Agenda Paper cover sheet

AEC Australian Electoral Commission

Meeting date: 7 August 2023

Executive Leadership Team (ELT)

Referendum ballot paper formality

Purpose

For information

The purpose of this paper is to seek approval to update the referendum formality guidelines and training to ensure they are fit for purpose for the referendum noting updated legal advice.

Background

1. s 22 [redacted]
2. AGS advice from 1988, and s 42(1) [redacted], is that a cross should be regarded as informal as it provides no clear indication of the voter's intention. Unlike a tick that can be regarded as the equivalent of a 'Yes' and so can be treated as formal, a cross could support or oppose the question.
3. s 22 [redacted]
4. AGS has provided further advice on examples of ballot papers (see Attachment C). The latest advice:
   - confirms previous AGS advice regarding s 22 [redacted], ticks and crosses
   - s 22 [redacted]

Key issues

Current situation

5. Decisions on whether a ballot paper is formal or informal are made by:
   - the officer-in charge, in static polling places on polling night

- the count supervisor, for pre-poll and mobile counts on polling night
- the Divisional Returning Officer, during fresh scrutiny
- the Australian Electoral Officer, for recounts.

6. Staff are instructed to refer to the Ballot Paper Formality Guidelines (see Attachment D) when making decisions on formality. This document is publicly available on the AEC website, and relevant sections are replicated in the Scrutineers Handbook and Election Procedures Handbook (for polling staff). The guidelines list the principles to be applied when making formality decisions, along with some specific examples of formal and informal ballot papers.
7. The guidelines state:

   If a voter marks a ballot paper with words, symbols or figures or a language other than English, the ballot paper can be accepted if it is established that the voter's intention is clear to the DRO as the decision maker.

s 42(1) [redacted]

8. Training materials include:
   - Divisional Returning Officers and other identified staff undertake the Operational Leaders Program (OLP). As part of this training, staff complete training exercises covering ballot paper formality including practical simulations using examples of formal and informal ballot papers.
   - Polling staff complete mandatory training including content on ballot paper formality, with examples of formal and informal ballot papers.
   - Count supervisors complete online training and receive a briefing, both of which include content on ballot paper formality.
   - Standard operating procedures, election procedures handbooks, task briefings and staff briefs include instructions for staff to apply the Ballot Paper Formality Guidelines.
9. Education and communication materials include:
   - Campaign advertisements and website content which say "To vote, write either 'Yes' or 'No' inside the box on your ballot paper".
   - Translated fact sheets which include the additional line "Your answer should be written in English".
   - A "Practise voting – Referendum" tool on the AEC's website that allows voters to submit an answer to a referendum ballot paper and see if it will result in a formal vote.
   - Media talking points (delivered by an AEC spokesperson) including:
     - voting instructions for a referendum are to write either 'yes' or 'no' in English in the box opposite the question
     - s 22 [redacted]

s 22 [redacted]

[redacted]

s 22 [redacted]

s 22 [redacted]

Key risks

s 22 [redacted]

- [redacted]
- [redacted]
- [redacted]
- [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

s 22 [redacted]

Consultation

Electoral Law Section

National Training Unit

Communications Section

Strategic Communications and Education Taskforce

Indigenous Electoral Participation Program

Recommendations

1. Amend the Ballot Paper Formality Guidelines as described above.
2. Retain the operational procedures that decision makers refer to the Ballot Paper Formality Guidelines and apply the principles when making decisions on ballot paper formality, including referring to the specific examples.
3. NTU to deliver a training session to DROs on making formality decisions.

s 22 [redacted]

Prepared by: s 47F [redacted] r, Assistant Director, Doctrine Planning and Quality

25 July 2023

Cleared by: s 47F [redacted] Director, Doctrine Planning and Quality

	25 July 2023
Cleared by:	Tania Wilson, AC Service Design and Foundations
	28 July 2023
Cleared by ELT:	Kath Gleeson, FAC and NEM
	2 August 2023

s 22 [redacted]

s 22

s 22 [redacted]

[redacted]

s 22 [redacted]

Attachment C – AGS advice May 2023

Referendum ballot paper formality issues

1. The Australian Electoral Commission (AEC) has requested advice about issues relating to the formality of ballot papers under the *Referendum (Machinery Provisions) Act 1984* (RMPA).

s 22

[redacted]

Q3

Are ticks in relation to one question (as opposed to the four that were considered in the '88 advice) formal?

Q4

Are crosses in relation to one question (as opposed to the four that were considered in the '88 advice) formal?

4. A referendum ballot paper posing only one question:

- marked with a tick should be treated as formal, and
- marked with a cross should be treated as informal.

s 22

s 22

10. As for (h), the content of the affirmative statement and its juxtaposition to the 'X' in the box would be significant to determining the formality of the ballot paper. If the affirmative statement made it clear that the 'X' in the box was intended to convey approval for the constitutional alteration, the ballot would likely be formal.

s 22

AEC
Australian Electoral Commission

24 July 2023

Ballot paper formality guidelines

Federal Elections
By-Elections
Referendums

Published by the Australian Electoral Commission
www.aec.gov.au

ISBN 978-1-921427-36-7

© Commonwealth of Australia 2023

The licence for this work is under the Creative Commons Attribution 3.0 Australia Licence. To view a copy of this licence, visit http://creativecommons.org/licenses/by/3.0/au.

The Australian Electoral Commission asserts the right of recognition as author of the original material. The report should be attributed as *Australian Electoral Commission Ballot Paper Formality Guidelines.*

EM432 24 July 2023

Contents

Introduction 1

House of Representatives or Referendum Scrutiny 1

Senate Scrutiny Processes 1

Ballot paper formality tests 2

Authentic ballot papers 2

Ballot paper alteration by polling officials 2

Alteration by polling officials 3

Ballot paper formality principles 5

Lawful numbering sequence 5

House of Representatives guidelines 6

Consecutive sequence of numbers 6

Overwriting 7

Acceptable forms of numbering 8

Empty boxes 10

Placement of votes 11

Variations in handwriting 12

Candidate name substitution 13

Senate guidelines 14

Consecutive sequence of numbers 14

Overwriting 17

Acceptable forms of numbering 18

Missing or repeated numbers 21

Placement of votes 24

Variations in handwriting 26

Group or candidate name substitution 27

Referendum guidelines 30

Referendum ballot paper tests 30

Use of multiple marks 31

Change to wording on ballot paper 32

Use of symbols on ballot paper 32

Ballot papers with more than one question 33

Feedback 34

Glossary 35

Introduction

When undertaking checks on whether a Senate, House of Representatives (HoR) or Referendum ballot paper is formal or informal, four questions should be asked:

- Is the ballot paper authentic?
- Does the ballot paper identify the voter?
- Does the ballot paper have a vote marked on it?
- Is the intention of the voter clear? That is:
  - In the case of a HoR or Senate election, does the ballot paper contain a lawful numbering sequence?
  - In the case of a referendum, does the ballot paper have 'Yes' or 'No' marked on it for each question?

When making decisions on disputed ballot papers, decision makers should attempt to look at as many disputed ballot papers as possible at the same time. This assists with consistent application of the principles in decision making.

If necessary consult with senior management in state or national office (excluding the Australian Electoral Officer (AEO) who may need to be the decision maker if a HoR or Referendum recount is held) for guidance on ballot paper formality. If required, legal advice can be sought.

House of Representatives or Referendum Scrutiny

For HoR elections and referendums, the DRO is the decision maker. While presiding officers, known as officers in charge (OICs) and polling place officials will sort and count first preference or 'Yes' votes on polling night, any ballot papers for which formality cannot be determined at the polling place will be separated and transmitted to the DRO who will make a determination on their formality.

Senate Scrutiny Processes

The scrutiny of Senate ballot papers occurs at the Central Senate Scrutiny (CSS). The AEO for the state or territory is responsible for the Senate scrutiny and is the final decision maker in regard to Senate ballot paper formality.

On polling night the Electoral Act requires the Assistant Returning Officer (ARO) to count the total number of Senate ballot papers and the number of first preferences for each group above the line (ATL) (s.273(2)(ca) and (d) of the Electoral Act). It is Australian Electoral Commission (AEC) policy for the ARO to also count the number of first preferences below the line (BTL) for each group and ungrouped candidate and to also count the obviously informal ballot papers.

After polling day, the DRO reconciles the number of ballot papers previously counted by the ARO, or undertakes an initial count of any ballot papers that have not already been counted, (s.273(3) of the Electoral Act) before forwarding the ballot papers to the CSS.

All Senate ballot papers need to have their individual preferences entered into the AEC's computerised Senate count system Easycount – whether the ballot paper is marked above or below the line.

The AEC uses a semi-automated process to conduct the Senate count, scanning Senate ballot papers and using optical character recognition technology to capture preferences. Once captured, these preferences are then verified by a human operator and the formality rules applied.

This occurs progressively over several weeks as the ballot papers are processed through the semi-automated count process at the CSS. Once all the ballot papers have been scrutinised and the quota struck, the distribution of preferences is conducted in Easycount to determine the final results.

Ballot paper formality tests

All ballot papers will be required to undergo two tests before progressing through formality checking. Failure of either of these tests will result in an informal ballot paper and no further formality checking will be required.

- Is the ballot paper authentic?
- Does the ballot paper identify the voter?

Authentic ballot papers

Generally a ballot paper will carry an official mark (watermark or printed security detail) and the initials of the issuing officer.

However, ballot papers that do not carry these markings are not necessarily informal. They should be presented to the DRO in the case of HoR or Referendum ballot papers or to the AEO in the case of Senate ballot papers to decide on their formality.

Ballot paper alteration by polling officials

A fully printed ballot paper for a division may be altered to become a ballot paper for another division (i.e. the names of the candidates are crossed out by the issuing officer and the names of candidates for the other division are written in their place).

Where ballot papers have been altered by polling officials the vote is still formal if:

- the political party names are not all correctly listed, for example the wrong party names are listed against the candidates or the party names are not listed.
- a ballot paper has the names of any candidate spelt incorrectly, provided the identity of the candidate is still clear.
- the ballot paper has the names of the candidates in the wrong order.
- the candidate's surname only is listed on the altered ballot paper, as long as no two candidates share a surname.

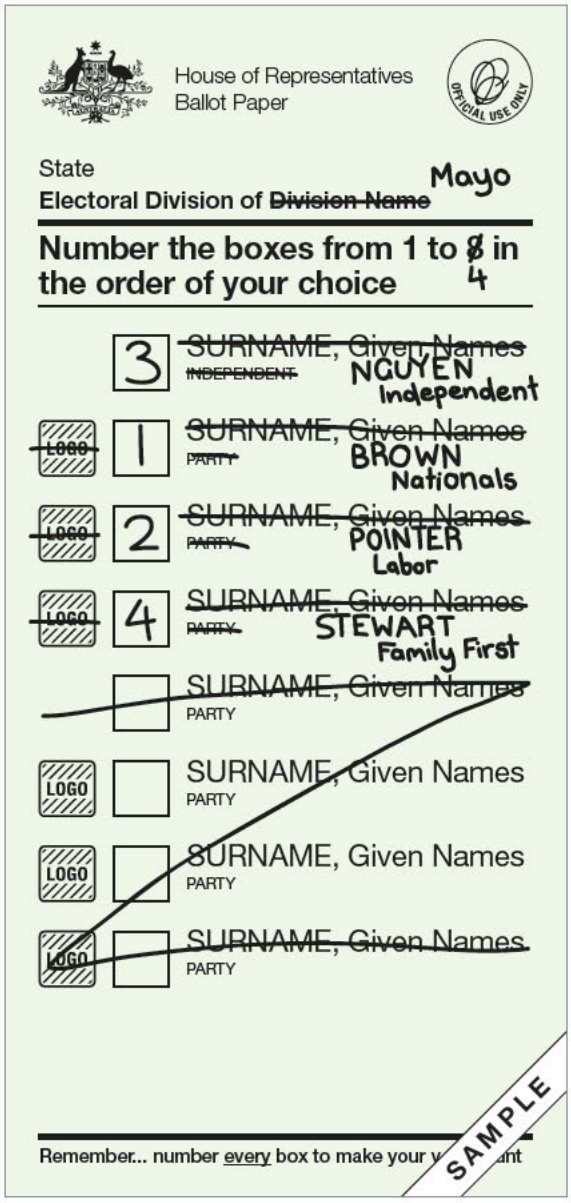
NOTE: There is no legal requirement for a ballot paper prepared by an official under s.209(6) or s.209(7) of the Electoral Act to contain a party logo and therefore the absence of a logo does not make the ballot paper informal.

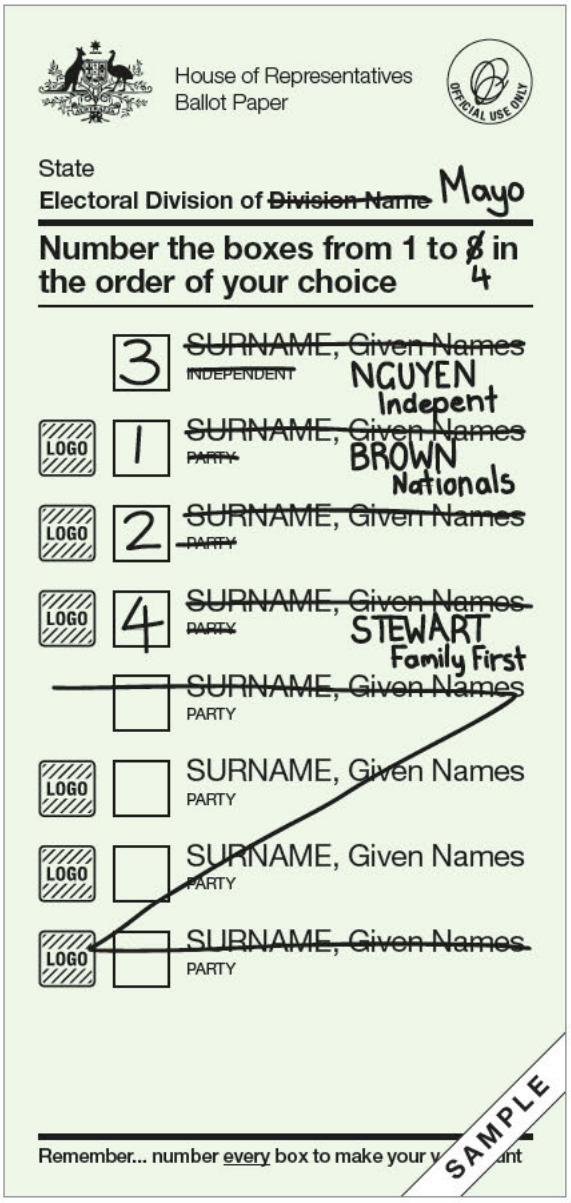
However, irrespective of the way the voter has voted, the ballot paper is informal if:

- an altered ballot paper does not contain the names of every candidate for the division.
- the candidate's given names only are listed on the altered ballot paper.

Alteration by polling officials

Example – ballot paper alteration by polling official





This ballot paper is formal

All surnames are different. That is, the ballot paper has been altered with the candidates' surnames only and no two candidates share a surname.

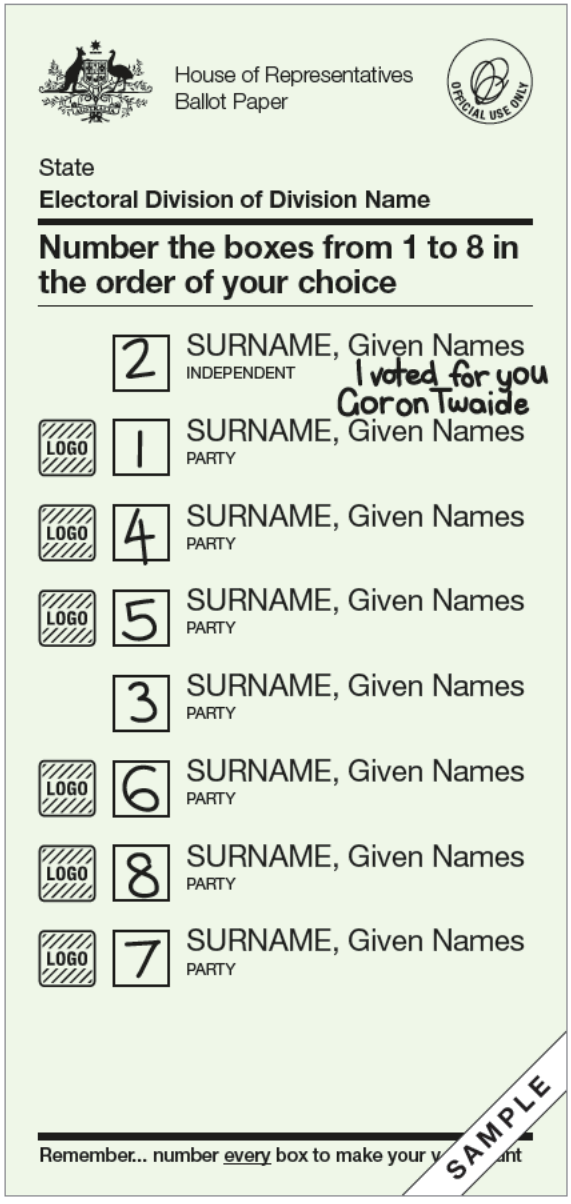
This ballot paper is informal.

There is no candidate's name beside the third box.

Identification of voter

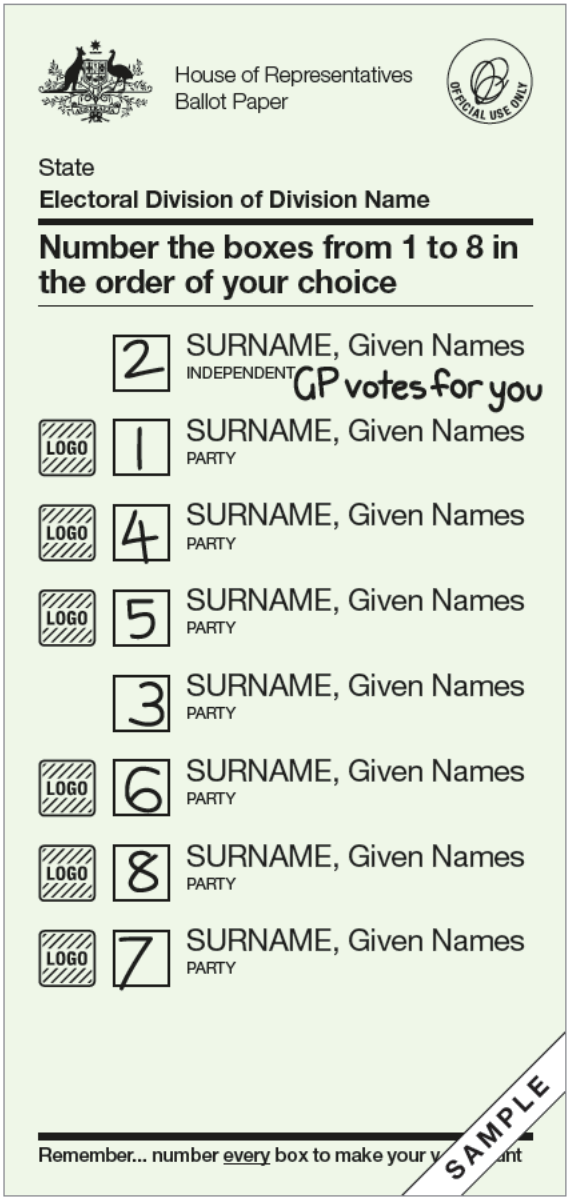
A ballot paper that has been marked in a way that could identify the voter should be presented to the DRO in the case of HoR and Referendum ballot papers and to the AEO in the case of Senate ballot papers to decide on formality.

Example – ballot paper that may identify a voter



This ballot paper may be informal

If, in the opinion of the DRO, there is sufficient writing on the ballot paper to uniquely identify the voter, the ballot paper is informal.



This ballot paper may be formal

If, in the opinion of the DRO there is not enough information to identify the voter the ballot paper is formal.

Ballot paper formality principles

There are five overarching principles that must be considered when interpreting the marks on any ballot paper that has passed the initial two tests. They are:

- Start from the assumption that the voter has intended to vote formally
  The assumption needs to be made that an elector who has marked a ballot paper has done so with the intention to cast a formal vote.
- Establish the intention of the voter and give effect to this intention
  When interpreting markings on the ballot paper, these must be considered in line with the intention of the voter.
- Err in favour of the franchise
  In the situation where the voter has tried to submit a formal vote, i.e. the ballot paper is not blank or defaced, doubtful question of form should wherever possible, be resolved in the voter's favour.
- Only have regard to what is written on the ballot paper
  The intention of the voter must be unmistakable, i.e. do not assume what the voter was trying to do if it's not clear – only consider what was written on the ballot paper.
- The ballot paper should be construed as a whole
  By considering the number in each square as one in a series, not as an isolated number, a poorly formed number MAY be recognisable as the one missing from the series.

Lawful numbering sequence

HoR and Senate ballot papers have different numbering sequence requirements. Whether a numbering sequence is lawful will depend on the type of ballot paper. However, there are some general principles that apply to the assessment of all ballot papers:

- consecutive sequence of numbers
- overwriting
- acceptable forms of numbering
- empty boxes
- placement of votes
- variations in handwriting, and
- candidate name substitution.

Consecutive sequence of numbers

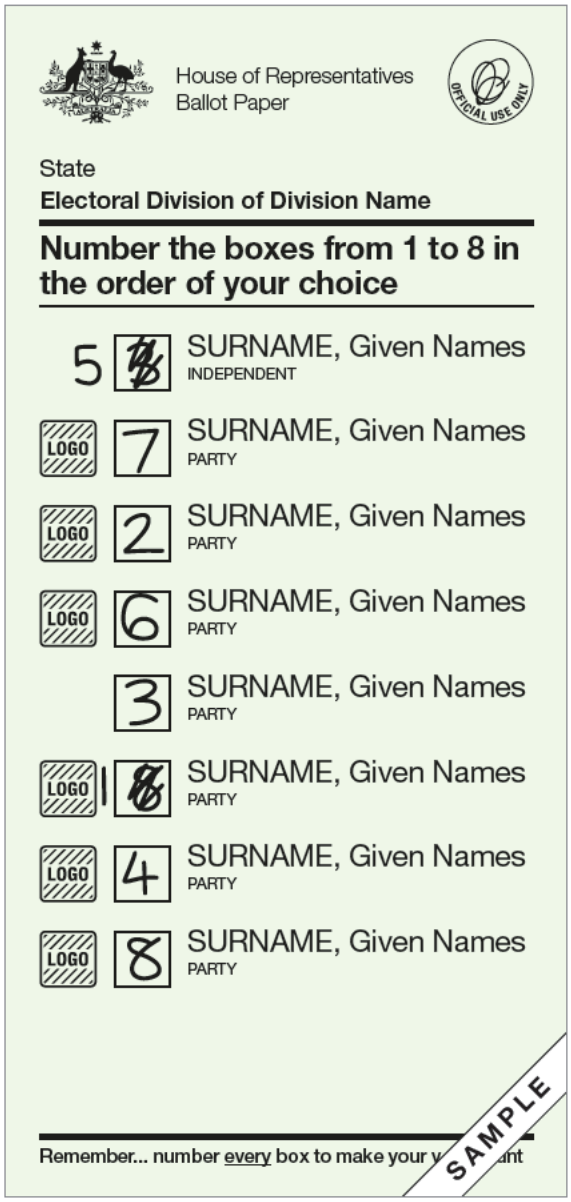
A House of Representatives ballot paper is only formal if the voter has indicated a first preference and consecutively numbered all boxes. A number in the series may not be repeated or skipped.

If one box is left blank and all other boxes have been numbered in a consecutive sequence starting with the number '1', the paper is formal providing:

- the blank box is the last in the consecutive sequence; and
- there is no marking at all in the box.

Alterations to numbers will not make a ballot paper informal, provided the voter's intention is clear, for example a number can be crossed out and another number written beside it.

Example – consecutive numbering



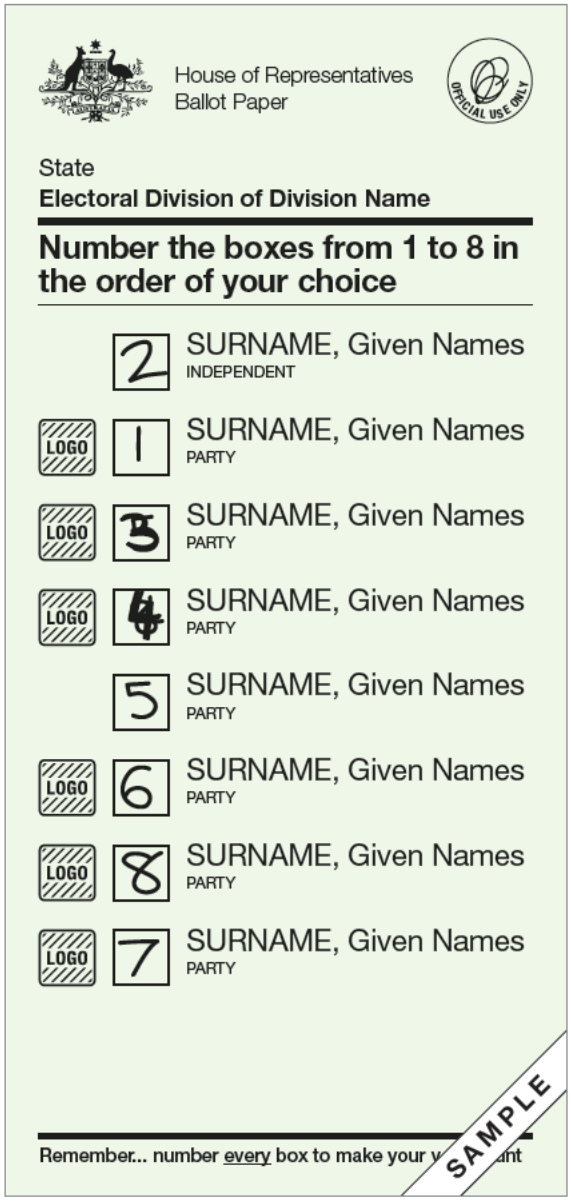
This ballot paper is formal

There are eight consecutive numbers reasonably discernible.

Overwriting

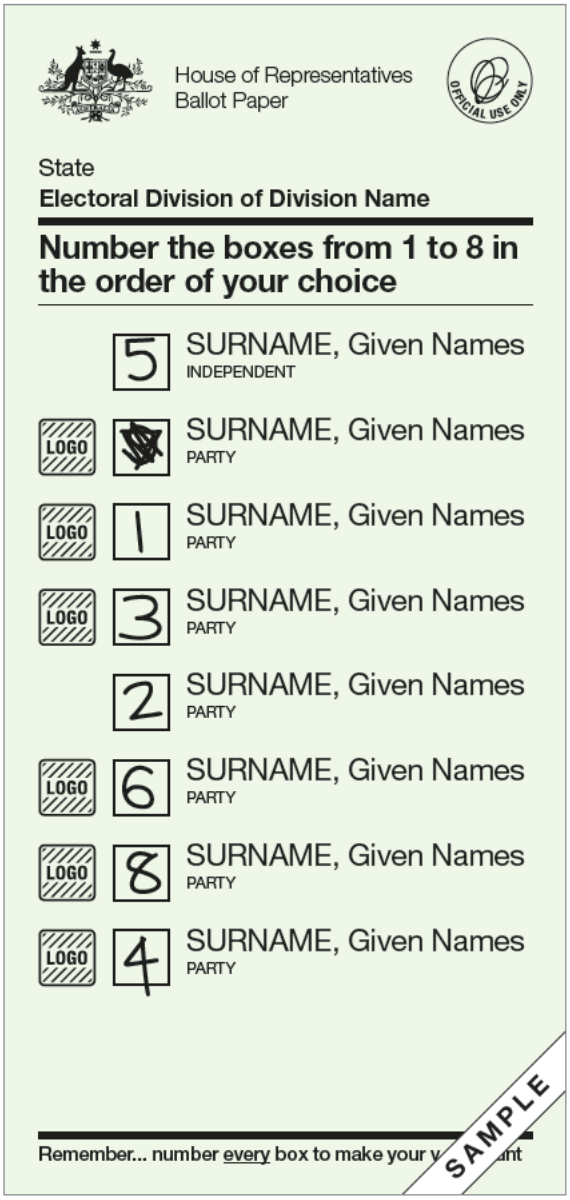
If a number is overwritten in a way that makes it impossible to read, then the ballot paper is informal.

Example – overwritten ballot paper



This ballot paper is formal

The third box is an overwritten '3', the fourth box is an overwritten '4'.



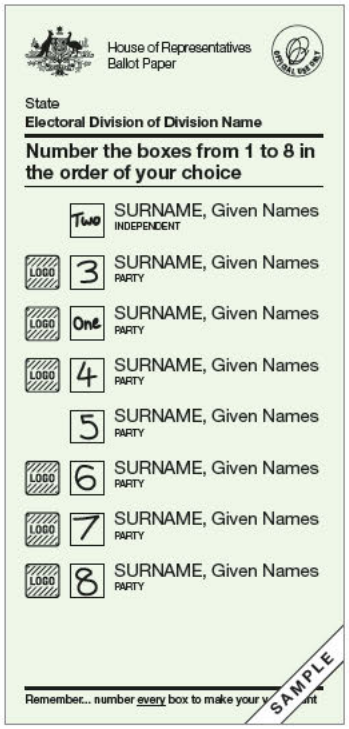
This ballot paper is informal

The overwriting in the second square is indecipherable.

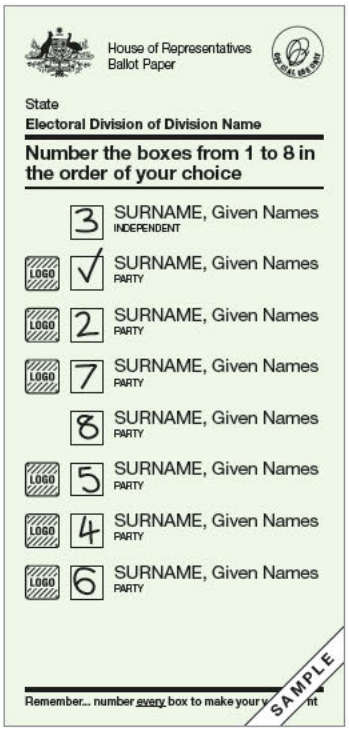
Acceptable forms of numbering

For voting in the House of Representatives, voters may use a consecutive sequence in various styles – such as: numerals (1 2 3), words (one two three) roman numerals (I II III IV), or ordinal numerals (1st 2nd 3rd). In certain cases, a mixture of numbering sequences can be used, provided that the voter's intention is clear. Voters can use letters in a consecutive series (A B C) provided A is the first preference and no letters are repeated or skipped. A mixture of letters and numbers will result in an informal ballot paper.

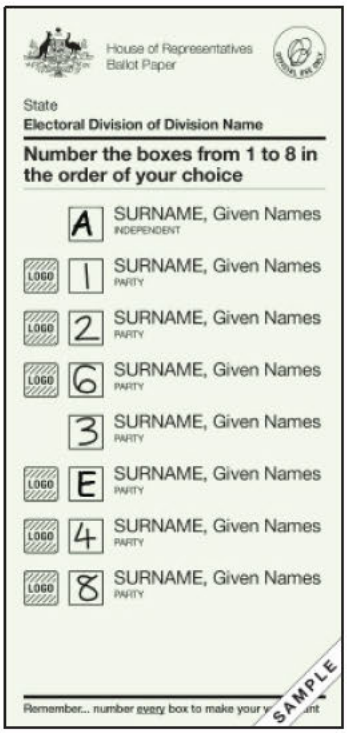
Example – numbering



This ballot paper is formal
Numbers can be written as words or figures



This ballot paper is informal
Ticks or osses are not a va d first preference mark for HoR ballot papers



This ballot paper is informal.
A mixtu e of num ers and letters ha made he voter's intention unclear

Two Candidates only

In the case of only two candidates on a HoR ballot paper, if the voter has placed a '1' in the box beside a candidate and

- left the second box blank, or
- inserted any other number

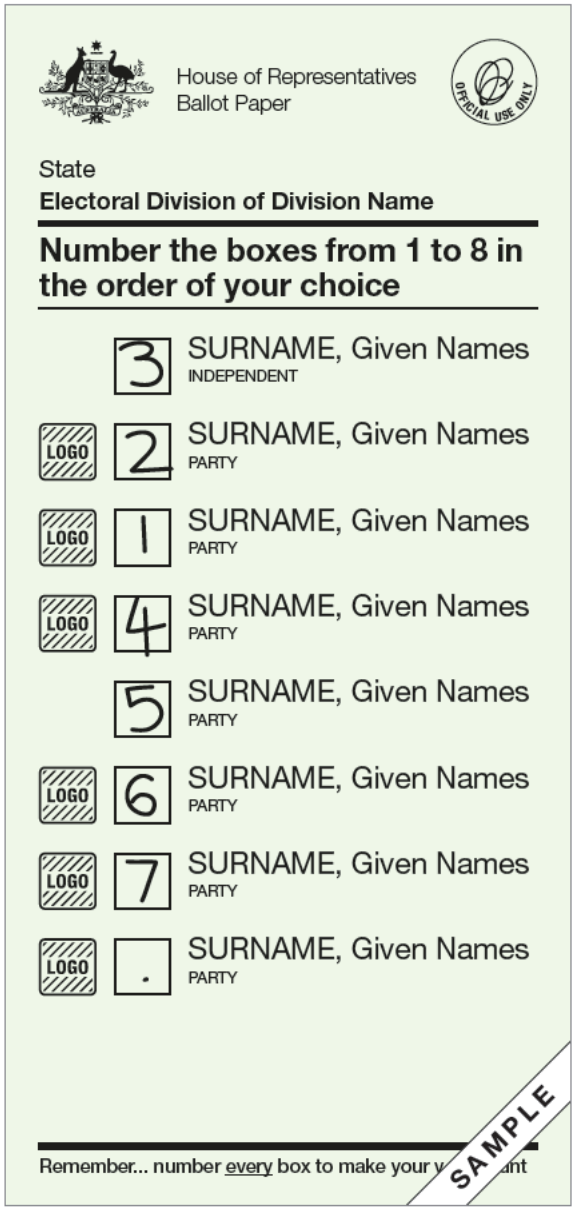
the ballot paper will be deemed formal (s.268(1)(c) of the Electoral Act).

Empty boxes

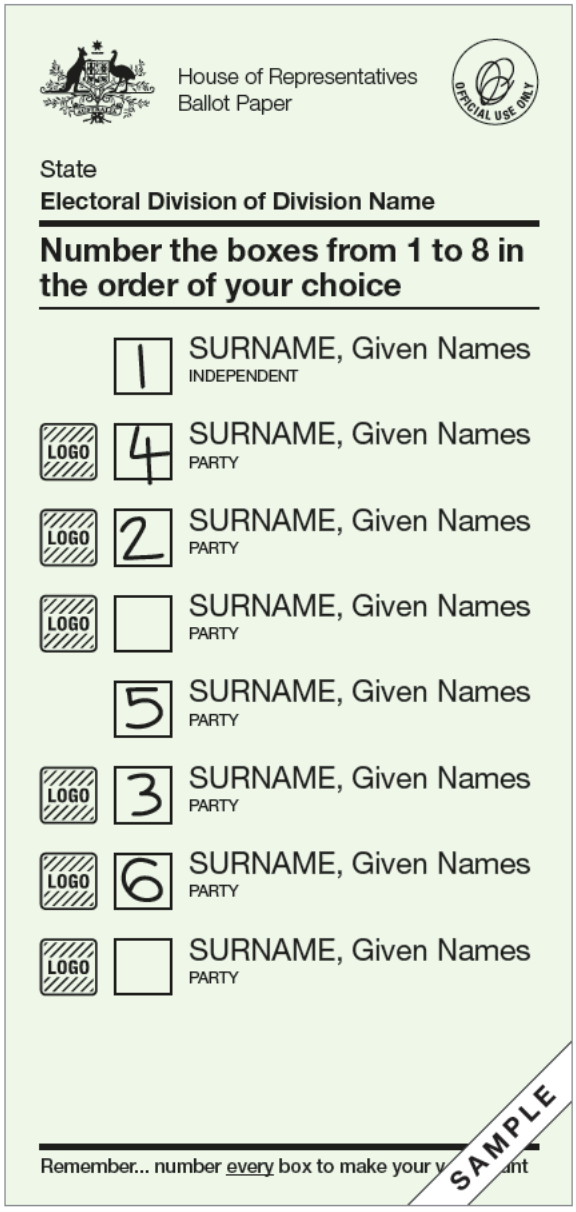
For House of Representatives ballot papers a single box may be left empty provided it is the last in the series and on the condition there is no marking in the box at all. A scribble or dot etc in the final box will result in informality if it is not recognisable as the next number in the series.

Two or more empty boxes on a House of Representatives ballot paper results in an informal vote.

Example – empty boxes on ballot paper



This ballot paper is informal
No discernible figure in the eighth square.

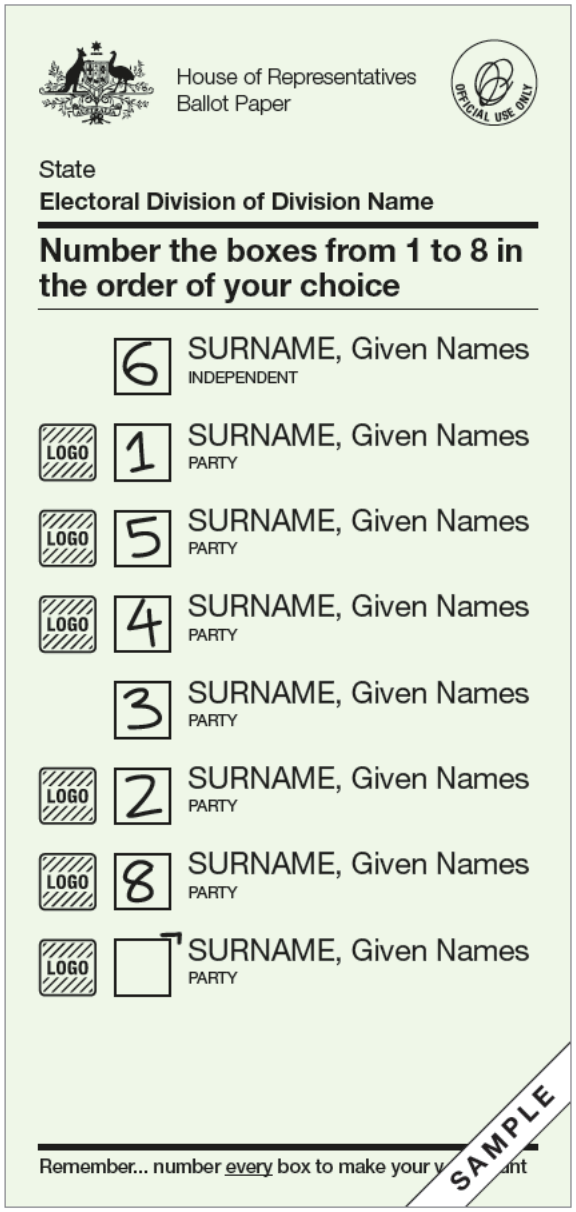


This ballot paper is informal
There are two empty boxes.

Placement of votes

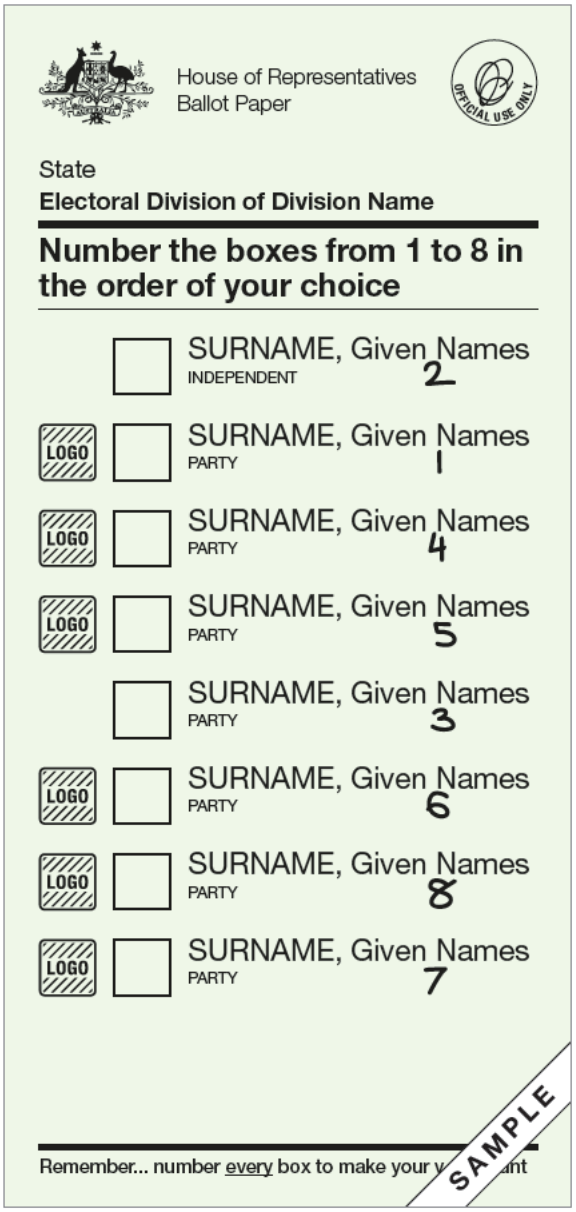
The vote can be made inside the box or beside the box/candidate name, provided the intention of the voter is clear.

Example – placement of votes



This ballot paper is formal

The figure in the eighth square reasonably resembles a '7'.



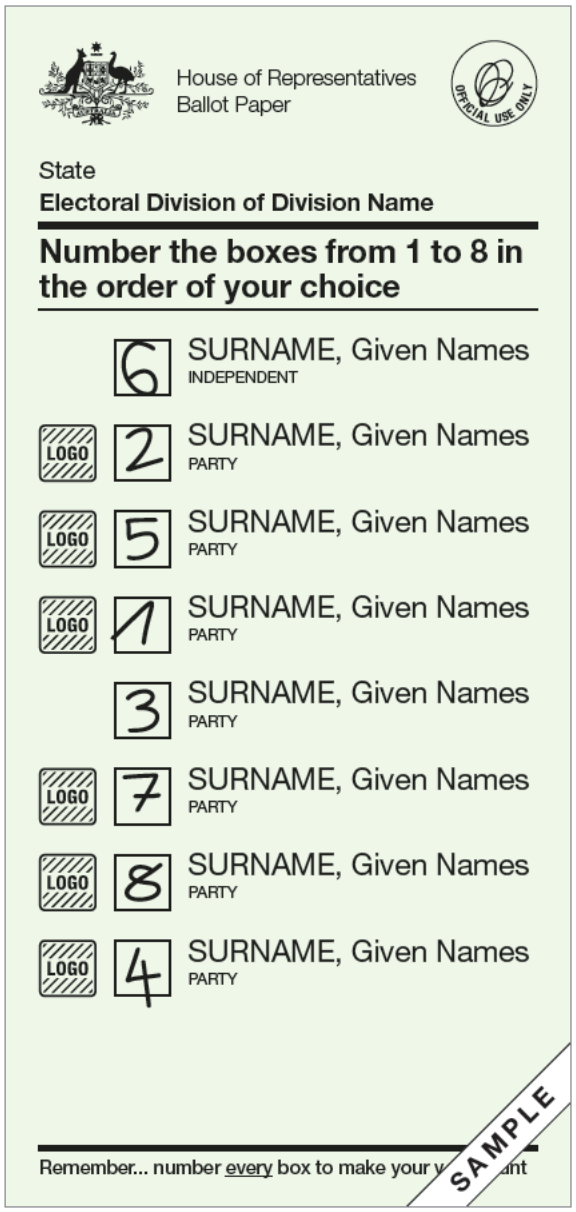
This ballot paper is formal

There is a consecutive series of discernible numbers beginning with '1' and the voter's intention is clear.

Variations in handwriting

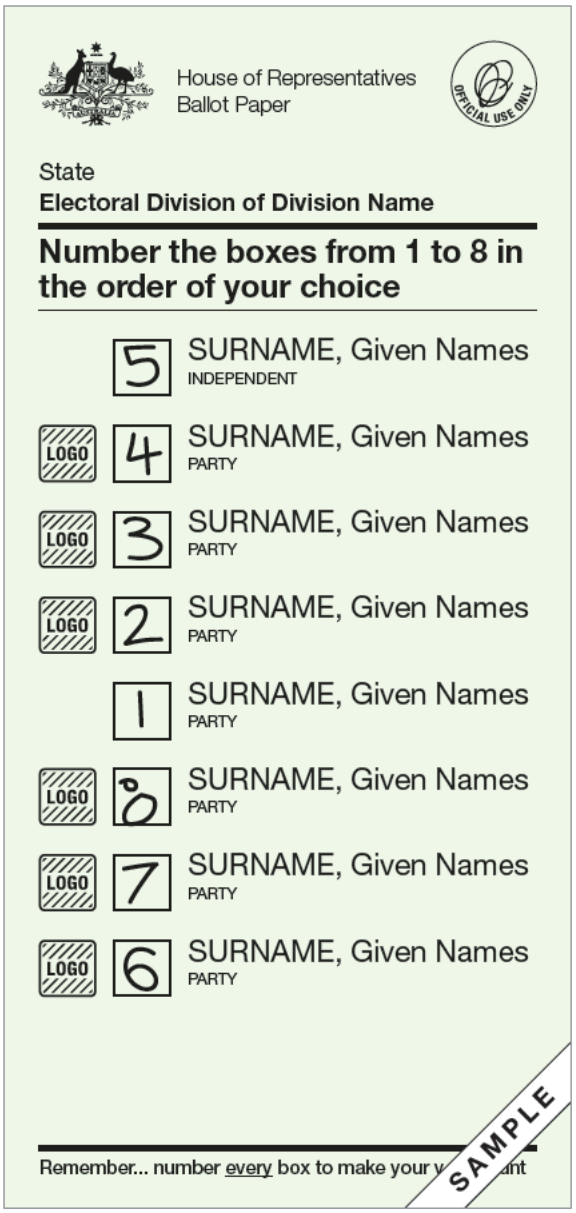
Unconventional but recognisable variations in handwriting, such as placing a stroke through the vertical stem of the number '7' or an upward angular stroke before the familiar vertical stroke on the number '1', should not result in a ballot paper being informal, provided any variations result in a series of numbers and the voter's intention is clear.

Example – variations in handwriting



This ballot paper is formal

The figure in the fourth box reasonably resembles a '1'.



This ballot paper is formal

There is a consecutive series of discernible numbers beginning with '1', and the voter's intention is clear.

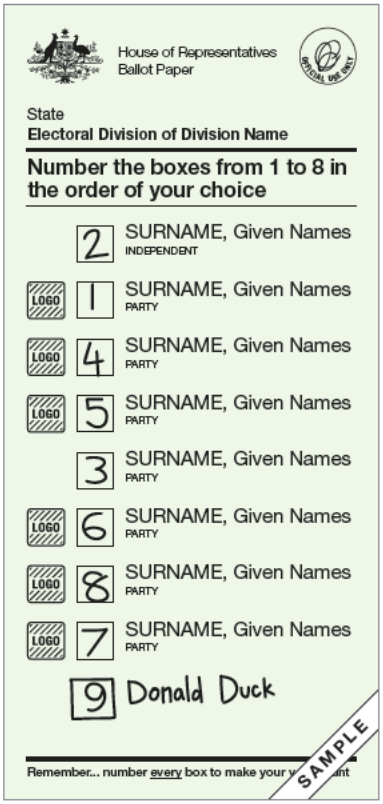
Candidate name substitution

If the voter crosses out or replaces a candidate's name on a ballot paper, that ballot paper is informal unless the square adjacent to the substitute candidate name is left blank or given the last preference in which case section 268(1)(c) of the Electoral Act would likely permit the HoR ballot paper being considered formal.

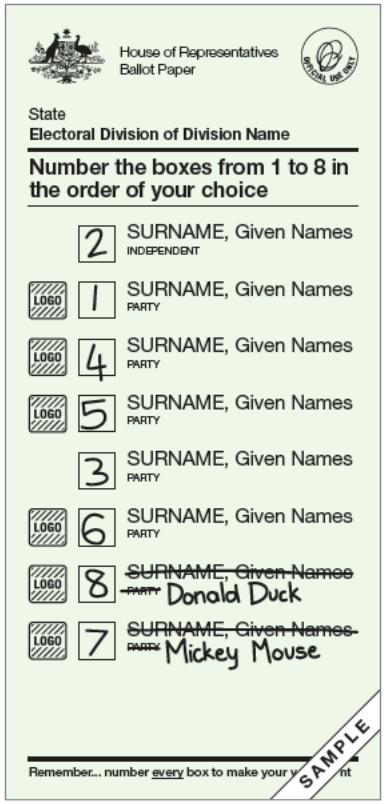
Note that this does not include cases where a fully printed ballot paper is altered to become a ballot paper for another division by a polling official.

If a candidate name has been added to the ballot paper by the voter and been allocated any number except the last number, the vote is informal.

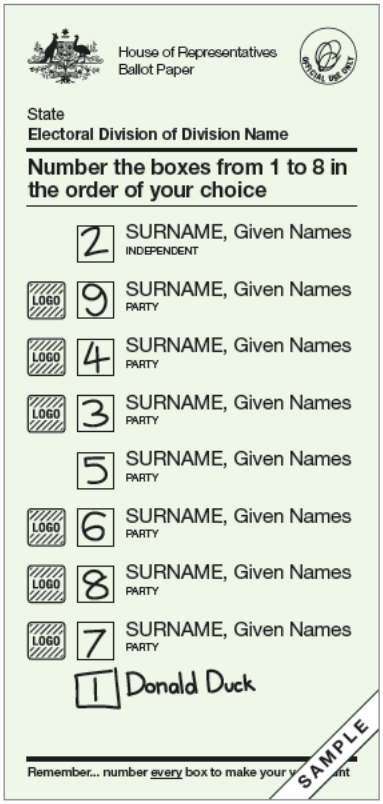
Example – candidate name substitution



This ballot paper is formal
The voter has indicated consecutive preferences for all nominated candidates commencing with the number '1'.



This ballot paper is informal
The voter has not indicated a preference for all the candidates in the election.



This ballot paper is informal
The voter has not indicated a valid first preference.

Consecutive sequence of numbers

Above the line

For an above the line vote (ATL), voters are instructed to consecutively number at least 6 boxes above the black line, in the order of their preference, commencing with the number '1'. By voting in this way, voters are preferencing the individual candidates within a group in the order in which they appear on the ballot paper. However, where a voter consecutively numbers fewer than 6 boxes, (including only one box with a first preference) the ballot paper will still be formal, but will exhaust after the last consecutive number.

Below the line

For a below the line vote (BTL), voters are instructed to consecutively number at least 12 boxes alongside individual candidates in order of their preference commencing with the number '1'. They may continue to express further preferences if they wish.

Where there are more than 6 candidates, the ballot paper will still be formal if the voter has consecutively numbered the boxes 1 to 6. In effect the minimum formality threshold for a BTL vote is the expression of the numbers (preferences) 1, 2, 3, 4, 5, 6 with no duplications or missing numbers.

Note: s.268A(2)(a) of the Electoral Act would permit the number '1' being expressed as either a singular tick or cross e.g. X, 2, 3, 4, 5, 6.

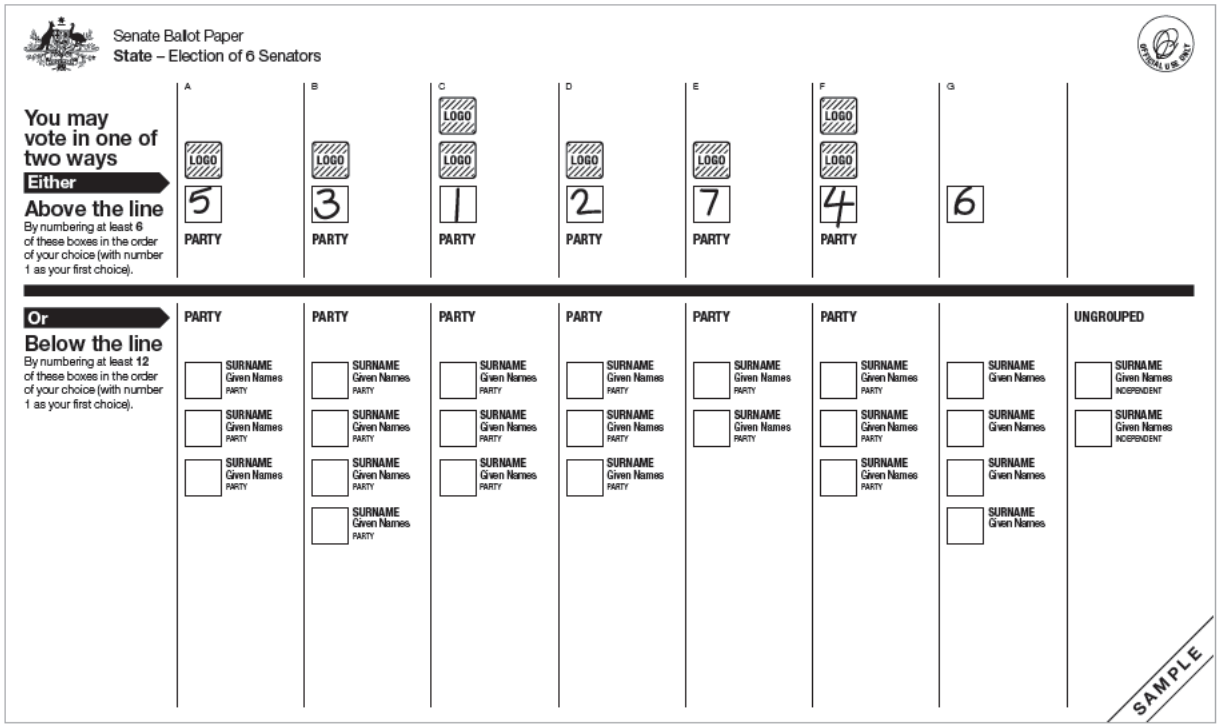
Marked both above and below the line

For a ballot paper that is marked both above and below the line, the BTL figures take precedence and will count as the vote.

If however the BTL figures are informal, the ATL vote will be accepted, providing it is formal.

Disclaimer: All the Senate formality examples in this publication are for the 'Election of 6 Senators' in a state. In the event of a double dissolution election the Senate ballot paper for each state will be for the 'Election of 12 Senators'. Ballot papers for the territories are for the 'Election of 2 Senators'.

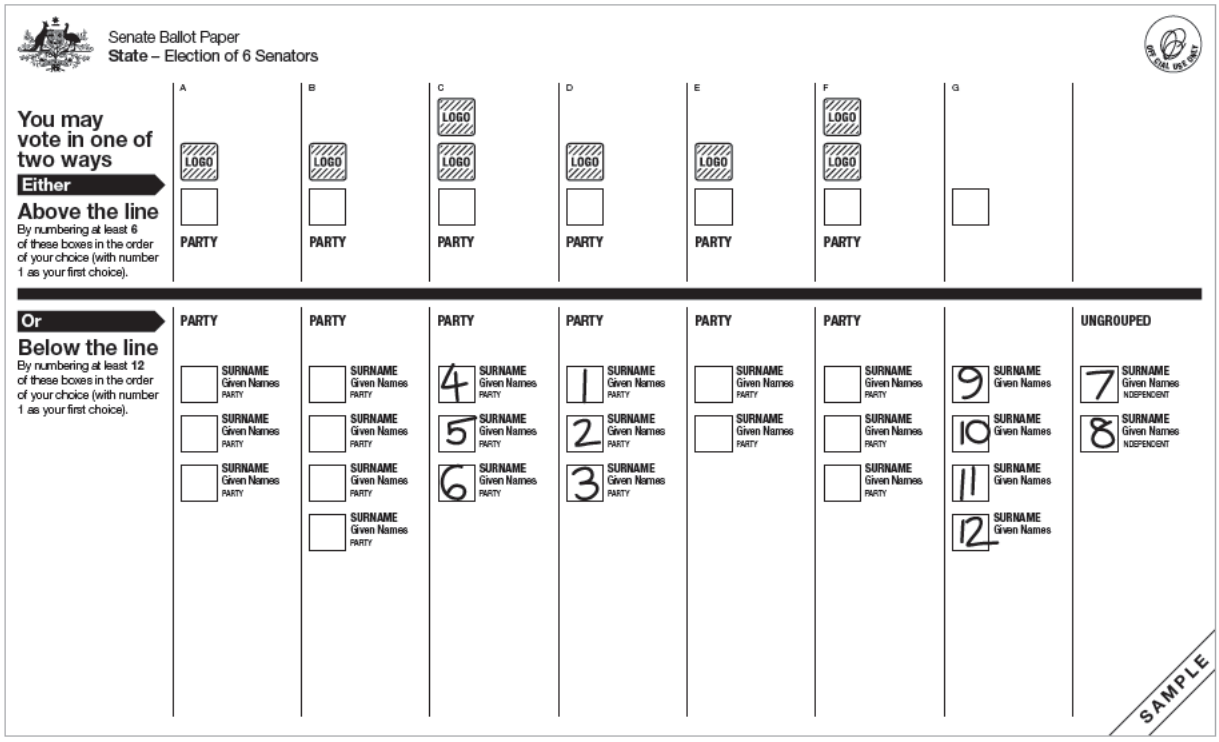
Example – ATL Senate vote



This ballot paper is formal

The voter's intention is clear. There is a consecutive sequence in at least 6 boxes (from 1 to 7).

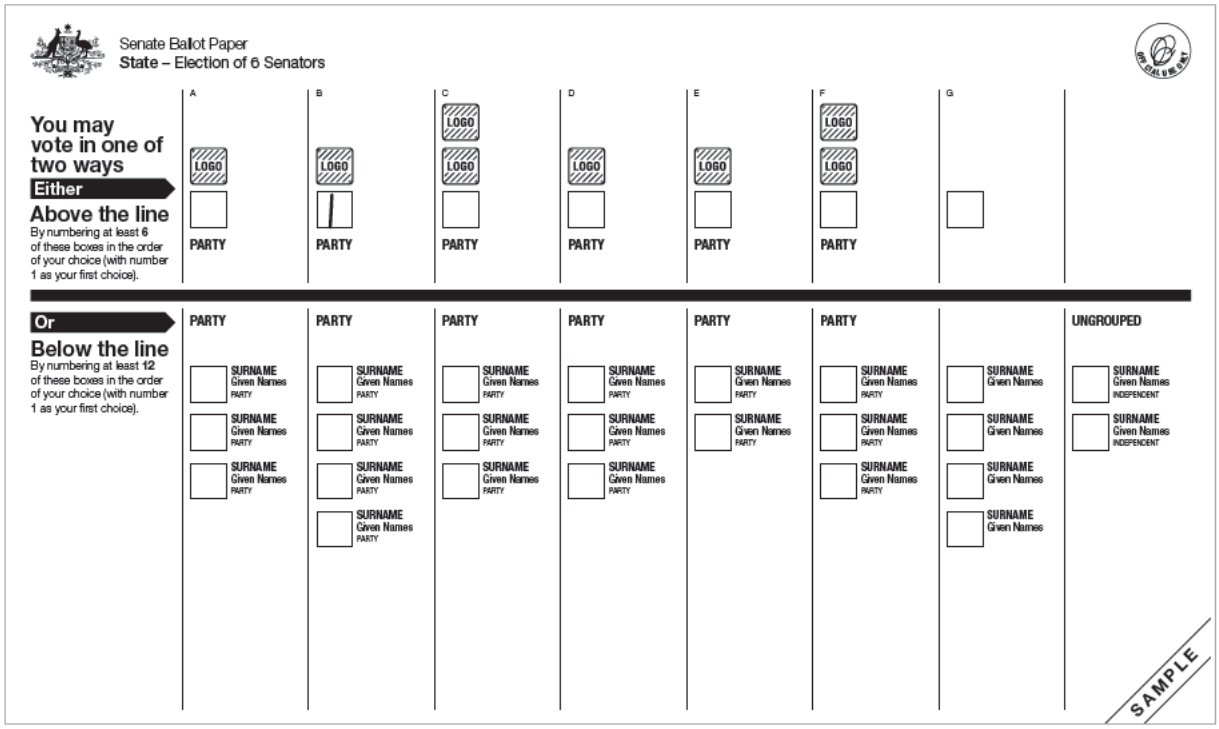
Example – BTL Senate vote



This ballot paper is formal

The voter has indicated their preferences by the consecutive numbers 1 to 12.

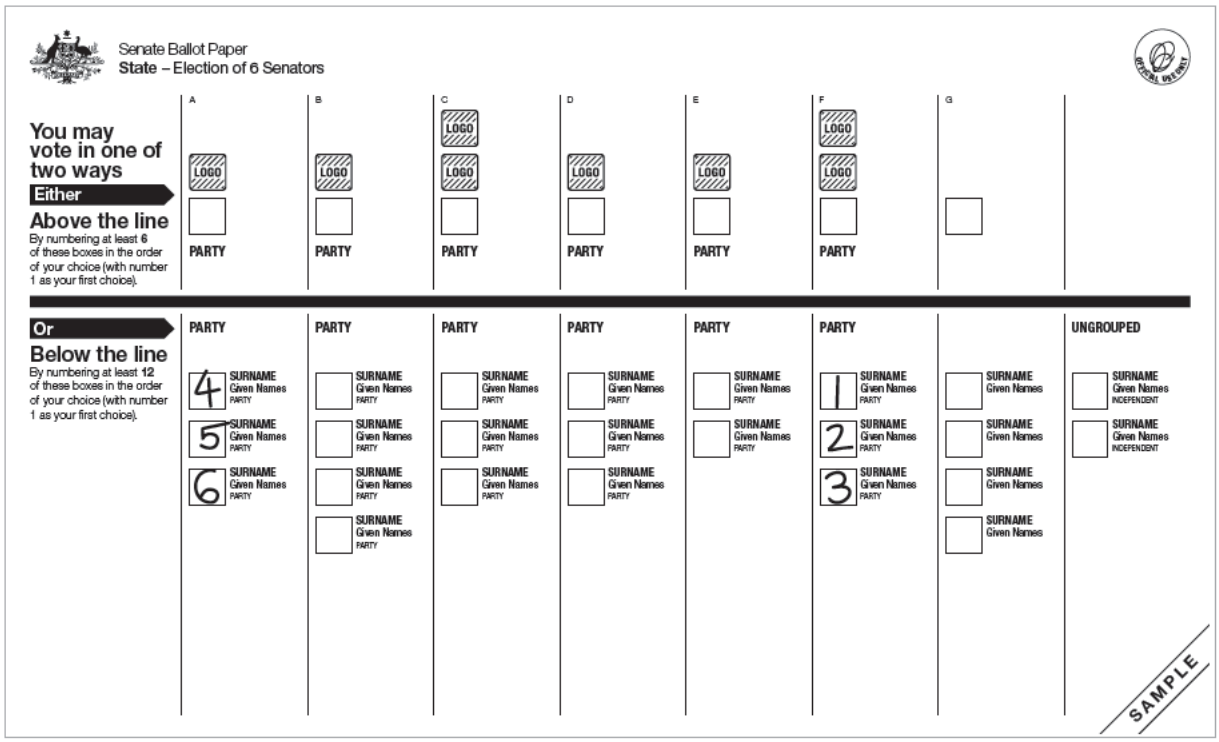
Example – ATL Senate vote



This ballot paper is formal

While the voter has not complied with the requirements of s.239 of the Electoral Act to number at least six boxes, provided there are no other mistakes, 'vote saving' provisions mean ballot papers marked above the line with a number one only (or a sequence of numbers less than six) will be included in the count.

Example – BTL Senate vote



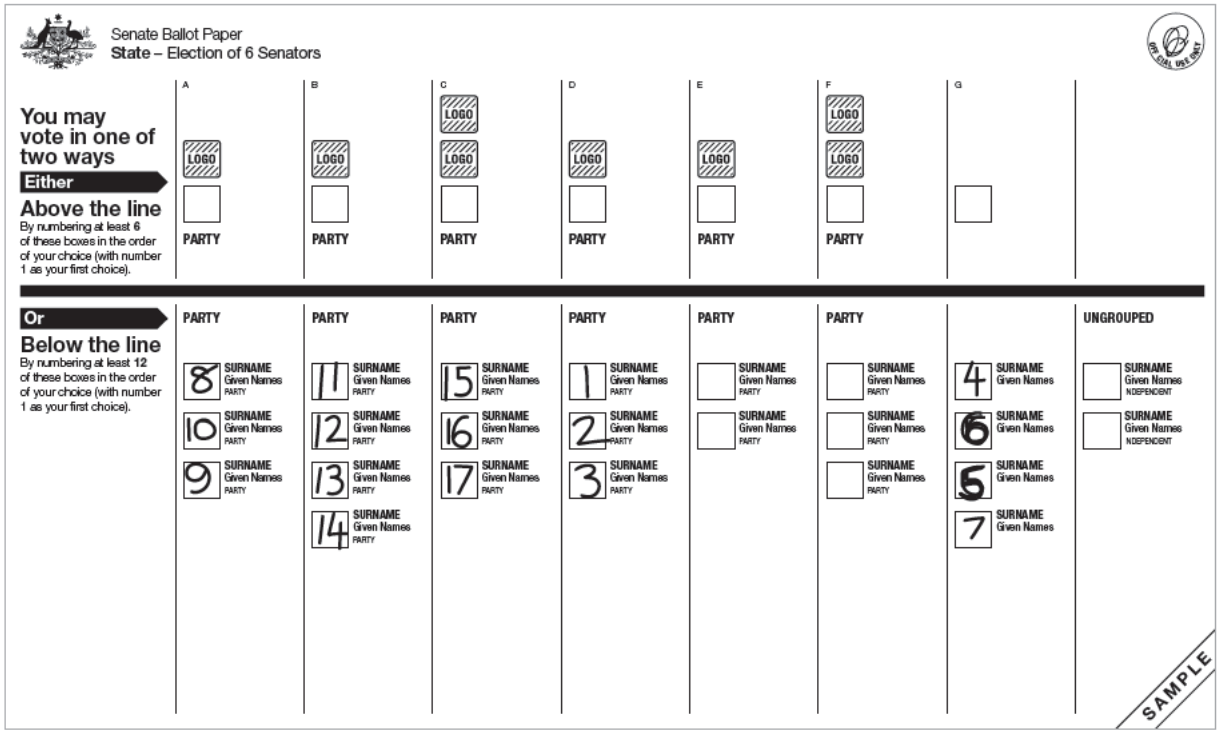
This ballot paper is formal

While the voter has not complied with the requirements of s.239 of the Electoral Act to number at least twelve boxes, provided there are no other mistakes, 'vote saving' provisions mean ballot papers marked below the line with at least six consecutive preferences commencing with the number one will be included in the count.

Overwriting

If a number is overwritten in a way that makes it impossible to read, then the ballot paper is informal.

Example – overwritten ballot paper – BTL Senate



This ballot paper is formal

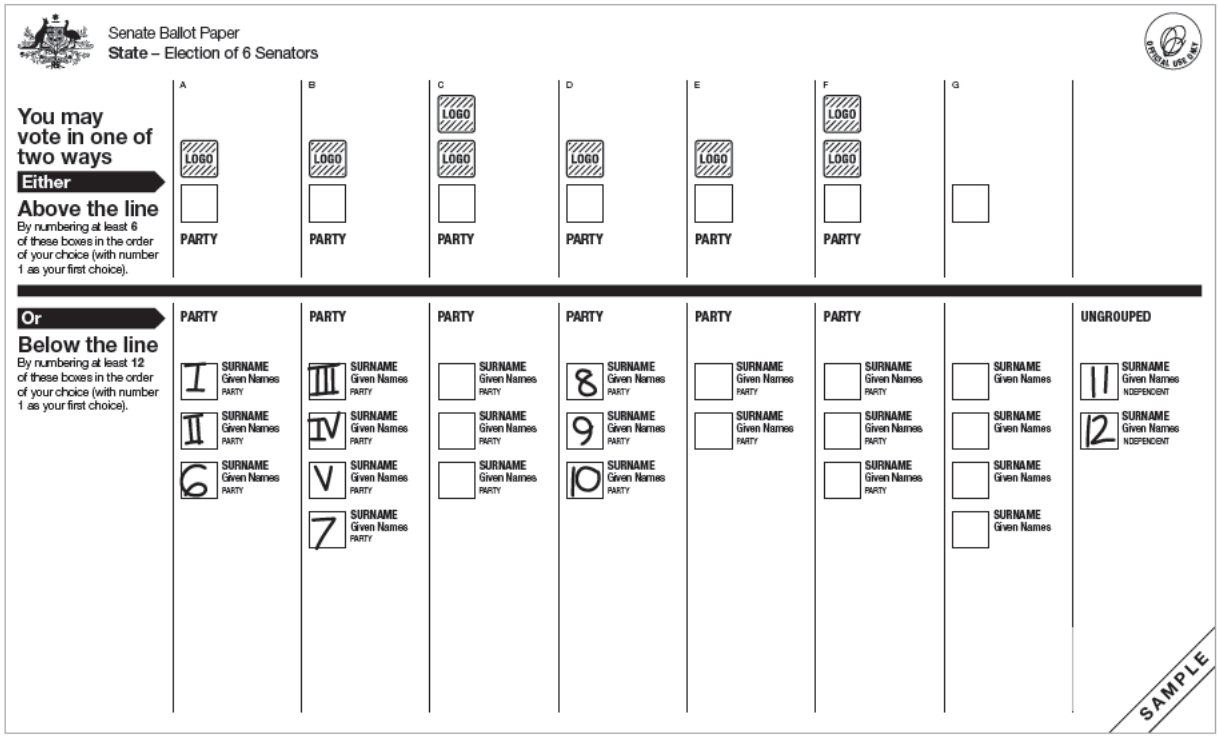
Even though the voter has overwritten two numbers, their intention to number the second and third candidates in Group G with their sixth and fifth preference is clear.

If the overwriting was not clear enough to determine the voter's intention, the ballot paper would be informal because the voter has not expressed consecutive preferences for at least 6 candidates. If the same situation occurred for preference numbers higher than 6, the ballot paper would be formal, but exhaust where there is clear contention over the number sequence.

Acceptable forms of numbering

For voting ATL and BTL in the Senate, voters may use a consecutive series in various styles – such as: numerals (1 2 3), words (one two three), roman numerals (I II III IV), or ordinal numerals (1st 2nd 3rd). In certain cases, a mixture of numbering sequences can be used, provided that the voter's intention is clear. Letters are not acceptable for the Senate.

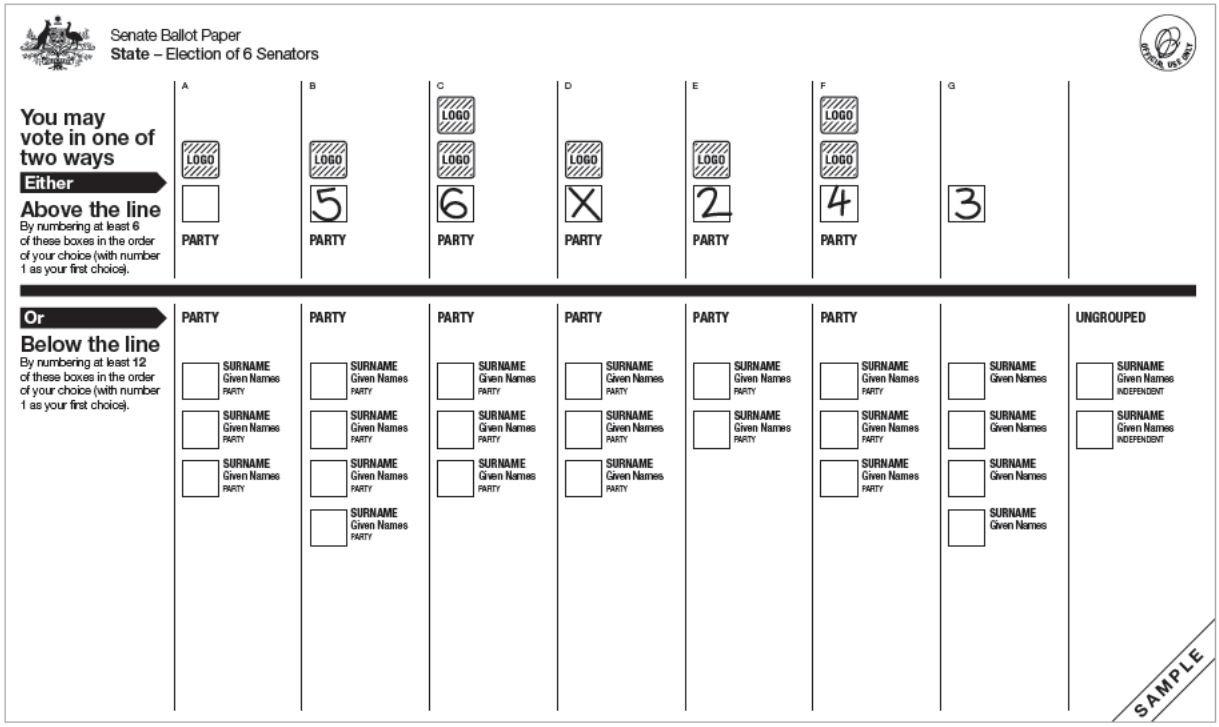
Example – numbering – BTL Senate



This ballot paper is formal

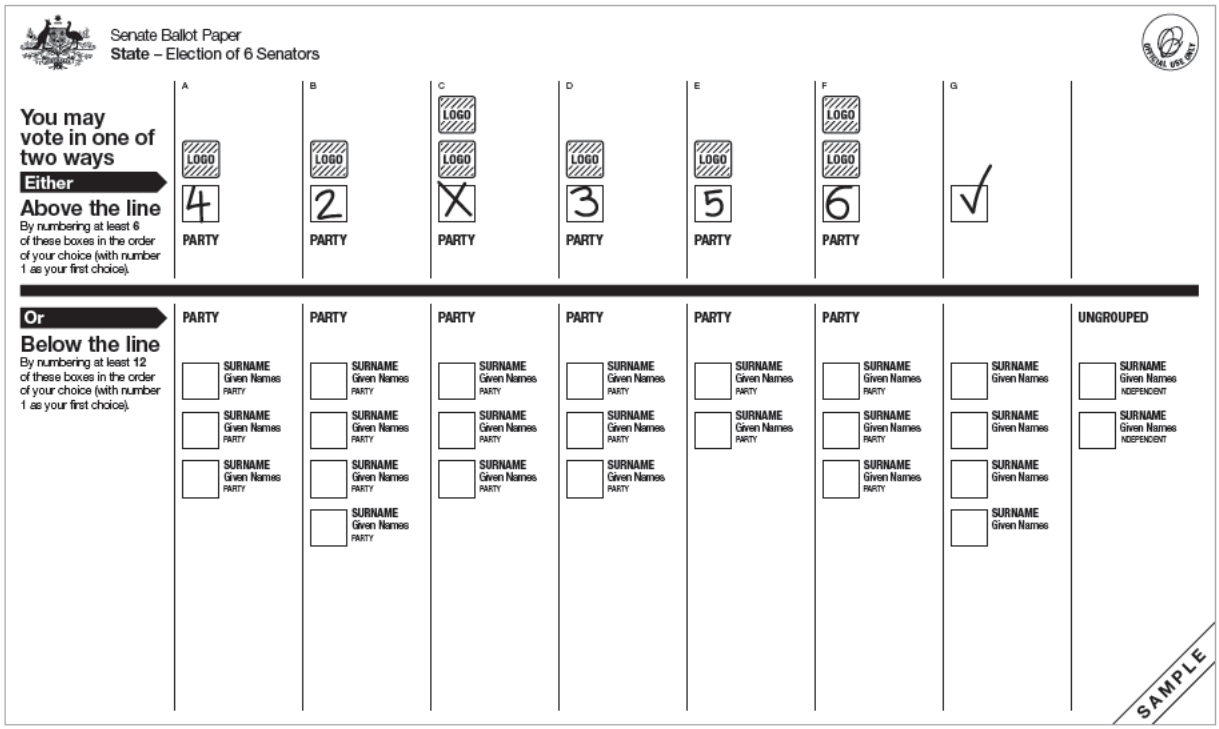
Example – use of a tick or cross – ATL Senate

Unlike in the HoR, for voting ATL and BTL in the Senate, ticks or crosses are acceptable as a first preference mark in lieu of the number '1'. Only one tick or cross or number '1' may be used to indicate the voter's first preference.



This ballot paper is formal

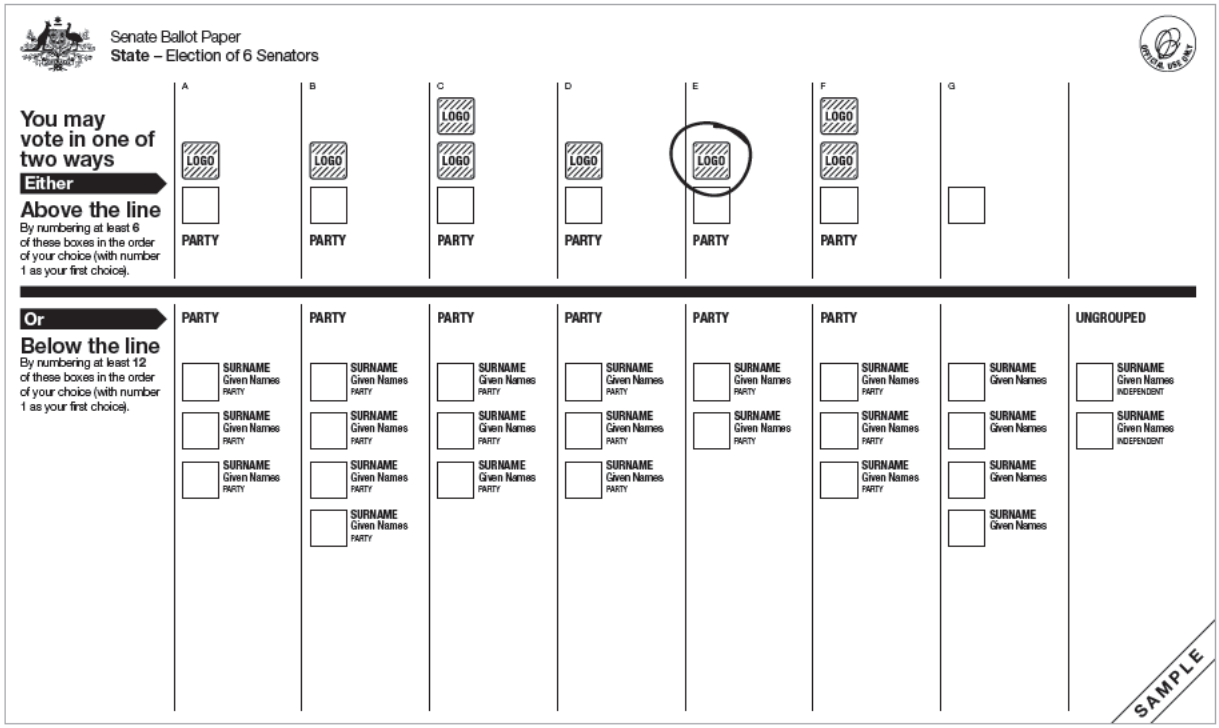
There is a single first preference mark (a cross) ATL and consecutive preferences from 2 to 6.



This ballot paper is informal

The voter's intention is not clear because there are two first preference marks (both a tick and a cross) ATL.

Example – use of symbols – ATL Senate



This ballot paper is informal

While s.268A(2)(a) and s.269(1A) of the Electoral Act allow a singular tick or cross to be treated as a first preference as the number '1' there is no provision in the Electoral Act that allows a circled logo to be treated as expressing a voter's first preference. The circle must be treated as an additional mark that appears on a ballot paper that does not represent a preference (number). Likewise, asterisks, hashtags, plus and minus symbols cannot represent a preference number.

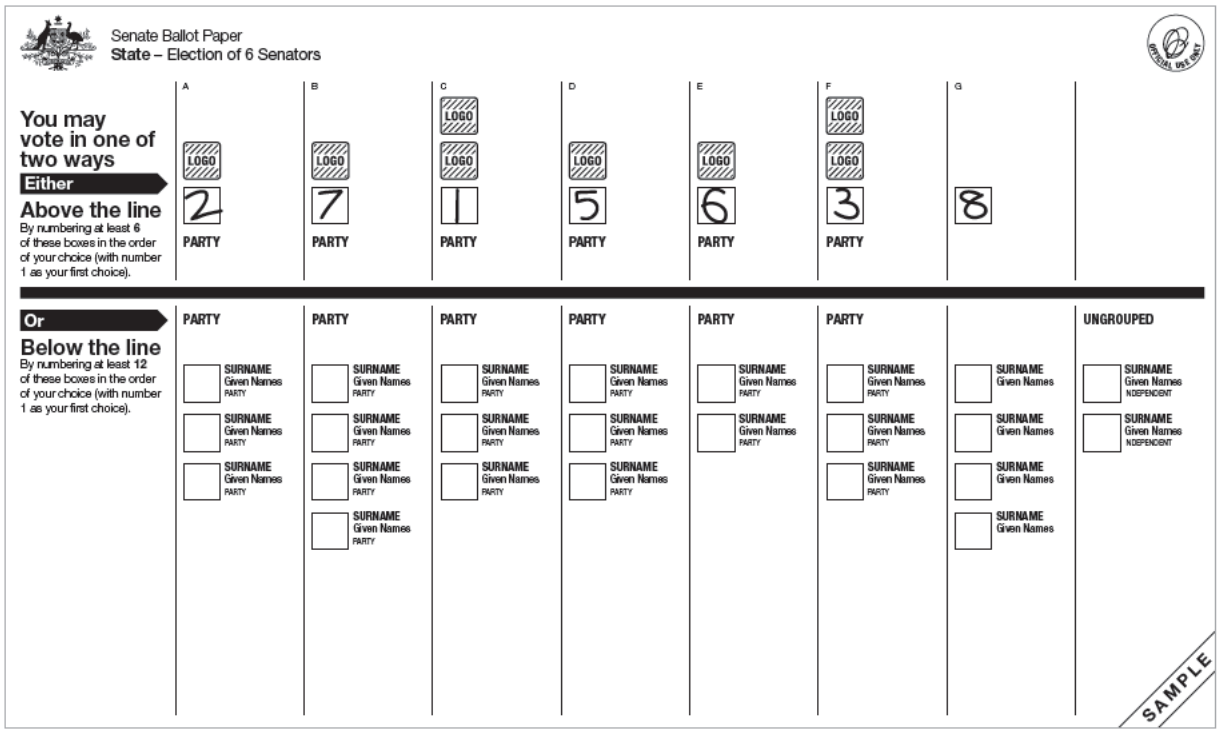
Missing or repeated numbers

Where it meets the minimum requirements, a ballot paper with missing or repeated numbers will still be formal and will exhaust at the missing or repeated number.

The ATL voter has to mark the number '1', or the number '1' and one or more higher numbers (s.268A(1)(b) of the Electoral Act).

The BTL voter has to consecutively number at least their first 6 preferences (s.268A1(b) of the Electoral Act).

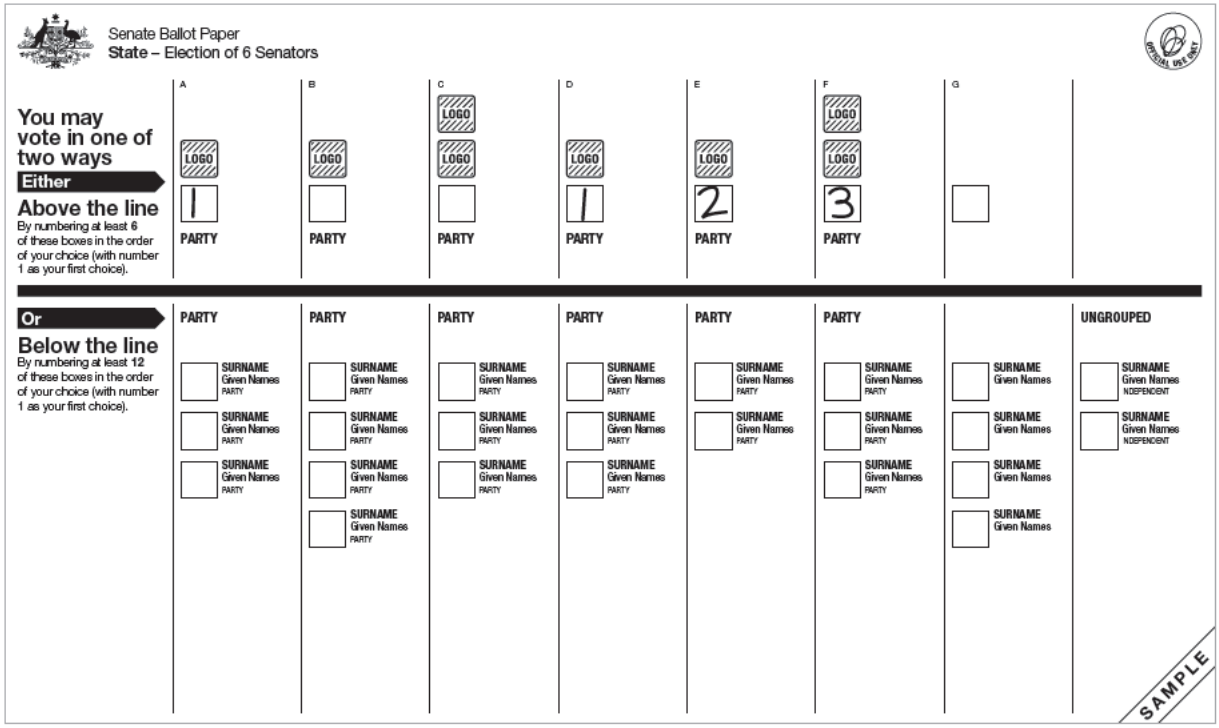
Example – missing numbers – ATL Senate



This ballot paper is formal

However, because the voter's fourth preference is missing only the first three preferences will be included in the count. The preferences numbered 5 to 8 will be disregarded.

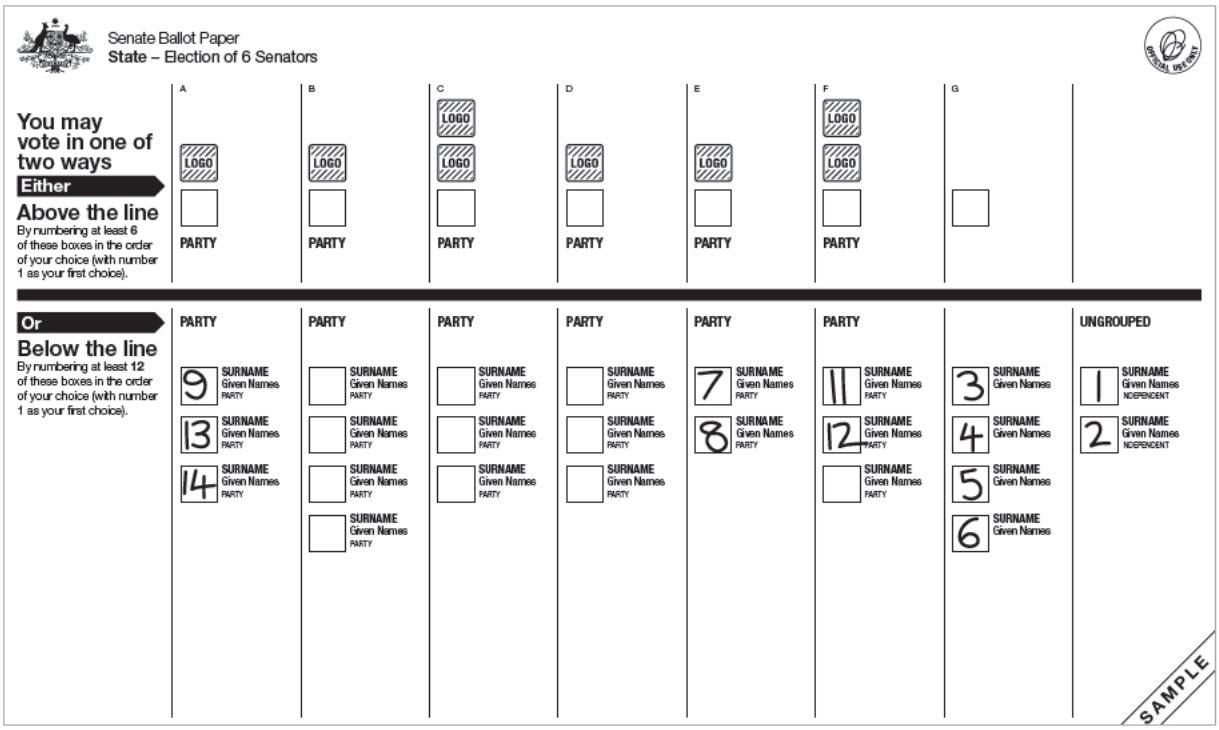
Example – repeated numbers – ATL Senate



This ballot paper is informal

The voter's intention is not clear. The repeated first preference means that no preferences can be counted.

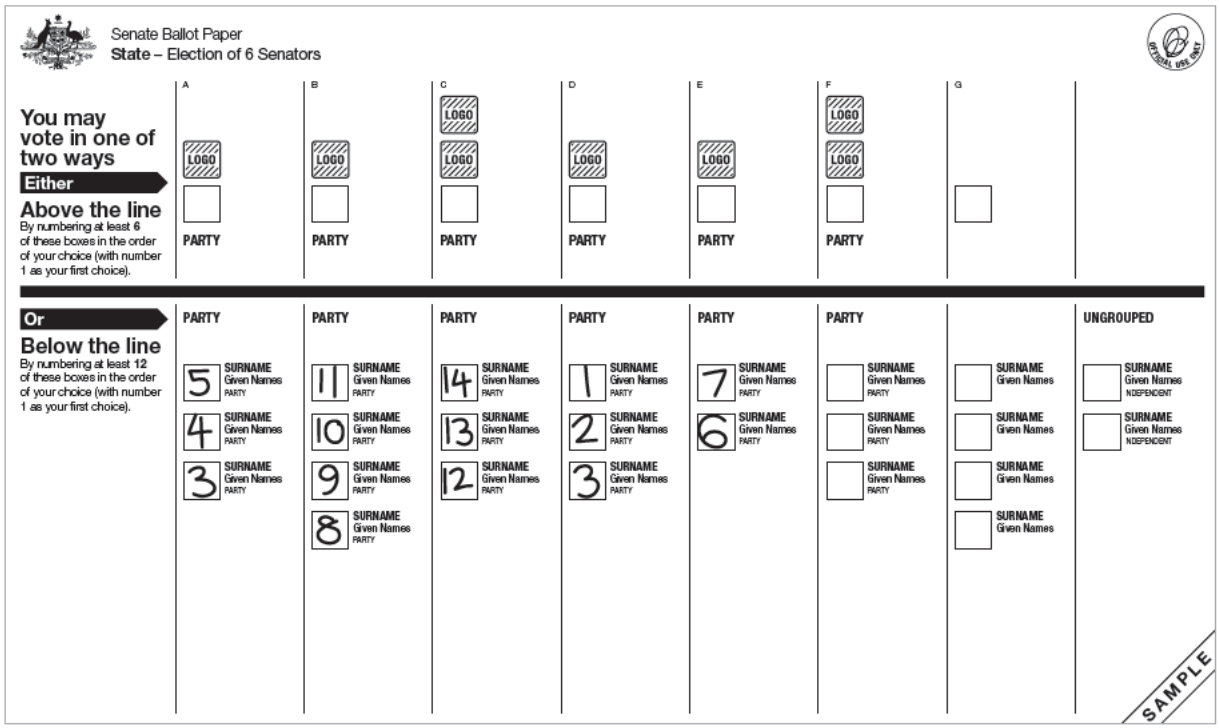
Example – missing numbers – BTL Senate



This ballot paper is formal

However the missing number '10' breaks the voter's preference sequence, so only the boxes marked 1 to 9 can be included in the count. The remaining preferences are disregarded.

Example – repeated numbers – BTL Senate



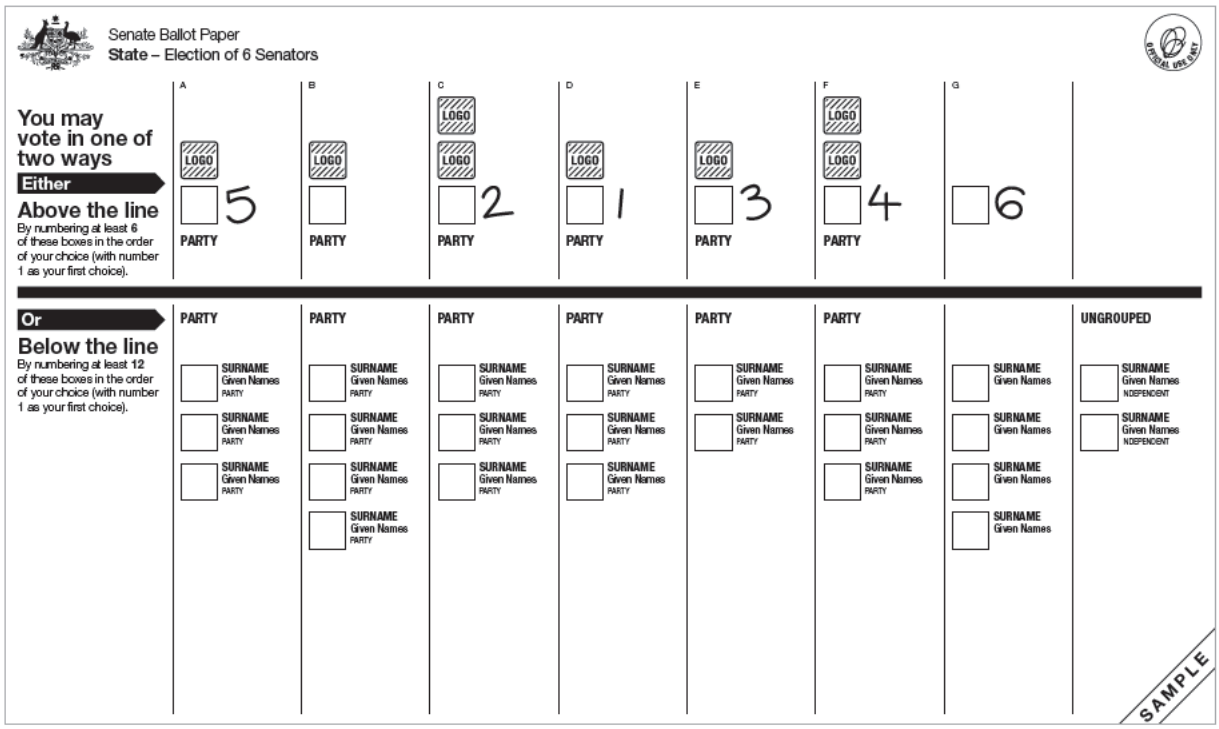
This ballot paper is informal

The repetition of the number '3' means that the voter has only clearly expressed two preferences, rather than the minimum requirement that the voter express at least six consecutive preferences from 1 to 6.

Placement of votes

The vote can be made inside the box or beside the box/candidate name on a Senate ballot paper, provided the intention of the voter is clear.

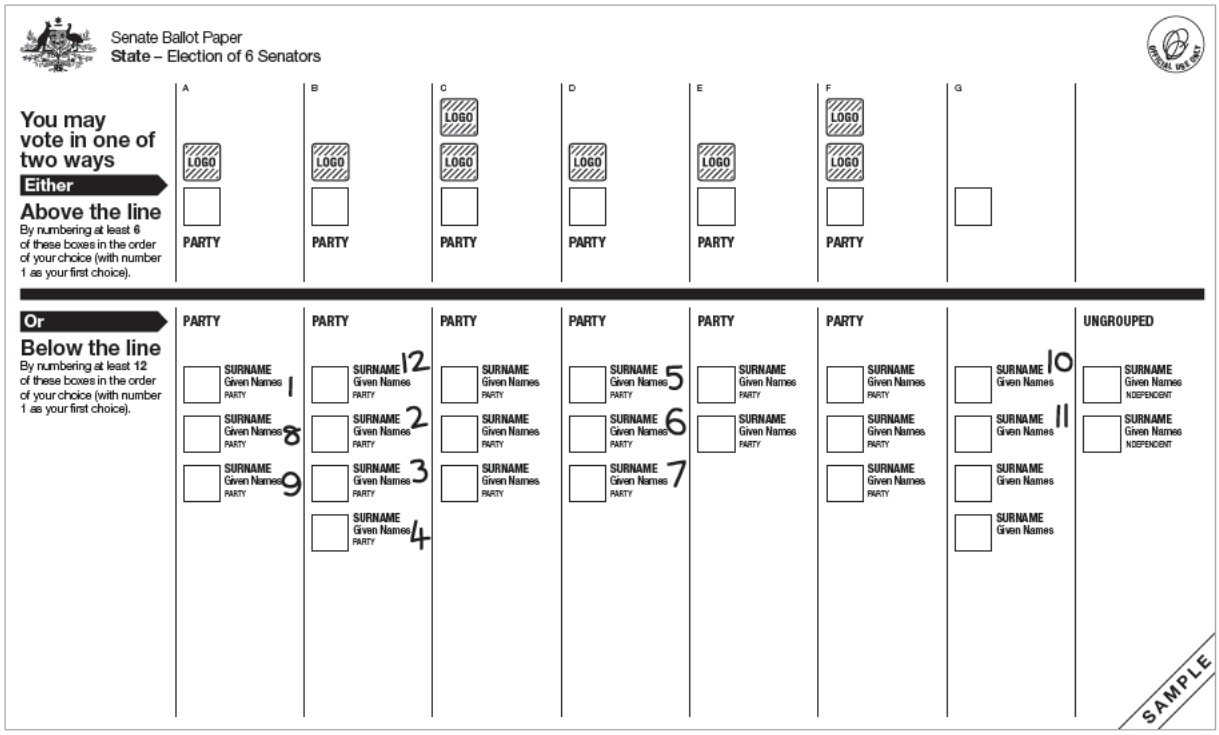
Example – placement of votes – ATL Senate



This ballot paper is formal

The voter's intention is clear.

Example – placement of votes – BTL Senate



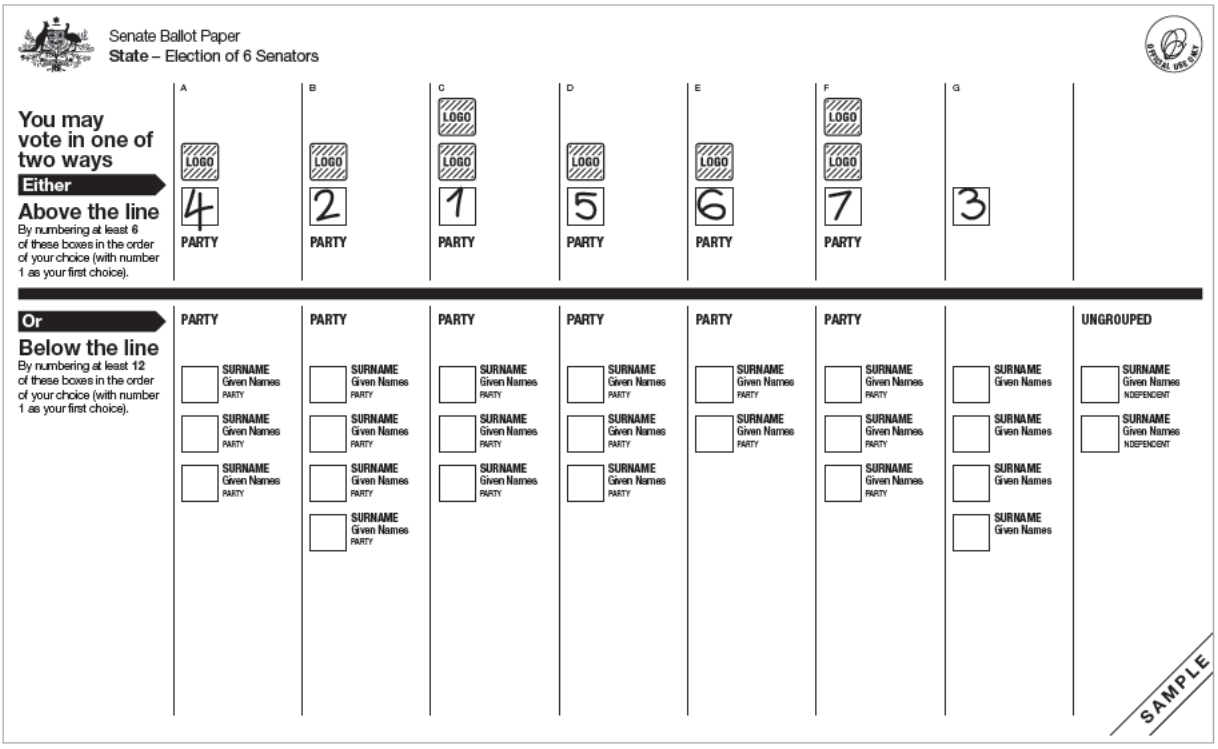
This ballot paper is formal

There is a consecutive series of discernible numbers from 1 to 12. The voter's intention is clear.

Variations in handwriting

Unconventional but recognisable variations in handwriting, such as placing a stroke through the vertical stem of the number ‘7’ or an upward angular stroke before the familiar vertical stroke on the number ‘1’, should not result in a ballot paper being informal, provided any variations result in a series of numbers and the voter’s intention is obvious.

Example – variations in handwriting – ATL Senate



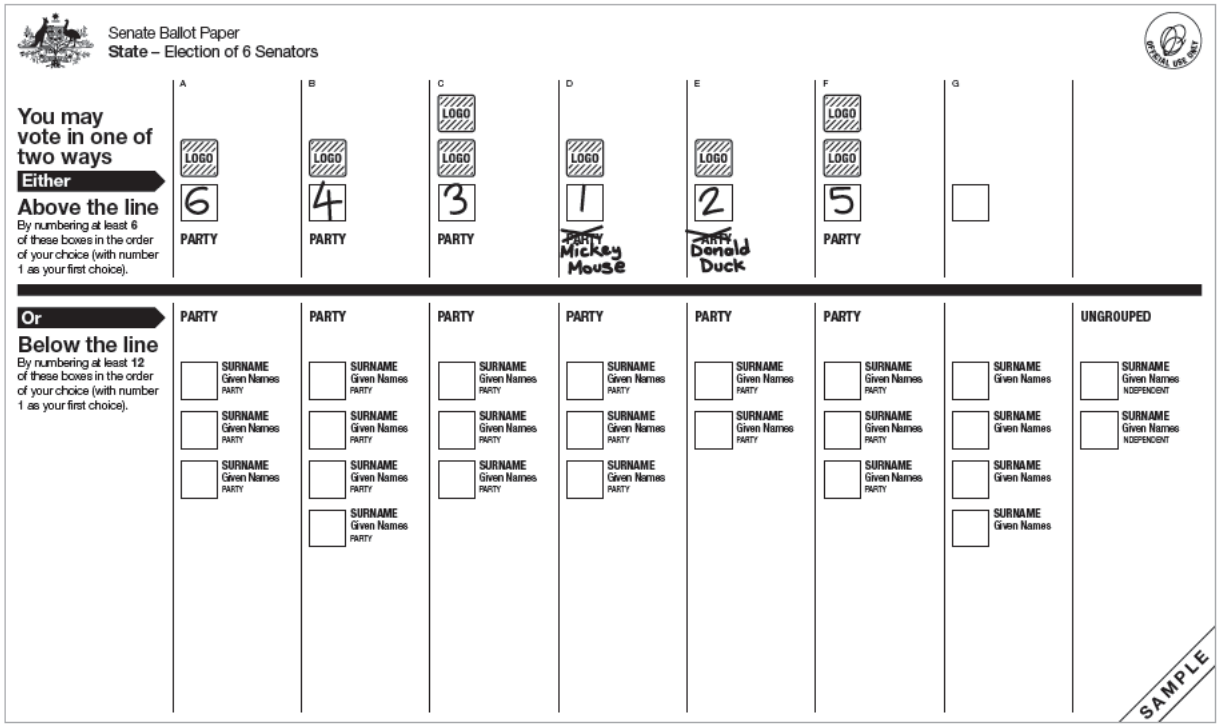
This ballot paper is formal

The figure in the third box reasonably resembles a ‘1’.

Group or candidate name substitution

If the voter crosses out or replaces a political party or group's name or a candidate's name on a ballot paper, that ballot paper may be informal.

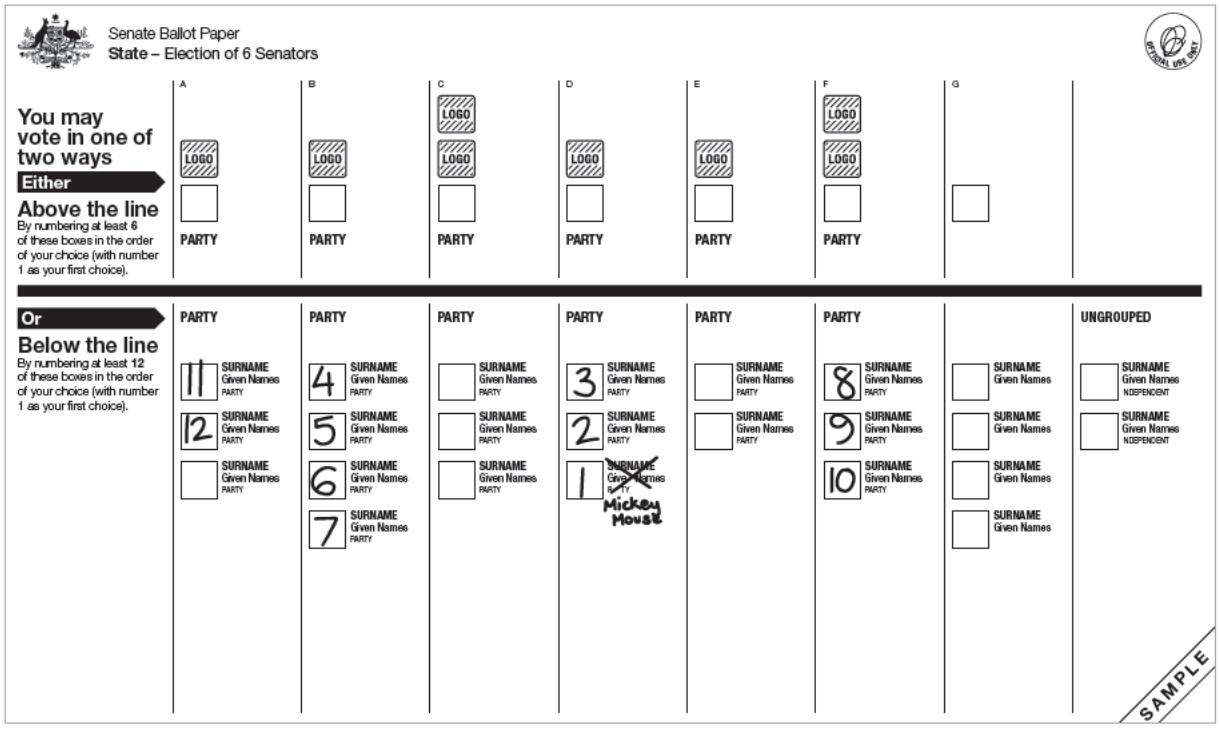
Example – group name substitution – ATL Senate



This ballot paper is informal

The voter has not indicated a valid first preference for any available group.

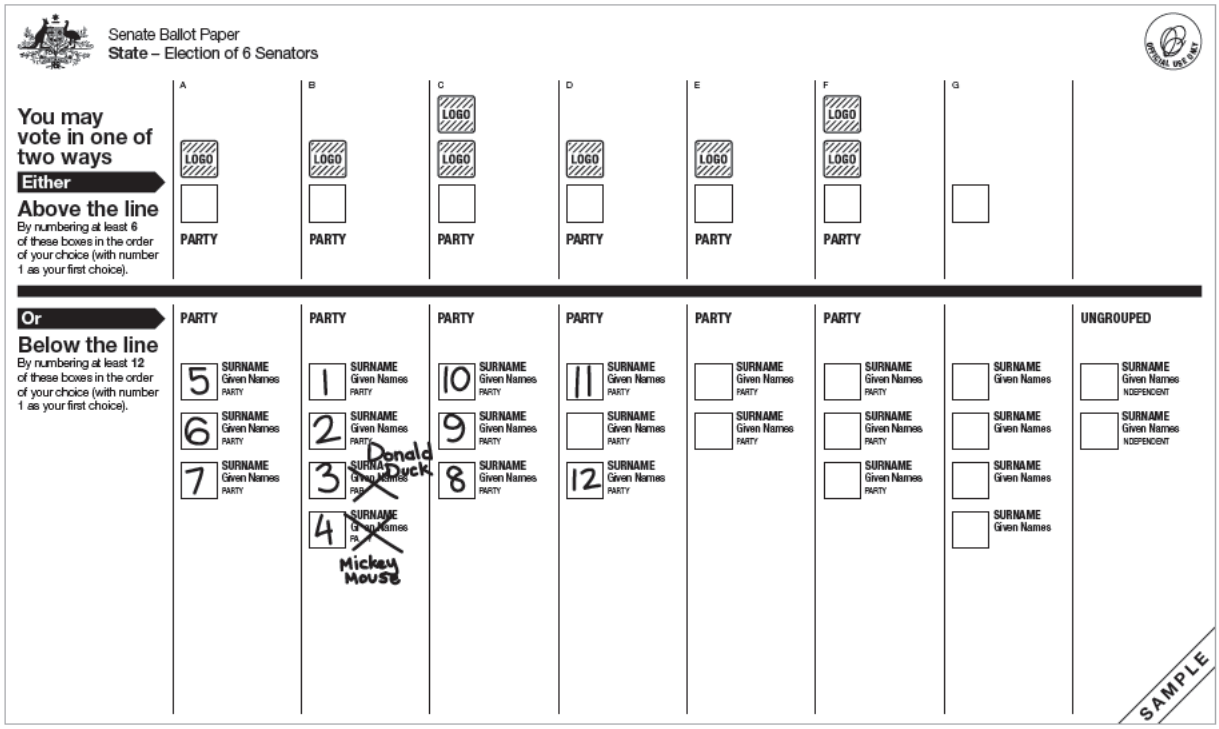
Example – candidate name substitution – BTL Senate



This ballot paper is informal

The voter has not indicated a valid first preference for any of the available candidates.

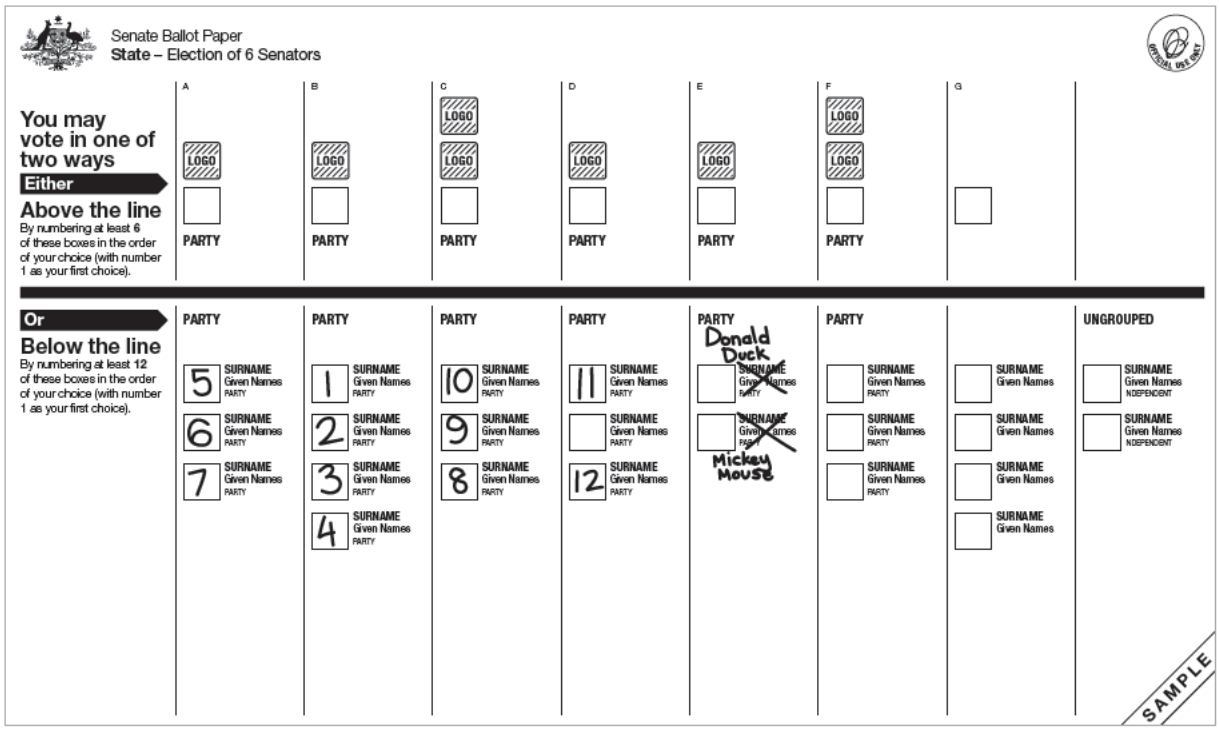
Example – candidate name substitution – BTL Senate



This ballot paper is informal

By expressing preferences for "substituted candidates" the voter has not complied with the minimum requirement to express at least six consecutive preferences from 1 to 6.

Example – candidate name substitution – BTL Senate



This ballot paper is formal

While the voter has substituted the names of two candidates, they are additional marks and are disregarded. The voter has not expressed any preference for the 'substitute candidates' so the additional marks are irrelevant to the consideration of formality. The voter has complied with the requirement to mark the ballot paper in accordance with s.239(1) of the Electoral Act.

Referendum ballot paper tests

A voter filling in a referendum ballot paper is obliged to indicate their vote by either:

- writing the word 'yes' on the ballot paper in the space provided if the voter approves the proposed law, or
- writing the word 'no' on the ballot paper in the space provided if the voter does not approve the proposed law.

The prescribed method of recording a vote in a referendum is to use the words 'yes' or 'no' written alone (i.e. without qualification). In all cases, however, ballot papers must be admitted where the voter's intention is clear (s.93(8) R(MP)A). Words, stickers or stamps with the same meaning as 'yes' or 'no' (e.g. 'definitely' or 'never'), an indication of either 'Y' or 'N', as well as ticks ✓ are all capable of clearly demonstrating the voter's intention.

A vote at a referendum will be informal if any of the following apply:

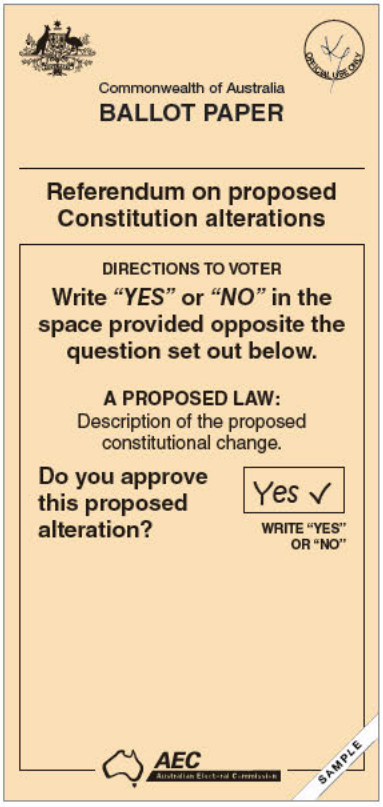
- no vote is marked on the ballot paper (s.93(1)(b) R(MP)A)
- it has more than one vote mark on the ballot paper (s.93(1)(c) R(MP)A)
- terms are used that convey indecision and uncertainty, such as 'not sure', or
- a cross ✗ is used on a referendum ballot paper which has only one question, since a cross on its own may mean either 'yes' or 'no'.

A ballot paper is not informal merely because a ballot paper with the wrong state or territory was issued to the voter.

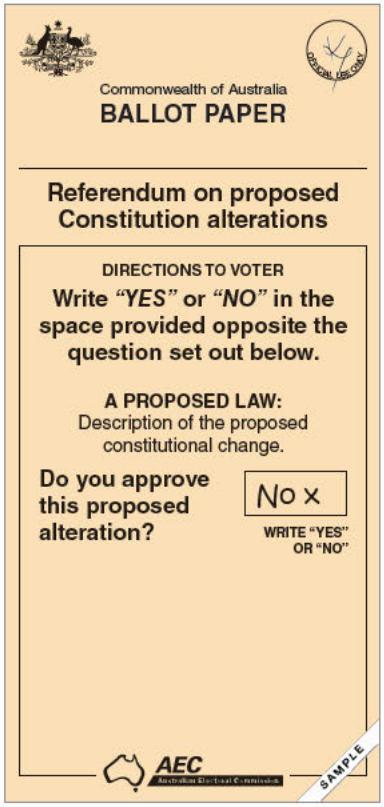
Use of multiple marks

Where a voter has marked a ballot paper in numerous ways, the vote is formal as long as conflicting answers have not been given. For example, a tick and a 'yes' in the one box will be formal, as the intention of the voter is to indicate approval for the question.

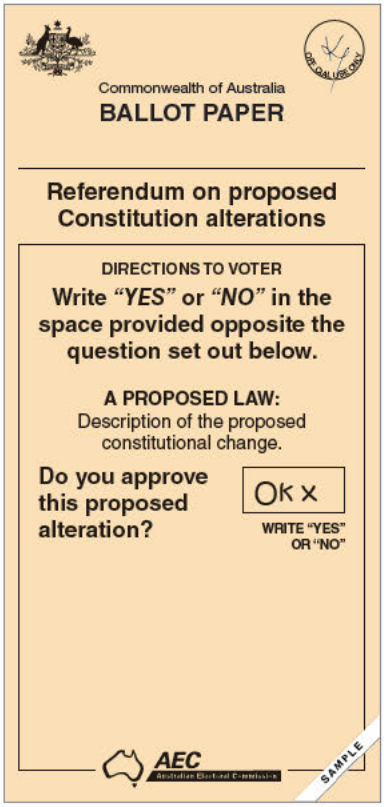
Example – use of multiple marks



This ballot paper is formal
The intention of the voter is clear that they approve.



This ballot paper is formal
The intention of the voter is clear that they disapprove.

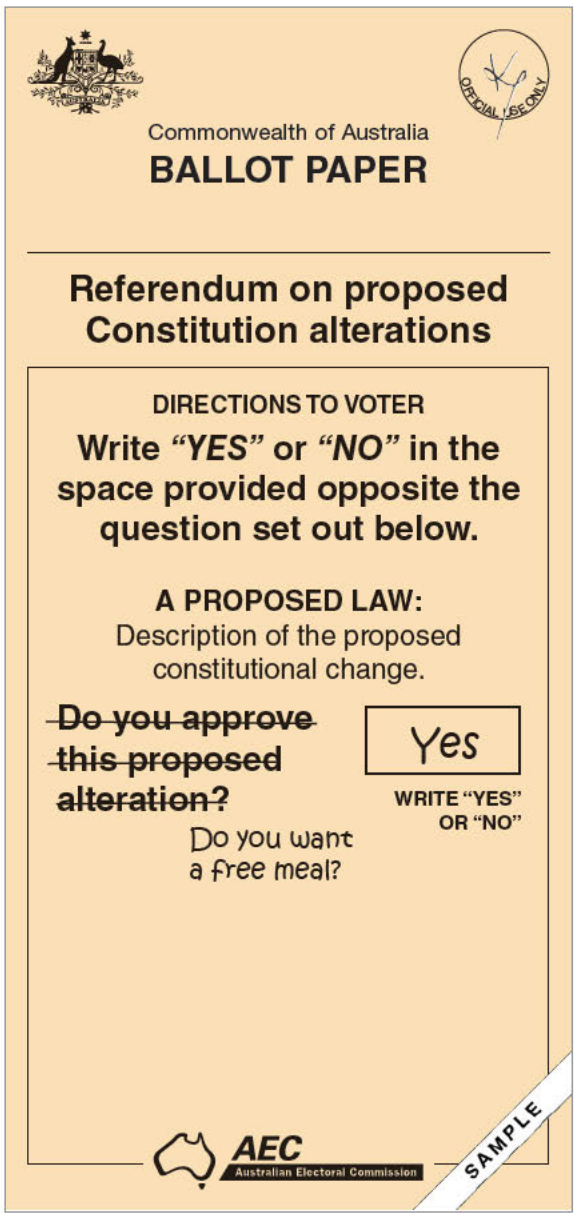


This ballot paper is informal
The intention of the voter is not clear.

Change to wording on ballot paper

If the voter changes the wording of the referendum question, whether by adding or deleting words, so that the voter's intention regarding the question is made unclear, then the vote is informal.

Example – change to wording on ballot paper

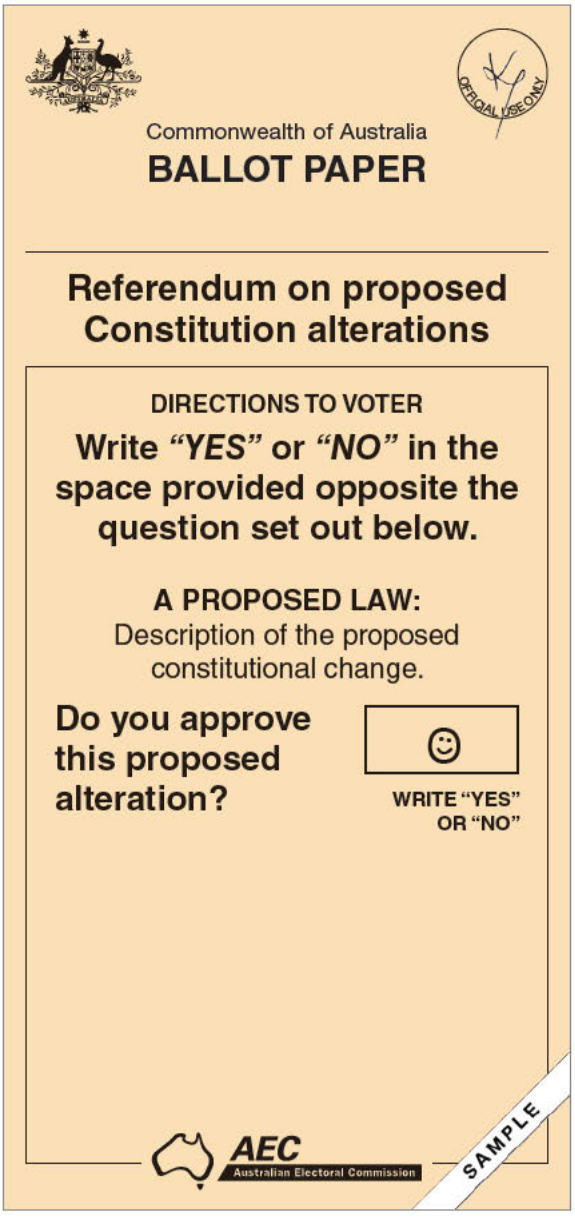


This ballot paper is informal
Change to the wording on the ballot paper that makes the voter's intention unclear.

Use of symbols on ballot paper

If a voter marks a ballot paper with symbols or figures, the ballot paper can be accepted if it is established that the voter's intention is clear.

Example – use of symbols on ballot paper



This ballot paper is informal
The intention of the voter is not clear.

Ballot papers with more than one question

Referendum ballot papers with more than one question require each question to be considered as if it was on a standalone ballot paper, i.e. it is possible for the answer to one question to be formal and the answer to another question to be informal.

On referendum ballot papers with two or more questions, crosses are also capable of clearly demonstrating the voter's intention, but are only formal if at least one other question on the same ballot paper is answered with a tick.

Example – ballot paper with more than one question

This ballot paper is formal for both questions

The voter's intention is clear having used a tick and a cross.

This ballot paper is informal for both questions

The voter's intention is not clear having used two crosses.

Languages other than English

If a voter marks the ballot paper with a foreign language equivalent of 'yes' or 'no', the ballot paper is formal as long as the voter's intention is clear.

The table below can be used to determine whether a voter has recorded a vote in a foreign language.

English	Yes / YES	No / NO
Arabic	نعم	لا / كلا
Assyrian	ܐܝܢ	ܠܐ
Bengali	হ্যাঁ	না
Bosnian	Da / DA	Ne / NE
Burmese	ထောက်ခံသည်	မထောက်ခံပါ
Chinese (S)[1]	是 同意 赞成 赞同 支持 认同 拥护	否 反对 否决 抵制 不同意 不赞成 不赞同 不支持 不认同
Chinese (T)	是	不
Croatian	Da / DA	Ne / NE
Dari	بلی	نه
Farsi	بله or بلی or آری or آره	خیر or نه or نخیر
Filipino	Oo / OO	Hindi / HINDI
Greek	Ναι / NAI	Όχι / OXI
Hazaragi	آری	نه
Hindi	हाँ / जी हाँ	नहीं / जी नहीं [2]
Italian	Sì / SÌ	No / NO
Karen	မ့ၢ် or ကြား	တမ့ၢ်ဘဉ် or တကြားဘဉ်

[1] Notes provided after the table for Chinese Simplified language.

[2] The first option is used in all forms, but the second option is a polite or formal way of saying Yes and No. It is more common in spoken Hindi.

Khmer	បាទ or ចាស	ទេ
Korean	네 or 예	아니오
Lao	ແມ່ນ	ບໍ່ແມ່ນ
Macedonian	Да / ДА	Не / НЕ
Maltese	Iva / IVA	Le / LE
Nepali	हुन्छ / छु	हुँदैन / छैन
Polish	Tak / TAK	Nie / NIE
Portuguese	Sim / SIM	Não / NÃO
Punjabi	ਹਾਂ	ਨਾਂਹ or ਨਹੀਂ
Russian	Да / ДА	Нет / НЕТ
Serbian	Да / ДА (= yes) За / ЗА (= for)	Не / НЕ (= no) Против / ПРОТИВ (= against) [3]
Sinhalese	ඔව්	නැහැ
Spanish	Sí / SÍ	No / NO
Tamil	ஆம் or ஆமாம்	இல்லை
Thai	ใช่ or เห็นด้วย	ไม่ใช่ or ไม่เห็นด้วย [4]
Turkish	Evet / EVET	Hayır / HAYIR
Urdu	ہاں	نہیں
Vietnamese	Có / CÓ	Không / KHÔNG

Chinese notes:

1. The above list is not exhaustive.
2. As Chinese characters are logograms, it is important to consider the impact of different calligraphy styles have on the appearances of written words. In the example below, one word can be written in a number of different ways (cursive, semi-cursive and standard will be the most common.

[3] For and against are more idiomatic in Serbian in this context.
[4] Yes and No in Thai depend on the question wording. Provided in the boxes are: Yes or Agree & No or Disagree

Further examples

The following examples may assist in determining formality of ballot papers.

These would likely be formal

'NEVER'

'I guess so'

'Yes' in the box, with a NO DAMS sticker on the paper

'OH NO'

'Without a better option, yes'

'Reluctantly, yes'

the use of a stamp that says 'Yes' or 'No'

'I guess so'

'I guess so!'

Expletives (providing the voter's intention is clear)

These would likely be informal

'NO DAMS' with 'NO D' inside the space provided on the ballot paper to mark their vote

'Not sure'

'Yes?'

'Yes, but only if it includes the following …'

'No, unless…'

'Yeah Nah'

a smiley face or sad or frown face

Feedback

Feedback welcome

The AEC welcomes your views on the usefulness of the *Ballot paper formality guidelines* and any specific information provided in these pages. We invite you to send your feedback via the AEC website.

Glossary

Term	Description
Assistant Returning Officer (ARO)	The officer in charge of each polling place is officially called the 'presiding officer' during polling but is called the ARO during the scrutiny (see also 'Officer in charge').
Australian Electoral Commission (AEC)	The independent statutory authority established in 1984 to maintain and update the Commonwealth electoral roll, raise public awareness and conduct federal elections and referendums.
Australian Electoral Officer (AEO)	The AEC's chief manager in each state and the Northern Territory. An AEO for the Australian Capital Territory is only appointed for each election period. The AEO is the returning officer for the Senate in their state or territory.
By-election	An election held to fill a vacancy in the House of Representatives resulting from death, resignation, absence without leave, expulsion, disqualification or ineligibility of a member.
Candidate	A person standing for election to the Senate or House of Representatives.
Certified list of voters	The official electoral roll used to mark off electors' names. Polling officials place a mark against an elector's name when the elector is issued with a ballot paper at a polling place, or where appropriate during early voting, to indicate that the elector has voted.
Commonwealth Electoral Act 1918	The legislation governing the Commonwealth electoral process.
Divisional Returning Officer (DRO)	The AEC officer responsible for conducting the election in each division. The DROs are the returning officers for the House of Representatives in their divisions.
Divisions (electorates)	For representation in the House of Representatives, Australia is divided into voting areas known as divisions or electorates. One member is elected from each division. (For representation in the Senate, each state and territory is one electorate. All states are multi-member electorates and have the same number of Senators. Territory representation is determined by the federal parliament.)
Early vote	A postal vote or a vote cast at an early voting centre or via a mobile polling team in the lead-up to polling day. They are cast by electors who will not be able to get to a polling place on polling day.
Electoral and Referendum Regulation 2016	Regulations that support the operation of the *Commonwealth Electoral Act 1918* and the *Referendum (Machinery Provisions) Act 1984*.
Electoral Commissioner	The statutorily appointed officer who performs the functions of the chief executive officer of the AEC.
Formal	A ballot paper is generally considered formal if it is filled out correctly in accordance with the Act and the instructions on the ballot paper. It is therefore included in the scrutiny.
Fresh scrutiny	A re-check of House of Representatives or Referendum votes cast conducted by the DRO in the days following polling day.

Term	Description
House of Representatives (HoR)	One of two houses of the federal Parliament of Australia, whose members are elected on a population basis.
Informal	A ballot paper is generally considered informal if it is not filled out correctly in accordance with the Act and the instructions on the ballot paper. It cannot therefore be included in the scrutiny.
Issuing officers	Polling officials who issue ordinary ballot papers to electors whose names are found on the certified list of voters, mark the certified list, complete the account of ballot papers and assist with the count of ballot papers after the close of the poll.
Issuing point	The part of the polling place where ballot papers are issued to electors.
Officer in charge (OIC)	The officer who is in charge at a polling place. They are called 'presiding officers' during polling (8am to 6pm). From 6pm, during the scrutiny, they are called the Assistant Returning Officer (ARO).
Ordinary vote	An ordinary vote is recorded by an elector whose entitlement to vote is verified at the place of polling and whose name is marked off a certified list of voters. Ordinary votes may be cast on, or in certain circumstances, before polling day. These votes are counted on polling day after the close of polling.
Polling official	There are two categories of polling officials, those who are required to work in the period before polling day to assist with mobile and early voting and those who are required to work in a polling place on polling day only.
Polling place	A place appointed to take the votes of electors from that state or territory on polling day.
First preference mark	The mark – a tick, a cross either ATL or BTL on a Senate ballot paper may be used in place of a 1 to indicate a voter's first preference.
Preferential voting (full)	A system of voting in which the voter completes the ballot paper by putting the number '1' in the box next to the candidate who is their first choice, the number '2' in the box next to their second choice, and so on until every box is numbered consecutively. This is the method used when voting in a House of Representatives election.
Preferential voting (optional)	The system of voting where the voter can vote for their preferred candidate/s. These systems can also operate with further rules/minimum thresholds. This is the method of voting in a Senate election, where the voter completes the ballot paper ATL by putting the number '1' in the box next to the group of candidates who is their first choice, the number '2' in the box next to their second choice, and so on up to at least 6. BTL voting is for individual candidates and the voter must preference at least 12 candidates. The voter can indicate further preferences both ATL and BTL if they so wish.
Referendum	A proposal to alter the Constitution put to the vote. The Constitution can only be altered by a 'double majority' – a national majority of electors from all states and territories and a majority of electors in a majority of states passing the proposed amendment.

Term	Description
Referendum (Machinery Provisions) Act 1984	The legislation governing the Referendum process.
Senate	One of two houses of the federal Parliament of Australia, which has 76 Senators, 12 from each of the six states and two each from Northern Territory and the Australian Capital Territory.
Scrutineers	People appointed by candidates (or other appointers in a referendum) to be their representatives at polling places, or at any place at which the scrutiny of votes is being conducted. Scrutineers have the right to be present when the ballot boxes are sealed and opened and when the votes are sorted and counted so that they may check any possible irregularities, but they may not touch any ballot paper.
Scrutiny	The counting of votes, which leads to the election or referendum result.
Tally Room (TR)	A website results system, which provides election or referendum information and results in a user-friendly format.
Two-candidate-preferred	These figures show where preferences have been distributed to the likely final two candidates in a House of Representatives election.
'Vote saving' provisions	'Vote saving' provisions at sections 268A and 269 of the Electoral Act allow some Senate votes that have not been marked in accordance with voting instructions in section 239 of the Electoral Act to still be included in the count.
Writ	In an election context, a writ is a document which commands an electoral officer to hold an election or referendum and contains dates for the close of rolls, the close of nominations, the day of voting and the return of the writ. The issue of the writ triggers the election or referendum process.