Electoral Commission
SOUTH AUSTRALIA

Scrutineer Guide

RO 18

State Election
MARCH 21

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Contents

Introduction

The Scrutineer Guide assists those undertaking the role of a scrutineer.

South Australia's electoral legislation prohibits candidates from taking part in the administrative practices and procedures governing an election in which they have an interest. However, candidates may appoint scrutineers to observe proceedings on their behalf at any location where ballot material is issued, processed, scrutinised, and counted.

Scrutineers play an important role in ensuring the integrity of the election and are welcome to observe certain election processes during polling and throughout the various stages of the scrutiny and counting of ballot papers.

Although this publication outlines key legal requirements, for further information you should consult South Australian legislation- the *Electoral Act 1985* (EA), the Regulations under that Act, and the *Constitution Act 1934* (CA). The EA, Regulations and CA may be downloaded from the South Australian Government Legislation website at www.legislation.sa.gov.au

While ECSA may provide general information to candidates and scrutineers, it does not offer any legal advice.

For further information, please contact:

Electoral Commission of South Australia
Level 6, 60 Light Square
ADELAIDE SA 5000
(08) 7424 7400

Or

Visit ECSA's website at www.ecsa.sa.gov.au

Mick Sherry
ELECTORAL COMMISSIONER

PART 1:   Scrutineering

1.1   Role of the scrutineer

Scrutineers are an important part of the election process and are appointed by candidates to represent them during polling and throughout the various stages of counting ballot papers.

When undertaking their role, a scrutineer acts as an independent observer and verifies that the procedures undertaken by electoral officials are fair, proper and according to law.

A scrutineer **must** address any query or concern to the officer-in-charge of proceedings and not to other election officials. An officer-in-charge may be an Electoral Visitor or Mobile Polling Team Leader, a Polling Booth Manager (PBM) or the district Returning Officer (RO) who is responsible for all scrutinies and counts after polling day.

If a scrutineer's conduct is in any way disorderly or they fail to obey lawful directions, the officer-in-charge may ask the scrutineer to leave the polling or scrutiny location.

ECSA has developed a Protocol for Scrutineering (shown at the end of this section) and it is recommended that it is read by both scrutineers and electoral officer prior to commencing duty.

1.2   Appointment of scrutineers

A candidate may appoint up to two scrutineers to represent them at a polling booth or count centre to observe procedures.

Appointment of Scrutineer Forms are included in nomination kits provided to candidates and may also be downloaded from ECSA's website. An appointment must:

- be in writing,
- contain the name and residential address of the scrutineer, and
- be signed by the candidate.

Completed appointment forms must be handed to the officer-in-charge on arrival at the polling location or counting centre.

On receipt of the completed form, the scrutineer will be issued with an orange-coloured lanyard and/or identification badge that must be worn at all times during the scrutiny activity. All scrutineer IDs must be returned before leaving the location.

Appointment of Scrutineer — RO 59 (example form)

To the Electoral Officer in Charge of proceedings

Candidate to Complete

Surname | Given Names(s)

As a candidate contesting an election in the:

☐ House of Assembly District of:

☐ Legislative Council

I hereby appoint the person named below to represent me at the following electoral venue:

(Tick ✓ one box only)

☐ **Polling Booth** _____ Name of Polling Booth

☐ **Central Processing Centre**

☐ **Declared Institution**

☐ **Returning Officer's Office**

Signature | Date

Scrutineer to Complete

I declare that I will not
- act as an assistant or attempt to influence an elector while they are voting
- divulge any knowledge of how any elector has voted

Surname | Given Names(s)

Residential Address

Name of substitute scrutineer (only complete if required in your temporary absence)

Signature | Date

Note: A separate appointment form must be completed when attending more than one electoral venue

Separate appointment forms must be completed when attending more than one venue and presented to a different officer-in-charge (ie polling day and post polling day). A scrutineer attending the same venue over a number of days is required to complete only one form (ie attending a RO's office for post polling day scrutinies and counts).

An example of Appointment of Scrutineer Form RO 59 is shown here.

A scrutineer may enter or leave a polling booth or count centre at any time. A scrutineer who intends to be temporarily absent from proceedings may appoint a substitute by completing the section at the bottom of the form.

1.3 Where can scrutineers act?

Scrutineers may observe proceedings at any location where ballot material is issued, counted or processed by electoral officers. These locations include:

- institutions that may receive visits from electoral officers (ie hospitals, nursing homes, corrective institutions etc),
- ECSA Central Processing Centre (CPC) to observe:
  - the receipt of postal vote application forms and issue of ballot material,
  - the receipt of early voting and polling day declaration votes and despatch to ROs,
- the scanning centre to observe the data capture and scrutiny and count of Legislative Council ballot papers,
- early voting centres,
- mobile polling booths and remote locations,
- polling booths, and
- the office of the district RO to observe the processing of declaration vote envelopes and the scrutiny and count of House of Assembly (HA) ballot papers.

1.4 Offences

Scrutineers must be familiar and aware of the various types of activities or behaviours which constitute an offence under Part 13 of the EA. It is an offence for:

- a scrutineer to act as an assistant to help an elector to vote,

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- a scrutineer to attempt to influence the vote of an elector,

- a scrutineer to wear or display a badge or emblem of a candidate or political party within the polling booth during polling hours,

- a person to offer or solicit an electoral bribe,

- a person to engage in disorderly conduct in a polling booth or fail to obey the lawful directions of the presiding officer, is guilty of any offence and may be removed by a member of the police or by a person authorised by the presiding officer in-charge,

- a person, by clandestine or dishonest means, to attempt to discover how a voter voted,

- a person to wilfully exhibit or leave in any polling booth any card or paper with any direction or instruction as to how an elector should vote or as to the method of voting.

- any person to encourage two or more inmates of a declared institution to apply by post for the issue of declaration voting papers *[EA s83(6)]*.

1.5   Canvassing at polling booths and voting centres

In addition to the offences listed above, when a polling booth (or voting centre) is open for polling, no person is permitted to:

- canvass for votes, or

- solicit the vote of any elector, or

- induce an elector not to vote for a particular candidate, or

- induce an elector not to vote at the election, or

- exhibit a notice or sign (other than an official notice) relating to the election

at an entrance of, or within, the polling booth, or in any public or private place within six metres of an entrance to the booth (or a lesser distance if determined by the electoral officer in charge).

It is the role of party workers and representatives of candidates to hand out how to vote cards at polling booths and voting centres and can include appointed scrutineers. How to vote material can only be handed out or displayed outside the six-metre limit.

1.6   Protocol for Scrutineering

1. **PURPOSE**
    This protocol is intended to guide:

    ▪ electoral officers in their dealings with scrutineers observing election processes, and

    ▪ scrutineers in their role as a monitor of electoral proceedings.

2. **ROLE OF A SCRUTINEER**
    A scrutineer acts as an independent observer of electoral processes. They do this, on behalf of a candidate or group of candidates, in order to verify that procedures undertaken by electoral officers are fair, proper, transparent, and according to law. The intention is not to secure partisan advantage for a candidate/group.

    A scrutineer is different to a party/candidate worker or volunteer who hands out electoral material to electors outside the polling booth. A party/candidate worker or volunteer may also act as a scrutineer. Often a person may be present outside the polling booth during the hours of polling handing out electoral material and then enter the booth after 6 pm as a scrutineer for the counting of votes.

    ECSA has produced this Scrutineer Guide which scrutineers should be familiar with, as should officers in-charge and ROs. The Scrutineer Guide provides detailed information about roles and responsibilities under the EA.

3. **APPOINTMENT**
    A scrutineer must have written authority to represent a candidate and must present themselves to the officer-in-charge with the signed authority on arrival at the scrutiny location.

4. **EXPECTED BEHAVIOUR**
    It is expected that electoral officers will make every attempt to allow scrutineers to observe activities involving manual and/or computer aided processes for the issuing, scrutiny, rejection, and counting of ballot material and votes.

    Scrutineers may verify that proper procedures are followed and query aspects of the voting and counting processes. They may also observe electors being assisted to vote by polling officials but must not be aware of how the elector voted. If scrutineers are present in a polling booth during the hours of polling, they must not wear or display any badge or emblem of a candidate or political party, nor may they seek to influence the vote of an elector.

Scrutineers must wear an official orange coloured scrutineers lanyard and/or an identification badge at all times when in a voting centre and must address all queries to the officer in-charge. The officer in-charge must consider any request to count more slowly or display details of a particular ballot paper with due consideration to the count being completed within acceptable timeframes.

5. UNACCEPTABLE BEHAVIOUR

Electoral officers will not hinder a scrutineer from legitimately and quietly observing electoral processes in the premises in which they are working. A scrutineer is not permitted to touch ballot papers during a scrutiny and count and should not unnecessarily disrupt or interfere with proceedings.

Unacceptable behaviour will result in the officer-in-charge issuing a warning to the scrutineer. If the behaviour continues, the officer-in-charge will request the scrutineer to leave the premises. The officer-in-charge may request the scrutineer leave the premises without issuing a warning if the scrutineer commits an offence or exhibits behaviour that is disorderly, disruptive or indecent.

6. ELECTORAL OFFENCES

A scrutineer, acting on behalf of a candidate, is prohibited from undertaking activities contrary to fair electoral practice e.g. bribery, intimidation etc.

Prescribed offences are outlined in Part 13 of the EA. Such offences can place democratic electoral processes at risk.

The officer-in-charge has the authority to request a scrutineer to vacate the premises if an offence has been committed. The matter may also be raised with the Electoral Commissioner, in writing, as soon as practicable following the event. Any written complaints to the Electoral Commissioner must include details or evidence of the alleged offence. The Commissioner will then consider the matter and seek assistance from the Crown Solicitor's Office in determining whether to commence prosecutorial proceedings.

PART 2:   Scrutineering prior to polling day

ECSA provides a range of voting services that enable an elector unable to attend a polling booth on polling day to vote prior to the day.

Scrutineers may observe any aspect of voting prior to polling day and should be aware of the voting methods available. These include:

- Voting by post,
- Voting in-person at an early voting centre,
- Voting at a declared institution, and
- Voting at a remote mobile polling booth
- Voting by Telephone Assisted Voting

2.1   Voting by post

An elector unable to attend a polling booth on polling day may apply to receive their ballot material by post. Electors can apply online from ECSA's website.

In certain circumstances where an elector is qualified, they may apply to be included on the Register of Declaration Voters (RDV). Persons included on the register are not required to make a further application and ballot material is automatically forwarded to them after the close of nominations.

The issuing of ballot material by post is undertaken centrally at ECSA's Central Processing Centre (CPC). A number of election activities are undertaken at the CPC that include:

- the receipt and processing of postal vote online application forms and issue of declaration voting papers to electors,
- the receipt and sorting of early voting and polling day declaration vote envelopes for despatch to relevant ROs, and
- the scrutiny and count of Legislative Council (LC) ballot papers.

Scrutineers may observe all proceedings at the CPC, however only scrutineers appointed by LC candidates may view the scrutiny and count of LC ballot papers.

Electors voting by post must record their vote prior to 6 pm on polling day in the presence of an authorised witness. Postal declaration envelopes must reach the district RO within 7 days from the close of poll.

2.2   Voting in-person at an early voting centre

An elector may attend in person to vote at an early voting centre. A number of early voting centres are established in South Australia and also interstate and overseas for electors who may be working or on holidays outside the state.

Details of early voting centre locations including opening and closing times are available from ECSA and shown on the website at www.ecsa.sa.gov.au

Scrutineers have the right to be present during the conduct of early voting. Party workers and representatives of candidates can hand out or display how to vote material that must be undertaken outside the six-metre limit.

2.3 Voting at a declared institution

The Electoral Commissioner may, by notice in the Government Gazette, declare the whole or part of an institution, such as a hospital, nursing home, prison or other place of confinement, to be a declared institution in order to issue votes to electors who are unable to attend a polling booth.

Electoral visitor teams are appointed by ROs and work in pairs. The team usually operates between 9am and 5pm during the two weeks preceding the election but may operate on polling day up until 6pm. The team may set up a room within the venue to issue votes or they may move around the venue from room to room.

Details of the scheduled visits will be provided to candidates by the relevant RO.

Contrary to procedures applying at federal elections, electoral visitors only issue declaration votes and are not authorised to issue ordinary votes.

Those persons entitled to receive voting material from electoral visitors include:

- persons residing at the declared institution;
- (where time permits) declared institution staff members that are caring for ill, infirm or disabled residents and who would be precluded from attending a polling booth on polling day; and
- (where time permits) other declared institution staff members who are working throughout the hours of polling and could not reasonably be expected to be absent from work for the purpose of voting.

Persons allowed to be present when ballot papers are issued include:

- Electoral Visitors;
- the elector who is voting or a person nominated by the elector to assist the elector to vote;
- duly appointed scrutineers; and
- any person required by the institution to be in attendance on medical/safety grounds.

No more than two scrutineers for each candidate may accompany electoral visitors while they perform their duties.

2.4 Voting at a remote mobile polling booth

Remote areas of the state are visited by electoral officers during the twelve days up to and including polling day to provide in-person voting facilities for electors who are at a considerable distance from a polling booth.

The mobile polling booth operates in the same way as a polling booth on polling day however the duration of the visit in each locality varies and can range between 1 and 5 hours. A schedule showing mobile polling operating dates and times is available from ECSA.

Scrutineers are welcome to observe polling procedures at these locations but must not seek or accept transport from an electoral officer.

2.5 Scrutineer rights & obligations

Scrutineers **MUST:**

- report to the electoral officer in-charge and present their appointment form,
- observe all directions given by the officer in-charge and respect the situation and circumstances of electors, and

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Scrutineers **MAY:**

- observe all voting procedures at early voting venues,
- object to the right of any person to vote,
- observe the processing of declaration votes at the CPC or the district office of the RO, and
- enter and leave the polling venue at any time.

Scrutineers **MUST NOT:**

- provide transport for, or accept transport from, an electoral officer or Mobile Polling official, or

- touch ballot papers or handle any election material or equipment found in the polling area, or

- interfere with, or attempt to influence the vote of any elector, or

- act as an assistant to help an elector to vote, or

- sign a declaration vote envelope on behalf of an elector, or

- attempt to discover how an elector has voted, or

- wear a badge or emblem of a candidate or political party (including printed clothing) within the polling area, or

- wilfully exhibit or leave in the polling area any card or paper with any direction or instruction as to how an elector should vote or as to the method of voting.

2.6 Telephone Assisted Voting

- Voters blind, low vision or with motor impairment can use **Telephone Assisted Voting**. A dedicated team member will guide voters who are eligible through the process and complete a declaration vote with them, making sure their vote counts.

PART 3: Scrutineering on polling day and Early Voting Centres

3.1 Voting process at polling booths and Rarly Voting Centres

ECSA in conjunction with district ROs are responsible for establishing sufficient numbers of polling booths across the state to cater for electors voting on polling day. This may range from 8 booths in a metropolitan district to approximately 30 booths in a country district.

There are also a number of locations throughout the state where either two or three polling booths for adjoining districts are established at a common location. These booths are known as 'shared location polling booths' and can issue ordinary votes for each of the adjoining districts, therefore reducing the incidence of absent voting.

Electors are sent information early in the election period that includes the location of district polling booths and an EasyVote Card that displays the elector's enrolled address, district name and roll number to reduce waiting time and make the vote-issuing experience easier.

EasyVote Cards are presented by electors at polling booths to assist electoral officers when determining voting entitlements and conducting roll searches to mark the elector off the electoral roll.

Depending on the elector's enrolment and the booth they attend, an elector is entitled to record an ordinary vote or an absent ordinary vote (described below).

Polling booths are open between 8 am and 6 pm and any elector inside a booth by 6 pm is entitled to vote.

Ordinary votes

An ordinary vote is issued to an elector who is enrolled at an address in the district for which the polling booth has been established and whose name has not previously been marked off the electoral roll.

Prior to issuing ballot papers, an electoral official must ask a number of questions to establish the identity and the address of the principal place of residence of the elector and then confirm they have not previously voted in the election.

If the electoral officer is satisfied, the electoral roll is marked (to indicate they have voted) and a HA and LC ballot paper is initialled and handed to the elector. An elector must mark the ballot papers in private and then place them in the appropriate ballot box prior to leaving the polling booth.

Ordinary vote ballot papers are counted in the polling booth on election night by electoral officers.

Absent Ordinary votes

An elector who attends a polling booth outside of their enrolled district they will be instructed to the declaration vote table.

A declaration vote is required when:

- an elector's name cannot be found on the electoral roll and they insist that the omission is the result of an official error, or

- an elector's name cannot be found on the electoral roll, or

- an elector appears to have voted already because the electoral roll has had their name marked, or

- an elector's address has been suppressed from publication on the roll.

A Declaration Vote Issuing Officer in a polling booth also has access to the Electronic Mark Off application (EMS) devices containing the State electoral roll and can determine an elector's current enrolment.

An elector who is undertaking an absent ordinary vote must place their completed ballot paper int an envelope that will have their district marked on the front.

An elector who votes by declaration (not on the roll) must place their completed ballot papers into an envelope that is signed by the elector and witnessed by the issuing officer.

Declaration envelopes are reconciled in the polling booth at the close of poll and then returned to the appropriate RO for processing.

3.2 Polling booth staff

Each HA RO engages between 75-150 staff to work in polling booths on polling day. Some of their key duties are as follows.

OFFICER	KEY DUTIES
Polling Booth Manager	Responsible for all aspects of the conduct of the election at a polling booth. All queries or concerns should be raised with the PBM.
Substitute Booth Manager	If a PBM needs to leave the polling booth at any time during voting or the scrutiny, the Deputy Booth Manager, or the next most senior polling official, will be appointed as substitute PBM with all the powers, functions and responsibilities of the PBM.
Deputy Booth Manager	In larger polling booths, a Deputy Booth Manager will be appointed to assist the PBM with polling and scrutiny duties.

OFFICER	KEY DUTIES
Declaration Vote Issuing Officer	Establishes an elector's eligibility to obtain an Absent Ordinary votes by being presented with a EasyVote Card or performs a search on the EMS device. Prepares the various vote envelopes and issues ballot papers. Places completed vote envelopes in the ballot box and reconciles them at the close of poll, together with the unused ballot papers and cancelled/spoilt ballot papers.
Ordinary Vote Issuing Officer	Establishes an elector's eligibility by asking required questions and/or viewing the EasyVote Card. Marks the roll, issues ballot papers and requests electors to place their marked ballot papers in the appropriate ballot boxes. Reconciles unused and cancelled/spoilt ballot papers at the close of poll.
Ballot Box Guard	Guards the ballot boxes and maintains a watch over them throughout polling hours, ensures electors place their ballot papers in the appropriate ballot box before leaving the polling booth.
Voting Screen/Queue Monitor	Queue monitor organises electors into a single queue and identifies electors voting outside of their district. Ensures smooth flow of electors to issuing tables, maintains order in any queues and prioritises elderly and frail electors. Screen monitor ensures voting screens and immediate areas are kept tidy and clear of election material (ie discarded how to vote cards) and is vigilant for discarded ballot papers.
Shared Location Monitor	Directs electors to the appropriate polling booth where they can obtain ordinary or declaration votes by referring to an elector's EasyVote Card or other reference material such as district boundary maps).
Polling Assistants	In polling booths with 3 or more ordinary vote issuing tables, one or more polling assistants may be appointed to assist during times of peak activity. These officials may work for 4 hours to relieve staff during the day or assist with the scrutiny and count of ballot papers after 6 pm.

After the close of polling, all officials assist with the scrutiny and count of ordinary vote ballot papers and assist in packaging of materials and booth closure activities.

3.3   Scrutineering during polling hours 8 am to 6 pm

Only polling officials, scrutineers and electors are permitted in the booth during polling unless the PBM determines otherwise.

Scrutineers **MUST** wear the orange-coloured lanyard and/or identification badge provided and direct all enquiries to the PBM.

Scrutineers **MAY:**

- be present in the polling booth during polling hours,

- enter and leave the polling booth at any time (a scrutineer may appoint a substitute in writing during a temporary absence),

- observe all voting procedures including the sealing of ballot boxes just prior to 8 am,

- witness an elector voting outside the polling booth if the PBM is satisfied the elector is unable to enter the booth due to illness, disability, advanced pregnancy or other condition, and

- lodge with the PBM an objection to a person's entitlement to vote. The objection will be recorded if that person is permitted to vote by the PBM.

Scrutineers **MUST NOT:**

- touch ballot papers or handle any election material or equipment found in the polling booth (including any material discarded in litter bins),

- interfere with, or attempt to influence any elector,

- act as an assistant to help an elector to vote,

- sign a declaration vote envelope on behalf of an elector,

- attempt to discover how an elector has voted,

- knowingly exhibit or leave in a polling booth any card or paper with any direction or instruction as to how an elector should vote or the method of voting,

- use a mobile phone within polling areas to distract election staff or electors,

- wear a badge or emblem of a candidate or political party (including printed clothing) within the polling booth during polling hours.

Note, if a voter satisfies the PBM they require assistance to cast their vote, they may be accompanied by an assistant of their choice other than a candidate or scrutineer. However, if the PBM expresses disapproval of the person chosen, then some other person, acceptable to the PBM, must be chosen by the voter.

3.4 Scrutineering during the scrutiny & count of ordinary votes after 6pm

Scrutineers are entitled to observe all proceedings during the day and also at the scrutiny and count of ordinary vote ballot papers after 6 pm. If a scrutineer intends to observe the scrutiny and count only, they should report to the PBM at approximately 5.30 pm with their Appointment of Scrutineer Form RO 59.

The scrutiny will commence as soon as practicable after the close of voting and may be adjourned from time to time until the counting of the votes is complete.

The order of proceedings at scrutiny

HA ballot papers are scrutinised before LC ballot papers. The order of proceedings is:

- HA:
    - checking formality and sorting for first preference count of HA ballot papers
    - count of HA ballot papers that may be formal because of candidates' voting tickets
    - two candidate preferred count (notional distribution of HA preferences)
- count of LC ballot papers.

Note: Depending upon staff availability, more than one count may be undertaken at the same time. Also if the last count cannot be completed by 10.30pm on Polling night, the Preliminary scrutiny will be finalised on the Sunday after Polling Day.

3.5   House of Assembly count

The count of HA ordinary vote ballot papers commences immediately after the close of voting at 6 pm.

The steps followed by staff for the scrutiny and count of ballot papers are as follows:

- ballot papers are removed from the ballot box and unfolded,

- each ballot paper is checked for formality. A formal ballot paper must contain a first preference for one candidate (either the number 1 or a tick or a cross) and consecutive numbers for the remaining candidates, with the possible exception of the last preference taken to be the candidate least preferred,

- any informal/undetermined ballot papers are set to one side,

- the formal ballot papers are sorted into separate candidate bundles according to the first preference vote, counted into bundles of 50 and then secured with rubber bands,

- the formal ballot papers are re-counted again, checking that the first preference vote on each ballot paper is allocated to the correct candidate, and

- the informal/undetermined ballot papers are counted and placed into bundles of 50, re-checking for formality in case a formal ballot paper has previously been deemed informal erroneously.

Any ballot paper that cannot be determined by the PBM is placed into the undetermined bundle for a determination by the RO at the official recheck on Sunday.

3.6   Voting tickets

The EA allows candidates to lodge up to two voting tickets with ECSA within 72 hours after the close of nominations.

A voting ticket is a written statement of preferences, used to interpret the votes of electors who do not indicate a preference for all candidates on the HA ballot paper. Its purpose is to 'save' partially preferenced ballot papers that would normally be informal and render them as formal.

If an elector fails to express a preference for all candidates on the ballot paper, but the preferences that are expressed are consecutive and follow the same order as displayed on a candidate's lodged voting ticket, then the ballot paper is formal and is deemed to have followed all preferences indicated on the voting ticket.

Count of HA ballot papers on polling night that may be formal because of candidate voting tickets

Candidates and political parties understandably wish to know, on polling night, approximately how many informal/undetermined HA ballot papers may subsequently become formal because of the lodgement of voting tickets.

As PBMs are not provided with details of voting tickets, they are instructed to count ballot papers with a first preference only as tentatively formal and include these numbers in the first preference totals that are telephoned to the RO.

The following steps are undertaken by staff:

- the informal/undetermined bundle is checked and ballot papers marked with only a single number 1, a tick or a cross are separated,

- the ballot papers are counted to the candidate who received the first preference vote and the totals are recorded,

- the PBM adds these totals to the formal first preference votes previously counted for each candidate and telephones these notional results to the RO, and

- all ballot papers marked with a single number 1, a tick or a cross only are returned to the informal/undetermined bundle.

Note: HA ROs review all informal/undetermined ballot papers commencing from the Sunday re-check to determine those which are formal as a consequence of voting tickets.

3.7   Two candidate preferred count

A 'notional' allocation of preferences to two identified candidates can provide a useful indication on polling night of the likely result of the election. The identified candidates are chosen by the Electoral Commissioner as being the most likely to remain in the count after the official distribution of preferences.

Preferences on the ballot papers of the other candidates (considered more likely to be excluded from the count), are examined and notionally allocated to the two identified candidates. The order of the preferences on these ballot papers from the likely excluded candidates can indicate who is more preferred by electors and therefore likely to be elected.

The procedure for the two-candidate preferred count is as follows:

1. Ballot papers for two candidates A and B (as notified to the PBM) are put to one side.

2. The number of first preference votes obtained by each of those candidates is entered on a tally sheet.

3. Ballot papers for all other candidates are examined, candidate by candidate. Each ballot paper is allocated to whichever of the two identified candidates has the lower number marked opposite their name eg:

   - the two identified candidates are A and B,

   - a ballot paper in C's bundle contains a 3rd preference for A and a 5th preference for B,

   - that ballot paper is allocated to candidate A.

4. After all ballot papers of candidate C are examined and allocated in favour of candidate A or B, the totals are entered on the tally sheet.

5. Candidate C's ballot papers are then returned to their original bundle and set aside.

6. The above procedures are repeated for any remaining candidates.

7. The number of preferences allocated to candidates A and B on the result sheet are totalled and then telephoned to the RO.

Note: This exercise does not include ballot papers marked with the number 1 or a tick or a cross that may later be made formal as a consequence of voting tickets.

3.8　Legislative Council count

The count of LC ballot papers also begins on election night at polling booths and the following day (Sunday) at early voting centres. However, as it usually takes a number of weeks to calculate a quota and determine the result, it is not possible to obtain more than a general indication of the results on election weekend.

Staff commence the scrutiny by undertaking the following tasks:

- ballot papers are removed from the ballot box and unfolded,

- check formality on each ballot paper and sort into 3 bundles – formal above-the-line, formal below-the-line and obviously informal. Note, where both sections have been completed on the ballot paper, they are sorted to the below-the-line section unless obviously informal, and

- set aside any obviously informal ballot papers.

Above-the-line ballot papers

These are initially sorted into bundles for each of the major groups and another bundle for 'Others'. They then:

- count the ballot papers separately in each of the major group bundles. Count initially into bundles of 50 and overlay each bundle until they are checked again. Calculate the total number of ballot papers for the group and place count slip PB 58 on top and write the total number of ballot papers for the group,

- count the ballot papers again, rechecking that the first preference vote on each ballot paper is allocated to the correct group. The total is then confirmed and recorded on count slip PB 58,

- sort the ballot papers in the 'Others' bundle into individual group bundles according to the first preference. Count the ballot papers in each bundle and place count slip PB 58 on top and write the total number of ballot papers for the group, and

- recheck each bundle to ensure the first preference vote has been allocated correctly.

Below-the-line ballot papers (including all ballot papers marked both above and below the line)

Ballot papers marked below-the-line are also sorted into bundles. Staff:

- sort the ballot papers into individual bundles for each group and for each ungrouped independent candidate, count each bundle and place count slip PB 58 on top and write

the total number of ballot papers for the group or the unendorsed independent candidate, and

- recheck each bundle to ensure the first preference vote has been allocated correctly.

Obviously Informal ballot papers

Staff count the number of obviously informal ballot papers and place count slip PB 58 on top and write the total number of obviously informal ballot papers in the bundle. They then recheck the ballot papers to ensure a formal ballot paper has not been placed in the bundle in error.

Record LC result

When satisfied with the figures for the LC count, the results are entered on header card PB 17. The number of above-the-line votes for each group and the number of below-the-line votes for each group and each ungrouped independent candidate are entered separately.

The recorded numbers for each group or ungrouped candidates are then advised to the RO.

Note: The RO for the LC (ROLC) will subsequently review all LC ballot papers during the official count.

PART 4: Scrutineering after polling day

Scrutineers are entitled to observe a number of election activities after polling day and must present their Appointment of Scrutineer Form RO 59 to the officer in-charge of proceedings on arrival. The one appointment form can be used for all post-election activities if held at the same venue.

HA scrutiny and count activities are held in the office of the district returning officer and LC activities are held at the CPC and the scanning centre. Candidates are advised by the relevant RO regarding the schedule and office address for the scrutinies and counts.

The following section describes the post polling day activities.

4.1 House of Assembly scrutiny

HA ROs engage election staff in the week after polling day to finalise the election in their district.

A number of tasks are undertaken including the official recheck of ballot papers from polling booths, the processing of declaration vote envelopes into a computer system, the scrutiny and count of ballot papers removed from ordinary absent envelopes and accepted declaration envelopes, and the final distribution of preferences.

Each HA RO is required to:

- conduct a fresh scrutiny of polling booth ordinary vote ballot papers from the Sunday immediately following polling day to ensure all ballot papers have been correctly allocated,

- reassess all ballot papers placed in informal/undetermined bundles and determine whether any ballot paper can be accepted as formal in light of a voting ticket lodged by a candidate,

- conduct a two-candidate preferred count for each polling booth and for all declaration vote counts,

- process declaration vote envelopes into a computer system to ensure electors are entitled to vote and they have not previously voted in the election. Ballot papers are removed and counted from accepted envelopes, and

- amalgamate all polling booth and declaration vote count ballot papers and conduct a distribution of preferences until only two candidates remain. This final count and distribution of preferences is usually conducted from the Sunday eight days following polling day.

4.2 Application of voting tickets

Although tentative voting ticket figures for candidates are included in the totals recorded on election night, ROs must examine each informal/undetermined ballot paper again to determine whether any single preferred ballot papers are to be determined informal (as no voting ticket

has been lodged) or whether any partially preferenced ballot paper not included in the initial count can now be accepted as formal as they follow a lodged voting ticket.

ECSA provides details of lodged voting tickets to ROs and also supplies sets of voting ticket count cards that assist with the grouping of partially completed ballot papers. The voting ticket count card acts as a header card and displays an order of preference for candidates, as lodged with ECSA. Partially completed ballot papers that follow the voting ticket are placed behind the appropriate voting ticket count card and secured with a rubber band.

As a candidate may lodge up to two voting tickets, three possibilities may arise:

- some ballot papers may express consecutive preferences common to (the same as) voting ticket 1,
- some may express preferences common to (the same as) voting ticket 2, and
- others may be common to (the same as) both voting tickets 1 and 2.

Example
The following example shows a voting ticket lodged by candidate Susan Pink and the ballot papers that are rendered formal due to the lodgement.

Registered Voting Ticket

Candidates

3	GREY, Rob
4	WHITE, Anne
2	BLUE, Steven
1	PINK, Susan
5	BROWN, Sam

Candidates

	GREY, Rob
	WHITE, Anne
	BLUE, Steven
1	PINK, Susan
	BROWN, Sam

Candidates

	GREY, Rob
	WHITE, Anne
2	BLUE, Steven
1	PINK, Susan
	BROWN, Sam

Candidates

3	GREY, Rob
	WHITE, Anne
2	BLUE, Steven
1	PINK, Susan
	BROWN, Sam

Note, in the above example, a ballot paper marked with consecutive preferences 1 to 4 is formal in its own right and not dependent on a candidate's voting ticket.

A further graphical presentation of HA ballot papers that are made formal as a consequence of voting tickets is shown below.
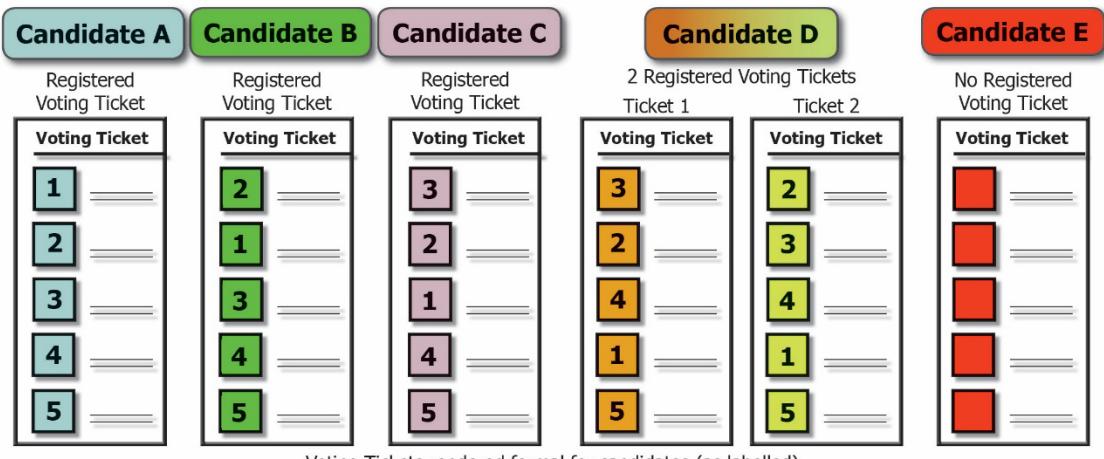
Voting Tickets rendered formal for candidates (as labelled)
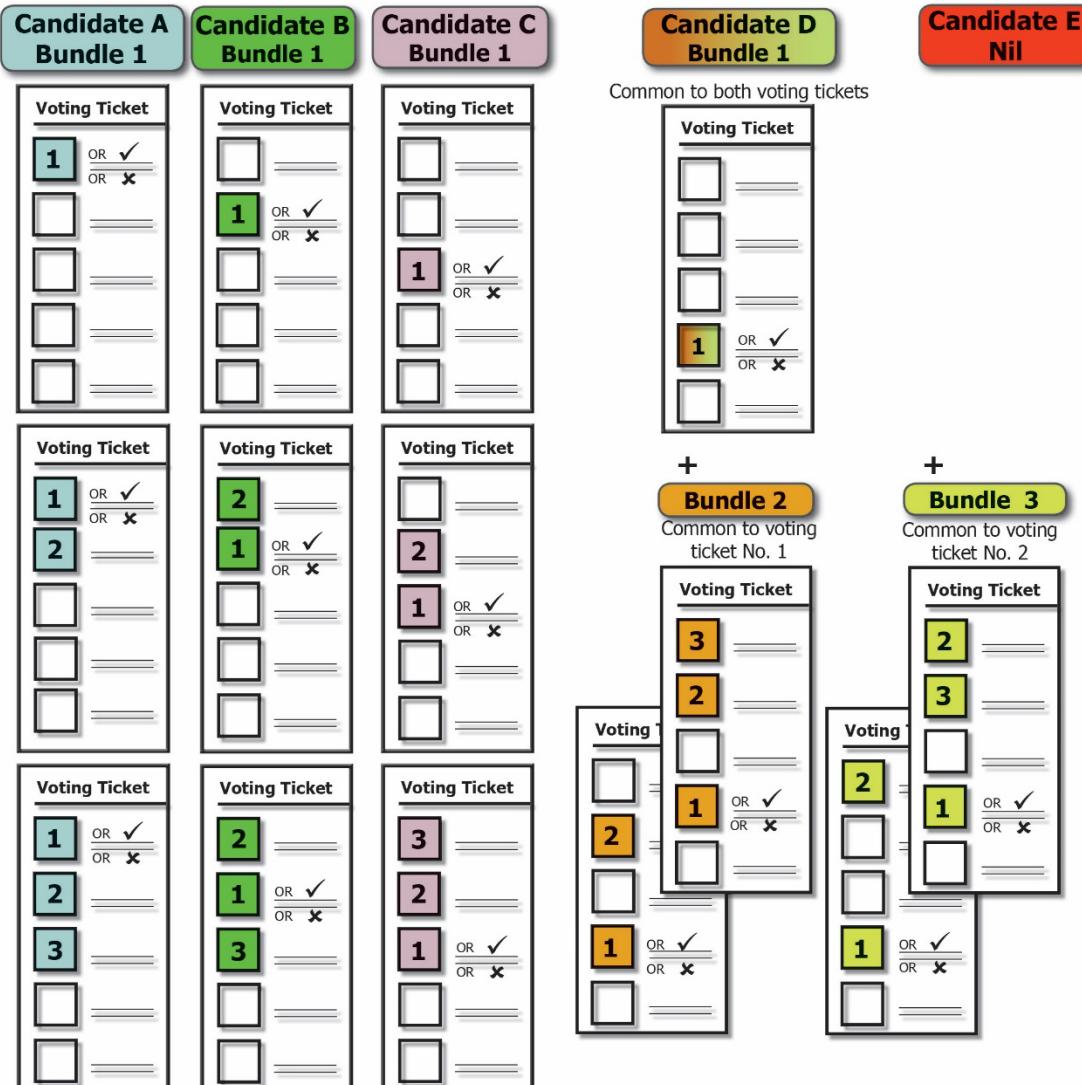
4.3   Two party preferred count

If required a two party preferred (2PP) count is conducted on a booth by booth basis after the total first preference votes for each candidate have been finalised for a booth. This process is similar to the two candidate preferred (2CP) count conducted in the polling booth on polling night.

At the 2PP count, fully preferenced ballot papers and voting ticket ballot papers from all non-Labor and non-Liberal candidates are notionally allocated to either the Labor or Liberal candidate, whichever candidate has the lower number marked in the square opposite their name. The numbers of votes allocated to the Labor and Liberal candidates are tallied prior to them being returned to their original bundles.

Although a 2PP count is fairly straightforward for fully preferenced ballot papers, the process becomes a little more complex when dealing with voting tickets.

If a candidate has lodged a voting ticket, all ballot papers that follow the voting ticket are notionally allocated as a block to whichever candidate (Labor or Liberal) has the lower number, according to the preferences shown on the voting ticket count card attached to the top of the bundle.

However, if a candidate has lodged two voting tickets, a 'common to both' bundle may exist and the allocation of ballot papers will depend on whether the preferences on each voting ticket favour one party or they favour each of the parties.

If both voting tickets favour one party (ie the lower number on both tickets is for the same party), all ticket vote ballot papers for that candidate are allocated to that party.

If voting tickets favour different parties (ie the lower number on one ticket favours Labor and the lower number on the other ticket favours Liberal), the ballot papers in the 'common to both' bundle are notionally split evenly between both voting tickets.

If the total number of ballot papers in the 'common to both' bundle is an odd number, it is then necessary (in the first instance) to conduct a draw by lot to determine whether the extra ballot paper is to be added to voting ticket 1 or voting ticket 2.

For the next polling place where an odd number of ballot papers are contained in the 'common to both' bundle for the same candidate, the extra ballot paper is allocated to the other voting ticket. For all subsequent polling places, the extra ballot paper for the candidate must be alternated between voting tickets.

Note: During the final distribution of preferences when all polling booth and declaration ballot papers have been amalgamated, the RO must conduct one official draw to determine whether any odd ballot paper is to follow the preferences expressed on voting ticket one or voting ticket two.

Where the likely outcome of the election in an HA district is not between ALP and LIB candidates, a separate 2CP count will also be conducted for each polling booth and declaration count.

4.4   Scrutiny of declaration vote envelopes

Declaration vote envelopes are received and processed at different times throughout the voting period but no envelope is opened until after polling day.

Declaration vote envelopes issued by post are returned directly to ROs by electors and some will be received prior to polling day while others can be accepted up to 7 days after polling day. Ordinary absent votes and declaration vote envelopes are sent to ECSA's CPC where they are sorted prior to their distribution to RO offices.

Scrutineers are entitled to observe any processing of envelopes and the removal of ballot papers from envelopes that have been accepted by the RO. The RO will advise candidates a schedule of scrutiny activities that enables scrutineers to be present.

At the scrutiny, the RO will produce all unopened declaration vote envelopes with declaration flaps attached.

The RO will only accept the declaration vote envelope if satisfied that:

- In the case of a declaration vote taken before an electoral officer (ie , electoral visitor or polling official):
    - the elector is entitled to vote and has not voted as any ordinary voter, and
    - the elector's district address on the declaration vote envelope corresponds with an address for the district on the roll of electors.

- In the case of an elector who obtains declaration voting material by post, in addition to the above,
    - the vote was recorded before the close of the poll,
    - the elector's declaration vote envelope was received within seven days after the close of the poll, and
    - the elector's secret question on the postal vote application corresponds with the elector's secret question on the declaration vote envelope.

If an elector returns two or more declaration votes, the first to come into the hands of the RO is accepted and all others are rejected.

Note: If an elector claims a declaration vote for an HA district for which they are not enrolled, the HA ballot paper will be rejected.

However, if the elector is found to be enrolled at another address in the state, the LC ballot paper will be accepted for further scrutiny and the HA ballot paper will be rejected and remain in the declaration envelope.

4.5   Count of declaration vote ballot papers

The RO will conduct a number of HA declaration vote counts during the week and will commence with a count of postal declaration ballot papers no later than Tuesday.

Prior to opening any accepted envelope, the identifying flap on the envelope is detached to ensure voter anonymity on postal and other declaration envelopes.

The scrutiny and count process of declaration vote ballot papers is no different to the process undertaken at the Sunday recheck and will involve:

- checking each ballot paper for formality and removing any incomplete and informal ballot paper and placing them in a separate informal/undetermined bundle,
- sorting fully preferenced ballot papers to first preference for each candidate and counting each bundle,
- assessing partially completed ballot papers and determining whether any can be accepted as formal due to the lodgement of a voting ticket. Those determined as formal are placed behind the appropriate voting ticket count card, and
- conducting a two-candidate preferred (2PP) count.
- A further 2PP count may also be undertaken where the result is likely to not be an ALP/LIB outcome.

The LC ballot papers removed from envelopes are reconciled and then put to one side until the various HA ballot paper counts are complete. At their completion, LC ballot papers are checked for formality and are then sorted and counted.

The RO sorts and counts the ballot papers following exactly the same procedures as polling booth staff followed on election night and early voting staff followed on the Sunday after polling day. Ballot papers are counted according to the first preferences indicated for each group above the line, for each group below the line, and for any ungrouped independent candidates below the line. Obviously informal ballot papers are also sorted and counted.

At the end of the week these LC ballot papers are all delivered to the ROLC for the official count.

4.6 Preference distribution of House of Assembly ballot papers

A candidate needs to obtain an absolute majority of total formal votes cast (i.e. more than 50%) in order to be elected. Having determined the total 1st preferences for each candidate, the RO must distribute preferences until only two candidates remain in the count.

At the first count, regardless of whether any candidate has more than 50% of the formal votes cast, the candidate with the least number of 1st preference votes is excluded and the 2nd preferences on that candidate's ballot papers are distributed to candidates remaining in the count.

The process continues through successive counts of remaining candidate's formal ballot papers until only two candidates remain. Depending on the number of counts required, some ballot papers of excluded candidates are distributed to the elector's 3rd, 4th or further preferences.

The following diagram provides an example of how preferences work in the HA:

Full Preferential Voting

Jane, Lyn, Mike and Steve stand for election.
They receive the following formal 1st preference votes:

| Jane	Lyn	Mike	Steve	
4,000	5,000	6,000	5,000	= 20,000
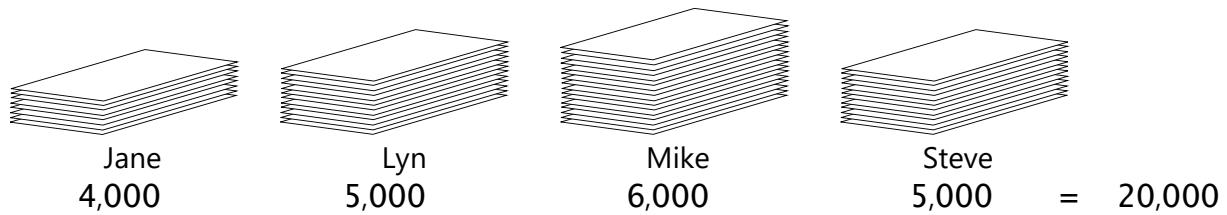
There are a total of 20,000 formal votes. To be elected a candidate needs an absolute majority (50% plus 1 of the formal vote)

$$\frac{20,000}{2} + 1 = \textbf{10,001 votes}$$

As none of the candidates has gained an absolute majority of the votes at this first count, the candidate with the least number of votes (Jane) is excluded and her ballot papers are transferred to the other candidates according to which candidate was allocated the number 2 (2nd preference).

Jane's votes are transferred as follows:

Jane	Lyn	Mike	Steve
4,000	5,000	6,000	5,000
	+ 750	+ 2,000	+ 1,250
	5,750	8,000	6,250
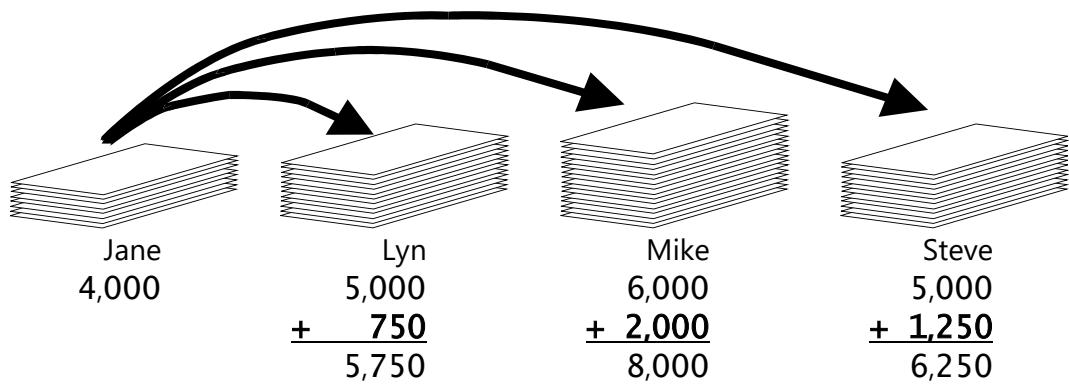
Neither Lyn, Mike, nor Steve have gained an absolute majority after Jane's ballot papers have been distributed. Lyn is now the candidate with the least number of votes so she is excluded and her ballot papers are distributed according to who was marked as the 2nd (or 3rd) preference.

Lyn	Mike	Steve
5,750	8,000	6,250
	+ 4,000	+ 1,750
	12,000	8,000
	ELECTED	
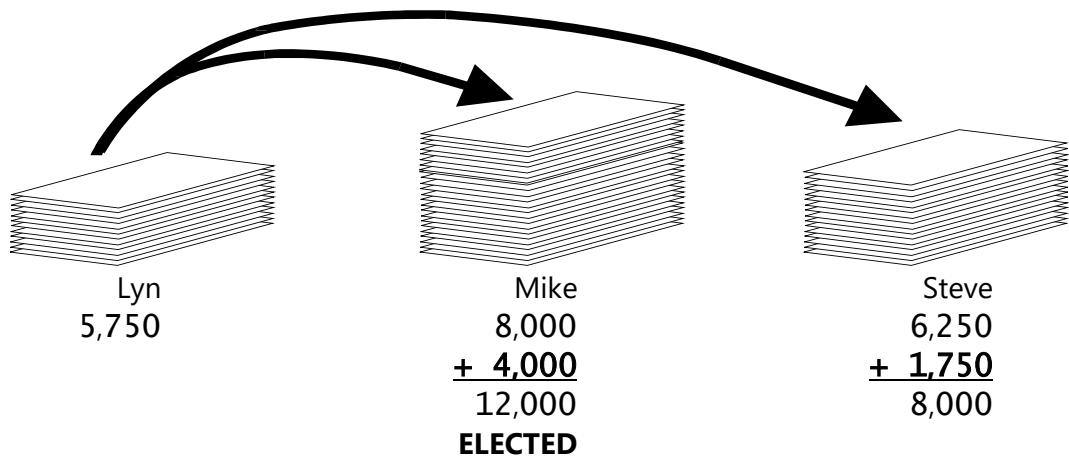
Once the preferences on Lyn's ballot papers have been distributed (4,000 are marked for Mike and 1,750 for Steve) the ballot papers for each of them are totalled.

Candidate Mike now has more than half of the total votes cast (an absolute majority) and is declared the elected candidate.

Re-counts

At any time before the declaration of the result, the RO or Electoral Commissioner may consider it appropriate to conduct a re-count of ballot papers.

Candidates do not have the right under the EA to demand a re-count. However, in a very close election, candidates may request the Electoral Commissioner to direct a re-count before the declaration of the result of an election.

During an official re-count, the officer conducting a re-count must, at the request of a scrutineer, set aside any ballot paper for determination by the Electoral Commissioner. The Electoral Commissioner will then decide whether such ballot papers are to be allowed and admitted or disallowed and rejected.

4.7   Legislative Council scrutiny

The ROLC must commence the official count of LC ballot papers as soon as practicable after polling day. That count is conducted at the CPC and the final result is normally determined within a number of weeks following polling day.

In the initial days following polling day the ordinary LC ballot papers for each district are delivered to the CPC for safe custody and rechecking, having previously been counted to 1st preferences on election night and on the Sunday after polling day. Ballot papers contained in absent ordinary and declaration envelopes are first sorted and counted after polling day at the House of Assembly Returning Officers' premises. Then they are delivered to the CPC by Returning Officers in the second week after polling day.

During the recheck process all ballot papers are separated into single preferences above the line, multiple preferences above the line, multiple preferences below the line, and obviously informal bundles. They are rechecked individually by polling place and vote category.

The preferences for single above-the-line ballot papers are entered into Electoral Commission SA's election management system and all remaining ballot papers including below the line, multiple above the line, and obviously informal are securely packaged and sent to a scanning centre for processing. These ballot papers are scanned and verified by data entry before being saved as data files. The results of the scanning process are then encrypted and sent to ECSA for inclusion into the final count.

Quotas and transfer values are determined according to formulae set down in the legislation.

Candidates or groups of candidates will be:

- advised of the time and place for these count processes; and
- given instructions relating to scrutineers at the official scrutiny and count of LC ballot papers.

Distribution of preferences

Legislative Councillors are elected by a proportional representation (PR) system of counting called Single Transferable Vote. Candidates must gain a quota, approximately 8.3%, of the formal vote in order to be elected. This compares with HA candidates who need to obtain more than 50% of the formal vote to be elected.

For an explanation of the PR counting process, see pages 31-33.

Re-count

At any time before the declaration of the result, the ROLC or Electoral Commissioner may consider it appropriate to conduct a re-count or a partial re-count of ballot papers. The ROLC will provide candidates with details of proceedings if required.

A simplified explanation of how the Legislative Council electoral system works:

STEP 1

1st preference votes for each candidate on formal ballot papers are counted. Informal ballot papers are set aside.

↓

STEP 2

The quota is calculated:

$$Quota = \frac{No.\,of\,formal\,ballot\,papers}{(No.\,of\,vacancies + 1)} + 1$$

↓

STEP 3

The quota is the minimum number of votes candidates need to be elected. Candidates with votes equal to or greater than the quota are elected. If all vacancies have been filled, the election is finished. If some vacancies remain unfilled, the votes of elected candidates are checked to see if any received more votes than the quota (surplus votes).

↙ IF YES   **IF NO ↘**

STEP 4	STEP 5
Any surplus votes for an elected candidate (those in excess of quota) are distributed to candidates continuing in the count, according to the next available preference marked on the ballot papers. The surplus votes are distributed at a transfer value (TV): $$TV = \frac{Candidate's\,no.\,of\,surplus\,votes}{Candidate's\,total\,no.\,of\,ballot\,papers}$$ Total votes for each of the continuing candidates are calculated. Step 3 is revisited.	If there are vacancies remaining unfilled, the candidate with the least votes is excluded from the count. That candidate's votes are distributed to continuing candidates according to the next available preference indicated on the ballot papers. ***Note:*** *there are special rules for breaking ties.* Each continuing candidate's total votes are calculated, then: - Step 3 is revisited or, - if the number of continuing candidates is equal to the number of vacancies remaining unfilled, all those candidates are declared elected and the election is finished.

PART 5: Formality & informality

Be aware that rules for formality differ between Federal and State elections. The material presented here is current and correct for State elections.

5.1 House of Assembly ballot papers

A HA ballot paper is formal if the voter indicates a single 1st preference for one candidate and continuing consecutive numbering for all remaining candidates.

However, if one square is left blank on the ballot paper or contains a mark or number that does not conflict with the preceding preferences, this candidate is taken to be the least preferred candidate and the ballot paper is regarded as formal. *[EA ss94(3)(6)]*.

A ✓ or a ✗ shown on the ballot paper is always equivalent to the number 1 and treated as a 1st preference.

A HA ballot paper is rendered informal if:

- a 1st preference is not shown, or
- duplicated preferences are shown, or
- consecutive preferences are skipped.

Marks or messages that identify the elector do not render the ballot paper informal.

Numbers placed outside the squares or alterations to the numbers do not make the ballot paper informal providing the elector's intention is clear.

Examples of formal HA ballot papers

Formal

Number the squares from 1 to 6 in the order of your choice.	Number the squares from 1 to 6 in the order of your choice.	Number the squares from 1 to 6 in the order of your choice.
You are not legally obliged to mark the ballot paper.	You are not legally obliged to mark the ballot paper.	You are not legally obliged to mark the ballot paper.
5 FIDD Sidney	✓ FIDD Sidney	5 FIDD Sidney
3 WADE Jake	4 WADE Jake	4 WADE Jake
6 RICE Lisa	2 RICE Lisa	✗ RICE Lisa
4 McNEILL Terry	3 McNEILL Terry	6 McNEILL Terry
1 RIVERS Andrea	5 RIVERS Andrea	3 RIVERS Andrea
2 CHASE Nigel	6 CHASE Nigel	2 CHASE Nigel

A single 1st preference is shown followed by consecutive numbers against all other candidates (a ✓ or a ✗ is equivalent to the number 1).

Formal

Number the squares from 1 to 6 in the order of your choice. You are not legally obliged to mark the ballot paper.		**Number the squares from 1 to 6 in the order of your choice.** You are not legally obliged to mark the ballot paper.		**Number the squares from 1 to 6 in the order of your choice.** You are not legally obliged to mark the ballot paper.	

Ballot 1:
- [3] FIDD Sidney
- [2] WADE Jake
- [1] RICE Lisa
- [4] McNEILL Terry
- [5] RIVERS Andrea
- [8] CHASE Nigel

Ballot 2:
- [1] FIDD Sidney
- [3] WADE Jake
- [2] RICE Lisa
- [ ] McNEILL Terry
- [4] RIVERS Andrea
- [5] CHASE Nigel

Ballot 3:
- [4] FIDD Sidney
- [5] WADE Jake
- [ ] RICE Lisa
- [3] McNEILL Terry
- [✓] RIVERS Andrea
- [2] CHASE Nigel

A single 1ˢᵗ preference is shown followed by consecutive numbers against all other candidates except one which is taken to be the least preferred.

Formal

Ballot 4:
- [1] FIDD Sidney
- [2] WADE Jake
- [3] RICE Lisa
- [4/3] McNEILL Terry
- [6] RIVERS Andrea
- [5] CHASE Nigel

Ballot 5:
- [3] FIDD Sidney
- [6] WADE Jake
- [4] RICE Lisa
- [2] McNEILL Terry
- [X] RIVERS Andrea
- [☑] CHASE Nigel 5

Ballot 6:
- [3] FIDD Sidney 5
- [4] WADE Jake 3
- [2] RICE Lisa 6
- [M] McNEILL Terry 4
- [2] RIVERS Andrea 1
- [4] CHASE Nigel 2

A single 1ˢᵗ preference is shown followed by consecutive numbers against all other candidates. The elector's intention is clear.

Formal

Ballot 7:
- [4] FIDD Sidney
- [2] WADE Jake
- [3] RICE Lisa
- [6] McNEILL Terry
- [1] RIVERS Andrea
- [5] CHASE Nigel

Stan Smith Valley View

A single 1ˢᵗ preference is shown followed by consecutive numbers against all other candidates. Identification of elector does not render the ballot paper informal.

Examples of informal HA ballot papers

Informal

	Number the squares from 1 to 6 in the order of your choice.		Number the squares from 1 to 6 in the order of your choice.		Number the squares from 1 to 6 in the order of your choice.
	You are not legally obliged to mark the ballot paper.		You are not legally obliged to mark the ballot paper.		You are not legally obliged to mark the ballot paper.
☐	FIDD Sidney	3	FIDD Sidney	☐	FIDD Sidney
☐	WADE Jake	2	WADE Jake	5	WADE Jake
☐	RICE Lisa	6	RICE Lisa	☐	RICE Lisa
☐	McNEILL Terry	4	McNEILL Terry	2	McNEILL Terry
☐	RIVERS Andrea	7	RIVERS Andrea	7	RIVERS Andrea
☐	CHASE Nigel	5	CHASE Nigel	☐	CHASE Nigel

No 1st preference (the number 1, a ✓ or a ✗) shown in any square.

Informal

	Number the squares from 1 to 6 in the order of your choice.		Number the squares from 1 to 6 in the order of your choice.		Number the squares from 1 to 6 in the order of your choice.
	You are not legally obliged to mark the ballot paper.		You are not legally obliged to mark the ballot paper.		You are not legally obliged to mark the ballot paper.
5	FIDD Sidney	2	FIDD Sidney	2	FIDD Sidney
3	WADE Jake	3	WADE Jake	✓	WADE Jake
1	RICE Lisa	✓	RICE Lisa	5	RICE Lisa
4	McNEILL Terry	5	McNEILL Terry	4	McNEILL Terry
1	RIVERS Andrea	1	RIVERS Andrea	✗	RIVERS Andrea
2	CHASE Nigel	4	CHASE Nigel	3	CHASE Nigel

Multiple 1st preferences are shown. The number 1, a ✓ or a ✗, or any combination of these appears in two or more squares.

Informal

	Number the squares from 1 to 6 in the order of your choice.		Number the squares from 1 to 6 in the order of your choice.		Number the squares from 1 to 6 in the order of your choice.
	You are not legally obliged to mark the ballot paper.		You are not legally obliged to mark the ballot paper.		You are not legally obliged to mark the ballot paper.
1	FIDD Sidney	5	FIDD Sidney	☐	FIDD Sidney
3	WADE Jake	3	WADE Jake	1	WADE Jake
6	RICE Lisa	2	RICE Lisa	☐	RICE Lisa
7	McNEILL Terry	4	McNEILL Terry	2	McNEILL Terry
5	RIVERS Andrea	1	RIVERS Andrea	3	RIVERS Andrea
2	CHASE Nigel	2	CHASE Nigel	4	CHASE Nigel

Defective numbering is shown. There are skipped or double numbers, or two or more boxes are left blank.

Informal

If a discarded ballot paper has been marked 'Informal – not found in ballot box', it is informal even if it otherwise meets formality criteria.

5.2   Legislative Council ballot papers

LC ballot papers

The LC ballot paper comprises two sections containing voting squares separated by a thick black line:

- **Above-the-line (ATL)** – where electors may choose to mark preferences for one or more groups of candidates

- **Below-the-line (BTL)** - where electors may choose to mark preferences for at least 12 individual candidates.

Electors can cast a formal vote by correctly marking either the above-the-line section or the below-the-line section. Regarding formality:

- the **above-the-line** section is formal if there is a single first preference shown, regardless of any other numbering within the section;

- the **below-the-line** section is formal if there is a single first preference shown followed by consecutive numbering against at least 6 candidates.

Note: Section 76 of the EA requires an elector to complete 12 preferences if they choose to vote below the line. However, there is a savings provision that provides a ballot paper shall be formal if it contains at least 6 consecutive preferences below the line.

The following rules apply in those instances where electors mark both above and below-the-line:

- where each section is formal, the ballot paper is formal but the below-the-line section takes precedence over the above-the-line section

- where one section is formal but the other section is informal, the ballot paper is formal and the informal section is disregarded

- where both sections are informal, the ballot paper is informal.

Numbers placed outside the squares or alterations to numbers do not make a ballot paper informal providing the elector's intention is clear. A ✓ or a ✗ on a ballot paper is equivalent to the number 1. Multiple occurrences of these characters would render the ballot paper informal.

Marks that identify the elector do not render any ballot paper informal.

Examples of formal LC ballot papers

Formal

	A	B	C	D	E
ABOVE the line	☐	☐ 1	☐	☐	☐
	Environment First Party	Shine Australia	The People's Party	Farmer's Alliance	Southern Cross Party

	A	B	C	D	E
BELOW the line	Lauren Hall	Finn Robinson	Anita Holland	Winston Barker	Naomi Lee
	Tony Matic	Latika Fischer	Joshua McCall	Nina Harris	Felix Barker
	Jane Nguyen	Andy McMahon	Imane Caskey	John Thompson	Jennie Rodriguez
	Oliver Bloom	Helen Park	Ahren Patel	Rachel McKinnon	Rory Lane

Single 1st preference shown ATL.

Formal

	A	B	C	D	E
ABOVE the line	☐	☐	☒	☐	☐
	Environment First Party	Shine Australia	The People's Party	Farmer's Alliance	Southern Cross Party

	A	B	C	D	E
BELOW the line	Lauren Hall	Finn Robinson	Anita Holland	Winston Barker	Naomi Lee
	Tony Matic	Latika Fischer	Joshua McCall	Nina Harris	Felix Barker
	Jane Nguyen	Andy McMahon	Imane Caskey	John Thompson	Jennie Rodriguez
	Oliver Bloom	Helen Park	Ahren Patel	Rachel McKinnon	Rory Lane

Single 1st preference shown ATL (an X is equivalent to the number 1).

Formal

	A	B	C	D	E
ABOVE the line	☐	☐	☐ 3	☐ 1	☐ 2
	Environment First Party	Shine Australia	The People's Party	Farmer's Alliance	Southern Cross Party

	A	B	C	D	E
BELOW the line	Lauren Hall	Finn Robinson	Anita Holland	Winston Barker	Naomi Lee
	Tony Matic	Latika Fischer	Joshua McCall	Nina Harris	Felix Barker
	Jane Nguyen	Andy McMahon	Imane Caskey	John Thompson	Jennie Rodriguez
	Oliver Bloom	Helen Park	Ahren Patel	Rachel McKinnon	Rory Lane

Single 1st preference shown ATL with consecutive numbering against 3 candidates.

Formal

ABOVE the line	A	B	C	D	E
	☐	☐	☐	☐	☐
	Environment First Party	Shine Australia	The People's Party	Farmer's Alliance	Southern Cross Party

BELOW the line	A		B		C		D		E	
	1	Lauren Hall	☐	Finn Robinson	11	Anita Holland	6	Winston Barker	8	Naomi Lee
	2	Tony Matic	5	Latika Fischer	12	Joshua McCall	7	Nina Harris	9	Felix Barker
	3	Jane Nguyen	☐	Andy McMahon	☐	Imane Caskey	☐	John Thompson	☐	Jennie Rodriguez
	4	Oliver Bloom	☐	Helen Park	☐	Ahren Patel	☐	Rachel McKinnon	10	Rory Lane

Single 1ˢᵗ preference shown BTL with consecutive numbering against 12 candidates. Note – Formality rules for the LC only require 6 preferences (1 through 6) BTL.

Formal

ABOVE the line	A	B	C	D	E
	☐	✓	☐	☐	☐
	Environment First Party	Shine Australia	The People's Party	Farmer's Alliance	Southern Cross Party

BELOW the line	A		B		C		D		E	
	1	Lauren Hall	☐	Finn Robinson	5	Anita Holland	☐	Winston Barker	☐	Naomi Lee
	2	Tony Matic	☐	Latika Fischer	6	Joshua McCall	☐	Nina Harris	8	Felix Barker
	3	Jane Nguyen	☐	Andy McMahon	7	Imane Caskey	☐	John Thompson	☐	Jennie Rodriguez
	4	Oliver Bloom	☐	Helen Park	☐	Ahren Patel	☐	Rachel McKinnon	☐	Rory Lane

Single 1ˢᵗ preference shown ATL (a ✓ is equivalent to the number 1). BTL section is also formal due to the savings provision (consecutive preferences 1 through 6).

Formal

ABOVE the line	A	B	C	D	E
	☒	✓	☒	☐	☐
	Environment First Party	Shine Australia	The People's Party	Farmer's Alliance	Southern Cross Party

BELOW the line	A		B		C		D		E	
	11	Lauren Hall	1	Finn Robinson	7	Anita Holland	3	Winston Barker	5	Naomi Lee
	12	Tony Matic	2	Latika Fischer	8	Joshua McCall	4	Nina Harris	6	Felix Barker
	☐	Jane Nguyen	☐	Andy McMahon	9	Imane Caskey	☐	John Thompson	☐	Jennie Rodriguez
	☐	Oliver Bloom	☐	Helen Park	10	Ahren Patel	☐	Rachel McKinnon	☐	Rory Lane

Single 1ˢᵗ preference shown BTL with consecutive numbering against 12 candidates. Whilst ATL is informal due to multiple 1ˢᵗ preferences, it is disregarded as BTL takes precedence.

Formal

ABOVE the line	**A**	**B**	**C**	**D**	**E**
	☐	☐	[1]	☐	☐
	Environment First Party	Shine Australia	The People's Party	Farmer's Alliance	Southern Cross Party

BELOW the line	**A**		**B**		**C**		**D**		**E**	
	☐	Lauren Hall	[3]	Finn Robinson	[1]	Anita Holland	[7]	Winston Barker	[8]	Naomi Lee
	[12]	Tony Matic	[4]	Latika Fischer	[2]	Joshua McCall	☐	Nina Harris	[9]	Felix Barker
	☐	Jane Nguyen	☐	Andy McMahon	[5]	Imane Caskey	☐	John Thompson	[10]	Jennie Rodriguez
	☐	Oliver Bloom	☐	Helen Park	[6]	Ahren Patel	☐	Rachel McKinnon	[11]	Rory Lane

Both ATL and BTL sections are formal. Single 1st preference shown ATL. Single 1st preference shown BTL with consecutive numbering against 12 candidates. BTL takes precedence.

Formal

ABOVE the line	**A**	**B**	**C**	**D**	**E**
	☐	☐	☐	☐	☐
	Environment First Party	Shine Australia	The People's Party	Farmer's Alliance	Southern Cross Party

BELOW the line	**A**		**B**		**C**		**D**		**E**	
	[19]	Lauren Hall	[13]	Finn Robinson	[10]	Anita Holland	[1]	Winston Barker	[8]	Naomi Lee
	[20]	Tony Matic	[14]	Latika Fischer	[9]	Joshua McCall	[2]	Nina Harris	[7]	Felix Barker
	[18]	Jane Nguyen	[15]	Andy McMahon	[12]	Imane Caskey	[4]	John Thompson	[6]	Jennie Rodriguez
	[17]	Oliver Bloom	[16]	Helen Park	11 ~~[11]~~	Ahren Patel	[3]	Rachel McKinnon	[5]	Rory Lane

Voter's intention is clear.

Formal

ABOVE the line	**A**	**B**	**C**	**D**	**E**
	☐	☐	☐	☐	[1]
	Environment First Party	Shine Australia	The People's Party	Farmer's Alliance	Southern Cross Party

BELOW the line	**A**		**B**		**C**		**D**		**E**	
	☐	Lauren Hall	☐	Finn Robinson	☐	Anita Holland	☐	Winston Barker	☐	Naomi Lee
	☐	Tony Matic	☐	Latika Fischer	☐	Joshua McCall	☐	Nina Harris	☐	Felix Barker
	☐	Jane Nguyen	☐	Andy McMahon	☐	Imane Caskey	☐	John Thompson	☐	Jennie Rodriguez
	☐	Oliver Bloom	☐	Helen Park	☐	Ahren Patel	☐	Rachel McKinnon	☐	Rory Lane

Franklin Woods
Ashford 18

Single 1st preference shown ATL. Identification of the elector does not render the ballot paper informal.

Examples of informal LC ballot papers

Informal

ABOVE the line	A ⊠ Environment First Party	B ☐ Shine Australia	C ☑ The People's Party	D ☐ Farmer's Alliance	E ☐ Southern Cross Party

BELOW the line	A	B	C	D	E
	☐ Lauren Hall	☐ Finn Robinson	☐ Anita Holland	☐ Winston Barker	☐ Naomi Lee
	☐ Tony Matic	☐ Latika Fischer	☐ Joshua McCall	☐ Nina Harris	☐ Felix Barker
	☐ Jane Nguyen	☐ Andy McMahon	☐ Imane Caskey	☐ John Thompson	☐ Jennie Rodriguez
	☐ Oliver Bloom	☐ Helen Park	☐ Ahren Patel	☐ Rachel McKinnon	☐ Rory Lane

Multiple 1st preferences ATL (a ✓ or a ✗ is equivalent to the number 1).

Informal

ABOVE the line	A 1 Environment First Party	B ☐ Shine Australia	C ☑ The People's Party	D ☐ Farmer's Alliance	E ☐ Southern Cross Party

BELOW the line	A	B	C	D	E
	☐ Lauren Hall	☐ Finn Robinson	☐ Anita Holland	☐ Winston Barker	☐ Naomi Lee
	☐ Tony Matic	☐ Latika Fischer	☐ Joshua McCall	☐ Nina Harris	☐ Felix Barker
	☐ Jane Nguyen	☐ Andy McMahon	☐ Imane Caskey	☐ John Thompson	☐ Jennie Rodriguez
	☐ Oliver Bloom	☐ Helen Park	☐ Ahren Patel	☐ Rachel McKinnon	☐ Rory Lane

Multiple 1st preferences ATL (a ✓ is equivalent to the number 1).

Informal

ABOVE the line	A ☐ Environment First Party	B ☐ Shine Australia	C ☐ The People's Party	D ☐ Farmer's Alliance	E ☐ Southern Cross Party

BELOW the line	A	B	C	D	E
	18 Lauren Hall	17 Finn Robinson	13 Anita Holland	5 Winston Barker	9 Naomi Lee
	19 Tony Matic	16 Latika Fischer	12 Joshua McCall	4 Nina Harris	8 Felix Barker
	20 Jane Nguyen	15 Andy McMahon	11 Imane Caskey	3 John Thompson	7 Jennie Rodriguez
	21 Oliver Bloom	14 Helen Park	10 Ahren Patel	2 Rachel McKinnon	6 Rory Lane

No 1st preference BTL.

Informal

ABOVE the line

A	B	C	D	E
☐	☐	☐	☐	☐
Environment First Party	Shine Australia	The People's Party	Farmer's Alliance	Southern Cross Party

BELOW the line

A		B		C		D		E	
3	Lauren Hall	1	Finn Robinson	8	Anita Holland	6	Winston Barker	1	Naomi Lee
4	Tony Matic	2	Latika Fischer	9	Joshua McCall	7	Nina Harris	2	Felix Barker
5	Jane Nguyen		Andy McMahon	10	Imane Caskey		John Thompson		Jennie Rodriguez
	Oliver Bloom		Helen Park	11	Ahren Patel		Rachel McKinnon		Rory Lane

Multiple 1st and 2nd preferences BTL.

Informal

ABOVE the line

A	B	C	D	E
☐	☐	☐	☐	☐
Environment First Party	Shine Australia	The People's Party	Farmer's Alliance	Southern Cross Party

BELOW the line

A		B		C		D		E	
1	Lauren Hall	5	Finn Robinson	21	Anita Holland	13	Winston Barker	17	Naomi Lee
2	Tony Matic	7	Latika Fischer	10	Joshua McCall	14	Nina Harris	18	Felix Barker
3	Jane Nguyen	8	Andy McMahon	11	Imane Caskey	15	John Thompson	19	Jennie Rodriguez
4	Oliver Bloom	9	Helen Park	12	Ahren Patel	16	Rachel McKinnon	20	Rory Lane

Missing 6th preference.

Informal

ABOVE the line

A	B	C	D	E
☐	☐	☐	☐	☐
Environment First Party	Shine Australia	The People's Party	Farmer's Alliance	Southern Cross Party

BELOW the line

A		B		C		D		E	
12	Lauren Hall	4	Finn Robinson	8	Anita Holland	1	Winston Barker		Naomi Lee
	Tony Matic	5	Latika Fischer	9	Joshua McCall	2	Nina Harris		Felix Barker
	Jane Nguyen	6	Andy McMahon	10	Imane Caskey	3	John Thompson		Jennie Rodriguez
	Oliver Bloom	7	Helen Park	11	Ahren Patel	4	Rachel McKinnon		Rory Lane

Duplicated 4th preferences.

Informal

ABOVE the line	A	B	C	D	E
	☐	☐	☑	☐	☐
	Environment First Party	Shine Australia	The People's Party	Farmer's Alliance	Southern Cross Party

BELOW the line	A	B	C	D	E
	☐ Lauren Hall	☐ Finn Robinson	☐ Anita Holland	☐ Winston Barker	☐ Naomi Lee
	☐ Tony Matic	☐ Latika Fischer	☐ Joshua McCall	☐ Nina Harris	☐ Felix Barker
	☐ Jane Nguyen	☐ Andy McMahon	☐ Imane Caskey	☐ John Thompson	☐ Jennie Rodriguez
	☐ Oliver Bloom	☐ Helen Park	☐ Ahren Patel	☐ Rachel McKinnon	☐ Rory Lane

Informal – Not found in ballot box
S. Clark PBM

If a discarded ballot paper has been marked '*Informal – not found in ballot box*', it is informal even if it otherwise meets formality criteria.

Glossary of terms

Absent ordinary vote A vote cast at a polling booth by an elector outside his or her enrolled electoral district on polling day. See **Declaration vote**.

Absolute majority In South Australia a candidate for HA elections must receive more than half the formal votes (at least 50% + 1 vote) to be elected. This is called an absolute majority. See **Preferential voting**.

Assembly, House of See **House of Assembly**.

Ballot The process of voting at an election.

Ballot box The sealed box into which ballot papers are placed by electors after voting.

Ballot paper A paper printed for an election showing the candidates' names and affiliations or the paper containing a question to be decided in a referendum, that voters mark to record their vote.

By-election An election held in only one electoral district to fill a casual vacancy caused by the resignation, death or retirement of a HA member.

Candidate A person who is nominated to stand for election.

Central Processing Centre (CPC) A venue established by ECSA, used for:

- the receipt of postal applications and issue of ballot material
- the receipt of pre-poll and polling day declaration votes and despatch to ROs
- the scrutiny and count for the election of members to the LC.

Count centre Any place appointed for the scrutiny and count of ballot papers eg polling booth, RO office, central processing centre (CPC).

Declaration of poll A formal announcement of the result of an election by a RO declaring the successful candidate as the elected Member. See **Returning officer (RO)**.

Declaration vote A vote given to electors who are unable to be found on the electoral roll, already had their name marked off to vote or either a silent enrolled elector. Enrolment details are provided by the elector on the declaration vote envelope, the completed ballot papers are placed inside the envelope which is then sealed. They are later distributed to the appropriate district RO for inclusion in the count. If found to be accepted.

Declared institution The Electoral Commissioner may, by notice in the Government Gazette, declare the whole or a specified part of an institution such as a hospital, nursing home or corrective institution to be a 'declared institution' for the purpose of issuing votes to electors who are residents and unable to attend a polling booth.

Disputed returns A challenge to the validity of an election result. Disputed elections are referred to a Court of Disputed Returns to be resolved.

District (electoral) A defined geographical area of the State. The whole of the State is one electoral district for the LC, while there are 47 electoral districts for the HA, each containing approximately equal numbers of electors.

Donkey vote The preferential system of voting requires an elector to mark the ballot paper with sequential numbers in order of preference. A donkey vote is one that is marked 1-2-3-4 straight down or, less frequently, up the paper.

Draw or lot An object such as a slip of paper drawn from others to make a choice. The order of candidates' names on the ballot papers is determined by a draw or 'lot'.

Early vote A vote made in person at an authorised issuing centre after the close of nominations and prior to polling day..

Early voting officer Polling officers that are appointed at various locations intrastate, interstate and overseas to issue ballot papers to electors unable to attend a polling booth on polling day.

Election The choosing of representatives to occupy official positions by voting.

Elector A person entitled to vote at an election.

Electoral Act (EA) The legislation which sets down the rules for the conduct of parliamentary elections and other electoral procedures.

Electoral Commissioner (EC) The statutory officer responsible to the Minister for the administration of the Electoral Act, including the proper conduct of elections and the implementation of appropriate publicity, education and research programs.

Electoral Commission of SA The agency responsible for administering and overseeing the conduct of electoral events.

Electoral offence Any action which breaches electoral law as specified by the EA.

Electoral roll A list of electors who have enrolled and are eligible to vote in an election.

Electoral visitor An electoral official who visits 'declared institutions' (hospitals, nursing homes etc) on or before election day to provide on-the-spot voting facilities for electors unable to attend a polling booth.

Electorate This refers to electors (the constituency) or an electoral district. In SA there are currently 47 HA Districts and 1 LC District. See **District**.

Enrolment The process of filling out an electoral enrolment form so as to have one's name included on the electoral roll.

Formal vote A ballot paper which has been correctly marked and counts towards the result of an election.

General elections In South Australia general elections are held for all HA seats (47) and half the LC seats (11) every four years. See **Term**.

Government A system by which a community is governed. Australia has three tiers of government: Federal, State and Local.

Group A group of two or more candidates nominated for election to the LC who have their names grouped together on ballot papers in accordance with Section 58 of the EA.

Group voting square A square printed on a ballot paper for a LC election in relation to the candidates included in a group who have requested a group voting square for the purposes of the election under Section 58(2)(e) of the EA.

House of Assembly (HA). The lower house of State parliament comprising 47 members each elected by the voters in an electoral district in South Australia.

How to vote card A card, in the form of a ballot paper, distributed by parties and independents indicating to electors how they should record their preferences when voting.

Independent A candidate or Member of Parliament, who is not a member of a registered political party.

Informal ballot paper A ballot paper which is declared invalid as it does not comply with the instructions governing the election and cannot therefore be accepted into the count.

Legislation The name given to a law or set of laws that have passed both Houses of Parliament and been assented to by the Governor.

Legislative Council (LC). The upper house of State Parliament comprising 22 members elected by voters for an eight year term, half of whom are elected at each State General Election.

Lower house See **House of Assembly**.

Majority See **Absolute majority**.

Marginal seat A seat requiring a swing of less than 6% is usually regarded as marginal.

Members of Parliament All elected representatives.

Mobile polling A voting facility provided some time during the 12 days up to and including polling day for electors in remote areas of the State.

Offence See **Electoral offence**.

Officer-in-charge Electoral officer appointed to manage electoral proceedings in a particular location eg ballot material issuing, processing and counting activities.

Ordinary vote Ordinary votes are issued at Early voting centres and on polling day to electors at a booth who:

- are enrolled at an address in the district for which the polling booth has been established, and

- whose name appears on the certified list of electors for that district, and

- the certified list has not been marked to indicate that ballot papers have already been issued.

Poll An election.

Polling booth/place Location where voting takes place.

Polling Booth Manager The electoral official in charge of a polling booth.

Polling official An electoral officer appointed to assist in the conduct of an election or poll.

Postal vote Electors who are away from their home State or Territory on polling day, or unable to get to a polling place, may apply for and send a vote by post. In South Australia it is also called a Declaration Vote.

Preferential voting A voting method where electors are required to mark the ballot paper using consecutive numbers to record their order of preference for all candidates. A candidate receiving an absolute majority, at least one more than 50% of the formal vote, is elected. If no candidate achieves this, then preferences are distributed to remaining candidates until one candidate has an absolute majority. This system of voting and counting is used in House of Assembly elections.

Pre-poll vote See **early vote**.

Pre-poll voting officer See **early voting officer**.

Proportional representation A system of vote counting designed to elect representatives who obtain a specified quota or proportion of votes. This system is used in Legislative Council, Senate and some Local Government elections.

Quota The proportion or percentage of formal votes required under a proportional representation voting system for a candidate to be elected. In LC elections a candidate must obtain a quota (about 8.3%) of the total votes cast.

Re-count A second or further count of votes to verify a result.

Register of declaration voters A list of electors who automatically receive voting material by post after satisfying the Electoral Commissioner that they are unable to attend a polling booth due to physical disability, religious belief, caring for a person who is seriously ill, infirm or disabled, not within 20 kilometres of a polling place or suppression of address on the electoral roll.

Registered political party An organisation registered with the Electoral Commission of SA endorsing candidate(s) for election to the HA or LC.

Registrar A Commonwealth electoral officer responsible for maintaining and updating electoral rolls.

Return of writ When a general election is finalised, the Writ is returned to the Governor with the names of the successful candidates, now members of Parliament. Following a by-election in the HA, the Writ is returned to the Speaker. See **Writ**.

Returning Officer (RO) The electoral officer responsible for conducting an election in an electoral district.

Roll See **Electoral roll**.

Safe seat A seat which is held by a sufficiently large margin of votes that is unlikely to be lost at the next election. Seats requiring a swing of more than 10% are usually regarded as safe.

Scrutineer A person appointed by a candidate to observe the polling process and the sorting and counting of ballot papers, also having the right to question the validity of any votes.

Scrutiny The sorting, counting and rechecking of ballot papers following the close of poll.

Seat A seat in a parliament held by an elected member. Can also refer to a member's electorate (district).

Secret ballot A vote made in secret. Adopted in South Australia in 1856, often called the 'Australian Ballot'.

Shared booth A polling booth established near the boundaries of adjoining districts to service the needs of electors of 2 or 3 districts.

Swing An analysis of previous election results (in percentage terms) used to identify the shift in political support that would be required in electoral districts for seats to be won or lost at an election.

Term The length of time a parliament may sit before an election must be called. The South Australian Parliament has a set 4 year term.

Two-candidate preferred (2CP) vote The votes allocated to the two candidates assessed as likely to remain in the count after the distribution of preferences from other candidates (election night) or votes actually counted to the final two candidates remaining in the count.

Two-party preferred (2PP) vote The votes allocated to the two major parties, Labor and Liberal, after the distribution of preferences from other candidates.

Upper house See **Legislative Council**.

Vote The process of electing a candidate. A vote can be made by voice, a show of hands or by marking a ballot paper. See also **Absent**, **Declaration**, **Formal** and **Postal votes**, **Informal ballot paper**.

Voting ticket A statement lodged no later than 72 hours after the close of nominations by a candidate or on behalf of a candidate endorsed by a registered political party by the registered officer indicating the order in which voters, who do not mark their full preferences on the ballot paper, may be presumed to have allocated preferences for a HA Election.

Writ The legal document issued by the Governor authorising a general election or referendum, specifying the dates by which various procedures must be completed. The Speaker issues writs for HA by-elections.

Notes

Notes

Electoral Commission

SOUTH AUSTRALIA