



User Guideline

How-to-Vote Cards Suitability

Under the *Electoral Act 1907 (WA)*, the Commission can only register How-to-Vote cards (HTVC) if they are 'suitable'. This User Guideline explains How-To-Vote card (HTVC) suitability and unsuitability to assist political entities in developing materials for registration.

Suitable How-To-Vote Cards

Accuracy

Information contained in a HTVC must be accurate and not misleading or confusing to electors.

The HTVC must clearly identify the person, party, or group on whose behalf it is being distributed or published.

When a third-party campaigner creates a HTVC, in addition to specifying who to vote for, the HTVC must prominently display the third-party campaigner's details (name, group name, address, and logo).

The spelling of candidate and party names must be the same as how they will appear on the ballot paper.

If a HTVC includes a representation of a ballot paper or part of a ballot paper, the listed names must appear in the same order as the ballot paper.

Example:



Authorisation Statement

HTVCs must include an authorisation statement containing the name and address of the individual, political party, or group that authorised the card. If information is presented on multiple sides of the HTVC, the authorisation statement must appear on all sides.

The authorisation statement should be in the following format:

Authorised by [name of person, political party or group], [address of person, political party or group].

The address must be the usual address of the person and must be a street address. The address of a PO Box is not acceptable. The address can be an office, as long as the person authorising has more than ad hoc access to the address.

Example:

Authorised by Frances Jones, 14 Wombat Crescent Stratford WA 6522

Registration Statement

HTVCs must include the following registration statement: *Registered by the Western Australian Electoral Commission.*

Example:

Registered by the Western Australian Electoral Commission.

Unsuitable How-To-Vote Cards

Misleading or deceptive

The HTVC must not contain information that could mislead or deceive electors in relation to the casting of their vote. During the HTVC review process, the Commission will consider ways in which a HTVC may potentially mislead voters, including guiding electors to cast an informal vote.

The following examples illustrate various ways a HTVC could mislead or deceive electors when casting their vote:

Likely to mislead or deceive an elector into casting an informal vote

Example: *Only put a 1 against my name*

Following this instruction would lead to an informal vote as it suggests marking only one box on the ballot paper. A district HTVC must either list a voting preference for all candidates or contain a statement instructing the elector to number all boxes in the correct manner.

Likely to mislead or deceive an elector into not casting a vote

Example: *You can only vote on polling day at a polling place in your district*

This information is incorrect. There are multiple options available for voters to cast their vote in this election.

Likely to mislead or deceive an elector into casting a formal vote, but not for the candidate or party of the voter's choice.

Example: *“By voting for Phil Nguyen, you're voting for the Democratic Pink Party”*

This is misleading if Phil Nguyen is actually a candidate for the Alpha party.

Obscene or offensive

If a HTVC contains abusive, obscene, threatening, violent, or unlawful content, it may be deemed unsuitable for registration.

Substantially similar HTVCs

The Commission may refuse to register a HTVC if it is substantially similar to another HTVC that has already been registered for the election.

Instructions for completing the ballot paper

A HTVC must indicate or specify a method of marking an elector's vote formally on the ballot paper. The instructions for how to complete each type of ballot paper are outlined below, and must be reflected accurately on the HTVC:

Legislative Assembly	Legislative Council: Above-the-line	Legislative Council: Below- the-line
<ol style="list-style-type: none">1. Clearly write the number '1' in the square next to the candidate or party of your first choice.2. Write number '2' in the square next to the candidate or party of your second choice.3. Continue to number all the squares until there is a different number in every square in the order of preference.	<p>If you choose to vote above-the-line, write the number '1' in one of the squares to indicate your first preference according to the political party or group of your choice. You have the option of showing further preferences, numbering as many squares as you wish from '2' onwards. Your preferences will be distributed exactly as you have chosen. Do not mark any squares below-the-line.</p>	<p>If you choose to vote below-the-line (candidate preference vote), write the numbers '1' to '20' in the squares next to the candidates, in order of your preference. You have the option to mark further preferences if you want to, by writing more numbers in other squares, starting from number '21'. You may fill in as many squares as you choose. Your preferences will be distributed exactly as you have chosen. Do not mark any squares above-the-line.</p>

Additional information

HTVC that include a QR Code or web link

If the HTVC contains a link or QR code, the content of the linked webpage will be assessed with the same review process as the HTVC. This means the webpage must not:

- mislead or deceive an elector in relation to casting their vote.
- induce the elector to mark the ballot paper in a way that is inconsistent with the instructions on the ballot paper.
- contain errors or offensive content.

What happens if an HTVC is deemed unsuitable to be registered?

The Commission will provide the Accountable Person with notice of the decision, which will outline the reason/s why the HTVC was found unsuitable. The Distributor has three days to submit a modified HTVC to the Commission. It is recommended that correspondence for HTVC registrations is closely monitored given the finite registration period.

Compliance

During polling, Presiding Officers may request to inspect a HTVC and can confiscate unregistered HTVCs. The penalty for publishing or distributing an unregistered HTVC at a polling place is two years imprisonment and a fine of \$24,000.

Examples

Acceptable HTVC



Authorisation statement is written at the bottom of the HTVC, with name and address.

Authorised by Frances Jones, 14 Wombat Crescent Stratford WA 6522

Candidates are correctly listed with first and surname.



Statement to indicate all boxes need to be numbered 1-4.



Contains the following statement: Registered by the Western Australian Electoral Commission.

Registered by the Western Australian Electoral Commission.

Unacceptable HTVC



- Authorisation statement is missing
- Registration statement is missing
- All candidate boxes are not numbered
- Not all candidate names are written in full
- Statement indicates that only one box requires numbering, which is false and misleading to the voter
- Does not contain the following statement: "Registered by the Western Australian Electoral Commission".

This User Guideline contains general information only; it is not a substitute or replacement for the legislation. It is your obligation to comply with the legislation. The Commission can provide general guidance on matters, but it is not able to offer legal advice. If you are in doubt as to your obligations, please seek independent legal advice.

Need more information?

Visit the [Commission website](#) or contact the Election Line on 13 63 06 or +61 8 9214 0400 (overseas callers).