

OCTOBER 2021

ELECTION
2021

Local Government
Ordinary Elections

Summary Information for Candidates

MANUAL



WESTERN AUSTRALIAN
Electoral Commission

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COVID – 19 Election Requirements

Some processes may change at these elections due to COVID-19 requirements.

A separate *COVID-19 Local Government Election Guide* will be available on the Commission public website www.elections.wa.gov.au outlining any specific requirements at the 2021 local government elections.

Candidates and appointed scrutineers must adhere to applicable public health guidelines and follow Returning Officer directions when attending electoral venues.

Eligibility

In order to nominate, a person must be registered as a voter for the local government district in which they are standing as a candidate. They do not need to be an elector of the particular ward for which they are standing.

Resident

The Commission maintains the residents roll. Individuals can confirm their enrolment status at the Commission's website www.elections.wa.gov.au. If a person is on the residents roll and has changed address after the rolls have closed, but remains in the district, they will continue to be eligible to sit on council if elected.

Non-resident owners and occupiers

Non-resident owners and occupiers rolls are maintained by individual local governments. Prospective candidates in this category must check with their local government to confirm their eligibility and enrolment status.

Electoral rolls for the October 2021 local government ordinary elections close at 5.00 pm, Friday 27 August.

Disqualifications

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

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

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

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

Candidate Information

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

Nominations

Nominations can only be made to the Returning Officer during the designated nomination period. See the election timelines at Appendix 1 and 2 for the relevant dates. When a candidate makes a declaration, they are attesting that they are an elector of the district and are not disqualified from holding office. The Returning Officer can witness a candidate's declaration.

An effective nomination consists of the following:

- a completed nomination form; (if by proxy, needs a letter from the candidate);
- a profile of the candidate, prepared in accordance with the Regulations;
- a nomination deposit of \$80
- a photograph (optional); and
- completion of the mandatory 'Induction for prospective candidates' course (reference number and date required).

A candidate can nominate for both mayor/president and councillor. A candidate will need a separate online form, profile and \$80 nomination deposit for each nomination. The same induction course reference number can apply.

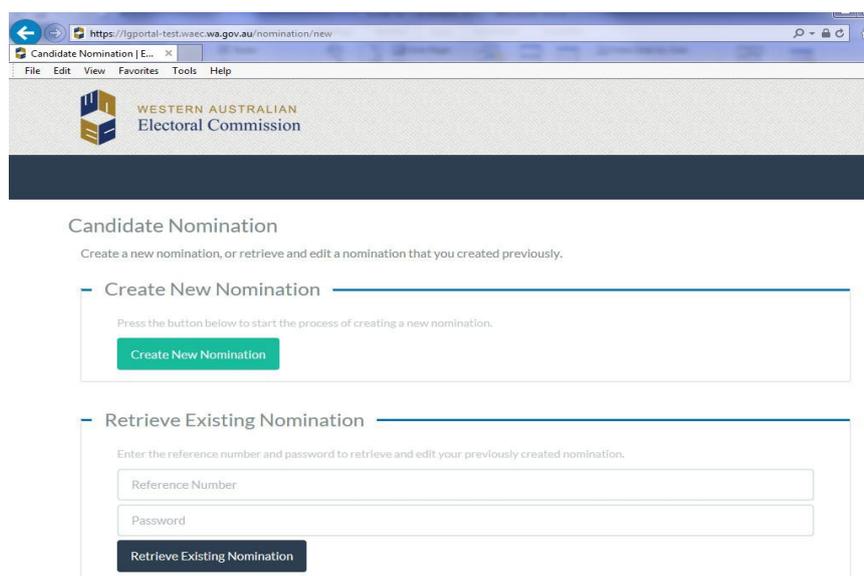
A nomination may be withdrawn at any stage up to the close of nominations, but not thereafter. Withdrawal of a nomination must be:

- in writing and received by the Returning Officer at the nomination place, either signed by the candidate or accompanied by evidence that the candidate has consented to the withdrawal of their nomination.

Nomination Builder

Candidates complete their nomination details and profile via *Nomination Builder* at www.elections.wa.gov.au. Access to the online nomination form is via the reference number and password created by the candidate at their initial login.

Once completed, the candidate must then print and sign the form which has a reference number and lodge it with the Returning Officer in person or through a properly appointed agent.



Candidate Nomination

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

Create New Nomination

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

Create New Nomination

Retrieve Existing Nomination

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

Reference Number

Password

Retrieve Existing Nomination

Candidates must keep a record of their Reference Number and Password.

Nomination Form

The candidate should specify how they wish their name to appear on the ballot paper. This may be by:

- given name in full;
- an initial for first name(s); or
- a commonly accepted variation of their first name (eg. Bob in lieu of Robert).

The Returning Officer has discretion as to what is acceptable. A candidate's surname will always appear first on the ballot paper.

Candidate Profile

Profiles must:

- be written in English and contain no more than 800 characters including spaces
- be able to be printed on a single A4 page
- stay confined to biographical information about a candidate and statements of their beliefs
- include the candidate's name (in the form it is to be included on the ballot paper); and
- at least one means of contact (address, phone number, email, social media or web page address).

The local government and ward name, candidate's name and contact details will not be counted in the 800 character limit. Importantly, the 800 character limit includes letters, numerals, all punctuation and grammatical marks (ie full stops, commas, brackets, hyphens and so on) as well as spaces between words and sentences.

It is suggested that your profile be provided to the Returning Officer for review **prior to nomination**. If it is longer than the permitted limit, the Returning Officer may delete characters but will endeavour to consult with the candidate in the **time available**. Profiles are also published and posted out to all electors as part of the election package, as well as being displayed on the local government public noticeboard.

All profiles for this purpose are printed in a standard style with all formatting such as bullet points statements in capital letters and bolding removed.

Deposit

An \$80 deposit must be paid to the Returning Officer. Cash, bank cheques and money orders (made payable to the local government) are acceptable but personal cheques cannot be accepted. The Returning Officer will only accept electronic payment of the deposit by bank transfer or other means (e.g. credit card), if proof can be provided that the deposit has been credited to the local government's trust account before close of nominations. Arrangements for paying the deposit like this must be made in advance with the local government.

After the election the Returning Officer will advise the local government to refund deposits under the following conditions:

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

Candidate Photograph

The inclusion of a photograph with the profile is optional. If a photograph is supplied, it must be passport photo size of the candidate's head or head and shoulders, have a clear background, and be not more than six months old or considered by the Returning Officer as an acceptable likeness. The Returning Officer may use their discretion and reject a photograph if they believe it is not a true representation of the candidate.

Rejection of Nomination

A nomination may be rejected if:

- it is incomplete - the deposit is unpaid, missing the nomination form or profile
- a candidate was not an elector of the district as at the close of enrolments
- a candidate is standing for office as councillor at another election
- a candidate is the holder of an office or a member of the council whose term of office expires later than election day; or
- A candidate is unable to provide the mandatory training course reference number and date.

Declaration of Nominations

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

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

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

Draw for Positions on Ballot Paper

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

Step 1 – Writes names of candidates on slips.

Step 2 – Places slips in separate opaque spheres.

Step 3 – Places spheres in a box and shakes well.

Step 4 – Removes a sphere and opens it.

Step 5 – Records name on list in descending order on the ballot paper draw form and continues this until all names have been drawn and recorded.

The first drawn name will appear first on the ballot paper list of candidates.

Election Campaign – Postal Elections

Electors will be sent an election package containing postal voting instructions, ballot papers with candidate profiles attached, a ballot paper envelope with an elector certificate attached and a reply paid postage envelope. Replacement voting packages are available from the local government.

The Commission publishes daily statistics of postal election packages returned via Australia Post on its website. These figures are indicative only.

Approximately 50% of those who vote in local government elections return their ballot papers within a week of receiving them.

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

Election Campaign – In Person Elections (not postal elections)

Ordinary voting is the most common type of voting and occurs on election day when electors cast their vote at a polling place(s) within the district in which they are enrolled. Polling commences at 8.00 am and closes at 6.00 pm.

The Commission's and the local government's websites will indicate the location of polling place(s).

A person may not do any of the following inside a polling place or within 6 metres from the entrance to a polling place:

- canvass for votes
- solicit the vote of an elector
- induce an elector not to vote for a particular candidate
- induce an elector not to vote at the election.

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

Early Voting is a vote cast by an elector at a designated location before the day of the election at that local government. Postal voting requires a written application to that specific local government. It is also unlawful for a candidate to handle or collect electors' postal vote packages. The Act provides a severe penalty for any offence.

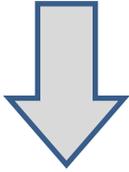
Electors also may cast an absent vote at any other local government district office before election day.

Please refer to the election timelines in the Appendices for specific start and end dates.

Processing Postal Votes

The processing of returned postal voting packages commences about two weeks before election day, however there is no counting of votes until after 6.00 pm on election day.

Election Packages sent to all electors on the roll



Replacement election packages may be issued to electors on the roll who apply in person at their local government offices during business hours and at the polling place between the hours of 8.00 am and 6.00 pm on election day.
Provisional postal election packages may be issued to eligible electors who applied for enrolment before roll close if their names have been omitted from the electoral roll in error.



Voters return reply paid envelopes containing ballot papers to the Returning Officer or to an electoral officer at the local government.

Reply paid envelopes are opened.
Ballot paper envelopes are extracted.

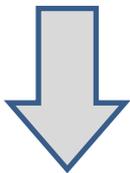


Electors' certificates are checked for signature of elector and completion in accordance with regulations.

If the elector's certificate has been removed or not completed in accordance with reg 52(b) of the Local Government (Elections) Regulations 1997, the ballot paper envelope is stamped 'Rejected' and is put aside.



Elector barcodes printed on ballot paper envelopes are scanned to record receipt of returned voting package and mark the elector on the roll as having voted.



Certificates are detached from ballot paper envelopes. After this point, it is no longer possible to identify the voter who completed the ballot paper.



Ballot papers are removed from ballot paper envelopes without inspection and placed into sealed ballot boxes.

**ELECTION DAY
6:00 PM**

Counting of votes commences after 6.00 pm. Scrutineers can 'observe' the count.

Counting of Votes

The votes will be counted at the place(s) notified in the election notice. The result of the election for a mayor/president will always be determined first. The Returning Officer's decision about the formality of a ballot paper is final. The USB provided to candidates includes a *Ballot Paper Formality Guide*.

Declaration of Result

The result of a count is not final until the Returning Officer formally declares the result.

Disputed Returns

An invalidity complaint challenging the result of an election must be made in writing within 28 days of election day, to a Court of Disputed Returns constituted by a Magistrate.

Electoral Advertising and Publications

Electoral material consists of any advertisement, handbill, pamphlet, notice, website, social media page, letter or article for the election, whether printed or in electronic form. Electoral material **must** have the name and address (not be a post office box) of the person who authorised its publication. In the case of electoral material that is printed other than in a newspaper, the name and business address of the printer **must** also appear at the end of the electoral material.

The name and address of the person authorising the electoral material and a printer does not have to appear on car stickers, clothing, lapel badges, pens, pencils, balloons, and other similar promotional material.

Websites and Social Media

Anyone (not just candidates) who establishes or utilises a website or social media page (e.g. Facebook, Twitter, etc) that is intended or calculated to affect the result of a local government election is required to ensure its content is duly authorised. The courts have clearly reinforced that anonymity is unacceptable in electoral material; someone must take responsibility for the content and its publication and dissemination. It need not necessarily be the candidate themselves.

As with advertisements, posters, pamphlets and the like, the *Local Government Act 1995* requires that the name and physical address (not a PO Box number) of the authorising person be provided. This may be placed in the footer or landing page of a website (or under the "About" or "Contact" tabs) or in the "bio" or "About" space for a social media site. Subsequent posts or comments placed on that site do not need to be separately authorised.

Alleged false or misleading material

The Commission often receives complaints from candidates about material published by their opponents or in the media. Most of these complaints are unable to be acted upon by Commission personnel.

It is not the Returning Officer's responsibility to verify the accuracy or otherwise of content or comments posted on the internet or social media. An individual who believes that they have been defamed, or that comments made about them on social media are untrue, can refute such statements publicly, and if they think fit is able to seek their own legal advice and pursue the matter in the civil courts.

Offence provisions relating to misleading or deceptive material have been narrowly interpreted by the courts to mean misleading an elector in the act of completing their ballot paper (e.g. publishing material that might induce an elector to unknowingly cast an informal vote); as opposed to making allegations about which electors must form their own judgements.

Equivalent provisions in the Commonwealth and WA State Electoral Acts do not apply to local government elections. However, some federal broadcasting provisions, and other laws may still apply.

Social media companies have platform policies, community guidelines and tools to help people ask questions about electoral information on their platforms. More recently, social media companies have taken steps to remove material and groups from their platforms when the information and posts were designed to mislead and misinform electors.

Scrutineers

Candidates are entitled to appoint a scrutineer on their behalf. Further information on the rights and responsibilities of scrutineers can be found on the Commission's website or on the candidate USB supplied by the Returning Officer. Typically, only one scrutineer per candidate per count table will be allowed.

Electoral Donations and Gifts

All enquiries referring to the disclosure of gifts and donations should be directed to the CEO of the local government district.

Appendix 1 – Postal Election Timeline

Days to Polling Day	Local Government Act	References to Act/Regs	Day	Date
80	Last day for declaration to have the Electoral Commissioner conduct a postal election.	LGA 4.20 (2)(3)(4)	Wed	28/07/2021
80	A decision made to conduct the election as a postal election cannot be rescinded after the 80th day.	LGA 4.61(5)	Wed	28/07/2021
70	Electoral Commissioner to appoint a person to be the Returning Officer of the Local Government for the election.	LGA 4.20 (4)	Sat	7/08/2021
70 to 56	Between the 70th/56th day the CEO is to give Statewide public notice of the time and date of close of enrolments. Preferred date Wednesday 11 August 2021	LGA 4.39(2)	Sat to Sat	7/08/2021 to 21/08/2021
56	Last day for the CEO to advise the Electoral Commissioner of the need to prepare a residents roll.	LGA 4.40(1)		21/08/2021
56	Advertising may begin for nominations from 56 days and no later than 45 days before election day. Preferred date Wednesday 25 August 2021	LGA 4.47(1)	Sat	21/08/2021
50	Close roll 5.00 pm	LGA 4.39(1)	Fri	27/08/2021
45	Last day for advertisement to be placed calling for nominations.	LGA 4.47(1)	Wed	1/09/2021
44	Nominations Open First day for candidates to lodge completed nomination paper, in the prescribed form, with the Returning Officer. Nominations period is open for 8 days.	LGA 4.49(a)	Thu	2/09/2021
38	If a candidate's nomination is withdrawn not later than 4.00 pm on the 38th day before election day, the candidate's deposit is to be refunded.	Reg. 27(5)	Wed	8/09/2021
37	Close of Nominations 4.00 pm on the 37th day before election day.	LGA 4.49(a)	Thu	9/09/2021
36	Last day for the CEO to prepare & certify an owners & occupiers roll for the election. Last day for the Electoral Commissioner to prepare & certify a residents roll.	LGA 4.41(1) LGA 4.40(2)	Fri	10/09/2021
29	Commencement of lodgement of Country Local Government District election packages with Australia Post. Delivery dependent on normal Australia Post standards.		Fri	17/09/2021
24	Commencement of lodgement of Metropolitan Local Government District election packages with Australia Post. Delivery dependent on normal Australia Post standards.		Wed	22/09/2021
22	The preparation of any consolidated roll under subregulation (1) be completed on or before 22nd day before election day.	Reg. 18(2)	Fri	24/09/2021
19	Public Holiday		Mon	27/09/2021
19	Last day for the Returning Officer to give Statewide public notice of the election. Preferred date Wednesday 15 September 2021	LGA 4.64(1)	Mon	27/09/2021
18	Commence processing returned election packages		Tue	28/09/2021
0	Election Day Close of poll 6.00 pm	LGA 4.7	Sat	16/10/2021

Roll Close

Nominations Open

Nominations Close

Election Day

Appendix 2 – In-Person Election Timeline

Days to Polling Day	Local Government Act	References to Act/Regs	Day	Date
80	Last day for declaration to have the Electoral Commissioner conduct an in person election.	LGA 4.20 (2)(3)(4)	Wed	28/07/2021
70	Electoral Commissioner to appoint a person to be the Returning Officer of the Local Government for the election.	LGA 4.20 (4)	Sat	7/08/2021
70 to 56	Between the 70th/56th day the CEO is to give Statewide public notice of the time and date of close of enrolments. Preferred date Wednesday 11 August 2021	LGA 4.39(2)	Sat to Sat	7/08/2021 to 21/08/2021
56	Last day for the CEO to advise the Electoral Commissioner of the need to prepare a residents roll.	LGA 4.40(1)		21/08/2021
56	Advertising may begin for nominations from 56 days and no later than 45 days before election day. Preferred date Wednesday 25 August 2021	LGA 4.47(1)	Sat	21/08/2021
50	Close roll 5.00 pm	LGA 4.39(1)	Fri	27/08/2021
45	Last day for advertisement to be placed calling for nominations.	LGA 4.47(1)	Wed	1/09/2021
44	Nominations Open First day for candidates to lodge completed nomination paper, in the prescribed form, with the Returning Officer. Nominations period is open for 8 days.	LGA 4.49(a)	Thu	2/09/2021
38	If a candidate's nomination is withdrawn not later than 4.00 pm on the 38th day before election day, the candidate's deposit is to be refunded.	Reg. 27(5)	Wed	8/09/2021
37	Close of Nominations 4.00 pm on the 37th day before election day.	LGA 4.49(a)	Thu	9/09/2021
36	Last day for the CEO to prepare & certify an owners & occupiers roll for the election. Last day for the Electoral Commissioner to prepare & certify a residents roll.	LGA 4.41(1) LGA 4.40(2)	Fri	10/09/2021
31	Preferred date: Notice of Election advertisement	LGA 4.64(1)	Wed	15/09/2021
31	Issuing of postal election packages is to commence [Date of election notice or as soon as practicable after this day]	Reg. 44(2)	Wed	15/09/2021
31	Commencement of absent voting [Date of election notice or as soon as practicable after this day]	Reg. 54(2)	Wed	15/09/2021
31	Commencement of early voting [Date of election notice or as soon as practicable after this day]	Reg. 59(2)	Wed	15/09/2021
22	The preparation of any consolidated roll under subregulation (1) be completed on or before 22nd day before election day.	Reg. 18(2)	Fri	24/09/2021
19	Public Holiday		Mon	27/09/2021
19	Last day for the Returning Officer to give Statewide public notice of the election. Preferred date Wednesday 15 September 2021	LGA 4.64(1)	Mon	27/09/2021
4	Absent voting closes 4.00pm	Reg. 54(2)	Tue	12/10/2021
1	Early voting closes 4.00pm	Reg. 59(2)	Fri	15/10/2021
0	Election Day Close of poll 6.00 pm	LGA 4.7	Sat	16/10/2021

Roll Close

Nominations Open

Nominations Close

Election Day

Notes

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Translating and Interpreting Service (TIS)
13 14 50 and then ask for (08) 9214 0400

National Relay Service (NRS)
Speak and Listen number 1300 555 727
SMS Relay number 0423 677 767



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Electoral Commission

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