

# HANDBOOK

For Parties and Candidates-  
State By-Elections





# INTRODUCTION

Candidates should be aware that the *Parliamentary Electorates and Elections Act 1912* (the Act) and the *Parliamentary Electorates and Elections Regulation 2006* govern the conduct of Parliamentary elections in New South Wales.

This handbook is intended to assist candidates and registered political parties (RPPs) participating in a by-election by explaining relevant processes and procedures. It is not however a substitute for the law.

While the NSWEC will provide information, it does not provide legal advice. If candidates are in doubt about any legal matters regarding the election, they should seek their own independent legal advice.

Candidates should also read the following handbooks:

- Handbook for Scrutineers – State By-Elections;
- Funding and Disclosures Guide for State Government Candidates at By-Elections

All forms and publications referred to in this handbook can be downloaded from the NSWEC's website: [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au) and the Election Funding Authority's (EFA) website [www.efa.nsw.gov.au](http://www.efa.nsw.gov.au). They can also be obtained by contacting the Returning Officer or the NSWEC (02 9290 5999).

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# CONTENTS

Glossary .....	1
<b>1. General Information.....</b>	<b>3</b>
Election Writs.....	3
<b>2. Eligibility Requirements for Candidates .....</b>	<b>4</b>
<b>3. The Nomination Process .....</b>	<b>5</b>
Nomination of a Candidate.....	5
How to Lodge a Nomination.....	6
Child-Related Conduct Declaration .....	6
Defective Nomination .....	6
Nomination Form Confidentiality.....	7
Nomination Accepted .....	8
Withdrawal of Nomination.....	8
Death of a Candidate .....	9
Uncontested Election .....	9
Return of Nomination Deposit.....	9
<b>4. Electors .....</b>	<b>10</b>
Close of Electoral Rolls.....	10
Copies of the List of Electors to Candidates.....	10
<b>5. Ballot Papers .....</b>	<b>11</b>
Form of Names on Ballot Paper .....	11
Party Affiliation on Ballot Paper.....	11
Draw for Position on Ballot Paper .....	11
<b>6. Election Advertising.....</b>	<b>13</b>
Posters.....	13
Misleading Information .....	14
Authorisation of Advertising Material.....	14
Advertising in the Electronic Media .....	15
<b>7. Registration of Electoral Material for Distribution on Election Day .....</b>	<b>16</b>
Electoral Material .....	16
Electoral Material to be Registered .....	16
How to Register Electoral Material .....	17
When to Register Electoral Material.....	17
NSWEC to Determine Whether Electoral Material is to be Registered .....	18
Electoral Material for Declared Institutions .....	19
<b>8. Voting Before and On Election Day .....</b>	<b>20</b>
Postal Votes .....	20
Registered General Postal Voters.....	21
Pre-Poll Votes.....	21
Declared Institutions.....	22
Election Day .....	23
<b>9. Assistance to Vote.....</b>	<b>24</b>
Assistance to Electors when Voting .....	24
Electors Who are Unable to Sign Their Name.....	25
Elderly or Frail Electors or Those with a Disability or Vision Impairment .....	25
Culturally and Linguistically Diverse Electors .....	25
<b>10. Ballot Paper Count .....</b>	<b>26</b>
Optional Preferential.....	26
Formality of Ballot Papers.....	26
Counting at Polling Place .....	27
Scrutiny of Declaration Votes.....	28
Distribution of Preferences .....	28
<b>11. Scrutineers.....</b>	<b>29</b>
Role of Scrutineers .....	29
Appointment of Scrutineers.....	29
Attendance of Scrutineers.....	30

Conduct of Scrutineers.....	30
Canvassing for Votes .....	31
<b>12. Party and Candidate Workers.....</b>	<b>32</b>
Party and candidate Workers at Pre-poll Voting Centres .....	32
Party and candidate Workers at Polling Places .....	32
<b>13. Electoral Offences .....</b>	<b>33</b>
Alleged Breaches of Legislation .....	33
<b>14. Sample Formal and Informal Ballot Papers .....</b>	<b>34</b>

# GLOSSARY

<b>Candidate</b>	A person who is nominated for election to Parliament.
<b>Certified list</b>	A list of electors eligible to vote at the election.
<b>Close of roll</b>	The date when the roll for the election is closed and no electors can be added or deleted.
<b>Declaration vote</b>	<p>A vote cast by an elector when the ballot papers are enclosed in an envelope containing a printed declaration signed by the voter.</p> <p>This is a general term which includes: pre-poll, postal votes, silent elector votes and other special vote categories.</p>
<b>Declared institution</b>	A hospital, nursing home or convalescent home which is visited by election assistants for the purpose of taking votes from residents who are unable to attend a polling place.
<b>Election</b>	Selection by vote of a person(s) to hold political office. Eligible electors vote for a person(s) to represent them in the Parliament.
<b>Election day</b>	The day when electors go to the polling place to vote. Sometimes referred to as polling day.
<b>Election official</b>	A general term to refer to people appointed to officiate at a place when electors vote. It covers a returning officer, polling place manager and election assistant.
<b>Electoral Commissioner</b>	The statutory officer appointed to manage the conduct of parliamentary and other elections.
<b>Electoral district</b>	For the Legislative Assembly, one of 93 geographical areas containing approximately equal numbers of voters.
<b>How to vote card</b>	Representation of a ballot paper showing an elector how to mark the paper and vote for a particular candidate, group or party.
<b>Legislative Assembly</b>	The lower house of Parliament in NSW consists of 93 members, one elected from each electoral district.
<b>Legislative Council</b>	The upper house of Parliament in NSW. It has 42 members elected for an eight year term, half of whom are elected at each general election every four years.
<b>Nomination</b>	The process by which a person applies to become a candidate for election.
<b>Ordinary vote</b>	A vote recorded in the usual manner in a polling place on election day.
<b>Party worker</b>	A person who assists candidates by handing out how to vote cards. Unlike scrutineers, a party worker has no official status.
<b>Polling place</b>	A building such as a school designated as a place to which voters go during an election to cast their votes.

<b>Postal vote</b>	Electors who are unable to attend a polling place during polling hours on election day may vote by post. Electors must apply for a postal vote prior to election day and they must qualify to be eligible to vote as a postal voter.
<b>Pre-poll voting</b>	Electors who won't be able to vote on election day for certain specified reasons can vote before election day at the office of the returning officer or a pre-poll voting centre.
<b>Recount</b>	A second count of votes in an election. Recounts are ordered by the Electoral Commissioner.
<b>Registered electoral material</b>	Electoral material including how to vote cards registered by the Electoral Commissioner for distribution on election day. Only registered electoral material can be distributed on election day. In order to be registered it must satisfy certain requirements.
<b>Registered general postal voters</b>	Electors who satisfy certain legislative provisions can receive their postal votes automatically without further application.
<b>Registered political parties (RPPs)</b>	<p>An organised group with a common political philosophy which seeks to win and retain public office for itself and its leaders.</p> <p>Party organisations support or endorse candidates for elections who, if elected, usually vote as a group for its policies in Parliament.</p> <p>The party with the greatest number in the Legislative Assembly forms the government.</p> <p>Political parties are registered with the NSWEC. Eligible parties must satisfy certain statutory requirements in order to be registered.</p>
<b>Reference list</b>	A list of electors eligible to vote at an election.
<b>Returning officer</b>	An official appointed by the Electoral Commissioner to conduct an election for a Legislative Assembly district.
<b>Scrutineer</b>	A person appointed by a candidate to ensure that procedures and counting are undertaken in a proper manner.
<b>Scrutiny</b>	The check of declaration envelopes to ensure compliance before the vote is admitted to count.
<b>Silent elector</b>	An elector whose address does not appear on the certified list or reference list for personal safety reasons.
<b>Writ</b>	The document by which the Speaker of the Legislative Assembly directs returning officers to conduct a by-election. The Speaker issues Writs on the advice of the government.

# 1. GENERAL INFORMATION

## ELECTION WRITS

The by-election commences when the Speaker of the Legislative Assembly issues the Writ.

The Writ specifies:

- the date of issue of the Writ;
- the day for the close of candidate nominations (nomination day);
- the date of election day; and
- the day for the return of the Writ to the Speaker.

All other dates concerning the election are specified in the *Parliamentary Electorates and Elections Act 1912*.

## 2. ELIGIBILITY REQUIREMENTS FOR CANDIDATES

Although any person enrolled in the State of New South Wales may nominate as a candidate, the *Constitution Act* 1902 (sections 13, 13A, 13B and 13C) specifies certain circumstances that will disqualify a person from being elected to the Legislative Assembly.

If you are in any doubt about your eligibility you should seek independent legal advice.

### Public servants nominating as candidates

The conditions under which New South Wales public servants may contest state elections are prescribed by section 102 of the *Public Sector Employment and Management Act* 2002. The Act provides that:

- public sector employees nominated for election are to be granted a leave of absence until the day on which the result of the election is declared;
- the leave of absence is without pay, unless the employee applies to use available leave entitlements; and
- public sector employees standing for election are not required to resign until elected.

In order to avoid any potential conflict of interest, it is preferable for public sector employees to take leave of absence for election campaigning purposes from the day of nomination.

Conditions relating to Commonwealth public servants are governed by Commonwealth legislation and any Commonwealth public servant proposing to nominate is advised to consult their employer and obtain their own independent legal advice regarding the question of resignation before nominating.

## 3. THE NOMINATION PROCESS

Prospective candidates should be aware that:

- they must be enrolled for an electoral district by the time the roll closes (6pm on the day the Writ issues);
- they can only nominate in the names for which they are enrolled;
- nominators for Legislative Assembly candidates must be enrolled for the respective district;
- the nomination deposit (\$250) can be paid in cash or by cheque drawn by an authorised deposit-taking institution; and
- they need to submit a completed nomination form and a *Child-related Conduct Declaration*; and
- they must complete and submit an *Application for Registration of a Candidate for a State Election* (this form is part of the nomination form).

### NOMINATION OF A CANDIDATE

A candidate may be nominated in one of two ways:

#### 1. Nomination by Registered Political Party (RPP)

The registered officer (or deputy) of an RPP can nominate a candidate but the party must have been registered 12 months prior to nomination day.

Candidates endorsed in this way should use the form: *Nomination of Candidate by a Registered Political Party*.

#### 2. Nomination by 15 Electors

A person can also be nominated as a candidate for an electoral district by 15 people who are enrolled for the district to be contested. These candidates are known as 'independent candidates' and may choose to have 'Independent' below their name on the ballot paper. The relevant form is: *Nomination of Candidate by 15 Electors*.

It is the candidate's responsibility to check that their nominators are enrolled for the district (nominators can check their enrolment status on the Australian Electoral Commission (AEC) website at [www.aec.gov.au](http://www.aec.gov.au)). In case some of the 15 nominators are not enrolled it is suggested that candidates get the signatures of more than 15 nominators.

**Note:** A candidate cannot nominate themselves, and an elector cannot nominate more than one candidate

## HOW TO LODGE A NOMINATION

Completed nomination forms can be lodged from the day the Writ is issued until noon on the day set out in the Writ as nomination day.

Candidates (or their representative) may lodge their nomination form in person or by post or fax to the returning officer for the district they are contesting by noon on the day for close of nominations.

The nomination deposit of \$250 must accompany the nomination form. It can be paid in cash or by cheque drawn by an authorised deposit-taking institution made out to the NSWEC, and a receipt will be issued.

## CHILD-RELATED CONDUCT DECLARATION

The *Parliamentary Electorates and Elections Amendment (Child Sexual Offences Disclosures) Act 2006* requires all candidates for election to the NSW Parliament to declare whether they have been:

- convicted of the murder of a child or a child sexual offence;
- the subject of proceedings for such an offence; or
- the subject of an apprehended violence order for the purposes of protecting a child from sexual assault.

This declaration is to be lodged with the nomination. If a person fails to complete this declaration the nomination will be invalid. The declarations of all candidates must be made public by the NSWEC, and will be posted on the NSWEC's website.

It will also be a criminal offence to make a false declaration deliberately (maximum penalty of up to 5 years imprisonment), and if a member of Parliament is convicted of making a false declaration, he or she will be disqualified from sitting in Parliament pursuant to section 13A of the *Constitution Act 1902*.

After the election, the declarations of elected candidates will be reviewed by the Commissioner of Children and Young People and a report on the findings tabled in both Houses of Parliament. Any apparent unlawful conduct by members of Parliament relating to their declaration will then be referred to police for investigation and prosecution.

## DEFECTIVE NOMINATION

When a nomination is lodged the returning officer will check the form to ensure it has been accurately completed. This includes ensuring that:

- the candidate is on the electoral roll;

- if the candidate is nominated by an RPP, that the details and the signature of the registered officer (or deputy) are correct; and
- if the candidate is nominated by 15 electors, that the nominators are enrolled in the electoral district being contested, and that they have not nominated another candidate in the election.

If the form is delivered in person a preliminary check will be completed before the candidate or their representative leaves the returning officer's office.

If the nomination is ultimately found to be defective, the candidate or their representative will be informed and the nomination form returned. It is the candidate's or RPP's responsibility to rectify any defective nomination by noon on nomination day.

Note: It is recommended that all nominations are lodged as early as possible so that any defects, which may be found during the checking process, can be remedied in time. If compliance with the necessary requirements has not occurred by noon on the day nominations close, the nomination will be rejected.

## NOMINATION FORM CONFIDENTIALITY

Nomination forms are confidential however certain details are required to be displayed on the NSWEC's website for each candidate as soon as practicable after the nomination is received. These are:

- the candidate's name;
- the nominated district;
- the suburb, town or other locality of the candidate's place of residence, (including candidates listed as silent electors); and
- the child-related declaration.

Candidates' contact phone details will only be released if candidates have given their consent on the nomination form.

## NOMINATION ACCEPTED

When the nomination is accepted, a candidate kit will be issued to the person who lodged the nomination.

The candidate kit includes:

- Handbook for Parties and Candidates – State By-Elections
- Handbook for Scrutineers – State By-Elections
- Funding and Disclosure Guide for State Government Candidates and Groups
- Application to Register Electoral Material
- Notice of Appointment of Official Agent
- Copy of the Election Timetable
- Map of Electoral District
- Electorate Profile for the District
- List of Polling Places
- List of Declared Institutions
- Printed Reference List of Electors for Electoral District (when available)
- Request for Electronic List Of Electors Enrolled For the District
- Appointment of Scrutineer Form
- Election Funding Receipt Book
- Election Funding Acknowledgement Book

## WITHDRAWAL OF NOMINATION

Candidates may withdraw their nomination before noon on the day nominations close by providing written notice to the returning officer.

A registered officer (or deputy) of an RPP cannot withdraw a candidate's nomination form even though they may have endorsed that candidate.

## DEATH OF A CANDIDATE

If a candidate dies before noon on the day nominations close, the nomination period is extended by one day.

If a candidate dies, after noon on nomination day and before election day, the election is deemed to have failed, and a new Writ is issued for an election in that district to be held at a later date.

## UNCONTESTED ELECTION

If by the close of nominations, only one candidate has been nominated for the electoral district, that candidate will be declared elected.

## RETURN OF NOMINATION DEPOSIT

After the election the deposit will be refunded to the candidate (or a person authorised by the candidate in writing to receive it), or to the registered officer of the party (if the candidate was nominated by the registered officer) if the candidate:

- is elected;
- has received at least 4% of the total number of first preference votes;
- died before the date of the election; or
- withdrew the nomination before the close of nominations.

If a candidate withdraws his or her nomination the nomination deposit will not be returned until after the election.

## 4. ELECTORS

It is compulsory for all Australian citizens who are 18 years or older to be on the electoral roll for the address at which they reside, and to vote at federal, state and local government elections.

The AEC maintains the electoral roll for all elections and any person wishing to enrol or change their enrolment details must complete an enrolment form. These enrolment forms can be downloaded from the AEC and NSWEC websites. They are also available from all AEC offices, the NSWEC, post offices, and returning officers.

### CLOSE OF ELECTORAL ROLLS

The cut-off date for people to enrol or change their enrolment details for any given election is called the 'close of rolls'. Any person not enrolled by the close of rolls will not be included on the roll for that election.

For state by-elections, the roll always closes at 6pm on the day that the Writ is issued. Therefore, any person needing to enrol or change their enrolment details for state elections must complete an enrolment form and ensure that it (or a faxed copy) is received at an office of the AEC by that time.

### COPIES OF THE LIST OF ELECTORS TO CANDIDATES

Candidates will receive, free of charge, two printed copies of the list of electors for the district they are contesting. The list of electors will contain the name and address of electors entitled to vote in the election but it will not contain electors' dates of birth or the address of any silent elector.

Candidates may request an electronic list of electors enrolled for the district. The completed request should be sent or faxed to the NSWEC.

Candidates may only use the list of electors in connection with their candidacy at the election, and for monitoring the accuracy of information contained on the list of electors.

There are very sound reasons why candidates must treat the electoral roll with absolute privacy as it contains electors' personal information. Electors are required by law to provide their personal information for the purpose of enrolment. If electors believe that their personal information is being misused then they will be reluctant to maintain their enrolment.

There are significant penalties for anyone (including candidates) using the electoral roll for a purpose other than a permitted purpose.

## 5. BALLOT PAPERS

### FORM OF NAMES ON BALLOT PAPER

A candidate's surname on the ballot paper will appear as it is on the electoral roll.

Candidates are permitted only one given name to appear on the ballot paper. The name may be any one of the enrolled given names or a recognised diminutive, contraction or derivative of that enrolled name eg Bob for Robert, or Peggy for Margaret.

A nickname is not permitted even though a candidate may be well known by that nickname.

If the first name is hyphenated it will appear on the ballot paper as enrolled, unless the candidate requests on the nomination form that only one of the hyphenated names be shown.

No titles such as Dr for Doctor or JP for Justice of the Peace are permitted.

### PARTY AFFILIATION ON BALLOT PAPER

Candidates nominated by RPPs may have the registered name of the party (or its registered abbreviation) printed on the ballot paper below their name.

Candidates not endorsed by an RPP may have the word 'Independent' printed below their name on the ballot paper.

This preference must be indicated on the nomination form.

### DRAW FOR POSITION ON BALLOT PAPER

The order of candidates' names on the ballot paper is determined by a draw, which is conducted by the returning officer at his or her office at 2pm on the day of close of nominations. Candidates, or their representative, will be invited by the returning officer to be present to witness the draw.

The returning officer is required to place the name of each candidate on separate slips of paper, all of the same size. These slips are enclosed in individual plastic cylinders which are then sealed and placed in a small ballot box. This ballot box is closed and the returning officer shakes and rotates the box. Any other people present may also shake and rotate the box. The box is handed to an assistant who holds it so that the contents cannot be seen, and the returning officer withdraws the cylinders from the box one at a time.

The name of the candidate in the first cylinder extracted will appear first on the ballot paper. The remaining names will appear on the ballot paper in descending order as they are drawn from the box.

Each candidate present (or his or her representative) will be asked to sign the list of candidates' names for verification purposes.

## 6. ELECTION ADVERTISING

The Act provides directions in relation to content, size, type and placement of electoral material.

In addition, parties, candidates, their workers, individuals, organisations or community groups must comply with any other legal obligations eg complying with local government (Council) requirements.

### POSTERS

Candidates, RPPs and others may use posters in support of election campaigns.

Once the Writ has been issued all posters must show the name and address of the person authorising the printing of the poster, and the name of the printer and the address at which it was printed. These requirements give authenticity to the document and allow the source or printer to be contacted, if necessary.

This provision applies whether a poster is displayed on a building, a motor vehicle, attached to a wooden stake or is in banner form.

It is also an offence to write, draw or depict any electoral matter directly on any roadway, footpath, building, vehicle, vessel, hoarding or place.

The size of posters is only regulated when they are displayed in certain areas at a polling place on election day. Posters within 5 metres of the entrance to a polling place (the actual building) or on an outer wall, fence or other boundary to the grounds are not allowed to be bigger than 8,000 square centimetres (80cm x 100cm) in area. Several single posters of the required size must not be joined together so as to create a sign in excess of the legal maximum size.

On election day, posters cannot be fixed to trees or buildings within any grounds being used as a polling place.

Once the Writ has been issued, posters of any size are not to be displayed on or in any premises owned or occupied by the Crown or by any statutory body representing the Crown or any Council. However they may be exhibited at the office or committee room of a candidate or a political party or at the electoral office of a Member of Parliament.

Posters are not to be exhibited on or in unoccupied premises unless permission has first been obtained from the owner, and it is also unlawful to attach posters to telegraph poles without the written consent of the appropriate electricity provider.

If the returning officer receives a complaint concerning an illegal poster outside a polling place, the candidate or RPP will be contacted and requested to arrange for its removal. Election officials retain the power to remove non-compliant posters displayed at a polling place on election day.

## MISLEADING INFORMATION

It is illegal to print, publish or distribute material which misleads electors in the proper method of casting a vote (eg directing that two candidates each be given a first preference vote).

These provisions do not extend to the truth or otherwise of statements seeking to influence electors in deciding for which candidate or party they should vote.

It is illegal for candidates and parties to print, publish or distribute electoral advertising material which uses the name, abbreviation, derivative or acronym of the name of an RPP in a way which may mislead an elector.

A candidate is not permitted to distribute election advertising material marked with the printed logo of an RPP in a fashion which could lead electors to think the candidate was endorsed by the RPP when this is not the case.

It is illegal to use the word 'Independent' and the name, abbreviation, derivative or acronym of a registered party in a way that suggests or indicates an affiliation with that RPP. For example, independent candidates cannot describe themselves as 'Independent Liberal' or 'Independent Labor'.

## AUTHORISATION OF ADVERTISING MATERIAL

Once the Writ has issued all electoral advertising material (advertisements, how to vote cards, handbills, pamphlets, posters or notices) must include details of the name and full address of the person authorising the printing of the material, and the name of the printer and the full address at which it was printed.

Where candidates or RPPs print material using their own resources they should print at the bottom of the material:

*'Authorised and printed by ..... of.....'*

If electoral material is printed at a candidate's home they must show their residential address as the printer's details. A post office box as the address is acceptable for use by the person authorising the material but it is not acceptable as the printer's address. This address must be a street address and suburb.

It is acceptable for electoral material not originally including this information to be amended by writing, stamping or overtyping the necessary details.

Advertisements placed in newspapers require the details of the name and address of the person authorising the material, but do not require the inclusion of details of the printer as long as these details appear on the newspaper.

## ADVERTISING IN THE ELECTRONIC MEDIA

Under the Commonwealth *Broadcasting Services Act* 1992, any political advertising on radio and television must cease after midnight on the Wednesday before election day.

Information concerning authorisation of television and radio advertisements can be found on the Australian Communications and Media Authority (ACMA) website [www.acma.gov.au](http://www.acma.gov.au)

## 7. REGISTRATION OF ELECTORAL MATERIAL FOR DISTRIBUTION ON ELECTION DAY

### ELECTORAL MATERIAL

Under the Act, electoral material means a how to vote card, handbill, pamphlet or notice containing electoral matter that:

- is intended or calculated to affect the result of an election or is intended or calculated to influence an elector in the casting of his or her vote;
- contains an express or implicit reference to or comment on:
  - the election;
  - the Government, the Opposition, a previous Government or a previous Opposition, of the State of the Commonwealth or any other State or Territory;
  - a member or a former member of Parliament or the Parliament of the Commonwealth, any other State or a Territory;
  - a political party, a branch or division of a political party or a candidate in the election; or
  - an issue submitted to, or otherwise before, the electors in connection with the election.

### ELECTORAL MATERIAL TO BE REGISTERED

On election day:

- all electoral material being distributed, including how to vote cards, must have been registered by the NSWEC. Posters are not required to be registered;
- all registered electoral material can be inspected at a returning officer's office between 8am and 6pm, by an elector enrolled in the district or any appointed scrutineer;
- any unregistered electoral material may be confiscated by an election official; and
- no electoral material can be distributed within 6 metres of the entrance to the polling place.

## HOW TO REGISTER ELECTORAL MATERIAL

The NSWEC will provide advice on whether the electoral material may be registered even though it may not be in final form. However, the application must contain a draft or sample version of the material. Only one copy of the material is required.

If the electoral material is approved, the NSWEC will issue a certificate of registration. The content of the printed version must not differ from that registered.

A number of versions of the material may be registered, however, there is no requirement that they all be distributed (eg a candidate may register four how to vote cards with the only difference being the order of preferences shown on them, and then only distribute one version on election day).

Candidates are advised to ensure the material is registered before being printed. The NSWEC will provide verbal advice in this regard prior to formally issuing a written certificate.

Application forms to register electoral material can be downloaded from [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au) or obtained from the NSWEC or the returning officer.

Applications made by:

- a candidate must be signed by the candidate, or his/her official agent appointed under the *Election Funding Act 1981*; and
- an RPP must be signed by the registered officer (or deputy) if the candidate has been endorsed by that party.

Individuals, organisations or community groups can also have electoral material registered. Applications made by organisations or community groups should be signed by an officer or representative of the organisation or community group.

## WHEN TO REGISTER ELECTORAL MATERIAL

An application for registration of electoral material must be lodged at the NSWEC, Level 25, 201 Kent Street, Sydney (by hand) or faxed to 9290 5939, no later than 5pm on the Friday in the week before the week of the election (ie. 8 days before election day).

This deadline applies equally to applications requesting variations from previously approved electoral material.

## NSWEC TO DETERMINE WHETHER ELECTORAL MATERIAL IS TO BE REGISTERED

Section 151G of the Act sets out the matters to be considered by the Electoral Commissioner in determining whether to register electoral material. Rather than stating what criteria electoral material must meet to be registered, the section contains a list of factors which will prevent this.

### General

Any form of electoral material must not be registered if it appears to the Electoral Commissioner that the material:

- does not include in legible characters:
  - the name and full address of the person on whose instructions the material was printed; and
  - the name of the printer and full address at which it was printed;
- could result in an elector casting an informal vote; or
- contains words that are obscene or offensive.

### Representation of a ballot paper or directions on how to vote

In addition, if the electoral material contains a representation of a ballot paper or directions on how to vote, then the Electoral Commissioner has to consider a number of other factors to ensure procedural requirements are met. For example:

- a political party is correctly registered;
- the claimed affiliation of candidates with a particular party is accurate;
- a particular candidate is actually endorsed for a particular district;
- an RPP suggests that the highest preferences be given to its candidates;
- the word 'Independent' is not used in connection with the name of an RPP in a way intended or likely to mislead eg a candidate cannot describe themselves as 'an Independent Liberal candidate' or 'an Independent Labor candidate';
- a candidate does not use the name, abbreviation or acronym of an RPP in a way that could mislead any elector eg a candidate supported by an organisation known as 'Anti Licensed Premises' would not be able to use 'ALP' as this could be confused with the Australian Labor Party;
- a how to vote card showing a ballot paper with the candidates' names needs to display these names in the order they appear on the ballot paper; and

- no untrue or incorrect statements are made that are likely to mislead or improperly interfere with any elector casting their vote eg 'unless all squares on the ballot paper are numbered the vote will be informal'.

These provisions are aimed at ensuring that the information before the electors is not misleading and can be relied on by electors when casting their vote.

## ELECTORAL MATERIAL FOR DECLARED INSTITUTIONS

One item of how to vote material per candidate may be nominated for distribution in declared institutions on the application form submitted to the NSWEC. This will enable returning officers to prepare a folder of how to vote electoral material so that electors can view this material when voting at the declared institution. It is the candidates' responsibility to indicate at the time of seeking registration the particular how to vote card that they wish to have included in the declared institutions' folder of how to vote cards.

The NSWEC will arrange for the appropriate returning officer to receive a copy of the how to vote card, as registered, so that this can be copied and included in the folder. Candidates or RPPs who wish to provide the returning officer (not the NSWEC) with a fully printed version of the registered how to vote card can, but this must be done by 1pm on the Saturday before election day.

The general provisions regarding the registration of electoral material apply equally to the material to be used in declared institutions.

## 8. VOTING BEFORE AND ON ELECTION DAY

### POSTAL VOTES

Returning officers commence issuing postal ballot papers as soon as ballot papers are printed and received following the close of nominations.

An elector may apply for a postal vote if he or she:

- will not be within the State on election day;
- will not be within eight kilometres of any polling place;
- will be travelling under conditions which will preclude them from voting;
- is seriously ill or infirm or is approaching maternity;
- is caring for a person who is seriously ill or infirm or approaching maternity;
- is unable to vote in person on election day by reason of their membership of a religious order or their religious beliefs;
- is in prison (separate application);
- will be working throughout the hours of polling; or
- is a silent elector.

Postal vote application forms can be downloaded from [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au). They are also available from the NSWEC or the returning officer.

Applications sent from within Australia must be received by the returning officer no later than 6pm on the Wednesday before election day.

Applications sent from outside Australia must be received by the returning officer no later than 6pm on the Monday before election day.

All postal ballot papers must be returned to the returning officer no later than 6pm on the Wednesday following election day.

## REGISTERED GENERAL POSTAL VOTERS

Certain electors can apply before the issue of the Writ to be a registered general postal voter, which means that they will automatically receive their ballot papers. To be eligible to register in this way an elector must:

- reside more than 20 kilometres from a polling place;
- be absent from the State for a particular period;
- be a patient in a hospital and unable to travel;
- be seriously ill or infirm and unable to travel;
- be caring for a person (not in a hospital) who is seriously ill or infirm;
- be in prison;
- be physically incapacitated and cannot sign their name;
- be a silent elector; or
- be precluded from attending a polling place because of religious beliefs or membership of a religious order.

## PRE-POLL VOTES

People may cast a pre-poll vote if they:

- will not be within the State on election day;
- will not be within eight kilometres of any polling place on election day;
- will be travelling under conditions which will preclude them from voting;
- are unable to vote in person on election day by reason of their membership of a religious order or their religious beliefs;
- are caring for a person who is seriously ill or infirm or approaching maternity;
- will be working throughout the hours of polling; or
- are a silent elector.

The Act has been amended to allow electors to make an oral application that they satisfy one of these conditions.

Pre-poll voting will be available at the returning officers' office and any other locations approved by the NSWEC.

The details of the pre-poll voting locations and times of operation will be available from the returning officer.

Electoral material may be distributed outside the pre-poll voting centre but cannot be handed out inside the voting area.

## DECLARED INSTITUTIONS

Some nursing homes, convalescent homes or hospitals are appointed by the NSWEC as declared institutions. Election assistants from the returning officer's office visit these declared institutions from on the Monday, Tuesday and Wednesday in the week before election day.

Voting at declared institutions can only be done by patients or residents of the facility.

Details of the declared institutions can be obtained from the returning officer. The returning officer will advise the times of visits to declared institutions so that candidates may appoint a scrutineer to accompany election assistants.

No electoral material can be distributed by scrutineers at any time during this visit. The returning officer will prepare a folder of registered how to vote electoral material containing one item provided by each candidate or RPP so that electors can view this material when voting. This material will be kept secure and will only be available for inspection by electors and scrutineers at the institution.

It is the candidate's or RPP's responsibility to arrange for the how to vote card to be registered before voting commences at the declared institutions.

## ELECTION DAY

Polling places will be open on election day from 8am until 6pm.

Votes may be cast by:

- people enrolled for the electoral district (ordinary vote);
- a person whose name does not appear on the electoral roll and who claims it should be (section vote);
- a person who is shown as having already voted at the election and who claims this is not the case (section vote); and
- people whose name appears on the roll and their address has been suppressed for personal safety (silent vote).

## 9. ASSISTANCE TO VOTE

### ASSISTANCE TO ELECTORS WHEN VOTING

Assistance is to be provided to electors if any election official is satisfied that the elector is unable to vote without help. Any elector may seek help however the following groups have been identified as those most likely to require assistance:

- the elderly;
- people with a disability;
- people with vision impairment;
- illiterate people; and
- people from culturally and linguistically diverse backgrounds.

An elector can nominate any person, except a candidate, to assist them. If the elector declines to nominate someone then the election official may provide assistance.

#### **Assistance by a person nominated by the elector**

Where a person nominated by the elector provides assistance, that person may accompany the elector to a voting screen and complete, fold and deposit the ballot paper in the ballot box or into the declaration envelope as appropriate. In this situation, scrutineers are not allowed to enter the voting screen (unless it is the scrutineer who has been nominated to provide assistance).

If assistance is being given for a declaration vote, only the election assistant or other election official should complete the envelope and the elector must sign the declaration.

#### **Assistance by an election official**

Where assistance is provided by a returning officer or other election official, the elector's instructions and the completion of the ballot paper must be witnessed by a third person. A scrutineer may do this, or if there are none, another election official or a person nominated by the elector. An elector may be accompanied by an interpreter who is entitled to be present at all times if the elector needs such help.

## ELECTORS WHO ARE UNABLE TO SIGN THEIR NAME

When completing declaration envelopes, electors who are unable to sign their name may make their 'mark' as a signature. In these cases the elector must make their mark in the presence of the election official acting as a witness.

The election official must identify the fact that the elector made the mark by adding the words 'his mark' or 'her mark' next to the elector's mark.

A person who holds a power-of-attorney for an elector is not permitted to sign on behalf of the elector.

## ELDERLY OR FRAIL ELECTORS OR THOSE WITH A DISABILITY OR VISION IMPAIRMENT

Voting screens suitable for such electors will be available at polling places, and they will also be available in the returning officer's office for pre-poll voting and at other appointed pre-poll voting centres.

Appropriate equipment will also be available at all polling places, pre-poll voting centres and declared institutions eg maxi-pencils, which are extra large pencils for those who are unable to grip regular sized pencils, and magnifying sheets for visually impaired electors.

## CULTURALLY AND LINGUISTICALLY DIVERSE ELECTORS

Polling places will display a sign advising electors who do not read or speak English that assistance is available. The signs will also indicate when there are election officials who speak another language in attendance.

## 10. BALLOT PAPER COUNT

### OPTIONAL PREFERENTIAL

The method of voting for the Legislative Assembly is optional preferential. This means that to cast a formal vote, the elector must place the number '1' in the square next to their first choice candidate. They have the 'option' to show further preferences by placing the number '2' in the square next to their second choice candidate, the number '3' next to their third choice and so on. They may number as many or as few squares as they wish.

### FORMALITY OF BALLOT PAPERS

If the elector does not vote in the manner described above then the vote may be informal and not counted. However, the returning officer may still count the vote under savings provisions contained in the Act eg a ✓ or a X may be counted as a first preference mark under certain circumstances.

Following is a summary of the formality rules for Legislative Assembly ballot papers.

- All numbers in the squares, and all numbers outside but adjacent to the squares, must be considered when determining formality and distributing preferences.
- The numbers, ✓s or Xs must be adjacent to the square. A number, ✓ or X at the end of the candidate's name is not adjacent to the square and would be disregarded.
- The number 1 must appear once only.
- Where the number 1 appears once only, it is still formal even if there is a repeat or break in subsequent preferences.
- Where a ✓ or X appears on its own, it is read as a 1, and the ballot paper is formal.
- If there is a number 1 and ✓ and/or X, the number 1 always takes precedence over the ✓ or X.
- Where a ✓ or X appears with numbers other than 1, the ✓ or X is not read as a 1, and the ballot paper is informal.
- Where there is a ✓ in one square and Xs or lines through other squares (more than one X or more than one line), the ✓ is read as a 1 and the ballot paper is formal.
- Where there is a ✓ in one square, and a single X or single line through another square, the ballot paper is informal.

- A ballot paper is still formal if it has not been initialled by an election official as long as it has been printed on the NSWEC watermarked paper. If the ballot paper was photocopied, and it is not initialled by the election official, then it is informal.
- If there are comments or additional names or signatures written on the ballot paper, they will be ignored.

Examples of formal and informal ballot papers appear at the end of this Handbook.

## COUNTING AT POLLING PLACE

At the close of voting on election day (6pm), election officials at each polling place in the presence of scrutineers, if any, will sort and count the first preference votes for each candidate.

The counting process can be summarised as follows:

### Formality check and sort to first preference

All ballot papers are checked for formality and sorted for each candidate, according to the first preference recorded on the ballot paper, and informals.

### Notional distribution of preferences

Before election day the NSWEC selects the two candidates who are likely to be the eventual two remaining candidates in the count. Scrutineers will be informed on election night which two candidates have been selected.

A notional distribution of preferences (sometimes referred to as the 'two candidate preferred count') is conducted at each polling place on election night to give candidates, RPPs and the media an indication of the election outcome. This is done by election officials 'distributing' all formal votes of the other candidates to the two selected candidates according to which candidate receives the highest preference on each ballot paper.

The notional distribution of preferences is not the official distribution of preferences.

### Check counts

On election Sunday (ie. day after election day) the ballot papers are checked and counted again at the returning officer's office to ensure accuracy of the figures from the election night count. The total number of first preference votes recorded for each candidate, and informals, is amalgamated, polling place by polling place, to arrive at totals for the district.

Postal, pre-poll, declared institution, silent and section votes are counted on the Monday, Tuesday and Wednesday in the week after election day so that final first preference figures are available by the close of business on the Wednesday following election day.

If a candidate has a majority (50% + 1) of formal first preference votes, he or she is elected, and the returning officer will arrange to declare the poll by contacting all candidates.

### **Preference distribution**

If no candidate has a majority of formal first preference votes a distribution of preferences count is conducted on the Thursday after election day to determine the successful candidate. Once this count has been completed the returning officer will advise all candidates of arrangements to declare the poll.

A preference distribution involves excluding candidates with the least number of first preference votes and distributing their votes to continuing candidates according to the next available preference. This continues until a candidate achieves an absolute majority (50% + 1) of formal votes in the count.

## **SCRUTINY OF DECLARATION VOTES**

The scrutiny of declaration votes will commence at the returning officer's office on the Monday following election day and will be completed by the close of business on the Wednesday in the week after election day.

## **DISTRIBUTION OF PREFERENCES**

Once all first preference counts have been completed, the distribution of preferences will take place on the Thursday following election day. The distribution of preferences cannot commence until the scrutiny of all polling place and declaration ballot papers is complete. Staff and scrutineers will be briefed on procedures prior to the commencement of the distribution.

## 11. SCRUTINEERS

### ROLE OF SCRUTINEERS

The role of scrutineers is defined by the Act and differs from the role of party workers or supporters in that respect.

Scrutineers play an important role in the election process. In representing the interests of their candidates and advising them on the procedures being followed by the returning officer and election officials, they ensure the election process is carried out fairly and impartially.

Scrutineers have the right to observe all stages of the voting and scrutiny (counting of votes) and can question the formality of ballot papers, or raise other concerns they may have about the conduct of the election.

### APPOINTMENT OF SCRUTINEERS

Scrutineers are appointed by candidates to represent their interests at polling places and counting centres, and to relay information to them on the procedures and progress during the election.

To be appointed as a scrutineer a person must be on the electoral roll. Candidates cannot act as scrutineers at an election which they contest.

The candidate completes the *Appointment of Scrutineer* form which can be downloaded from [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au) or obtained from the NSWEC or the returning officer.

The scrutineer must hand the completed form to the polling place manager or election official, as the case requires, prior to commencing duties. The declaration part of the form must be signed by the scrutineer in the presence of the election official who will then witness the declaration.

Other than declared institutions where one appointment form for all declared institutions visited in an electoral district is sufficient, a new appointment form is required at each location where votes are being issued or counted. However candidates are permitted to photocopy a signed appointment form or use a signature stamp on multiple forms, but scrutineers must sign the form afresh in the presence of the election official. All appointment forms will be retained by the returning officer.

Scrutineers will be issued with a *Scrutineer Identification Badge*, which is to be retained by the scrutineer and worn at all times when scrutineering.

## ATTENDANCE OF SCRUTINEERS

Scrutineers are entitled to:

- be present when pre-poll votes are being taken in the returning officer's office or at other pre-poll centres;
- be present at the preliminary scrutiny of declaration envelopes;
- accompany election assistants taking votes at declared institutions. The returning officer will advise candidates of the times and arrangements for these visits;
- be at a polling place during polling and after the close of polling on election day; and
- be present in the returning officer's office on election Sunday to observe the check count of ballot papers from all the polling places, and on the days following during the scrutiny of the declaration envelopes and ballot papers (ie postal, pre-poll, declared institution, section votes).

A candidate can have only one scrutineer at any one time present during the taking of votes at any one location.

However on election day, at the close of polling, candidates can have one scrutineer present for each election official counting votes. Details of the number of officials involved in the count at each polling place will be available from the returning officer.

## CONDUCT OF SCRUTINEERS

Where a scrutineer wishes to clarify procedures or question the activities of an election official, they should discuss the matter with the returning officer or polling place manager (as appropriate).

Scrutineers must co-operate fully with election officials. Any misconduct at a pre-poll voting location, a declared institution, a returning officer's office or in a polling place on election day is an offence, as is failure to obey the lawful directions of any election official.

Scrutineers must not attempt to influence any elector when present at a pre-poll voting location, declared institution or polling place.

## CANVASSING FOR VOTES

Candidates, scrutineers and party or candidate workers may canvass for votes at a pre-poll voting location (the returning officer's office and other appointed venues) and polling places on election day.

Campaign party workers are not allowed to canvass for votes or undertake a similar activity on election day within a polling place, or within 6 metres of an entrance to a polling place (the actual building).

Candidates may only enter a polling place for the purpose of casting their own vote.

## 12. PARTY AND CANDIDATE WORKERS

Party and candidate workers act on behalf of candidates and/or political parties to distribute electoral material (such as how to vote cards) at pre-poll voting locations prior to election day and polling places on election day. They are not required to complete any appointment form to engage in these tasks unless they also wish to act as a scrutineer.

### PARTY AND CANDIDATE WORKERS AT PRE-POLL VOTING CENTRES

- Electoral material, including how to vote cards, may be distributed outside the pre-poll voting centre location. Material cannot be handed out inside the voting area.
- Electoral material, including how to vote cards, distributed outside pre-poll voting centres is not required to be registered with the NSWEC. It must however comply with electoral legislation.
- Electors must be given unrestricted access to and from the entry to the pre-poll voting location. Party and candidate workers must not obstruct the entrance to a pre-poll voting centre.
- Party and candidate workers may only enter the pre-poll voting centre to cast their vote, or where nominated, to assist an elector to cast their vote.

### PARTY AND CANDIDATE WORKERS AT POLLING PLACES

- Party and candidate workers outside a polling place on election day must not obstruct access to the polling place.
- Party and candidate workers must not distribute election material, including how to vote cards, within six metres of the entrance to the polling place.
- Election material including how to vote cards distributed anywhere on election day must be registered with the NSWEC. It is an offence to distribute unregistered election material on election day.
- Party and candidate workers may only enter the polling place to vote, or to assist an elector who has requested their assistance, to cast their vote.

## 13. ELECTORAL OFFENCES

### ALLEGED BREACHES OF LEGISLATION

Any alleged breaches of the legislation should be reported to the returning officer in the first instance. The returning officer will consider the complaint and endeavour to arrange for any breach to be remedied.

The returning officer will refer any unresolved issues to the NSWEC for consideration. Most issues are resolved by explanation of the laws. In some instances prosecution for offences may be commenced.

If a complainant disagrees with the NSWEC's decision, they can commence their own proceedings for an alleged breach of the Act.

It should be remembered by all candidates and RPPs that the Court of Disputed Returns may exercise the power to declare:

- a person elected or not duly elected; or
- an election void where illegal practices were committed in connection with the election.

# 14. SAMPLE FORMAL AND INFORMAL BALLOT PAPERS

## EXAMPLE 1

**BALLOT PAPER**  
LEGISLATIVE ASSEMBLY ELECTION  
Electoral District of  
**BEACHVILLE**

---

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.

You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.

---

CANDIDATES

<input type="checkbox"/>	BROWN, John <small>BROWN PARTY</small>
<input type="checkbox"/>	SANDS, Barbara
<input type="checkbox"/>	TAN, Emily <small>INDEPENDENT</small>
<input type="checkbox"/>	WAXMAN, Nigel <small>SURFERS UNITED PARTY</small>
<input checked="" type="checkbox"/>	SHIELDS, Ray <small>WHITE PARTY</small>
<input type="checkbox"/>	BURN, Ben <small>RED PARTY</small>

**FORMAL** – the number "1" appears once only.

In a distribution of preferences, this ballot paper would EXHAUST after the first preference.

## EXAMPLE 2

**BALLOT PAPER**  
LEGISLATIVE ASSEMBLY ELECTION  
Electoral District of  
**BEACHVILLE**

---

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.

You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.

---

CANDIDATES

<input checked="" type="checkbox"/>	BROWN, John <small>BROWN PARTY</small>
<input checked="" type="checkbox"/>	SANDS, Barbara
<input checked="" type="checkbox"/>	TAN, Emily <small>INDEPENDENT</small>
<input checked="" type="checkbox"/>	WAXMAN, Nigel <small>SURFERS UNITED PARTY</small>
<input checked="" type="checkbox"/>	SHIELDS, Ray <small>WHITE PARTY</small>
<input checked="" type="checkbox"/>	BURN, Ben <small>RED PARTY</small>

**FORMAL** – the number "1" appears once only.

In a distribution of preferences, this ballot paper would EXHAUST after the first preference.

## EXAMPLE 3

**BALLOT PAPER**  
LEGISLATIVE ASSEMBLY ELECTION  
Electoral District of  
**BEACHVILLE**

---

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.

You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.

---

CANDIDATES


<input type="checkbox"/>	BROWN, John <small>BROWN PARTY</small>
<input type="checkbox"/>	SANDS, Barbara
<input type="checkbox"/>	TAN, Emily <small>INDEPENDENT</small>
<input type="checkbox"/>	WAXMAN, Nigel <small>SURFERS UNITED PARTY</small>
<input type="checkbox"/>	SHIELDS, Ray <small>WHITE PARTY</small>
<input checked="" type="checkbox"/>	BURN, Ben <small>RED PARTY</small>

*Donald Duck*

**FORMAL** – marked in accordance with directions, other marks, writing, names or signatures should be disregarded.

In a distribution of preferences, this ballot paper would EXHAUST after the first preference.

## EXAMPLE 4



**BALLOT PAPER**  
LEGISLATIVE ASSEMBLY ELECTION  
Electoral District of  
**BEACHVILLE**

---

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.

You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.

**CANDIDATES**


<input type="checkbox"/>	<b>7</b>	BROWN, John <small>BROWN PARTY</small>	
<input type="checkbox"/>	<b>6</b>	SANDS, Barbara	
<input type="checkbox"/>	<b>5</b>	TAN, Emily <small>INDEPENDENT</small>	
<input type="checkbox"/>	<b>1</b>	WAXMAN, Nigel <small>SURFERS UNITED PARTY</small>	
<input type="checkbox"/>	<b>3</b>	SHIELDS, Ray <small>WHITE PARTY</small>	
<input type="checkbox"/>	<b>2</b>	BURN, Ben <small>RED PARTY</small>	

*John Burns  
of WETA 07*

**FORMAL** – marked in accordance with directions, other marks, writing, names or signatures should be disregarded.

In a distribution of preferences, this ballot paper would EXHAUST after the third preference.

## EXAMPLE 5



**BALLOT PAPER**  
LEGISLATIVE ASSEMBLY ELECTION  
Electoral District of  
**BEACHVILLE**

---

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.

You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.


Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.

**CANDIDATES**

<input type="checkbox"/>		BROWN, John <small>BROWN PARTY</small>	
<input type="checkbox"/>	<b>ONE</b>	SANDS, Barbara	
<input type="checkbox"/>	<b>TWO</b>	TAN, Emily <small>INDEPENDENT</small>	
<input type="checkbox"/>		WAXMAN, Nigel <small>SURFERS UNITED PARTY</small>	
<input type="checkbox"/>		SHIELDS, Ray <small>WHITE PARTY</small>	
<input type="checkbox"/>	<b>THREE</b>	BURN, Ben <small>RED PARTY</small>	

**INFORMAL** – must use numbers, not words.

## EXAMPLE 6



**BALLOT PAPER**  
LEGISLATIVE ASSEMBLY ELECTION  
Electoral District of  
**BEACHVILLE**

---

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.

You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.

**CANDIDATES**

<input checked="" type="checkbox"/>		BROWN, John <small>BROWN PARTY</small>	
<input type="checkbox"/>		SANDS, Barbara	
<input type="checkbox"/>		TAN, Emily <small>INDEPENDENT</small>	
<input type="checkbox"/>		WAXMAN, Nigel <small>SURFERS UNITED PARTY</small>	
<input type="checkbox"/>		SHIELDS, Ray <small>WHITE PARTY</small>	
<input type="checkbox"/>		BURN, Ben <small>RED PARTY</small>	

**FORMAL** – "✓" is read as a "1".

In a distribution of preferences, this ballot paper would EXHAUST after the first preference.

## EXAMPLE 7

### BALLOT PAPER

LEGISLATIVE ASSEMBLY ELECTION  
Electoral District of  
**BEACHVILLE**

---

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.

You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.

---

CANDIDATES

<input checked="" type="checkbox"/>	BROWN, John <small>BROWN PARTY</small>
<input type="checkbox"/>	SANDS, Barbara
<input type="checkbox"/>	TAN, Emily <small>INDEPENDENT</small>
<input type="checkbox"/>	WAXMAN, Nigel <small>SURFERS UNITED PARTY</small>
<input type="checkbox"/>	SHIELDS, Ray <small>WHITE PARTY</small>
<input type="checkbox"/>	BURN, Ben <small>RED PARTY</small>

**FORMAL** – "x" is read as a "1".

In a distribution of preferences, this ballot paper would EXHAUST after the first preference.

## EXAMPLE 8

### BALLOT PAPER

LEGISLATIVE ASSEMBLY ELECTION  
Electoral District of  
**BEACHVILLE**

---

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.

You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.

---

CANDIDATES

<input type="checkbox"/>	BROWN, John <small>BROWN PARTY</small>
<input type="checkbox"/>	SANDS, Barbara
<input checked="" type="checkbox"/>	TAN, Emily <small>INDEPENDENT</small>
<input type="checkbox"/>	WAXMAN, Nigel <small>SURFERS UNITED PARTY</small>
<input type="checkbox"/>	SHIELDS, Ray <small>WHITE PARTY</small>
<input checked="" type="checkbox"/>	BURN, Ben <small>RED PARTY</small>

**FORMAL** for TAN – "1" takes precedence over a "√" or "x".

In a distribution of preferences, this ballot paper would EXHAUST after the first preference.

## EXAMPLE 9

### BALLOT PAPER

LEGISLATIVE ASSEMBLY ELECTION  
Electoral District of  
**BEACHVILLE**

---

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.

You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.


---

CANDIDATES

<input type="checkbox"/>	BROWN, John <small>BROWN PARTY</small>
<input checked="" type="checkbox"/>	SANDS, Barbara
<input type="checkbox"/>	TAN, Emily <small>INDEPENDENT</small>
<input type="checkbox"/>	WAXMAN, Nigel <small>SURFERS UNITED PARTY</small>
<input type="checkbox"/>	SHIELDS, Ray <small>WHITE PARTY</small>
<input checked="" type="checkbox"/>	BURN, Ben <small>RED PARTY</small>

**INFORMAL** – "x" not read as a "1" when there are other numbers present.

## EXAMPLE 10

**BALLOT PAPER** 

**LEGISLATIVE ASSEMBLY ELECTION**  
Electoral District of  
**BEACHVILLE**

---

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.

You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.


Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.

**CANDIDATES**

<input checked="" type="checkbox"/>	BROWN, John <small>BROWN PARTY</small>
<input type="checkbox"/>	SANDS, Barbara
<input type="checkbox"/>	TAN, Emily <small>INDEPENDENT</small>
<input type="checkbox"/>	WAXXMAN, Nigel <small>SURFERS UNITED PARTY</small>
<input type="checkbox"/>	SHIELDS, Ray <small>WHITE PARTY</small>
<input type="checkbox"/>	BURN, Ben <small>RED PARTY</small>

**INFORMAL** — "✓" not read as a "1" when there are other numbers present.

## EXAMPLE 11

**BALLOT PAPER** 

**LEGISLATIVE ASSEMBLY ELECTION**  
Electoral District of  
**BEACHVILLE**

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Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.

You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.


**CANDIDATES**

<input type="checkbox"/>	BROWN, John <small>BROWN PARTY</small>
<input type="checkbox"/>	SANDS, Barbara
<input checked="" type="checkbox"/>	TAN, Emily <small>INDEPENDENT</small>
<input checked="" type="checkbox"/>	WAXXMAN, Nigel <small>SURFERS UNITED PARTY</small>
<input checked="" type="checkbox"/>	SHIELDS, Ray <small>WHITE PARTY</small>
<input checked="" type="checkbox"/>	BURN, Ben <small>RED PARTY</small>

**FORMAL** — "✓" is read as a "1" when crosses or lines (more than one) appear in other squares.

In a distribution of preferences, this ballot paper would EXHAUST after the first preference.

## EXAMPLE 12

**BALLOT PAPER** 

**LEGISLATIVE ASSEMBLY ELECTION**  
Electoral District of  
**BEACHVILLE**

---

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.

You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.

**CANDIDATES**

<input type="checkbox"/>	BROWN, John <small>BROWN PARTY</small>
<input checked="" type="checkbox"/>	SANDS, Barbara
<input type="checkbox"/>	TAN, Emily <small>INDEPENDENT</small>
<input type="checkbox"/>	WAXXMAN, Nigel <small>SURFERS UNITED PARTY</small>
<input type="checkbox"/>	SHIELDS, Ray <small>WHITE PARTY</small>
<input type="checkbox"/>	BURN, Ben <small>RED PARTY</small>

**FORMAL** — "✓" is read as a "1" when crosses or lines (more than one) appear in other squares.

In a distribution of preferences, this ballot paper would EXHAUST after the first preference.

EXAMPLE 13



**BALLOT PAPER**

LEGISLATIVE ASSEMBLY ELECTION  
Electoral District of

**BEACHVILLE**

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.

You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.

CANDIDATES

BROWN, John  
BROWN PARTY

SANDS, Barbara

TAN, Emily  
INDEPENDENT

WAXMAN, Nigel  
SURFERS UNITED PARTY

SHIELDS, Ray  
WHITE PARTY

BURN, Ben  
RED PARTY

**INFORMAL** – "✓" not read as "1" when there is a single cross or single line in another square.

EXAMPLE 14



**BALLOT PAPER**

LEGISLATIVE ASSEMBLY ELECTION  
Electoral District of

**BEACHVILLE**

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.

You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.

CANDIDATES

4  BROWN, John  
BROWN PARTY

1  SANDS, Barbara

3  TAN, Emily  
INDEPENDENT

2  WAXMAN, Nigel  
SURFERS UNITED PARTY

5  SHIELDS, Ray  
WHITE PARTY

6  BURN, Ben  
RED PARTY

**FORMAL** – numbers are not in squares but are adjacent to them and the voter's intention is clear.

All numbers both in and adjacent to the squares are considered when distributing preferences. This ballot paper would not EXHAUST as full preferences are indicated.

EXAMPLE 15



**BALLOT PAPER**

LEGISLATIVE ASSEMBLY ELECTION  
Electoral District of

**BEACHVILLE**

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.

You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.

CANDIDATES

BROWN, John  
BROWN PARTY

1  SANDS, Barbara

TAN, Emily  
INDEPENDENT

WAXMAN, Nigel  
SURFERS UNITED PARTY


SHIELDS, Ray  
WHITE PARTY

BURN, Ben  
RED PARTY

**FORMAL** – "1" is not in the square but it is adjacent to the square and the voter's intention is clear.

In a distribution of preferences, this ballot paper would EXHAUST after the first preference.

### EXAMPLE 16



**BALLOT PAPER**  
LEGISLATIVE ASSEMBLY ELECTION  
Electoral District of  
**BEACHVILLE**

---

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.

You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.

**CANDIDATES**

1 **BROWN, John**  
BROWN PARTY

2 **SANDS, Barbara**

3 **TAN, Emily**  
INDEPENDENT


4 **WAXMAN, Nigel**  
SURFERS UNITED PARTY

5 **SHIELDS, Ray**  
WHITE PARTY

6 **BURN, Ben**  
RED PARTY

**INFORMAL** – voter's intention is NOT clear. You cannot tell which square the number "1" is adjacent to.

### EXAMPLE 17



**BALLOT PAPER**  
LEGISLATIVE ASSEMBLY ELECTION  
Electoral District of  
**BEACHVILLE**

---

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.

You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.

**CANDIDATES**

1 **BROWN, John**  
BROWN PARTY

2 **SANDS, Barbara**

3 **TAN, Emily**  
INDEPENDENT

4 **WAXMAN, Nigel**  
SURFERS UNITED PARTY


5 **SHIELDS, Ray**  
WHITE PARTY

6 **BURN, Ben**  
RED PARTY

**FORMAL** – number "1" not in square but is adjacent to it and the voter's intention is clear.

All numbers both in and adjacent to the squares are considered when distributing preferences. This ballot paper would EXHAUST after the fourth preference.

### EXAMPLE 18



**BALLOT PAPER**  
LEGISLATIVE ASSEMBLY ELECTION  
Electoral District of  
**BEACHVILLE**

---

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.

You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.

**CANDIDATES**

**BROWN, John**  
BROWN PARTY

**SANDS, Barbara**

**TAN, Emily**  
INDEPENDENT


**WAXMAN, Nigel**  
SURFERS UNITED PARTY

**SHIELDS, Ray**  
WHITE PARTY

**BURN, Ben**  
RED PARTY

**INFORMAL** – if outside the square, the number, tick or cross must be adjacent to the square.

## EXAMPLE 19



**BALLOT PAPER**

**LEGISLATIVE ASSEMBLY ELECTION**  
Electoral District of

**BEACHVILLE**

---

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.

You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.

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CANDIDATES

<input type="checkbox"/>	BROWN, John <small>BROWN PARTY</small>
<input type="checkbox"/>	SANDS, Barbara
<b>X</b> <input type="checkbox"/>	TAN, Emily <small>INDEPENDENT</small>
<input type="checkbox"/>	WAXMAN, Nigel <small>SURFERS UNITED PARTY</small>
<input type="checkbox"/>	SHIELDS, Ray <small>WHITE PARTY</small>
<input type="checkbox"/>	BURN, Ben <small>RED PARTY</small>

**FORMAL** – "x" is not in the square but it is adjacent to the square and the voter's intention is clear.

In a distribution of preferences, this ballot paper would EXHAUST after the first preference.