

Ballot paper formality guidelines for Legislative Assembly

Voting method

The method of voting in Legislative Assembly elections is optional preferential as prescribed in the *Seventh Schedule of the Constitution Act 1902*.

To cast a formal vote the elector must place the number 1 in the square next to their first choice candidate.

The elector has 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 candidate and so on. They may number as many or as few squares beyond their first choice candidate as they wish.

There are strict rules governing when a ballot paper is formal and when a ballot paper is informal. An elector must follow the instructions on the ballot paper to cast a formal vote, however there are circumstances when a ballot paper may be ruled as formal when those voting instructions have not been strictly followed.

This section outlines the guidelines used to determine ballot paper formality in Legislative Assembly elections. The guidelines represent the formality provisions detailed in the *Electoral Act 2017* as well as the NSW Electoral Commission's policy where the *Act* is silent.

General formality guidelines

Ballot papers are read as a whole. Poorly formed numbers are interpreted in the context of other numbers on the ballot paper.

- A poorly formed number must bear a reasonable resemblance to an identifiable number.
- Unconventional but recognisable numbers such as a continental 1 or 7 are acceptable.
- Numbers written in English words are acceptable (ie 'one' is counted as '1', 'two' is counted as '2', 'three' is counted as '3', etc).
- Roman numerals are acceptable (ie 'i' is counted as '1', 'ii' is counted as '2', 'iii' is counted as '3', 'iv' is counted as '4', etc). An 'X' is only considered a Roman numeral and counted as 10 when in a sequence of other Roman numerals.

A number or tick '✓' or cross 'X' may be adjacent to but outside a square, or at the end of the candidate's name, if, in the returning officer's opinion, the elector's intention is clearly indicated.

A ballot paper is not informal by reason only that it has not been initialled by an election official if it bears the prescribed mark.

A ballot paper is not informal by reason only of it having any unnecessary mark or writing (eg drawings or comments) if, in the returning officer's opinion, the elector's intention is clearly indicated.

A ballot paper is informal if it has a mark or writing that, in the returning officer's opinion, would enable the elector to be identified and that elector's name is found on the roll for the district.

Formality guidelines - single preference required

A ballot paper is formal if:

- it contains only one first preference '1' but no ticks or crosses (it may contain other preferences).
- it contains only one tick '✓' and no other votes recorded.
- it contains only one cross 'X' and no other votes recorded.
- it contains only one first preference '1' in a square and a cross 'X' (or a line through) in two or more of the other squares and no other preferences.
- it contains only one tick '✓' in a square, and a cross 'X' (or a line through) in two or more of the other squares and no other preferences.

A ballot paper, on which the elector has recorded a vote by placing in one square the number '1' is not informal by reason only:

- that the elector has recorded the same preference (other than the first preference) on the ballot-paper for more than one candidate, but the ballot-paper is to be treated as if those preferences and any subsequent preferences had not been recorded, or
- of there being a break in the order of preferences recorded on the ballot-paper, but the ballot-paper is to be treated as if any subsequent preference had not been recorded.

Single-preference formality examples

Formal votes	How votes are counted
1	1
✓	1
X	1
✓,x,x	1
1,x,x	1
1,2,3,4,5	1,2,3,4,5
1,2,4,6,8	1,2
1,2,3,3,3,3,4,4	1,2
1,2,2,2	1
1,2,5,6	1,2
1,4,5,6,7	1
Informal votes	How votes are counted
2,3,4,5	Not applicable – the ballot paper is informal
1,1,1	
1,✓,✓,✓,3,4,5	
✓,2,3,4,5	
x,2,3,4,5	
1,2,x,x,4,5,6	
1,✓,x,x,x,3,4,5	
✓,x	
✓,✓,x	
✓,✓,x,x	
1,x	
1,✓	