

Elections: What are some of the rules?

Misinformation

During an election period, there will be a variety of information published about candidates and issues. Misinformation and disinformation can be concerning. There are a few simple ways you can check information that comes to you.

Ask yourself:

- Is it from a reliable source?
- Is it current? When was it published?
- Is it 'fake news' or a scam?

Responsibility of communicators

In Western Australia, it is the responsibility of each candidate, party or other person or organisation making communications about local government or State elections to ensure their electoral communications comply with the relevant laws, including not misleading electors, and ensuring materials are appropriately authorised.

Authorising electoral material

All election material must be authorised with a person's name and street address. This means that anyone can contact that person if they believe the material is untrue or misleading. It is an offence in Western Australia to mislead electors in the process of voting.

Misleading and deceptive material

Section 191A of the *Electoral Act 1907* in Western Australia prohibits material that is likely to mislead or deceive an elector in relation to the casting of the elector's vote.

The term misleading in this context means relating to the voter's understanding of the effect of their vote. For example, electoral material suggesting numbering the candidates on a ballot paper in a particular order would be a vote for a particular candidate when, in fact, that order would result in the candidate getting the last preference would likely be misleading.

Whereas electoral material putting forward a perspective on an issue that can be freely contested by a differing or opposing view on the issue is not, by itself, going to be misleading.

Broadcasters

Media representatives and social media organisations have a role to play in the appropriate creation and distribution of election communications. Television and radio broadcasters have obligations in relation to political communications under broadcasting laws

Broadcasting blackout periods

The broadcasting blackout period is a provision under the *Broadcasting Service Act 1992* (Cth), administered by the ACMA. Elections advertisements cannot be broadcast on television and radio from the end of the Wednesday before election day until the close of poll on election day. This does not apply to election information advertisements from the WAEC.

Text messages and phone calls

The Australian Communications and Media Authority has previously advised that the *Spam Act 2003*, *Do Not Call Register Act 2006* and "junk mail" post arrangements do not apply to political or electoral communication. They are also not subject to the requirements of the *Privacy Act 1988* (Cth). This means that political parties or candidates can contact you with campaign messaging.

Despite this, please note that the WAEC does not disclose telephone numbers or email addresses of electors, if we have them on our records.

Social media

Social media have powerful communication channels that can be used to spread electoral information quickly and widely. That also means the channels can be misused to spread disinformation designed to mislead or confuse electors. Social media companies have platform policies, community guidelines and tools to help electors ask questions about electoral information on their platforms. More recently, social media companies have taken steps to remove material and groups from their platforms when the information and posts were designed to mislead and misinform electors.

Campaigning at a Polling Place

All campaign activities must take place at least six metres away from the entrance to the polling place. You do not have to accept campaign material or how-to-vote cards offered to you. It is your choice.

How-to-vote cards must be authorised and must not contain anything that misleads electors.

Postal Vote Applications

Political parties are able to contact electors about applying for a postal vote. If an elector chooses to use this service and returns the completed form to the party, the party must immediately relay the postal vote on the elector's behalf to the Commission.

Electors have the choice whether or not to be involved in this process. Electors who prefer to apply to the WAEC directly can do so by phoning the WAEC call centre on 13 63 06 and selecting option 2.

Postal vote applications close on the Wednesday before Election Day.

All postal ballots will be sent after the close of candidate nominations, the ballot paper order draw, and the printing of ballot papers.

The WAEC Role

The WAEC is established under the *Electoral Act 1907* and is responsible for:

- the impartial conduct of State, local and industrial elections and referendums in Western Australia
- the regulation of electoral funding and disclosure requirements, and
- the reviewing of state electoral boundaries.

The WAEC's responsibilities and functions are determined by the Act and the WAEC will respond to concerns that fall within its jurisdictions.

The WAEC can refer matters to various parties including:

- an authoriser of electoral material – all electoral material during an election period should carry the name and address of the authoriser
- a political or third party
- Australian Communications and Media Authority
- the police.

Making a complaint

Complaints or queries should be directed to the Returning Officer in the first instance and be made in writing. Complaints can also be directed to the Complaints team at the Commission, via email.

Supplementary evidence should be submitted where possible. For example, a complaint regarding incorrect authorisation of electoral advertising should be accompanied with photo evidence if possible.

Once a complaint is received by the Complaints team, an acknowledgement email will be sent by the next business day. Where complaints are complex, investigation and/or further assessment may be required.

The Commission's website provides more information on the complaints process.

Complaints can be made at:

Email – feedback@waec.wa.gov.au