the No box. Do not make any other marks on the ballot paper. |

[Form 22 amended in Gazette 25 Jan 2001 p. 591.]

Form 23. Results of Poll or Referendum

Local Government Act 1995, s. 4.99

RESULTS OF REFERENDUM

Local government district:

| | |
|-------------------|--|
| Referendum | On _____ the electors in the district voted on the following question: |
|-------------------|--|

| | |
|--|---|
| Results | The results of the referendum were: Number of Yes votes _____ Number of No votes _____ Number of informal votes _____ |
| Therefore the result of the referendum is: | |

| | | |
|--------------------------|------------|-------|
| Returning officer | Full name: | |
| | Signature: | Date: |

Notes to Form 23

Notes to Returning Officer when preparing Results of Referendum

Referendum or poll

In the case of a poll replace all references to “referendum” with “poll”.

Notes

¹ This is a compilation of the *Local Government (Elections) Regulations 1997* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

| <i>Citation</i> | <i>Gazettal</i> | <i>Commencement</i> |
|--|----------------------------|---|
| <i>Local Government (Elections) Regulations 1997</i> | 14 Feb 1997 p. 905-1008 | 14 Feb 1997 |
| <i>Local Government (Elections) Amendment Regulations 1998</i> ² | 20 Nov 1998 p. 6275-7 | 20 Nov 1998 |
| <i>Local Government (Elections) Amendment Regulations (No. 2) 1998</i> | 22 Dec 1998 p. 6868-78 | 22 Dec 1998 |
| <i>Local Government (Elections) Amendment Regulations 1999</i> | 29 Jan 1999 p. 272 | 29 Jan 1999 |
| <i>Local Government (Elections) Amendment Regulations 2001</i> | 25 Jan 2001 p. 587-91 | 25 Jan 2001 |
| Reprint of the <i>Local Government (Elections) Regulations 1997</i> as at 5 Apr 2002 (includes amendments listed above) | | |
| <i>Local Government (Elections) Amendment Regulations 2005</i> | 21 Jan 2005 p. 263-8 | 22 Jan 2005 (see r. 2 and <i>Gazette</i> 21 Jan 2005 p. 257) |
| <i>Local Government (Elections) Amendment Regulations (No. 2) 2005</i> | 18 Mar 2005 p. 975-9 | 18 Mar 2005 |
| <i>Local Government (Elections) Amendment Regulations 2007</i> | 3 Aug 2007 p. 3989-4006 | r. 1 and 2: 3 Aug 2007 (see r. 2(a)); r. 3, 15-17, 18(1) and (2) and 19: 4 Aug 2007 (see r. 2(b)); r. 4-14 and 18(3)-(12): 6 Sep 2007 (see r. 2(c) and <i>Gazette</i> 3 Aug 2007 p. 3989) |
| Reprint 2: The <i>Local Government (Elections) Regulations 1997</i> as at 27 Mar 2009 (includes amendments listed above) | | |
| <i>Local Government (Elections) Amendment Regulations 2009</i> | 14 Aug 2009 p. 3215-20 | r. 1 and 2: 14 Aug 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 15 Aug 2009 (see r. 2(b)) |
| <i>Local Government (Elections) Amendment Regulations (No. 2) 2009</i> | 28 Aug 2009 p. 3359-71 | r. 1 and 2: 28 Aug 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 29 Aug 2009 (see r. 2(b) and <i>Gazette</i> 28 Aug 2009 p. 3347) |

² The *Local Government (Elections) Amendment Regulations 1998* r. 3 reads as follows:

“

3. Application

These amendments to the principal regulations apply to elections that are to take place on or after 1 May 1999.

”

Defined Terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

| Defined Term | Provision(s) |
|---|---------------------|
| address | 30A |
| donor | 30A |
| clause | 77A(1), 80A(1) |
| commencement day | 30C(3) |
| contact number..... | 3 |
| councillor election..... | 3 |
| declaration envelope | 54(3) |
| election package..... | 3 |
| election papers | 3 |
| elector | 67(1) |
| electronic counting place | 75C(2) |
| enrolment details..... | 40(3) |
| first preference vote | 3 |
| form | 3 |
| gift..... | 30A(1) |
| owners and occupiers register | 3 |
| polling day | 73(2) |
| postal voters register | 3, 40(1) |
| principal office election | 3 |
| publish..... | 30I(2) |
| reasons | 30F(3) |
| RO..... | 3 |
| section..... | 3 |
| tied candidates | 77A(1) |
| tied councillors..... | 80A(1) |
| voting paper | 45(7) |
| Western Australian Electoral Commission | 3 |