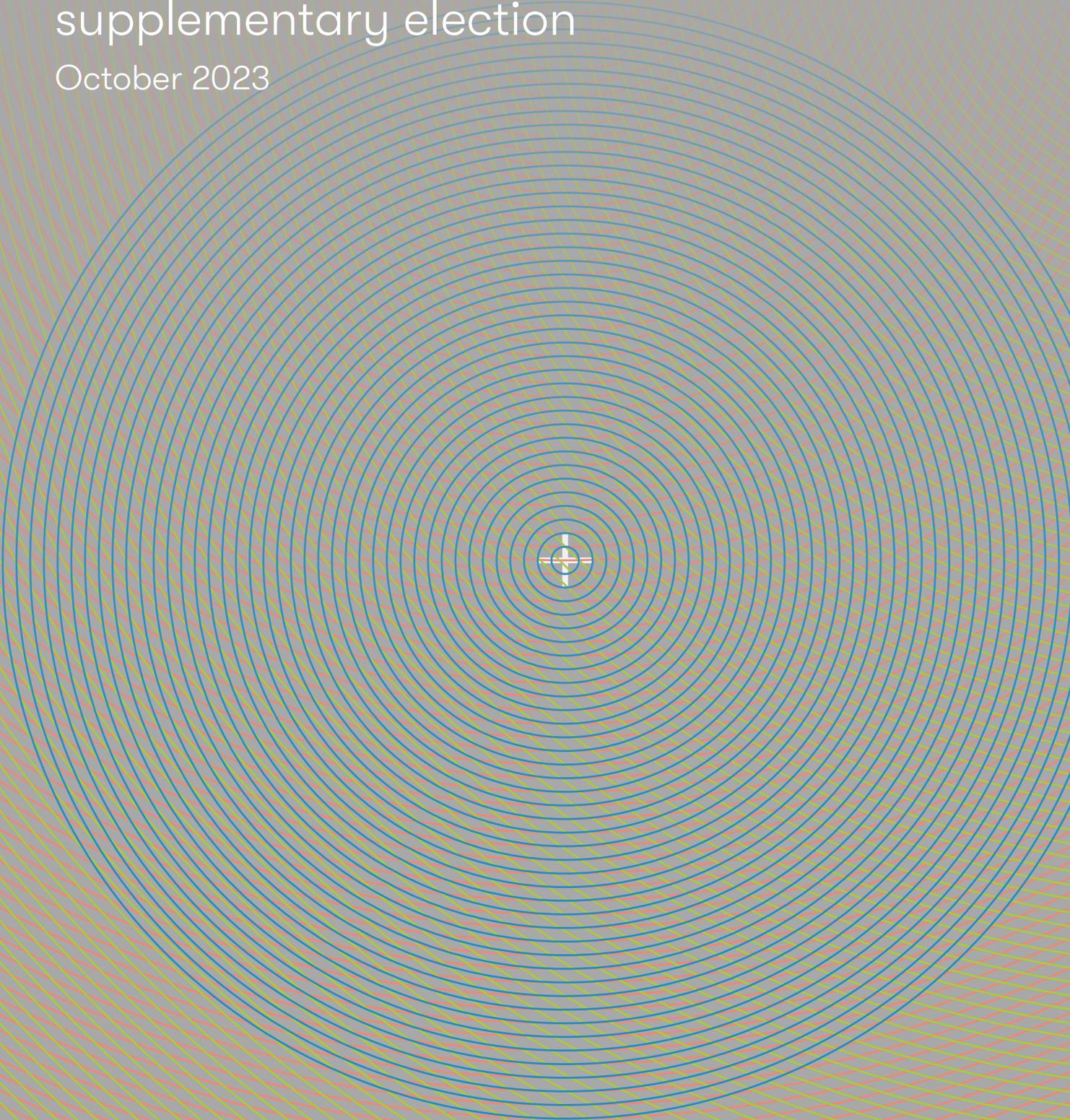


# Report to Parliament

2022 Victorian State election  
and 2023 Narracan District  
supplementary election

October 2023



## Letter of Transmittal

The Hon. Shaun Leane MLC  
President of the Legislative Council  
Parliament of Victoria  
Parliament House  
Melbourne

The Hon. Maree Edwards MP  
Speaker of the Legislative Assembly  
Parliament of Victoria  
Parliament House  
Melbourne

Dear Presiding Officers

Pursuant to section 8(2)(b) of the *Electoral Act 2002*, I submit this report on the administration and conduct of the Victorian State general election held on 26 November 2022 and the Narracan District supplementary election held on 28 January 2023.

Yours sincerely



**Sven Bluemmel**  
Electoral Commissioner

27 October 2023



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(Victorian Electoral Commission)  
October 2023

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## **Report to Parliament**

2022 Victorian State election and 2023 Narracan District  
supplementary election

# Acknowledgement of Country

*The Victorian Electoral Commission (VEC) acknowledges the Aboriginal and Torres Strait Islander people of this nation, as the traditional custodians of the lands on which the VEC works and where we conduct our business.*

*We pay our respects to ancestors and Elders, past, present, and emerging. The VEC is committed to honouring Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to the land, waters and seas and their rich contribution to society.*

## **Note**

This Report to Parliament is also available on the VEC's website at [vec.vic.gov.au](http://vec.vic.gov.au) in PDF format.

# Foreword

On 26 November 2022, Victorians elected the 60th Parliament of Victoria.

The election had a considerable number of operational challenges, including being the first attendance election conducted by the Victorian Electoral Commission (VEC) since the COVID-19 pandemic, and widespread flooding across large parts of Victoria in the lead up to the early voting period.

The election had the highest-ever number of enrolled electors, candidates, and election venues, and for the first time saw early attendance voting overtake voting on election day as the most popular voting method. Recruiting for such a large scale election event continues to pose a complex challenge for the VEC.

This event also saw the first failed Legislative Assembly election since 1999 in Narracan District. A supplementary election for Narracan District was held on 28 January 2023.

As the newly appointed Electoral Commissioner, and acting Electoral Commissioner during the peak election delivery period, we would like to thank all VEC staff, contractors, and service providers for their contributions in responding to the above challenges. Nonetheless, it is apparent that the operating model for the VEC is at its limits. The critical risks the existing election timeline creates can only be addressed through legislative change.

This report reflects the significant effort undertaken by the VEC to understand, evaluate and respond to the event itself. Substantial context is provided with all commitments and recommendations, reinforcing the case for change.

The report highlights opportunities for improving election delivery in several key areas and reducing the real risk of a critical failure. The VEC makes recommendations for legislative change, and commitments to improving its operational delivery.

We wish to acknowledge the long and successful tenure of Mr Warwick Gately AM, whose 10-year term as Electoral Commissioner ended in March 2023 after overseeing the delivery of 3 State elections. Warwick played a pivotal leadership role in successfully planning and delivering the 2022 State election.

As incoming Commissioner, Sven would also particularly like to acknowledge Dana's work in assuming the role of Electoral Commissioner from Friday 18 November 2022 until January 2023 due to Warwick's necessary and unavoidable leave of absence.

Together we look forward to building on this legacy with the team at the VEC.



A handwritten signature in black ink, appearing to read 'Sven Bluemmel'.

**Sven Bluemmel**  
Electoral Commissioner



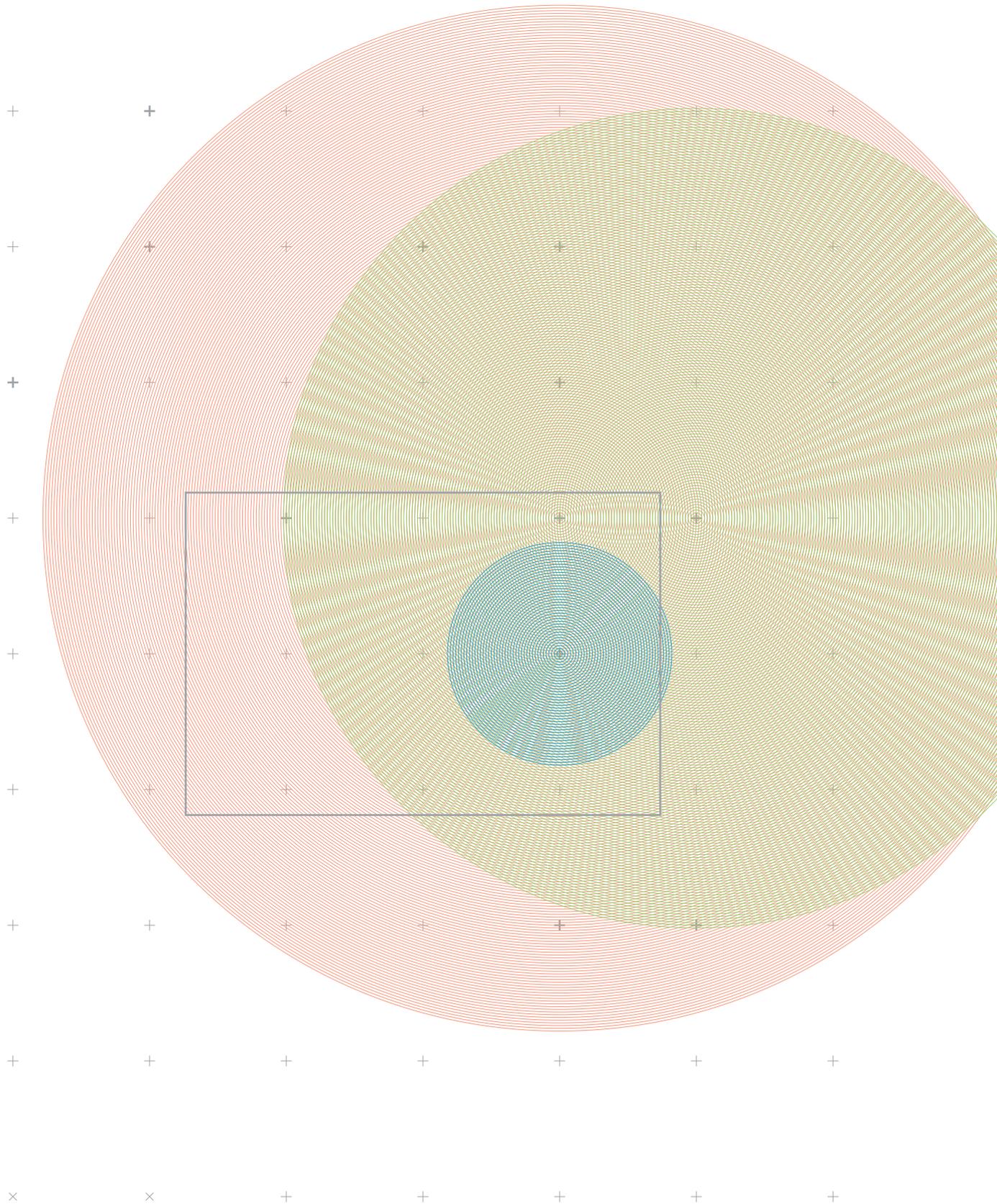
A handwritten signature in black ink, appearing to read 'Dana Fleming'.

**Dana Fleming**  
Deputy Electoral Commissioner

**Votes by type (Front cover)**  
2022 State election

- Early voting attendance
- Election day attendance
- Postal (and other)

— 1 ring = 10,000 voters



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# Glossary

## List of definitions

Term	Definition
<b>2-candidate preferred (2CP)</b>	A count conducted for statistical purposes, involving the distribution of preferences to the two candidates considered most likely to be in the lead after a distribution of preferences.
<b>Absent vote</b>	A vote cast by an elector on election day at a voting centre that is located outside the electorate for which they are enrolled.
<b>Attendance voting</b>	Any voting method which involves casting a vote in-person at a voting centre.
<b>Candidate</b>	<p>A person who is nominated under section 69 of the Electoral Act to stand for election to Parliament.</p> <p>For political donation disclosures and reporting under Part 12 of the Electoral Act, a candidate is:</p> <ul style="list-style-type: none"><li>&gt; a person who has been selected by a registered political party to be a candidate in an election; or</li><li>&gt; a person other than a member of a registered political party, who has publicly announced an intention to be a candidate in an election.</li></ul>
<b>Centralised Activity Site (CAS)</b>	Central location where multiple activities take place, including postal vote processing, TAV and extraction and counting activities.
<b>COVID safety</b>	Actions and strategies to respond to the impacts of the COVID-19 pandemic on the election, prioritising safety and wellbeing of all participants, compliance with government directives and electoral legislation, and integrity of election results.
<b>Declaration vote</b>	A vote that requires a written declaration by the voter. There are several types of declaration vote: postal votes, absent votes, provisional votes and marked-as-voted votes.
<b>Democracy Ambassador</b>	A community member employed by the VEC to deliver electoral information and enrolment services to priority communities.
<b>Directly-enrolled</b>	A person who is added to the register of electors by the VEC or the AEC based on government data that identifies that person as being eligible for enrolment.
<b>Dis-information</b>	False or inaccurate information that is intended to mislead or deceive.
<b>Distribution of preferences</b>	If no candidate in a Legislative Assembly election has an absolute majority of first preferences during the count, or in a Legislative Council election, if fewer candidates obtain the quota required to be elected than the number of vacancies to be filled, a preference distribution is conducted. In a Legislative Assembly election, the candidate with fewest votes is excluded and their votes are passed on to other candidates according to voters' preferences. In a Legislative Council election, the votes in surplus of the quota from the candidate or candidates declared elected are distributed or the candidate with the fewest votes is excluded and their votes are passed on to other candidates according to voters' preferences. This process is repeated until the vacancy or vacancies are filled.
<b>District</b>	One of 88 electorates represented by a member of the Legislative Assembly.

Term	Definition
<b>Donkey vote</b>	Where a voter orders their preference of candidates on the ballot paper in the sequential order the candidates appear on the ballot paper.
<b>Early voting</b>	Electors can vote before election day at an early voting centre.
<b>Election manager</b>	A senior election official appointed by the Electoral Commissioner to conduct an election for an electorate.
<b>Failed election</b>	Under section 72 of the Electoral Act, an election fails if: <ul style="list-style-type: none"> <li>&gt; a candidate for an Assembly election dies after noon on the final nomination day and before 6 pm on election day; or</li> <li>&gt; the successful candidate for an Assembly election dies after 6 pm on election day and before being declared elected; or</li> <li>&gt; no candidate is nominated or declared elected.</li> </ul>
<b>Field staff</b>	Staff directly supporting election office operations including voting centre staff and metropolitan hubs.
<b>General Postal Voter (GPV)</b>	A person who is automatically mailed a ballot pack for all elections in their area for reasons such as illness, age, remote location or being a registered overseas elector.
<b>How-to-vote card (HTVC)</b>	Any electoral material that: <ul style="list-style-type: none"> <li>&gt; includes a representation of a ballot paper, including partial or purported partial representations of a ballot paper; or</li> <li>&gt; lists the names of any or all of the candidates for an election with a number indicating an order of voting preference against the names of any or all of those candidates.</li> </ul>
<b>Independent candidate</b>	A candidate at an election who is not endorsed by a registered political party.
<b>Informal vote</b>	A ballot paper that is cast but cannot be included in the count because the voter's intention is not clear or the ballot paper has been completed incorrectly.
<b>Marked-as-voting vote</b>	A vote issued to a person who claims not to have voted at the election despite their name being marked off the electoral roll as having already voted.
<b>Mis-information</b>	False or inaccurate information that is spread regardless of intent to mislead or deceive.
<b>Mobile voting</b>	A voting centre temporarily set up at a site such as an aged care facility or prison, to assist electors to vote who may experience barriers to accessing other voting methods.
<b>Ordinary vote</b>	A vote cast by an elector on election day at a voting centre that is located in the electorate for which they are enrolled.
<b>Party/candidate worker</b>	A person who assists a candidate by distributing how-to-vote cards or other electoral material outside a voting centre.
<b>Postal voting</b>	Electors can apply to have their ballot papers mailed to them. Electors are provided with an envelope to securely return their ballot papers to be included in the count.
<b>Priority community</b>	A community that is underrepresented in elections in terms of enrolment or turnout or overrepresented in terms of informality.

Term	Definition
<b>Provisional vote</b>	A vote issued to a person who claims to be entitled to vote at an election and the name of that person is not on, or cannot be found on, the electoral roll.
<b>Recheck</b>	A routine step of all election counts, in which ballot papers that have been counted are checked again for formality, correct sorting to first preference, and correct reconciliation of totals.
<b>Recount</b>	A re-examination and count of all formal and/or informal ballot papers before the declaration of an election, conducted under section 120 of the Electoral Act.
<b>Region</b>	One of 8 electorates represented by 5 members of the Legislative Council. There are 11 districts in each region.
<b>Registered political party</b>	A political party that is on the VEC's Register of Political Parties. Registration entitles a political party to have the registered party details, including a registered logo, placed next to its candidate(s) names on Legislative Assembly election ballot paper(s) or above the group name above the line on Legislative Council election ballot paper(s).
<b>Scrutineer</b>	A person appointed by a candidate to observe certain procedures on the candidate's behalf at an election. Scrutineers are permitted to observe voting, scrutiny and counting procedures during an election.
<b>Senior election official (SEO)</b>	An election official with advanced training to manage electoral operations.
<b>Silent elector</b>	A person who has been granted silent elector status by the VEC (or by the Australian Electoral Commission on behalf of Victoria) having satisfactorily shown that printing their address on an electoral roll would place their or their family's personal safety at risk.
<b>Supplementary election</b>	Under section 72(2) of the Electoral Act, a supplementary election must be held in the event of a failed election to fill the vacancy that the failed election had intended to fill.
<b>Telephone assisted voting (TAV)</b>	A secure voting facility provided by the VEC for electors prescribed by the regulations to use this service. Use of this service involves casting a secret vote over a telephone service.
<b>Turnout</b>	The proportion of electors on the register of electors who voted in an election. Turnout can be measured by the number of electors marked off the roll and by the number of votes cast in an election. As not all electors who attend a voting centre end up submitting ballot papers, these measures can produce different turnout figures.
<b>Voting centre</b>	A venue appointed by the VEC for voting at an election as an early voting centre, a mobile voting centre, or an election day voting centre.
<b>Writ</b>	An order by the Governor or Speaker of the Legislative Assembly to the Electoral Commissioner that an election be held. The writ specifies key election dates.

## List of abbreviations

Abbreviation	Long version
<b>2CP</b>	2-candidate preferred
<b>AEC</b>	Australian Electoral Commission
<b>AEF</b>	administrative expenditure funding
<b>ATL</b>	above-the-line
<b>AWA</b>	assisted wheelchair access
<b>BTL</b>	below-the-line
<b>CALD</b>	culturally and linguistically diverse
<b>CAS</b>	Centralised Activity Site
<b>Electoral Act</b>	<i>Electoral Act 2002 (Vic)</i>
<b>Electoral Regulations</b>	<i>Electoral Regulations 2022 (Vic)</i>
<b>EMS</b>	Election Management System
<b>GPV</b>	general postal voter
<b>HTVC</b>	how-to-vote card
<b>IBAC</b>	Independent Broad-based Anti-corruption Commission
<b>IWA</b>	independent wheelchair access
<b>LNWA</b>	limited to no wheelchair access
<b>MP</b>	member of Parliament
<b>PDP Act</b>	<i>Privacy and Data Protection Act 2014 (Vic)</i>
<b>PES</b>	Public Enquiry Service
<b>PF</b>	public funding
<b>SEO</b>	senior election official
<b>TAV</b>	telephone assisted voting
<b>VCAT</b>	Victorian Civil and Administrative Tribunal
<b>VEC</b>	Victorian Electoral Commission
<b>VGSO</b>	Victorian Government Solicitor's Office
<b>VPSC</b>	Victorian Public Service Commission



# 1. Introduction

## Electors and votes



4,394,465

Enrolled electors

1,865,499

Early attendance votes

404,850

Postal votes

1,507,781

Election day attendance votes

50,661

Other vote types\*

\*Mobile, interstate attendance, telephone assisted voting, COVID-19 drive-through, provisional and marked-as-voted

## Voting centres



155

Early voting centres

1,765

Election day voting centres

203

Appointed senior election officials

## Candidates



740

Candidates (Legislative Assembly)

454

Candidates (Legislative Council)

23

Registered political parties contesting the election

1,526

Registered how-to-vote cards

## Statistics



87.12%\*

Voter turnout (Legislative Assembly)

5.54%\*

Informal votes (Legislative Assembly)

82%

Voter satisfaction

88.51%\*†

Districts requiring preference distribution

\*Not including Narracan District failed election

†77 of 87 districts

The 2022 Victorian State election was held on Saturday 26 November 2022. It was the first attendance-based general election conducted by the Victorian Electoral Commission (VEC) since the advent of the COVID-19 pandemic. With experience and learnings from the 2020 Local Government elections, the VEC was well placed to once again deliver a safe, convenient and accessible election for Victorians.

This election posed many new challenges, including the continued increase of votes cast during the early voting period, a higher number of candidates and parties than ever before, and the first failed election and subsequent supplementary election since 1999.

## 1.1 About the VEC

The VEC is responsible for the conduct of fair, efficient and impartial elections in accordance with the law. The Electoral Commissioner is appointed by the Governor-in-Council for a ten-year term. Under the *Electoral Act 2002* (the Electoral Act), the Electoral Commissioner is independent of the government of the day and reports directly to Parliament. The responsibilities of the VEC are to:

- › conduct parliamentary elections, by-elections, and referendums
- › conduct local government elections, by-elections, and countbacks
- › conduct certain statutory elections
- › consider and report to the Minister responsible on issues affecting the conduct of parliamentary elections, including administrative issues requiring legislative remedy
- › ensure the enrolment of eligible electors
- › prepare electoral rolls for parliamentary elections, voters' rolls for local government elections, jury lists, and the provision of enrolment information to members of Parliament and registered political parties
- › contribute to public understanding and awareness of elections and electoral matters through information and education programs
- › conduct and promote research into electoral matters that are in the public interest
- › administer and regulate Victoria's political funding and donation laws
- › regulate obligations under the Electoral Act
- › provide administrative and technical support to State electoral boundary reviews and local government electoral structure reviews, and lead local government ward boundary reviews
- › report to Parliament on the VEC's activities.

## 1.2 Environmental changes

### COVID safety

After the experience of conducting the 2020 Local Government elections during the height of the COVID-19 pandemic, the VEC was once again focused on delivering a safe, convenient and accessible election program in 2022. The VEC ensured that its election services were delivered in a way that:

- › considered the safety of all participants in the provision of convenient and accessible election services
- › enabled successful management of the consequences of a COVID-19 outbreak
- › complied with all State and Commonwealth Government directives to minimise or stop the spread of the disease
- › complied with the relevant provisions of the Electoral Act and the *Electoral Regulations 2022* (Vic) (Electoral Regulations)
- › reassured Registered Political Parties, candidates, electors and the general public of the integrity of the State election and its results.

### Floods

When severe weather and flooding events impacted parts of Victoria in October 2022, the VEC worked to inform and reassure voters displaced by the floods that they still had safe and secure voting channels for the State election. The VEC actively maintained strong relationships with emergency management bodies such as Emergency Management Victoria to ensure awareness of significant weather events.

A new temporary regulation added to the Electoral Regulations on Tuesday 1 November 2022 extended eligibility to access electronic assisted voting, delivered through the VEC's Telephone Assisted Voting (TAV) service, to electors in areas identified by the VEC as flood-affected on or after Thursday 13 October 2022. To access this service, voters were required to make a declaration that they were residing in a place that had been formally identified as being impacted by the floods and were unable to travel to or access a voting centre.

The VEC's administration of the 2022 State election was examined by the International Institute for Democracy and Electoral Assistance and commended as a case study of successful election management in flood-affected areas.<sup>1</sup>

## Redivision of electoral boundaries

The Electoral Boundaries Commission concluded a redivision of the State in October 2021. This was the first redivision of both Houses of Parliament since 2013. As required by legislation, the VEC provided administrative and technical services to the Electoral Boundaries Commission.

As expected, the outcomes of the redivision had significant impact on operational delivery particularly regarding communication to voters, election systems and field operations. Significant preparations were undertaken ahead of the switchover to the new boundaries in October 2022.

The changes made by the Electoral Boundaries Commission meant 910,384 Victorian electors (21.28% of the enrolled population) were located in a changed or new electorate for the State election.

## Workforce crisis

Following the AEC's experience at the Federal election earlier in 2022, the VEC anticipated a range of staffing challenges and invested heavily to boost its database of election staff.

As a result of these efforts, the database of potential election staff grew from 49,000 in June 2022 to over 75,000 for the 2022 State election.

Equally, the VEC invested in its senior election official (SEO) pool. Targeted recruitment campaigns were supplemented by interstate secondments and support from the Victorian Public Service, through which the VEC sought to develop a contingency above previous election requirements.

Despite the boosted SEO pool and growth in the number of Victorians registered for election work, the VEC still encountered significant difficulty in recruiting and retaining election staff. In many areas of the State, the VEC found it difficult to secure enough staff for critical election delivery roles, and all areas experienced high drop-out rates due to COVID-19.

For the first time, the VEC relied on labour hire agencies to support the staffing profile, due to the availability and mobility of the workforce that they engage.

## Limited property market

Despite the Electoral Act providing the VEC with access to 'prescribed premises' for use on election day, there is no similar provision for the two-week early voting period. In the lead up to the State election, the VEC was faced with extremely low vacancy rates (<0.5%) for commercial property in some districts, significantly impacting venue searches and acquisition. This was amplified by a reluctance by owners/landlords to enter into short-term leases.

The low availability of venues meant that many election managers inspected sites that were unfit for purpose, with little ability to invest in improvements given the short nature of the lease being sought.

As a result, the VEC was required to unexpectedly adjust its property footprint, such as splitting early voting centres from election offices, to accommodate the state of the property market.

For early voting centres, this left no option other than to lease a number of sub-optimal sites in terms of accessibility, which required investment in significant works by the VEC to render the venues compliant.

## 1.3 Narracan District failed election

In accordance with section 72(1) of the Electoral Act, the Narracan District election became a failed election immediately upon the death of a candidate, which was reported to the VEC on Monday 21 November 2022.

The writ for the Legislative Assembly was returned to the Governor of Victoria on Friday 16 December 2022. This officially confirmed that the Narracan District election failed. The Governor subsequently issued the writ for a supplementary election for Narracan District on Monday 19 December 2022.

A supplementary election was held for Narracan District on Saturday 28 January 2023. The VEC's report on the administration of the Narracan District supplementary election is provided in **Chapter 11 - Narracan District supplementary election**.

<sup>1</sup> International IDEA, 2023 'Managing Elections during Floods: The Case of Victoria, Australia', <https://www.idea.int/sites/default/files/managing-elections-during-floods-the-case-of-victoria-australia-en.pdf>

## 1.4 Legislative and regulatory changes

### Electoral Act 2002

Several changes to the Electoral Act were made by the *Regulatory Legislation Amendment (Reform) Act 2022* (Vic) and came into effect on 1 June 2022. These changes were incorporated into the VEC's planning for the 2022 State election.

#### Limits on political signage

Section 158A of the Electoral Act now prescribes the number of notices and signs that may be exhibited within 100 metres of a designated entrance to the grounds where a voting centre is located.

Candidates and registered political parties may display a maximum of 2 notices or signs outside a voting centre. Where a registered political party has endorsed 2 or more candidates for the Legislative Council, these candidates may display a maximum of 2 signs among them. The changes effectively permit a registered political party that has endorsed a candidate in a Legislative Assembly election and more than one candidate in the corresponding Legislative Council election to a maximum of 6 signs outside voting centres within that district.

#### Mobile billboards

The changes prohibit the display of mobile billboards within 100 metres of a designated entrance to the grounds in which a voting centre is situated.

A mobile billboard is defined as any billboard that is capable of being displayed while being transported by any means, including by a motor vehicle, utility vehicle, motorcycle, or a person.

#### Designated person for signage near voting centres

Each registered political party and independent candidate is required to designate a person responsible for any notices or signs displayed by the party or the candidate at a designated entrance to a voting centre (including an early voting centre). The designated person's details must be registered with the VEC.

#### Contact person for recounts

Candidates and registered political parties must provide the VEC with a contact person for recounts. The VEC must give at least 4 hours written notice of a recount to the contacts for candidates and parties affected by the recount.

### Early processing of votes

The commencement of processing early and postal votes was aligned to be from 8 am on election day. This meets the legislatively required authorised period 10 hours immediately before the close of voting. Processing of these votes is still required to occur within a restricted area and counting the votes cannot commence until voting has closed.

### Postal vote applications

It is now an offence for anyone other than the VEC to distribute an application to vote by post.

It is still permitted for the VEC to make postal vote applications available at post offices. This change did not extend to general postal voter (GPV) applications.

### Electoral Regulations 2022

The *Electoral Regulations 2012* (Vic) were replaced by the *Electoral Regulations 2022* (Vic) on 30 August 2022.

The updated Electoral Regulations included temporary provisions permitting electors who could not vote because they were required to isolate or quarantine because of COVID-19 to access electronic assisted voting, delivered through the VEC's telephone assisted voting (TAV) service. However, the public health orders in Victoria which would have triggered those temporary provisions expired prior to the election.

In response to widespread flooding across Victoria, the Electoral Regulations were amended on Tuesday 1 November 2022 to temporarily extend eligibility to access electronic assisted voting for electors identified by the VEC to have been impacted by the floods. This was required because the substantive provision in the Electoral Regulations permitting electors to access electronic assisted voting if they were prevented from voting because of a 'declared emergency situation' was not triggered by the requisite emergency declaration.

## 1.5 Political environment

### Scrutiny, misinformation and disinformation

Amidst a changing political environment, the VEC was subject to more intense scrutiny than ever before. The VEC's processes withstood this high level of scrutiny, but some parties and candidates, media and members of the public perpetuated mis- and dis-information, as well as general scepticism of electoral processes. The VEC is committed to safeguarding electoral integrity and public trust to continue delivering elections with trusted outcomes.

Some of the areas in which the VEC received intense scrutiny include:

- › unexpectedly high levels of scepticism about the existence and validity of the writs. These concerns appeared to stem from social media posts incorrectly claiming that the lack of a formal seal on the election writs made them invalid, and that because the writs were not publicly available there was no evidence of their existence. The VEC provided clarity around these incorrect claims in a misinformation register and also published the writs online with the consent of the Governor of Victoria.
- › a number of accusations on social media and through customer feedback that the VEC was subject to the control of Government and was therefore not independent and impartial. The VEC clarified on social media and the VEC website that the VEC is not subject to ministerial direction.
- › claims in the media that the election results in one district were not valid because votes had been given to the wrong candidates – where scrutineers had confused the 2-candidate-preferred (2CP) statistical count with the true count. The VEC clarified in a radio appearance and on social media that 2CP counts have no bearing on the actual outcome of the election.
- › criticism in the media and by some parties and candidates in relation to its referral of a regulatory matter to the Independent Broad-based Anti-corruption Commission (IBAC) on 17 November 2022. In response, the VEC issued a media release reminding the media and the public of the regulatory obligations of the VEC, and that these obligations apply at all times and do not cease during an election.
- › a Facebook post from October 2022 alleging that the World Economic Forum, a not-for-profit foundation in Switzerland, was running the 2022 Victorian State election. The Facebook post included a screenshot of a tweet which appeared to be produced for the purposes of parody or satire. However the responses and the subsequent Facebook post indicated that some members of the public were led to believe that the content was factually correct, and that the election process was compromised. The VEC was also concerned that the content was being shared out of context, where the audience may not be aware of the satirical nature of the original content. The VEC reported the post to Twitter and, after strong representation from the VEC, included a misleading information label, though the content remains available online. To reduce the impact of the content, the VEC updated its misinformation register to clarify that the VEC does not partner with other organisations to count votes for the State election.

Electoral mis- and dis-information campaigns are cross-jurisdictional concerns that pose a significant challenge to the VEC because they arise out of broader social trends that cannot be directly reversed by the VEC. However, the VEC did take preventative action through educational campaigns to debunk and ‘pre-bunk’ mis- and dis-information. These campaigns were run on traditional and social media. More information about these campaigns is provided in **Chapter 5 – Communication and engagement**.

The VEC also took direct action to address harmful mis- and dis-information during the election period, including collaborating with the AEC to develop guidance for electoral management bodies, establishing a misinformation register, and establishing an arrangement with online platforms to work together to reduce the impact of mis- and dis-information.

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The VEC will continue to identify emerging trends in intensified scrutiny and electoral mis- and dis-information campaigns, and responding as required to ensure that critical election activities are not undermined.

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## Electoral participation

Voter turnout has been declining over many years. It is important to note that this is not an isolated trend in Victoria, but is happening in all Australian jurisdictions and is also evidenced in other comparable democracies. The reasons are multifaceted and complex.

Although voter turnout was marginally lower at the 2022 State election than in 2018 (87.12% compared to 90.16%), historical voting trends and a comparison with other jurisdictions suggests that voter turnout would have been even lower had the VEC not made the efforts it did to encourage turnout.

A key initiative to maintain turnout has been the use of mass SMS and email messaging to subscribed electors (some 56.7% of enrolled electors). The VEC sends these messages to enrolled electors for whom it has an email address or mobile phone number. The 3 main messages sent for the State election included a reminder to enrol, an EasyVote guide explaining voting options, times and locations, and an election day reminder for those who had not yet voted. Further discussion of VoterAlert and other initiatives is provided in **Chapter 5 – Communication and engagement**.

As the VEC has observed the lowest rate of participation at Victorian elections compared to the recent general elections of other Australian states and territories, it has also scheduled a research project to be conducted in 2023-2024 to ascertain greater insights into the reasons for declining participation within the Victorian context. See **Chapter 10.4 – Future research** for more information.

## Legislative Council voting system

The VEC notes the significant change in the community's confidence in the voting system used for Legislative Council elections. Specific concerns relate to the ability for the preferences in group voting tickets to distort the genuine interests of electors. During the 2022 State election, these concerns were prompted by news outlets and media commentators reporting on the issue, as well as a leaked video showing the behaviour of a political operative consulting on preferences.

The VEC notes that in its inquiry into the conduct of the 2022 State election, Parliament's Electoral Matters Committee has indicated its intention to examine the Legislative Council voting system. The VEC is fully supportive of that examination, and may have technical recommendations should a change to the voting system be recommended by the Committee.

- › an expanded early voting model designed to ensure that electors have easy access to early voting services (both sites and hours of operation)
- › a location strategy used to develop and implement election infrastructure solutions
- › improved design, tracking and handling of ballot papers
- › improved candidate products and services
- › delivery of a digital EasyVote Guide to those registered for the VEC's VoterAlert service
- › a broader Democracy Ambassador Program, providing targeted enrolment and education outreach sessions to areas geo-mapped as low participation and high informality
- › specific engagement campaigns for directly-enrolled and young electors.

## 1.6 Federal election

In May 2022, Victorians were required to vote in the Australian Federal election. While there was a decline in participation at both elections, participation and turnout figures show election fatigue appears to have tracked through to the 2022 Victorian State election and led to a further decrease in these key measures.

Further, the VEC received valuable insight into the challenges, such as the availability of staff, faced by the AEC in its delivery of the Federal election and adopted innovative solutions to minimise the impact of similar challenges on the delivery of the State election.

## 1.7 Response to Electoral Matters Committee recommendations

Planning the State election was informed by the recommendations made by Parliament's Electoral Matters Committee following its inquiry into the conduct of the 2018 State election, as well as VEC-led performance evaluation and outcomes. A summary of the VEC's response to these recommendations is provided in **Appendix 1**.

Several new or enhanced initiatives were implemented for the 2022 State election in response to the recommendations:

- › a media literacy campaign, aimed at increasing awareness of election-related misinformation and disinformation campaigns

## 1.8 Election timeline

### Timeline for the 2022 Victorian State Election

Timeline	Days until election	Date
<p><b>Expiration of the Legislative Assembly</b></p> <p>Parliament is dissolved 25 days before the last Saturday in November.</p>	25	Tuesday 1 November 2022
<p><b>Issue of writs</b></p> <p>The issue of the writs commences the election process. The writs command the VEC to hold an election and contain the dates for the close of rolls, the close of nominations, election day and the return of the writs. At a State general election, writs are issued for the election of all the members of the Legislative Assembly (Lower House) and for all members of the Legislative Council (Upper House).</p>	25	Tuesday 1 November 2022
<p><b>Close of rolls</b></p> <p>Electors have until 8 pm, 7 days after the writs are issued, to enrol or to update their enrolment.</p>	18	Tuesday 8 November 2022
<p><b>Close of nominations</b></p> <p>The deadline for receipt of candidate nominations is midday on the date specified on the writ as the close of nominations. The close of nomination date differs for registered political parties and independent candidates.</p>	16	Thursday 10 November 2022 for registered political parties
	15	Friday 11 November 2022 for independent candidates
<p><b>Final day for submission of how-to-vote cards for registration by the VEC (12 noon)</b></p>	8	Friday 18 November 2022
<p><b>Final day for electors to apply for a postal vote (6 pm)</b></p>	3	Wednesday 23 November 2022
<p><b>Close of early voting (6 pm)</b></p>	1	Friday 25 November 2022
<p><b>Election day</b></p> <p>Election day is the day nominated for the election to be held and is when most electors cast their vote.</p>	0	Saturday 26 November 2022
<p><b>Last day that votes can be admitted (6 pm)</b></p>	-6	Friday 2 December 2022
<p><b>Return of writs</b></p> <p>After the results are declared for all Legislative Assembly and Legislative Council seats, the Electoral Commissioner returns the writs, endorsed with the names of the successful candidates, to the Governor. Writs must be returned within 21 days of the date of the election.</p>	-21	On or before Saturday 17 December 2022 (Writs returned Friday 16 December 2022)

Table 1: Timeline of the 2022 Victorian State election

# Executive Summary

## Recommendations

This report makes 12 key recommendations for consideration by the Parliament of Victoria. A list of 18 technical recommendations for legislative changes to improve electoral administration is provided in **Chapter 12 – Technical recommendations**. These recommendations build on the recommendations made to the Parliament’s Electoral Matters Committee in the VEC’s submission to the inquiry into the conduct of the 2022 Victorian State election.

A summary of the response to recommendations made by the VEC in its Report to Parliament on the conduct of the 2018 Victorian State election is included in **Appendix 2**.

The 12 key recommendations made in this report align with the strategic outcomes identified in the VEC’s Strategy 2027:

- › reinforcing public trust
- › responding to a complex environment
- › improving the voter experience
- › prioritising staff safety and wellbeing.

### Reinforcing public trust

#### Regulation of electoral campaign material

The VEC recommends that the laws relating to electoral campaign material are reviewed to modernise authorisation requirements, provide a more appropriate definition of ‘electoral matter’, and establish clear principles for what is likely to mislead or deceive an elector in relation to the casting of their vote. See **Recommendation 9** on page 78.

#### Enforcement and investigation of electoral offences

The VEC recommends that provisions are inserted into the Electoral Act to allow the VEC and election managers to issue infringement notices, cautions, warnings and enforceable undertakings for breaches of less serious electoral offences, and to provide investigative tools to VEC compliance officers for electoral offences equivalent to those provided to the Local Government Inspectorate for electoral offences under the *Local Government Act 2020 (Vic)*. See **Recommendation 10** on page 81.

#### Privacy and data protection concerns

The VEC recommends that sections 33 and 104A of the Electoral Act are amended to require that recipients of enrolment information must provide an undertaking to the VEC that they will use the information in accordance with the *Privacy and Data Protection Act 2014 (Vic)* and will return or destroy the information within a given timeframe. An offence should also be introduced to prohibit the distribution of applications to become a General Postal Voter by a person other than an electoral commission. See **Recommendation 11** on page 92.

#### Responding to a complex environment

##### The Electoral Act

The VEC recommends that a holistic review of the Electoral Act is undertaken, to address the unsustainability of the election timeline and respond to the complexities of the modern electoral landscape. Acknowledging a comprehensive review may take time, recommendations to alleviate immediate risks to the successful delivery of future elections at specific points in the timeline have been provided. See **Recommendation 1** on page 13.

##### Registration of how-to-vote cards

The VEC recommends that Division 5 of Part 5 of the Electoral Act is repealed to remove the process for registering HTVCs, and that section 156 of the Electoral Act is repealed to remove the offence of distributing unregistered how-to-vote cards (HTVCs) near voting centres on election day. See **Recommendation 4** on page 37.

##### Centralisation of processes

The VEC recommends that the Electoral Act replaces references to an election manager or election official with references to ‘the election manager or the Commission’ or ‘an election official or the Commission’, thereby allowing the VEC to centralise election processes where it is appropriate or necessary to do so. See **Recommendation 8** on page 75.

## Supplementary election provisions

The VEC recommends that provisions relating to supplementary elections are codified in the Electoral Act, and that section 72(4)(a) is amended to provide that the VEC must suppress the address of any electors who have become silent electors since the close of roll for the election that failed on the roll for a supplementary election. See **Recommendation 12** on page 109.

## Improving the voter experience

### Availability of early voting centres

The VEC recommends that section 67 of the Electoral Act is amended to include an appropriate mechanism to require suitable publicly-funded venues to be available for use as early voting centres, such as community facilities owned and operated by local councils. See **Recommendation 2** on page 22.

### Poor behaviour at voting centres

The VEC recommends that legislative reforms to the Electoral Act are introduced to place reasonable limitations on the ways in which campaigners at voting centres may interact with voters, including strengthening the existing tools lawfully available to election staff by introducing an offence for a person removed from a voting centre under section 174 of the Electoral Act to return to the voting centre. See **Recommendation 5** on page 62.

### Eligibility for electronic assisted voting

The VEC recommends that the classes of electors eligible to access electronic assisted voting are expanded to include those voters who experience the greatest barriers to participation, as listed in Recommendation 6, and that the eligible classes of electors for electronic voting and electronic assisted voting are maintained in alignment with each other to allow for any future technological development. See **Recommendation 6** on page 65.

## Preparing for emergency situations

The VEC recommends that the Electoral Act is amended to remove the need for voting to be suspended or adjourned under sections 97 and 97A of the Electoral Act, respectively, for emergency situations. A provision should be inserted to allow the Electoral Commissioner to make alternative arrangements to ensure the proper administration of an election in the event of an emergency situation. The Electoral Regulations should also be amended to provide a process mirroring temporary regulation 51A to extend eligibility for electronic assisted voting to victims of localised, but still severe, emergencies, as determined by the Electoral Commissioner in consultation with the Emergency Management Commissioner. See **Recommendation 7** on page 68.

## Prioritising staff safety and wellbeing

### Safety and wellbeing of election staff

The VEC recommends that an offence is inserted into the Electoral Act to proscribe a person from, by violence or intimidation or harassment, interfering with the conduct of a person employed or appointed by the VEC with the intent to harass the person or disrupt the conduct of the election. See **Recommendation 3** on page 28.

# Commitments

The VEC is committed to continuing successful initiatives and considering new opportunities based on its reflections, feedback and evaluation. The VEC has identified 16 immediate areas to improve operations at future elections to meet its 4 strategic outcomes identified in Strategy 2027: reinforcing public trust, responding to a complex environment, improving the voter experience and prioritising staff safety and wellbeing.

These commitments are visually highlighted throughout the report with the use of colour (burgundy) and bordered with lines.

## Reinforcing public trust

The VEC intends to take opportunities to reinforce public trust by:

- › continuing to identify emerging trends in intensified scrutiny and electoral mis- and dis-information campaigns, and responding as required to ensure that critical election activities are not undermined (page 5)
- › expanding National Police Records Checks and Working with Children Checks to additional election roles at future election events (page 27)
- › uplifting its count planning to improve the timeliness of count information and increase the period of notice given in relation to count activities (page 74)
- › expanding the capacity of its electoral compliance team to triage and manage serious incidents, poor behaviour and other possible electoral offences that occur during elections and assist election staff with scrutineer management, including in regional areas (page 80).

## Responding to a complex environment

The VEC intends to take opportunities to respond to the increasingly complex electoral environment by:

- › further developing its partnership with the Victorian Public Service Commission, which provided a talent platform that could be leveraged for future events (page 25)
- › refining labour hire agency service levels for future elections, in line with the changing nature of the labour market (page 25)
- › conducting a website content review to ensure that all website content is up-to-date and accurate, remains accessible, and meets the needs of its audiences (page 50)

- › maintaining its focus on the enrolment phase of its election advertising on the close-of-roll date, so that the number of electors enrolling ‘on the day’ is manageable at voting centres, and to reduce the number of rejected provisional votes (page 71)
- › investigating options to better utilise the available counting timeline for Legislative Assembly election counts, while still trying to ensure that outcomes are known for as many districts as possible in a timely manner (page 73)
- › investigating options to implement computerised counting more broadly for Legislative Assembly elections (page 73)
- › investing in deploying electronic roll mark-off to more issuing points on election day. This will provide real-time visibility of ballot paper consumption and an additional safeguard against accidental or intentional multiple voting as election officials will be recording voter turnout through a secure online list of electors (page 85).

## Improving the voter experience

The VEC intends to take opportunities to improve the voter experience by:

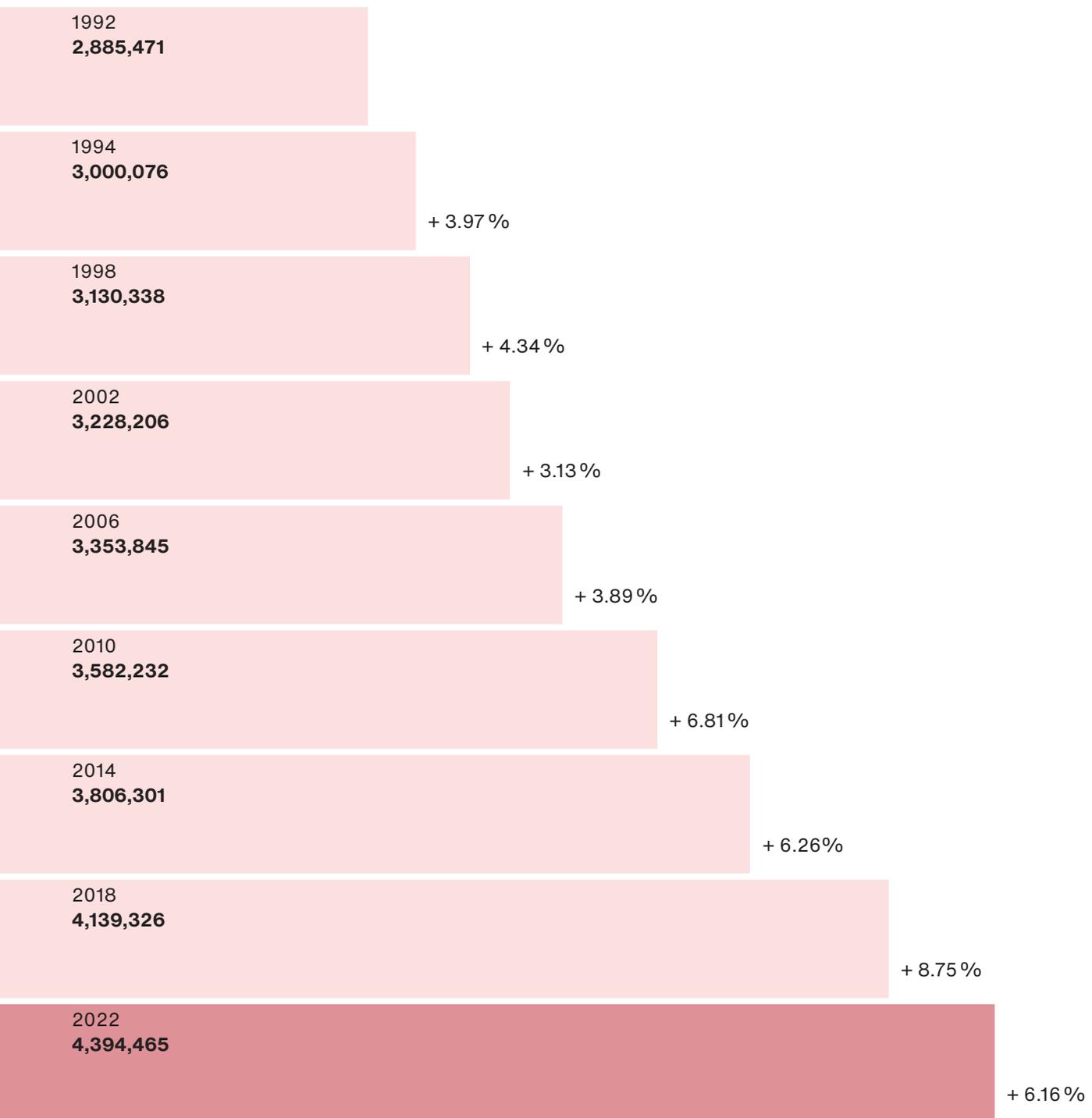
- › increasing the number of early voting centres at future elections to respond to the increased demand amongst Victorian voters to vote early (page 22)
- › considering better promotion opportunities for Auslan interpreting services with the aim to boost access and usage (page 55)
- › consolidating the number of election day voting centres to be able to more effectively allocate resources to early voting (page 64).

## Prioritising staff safety and wellbeing

The VEC intends to take opportunities to prioritise staff safety and wellbeing by:

- › continuing to examine ways to relieve pressures on election day voting centre staff, including greater centralisation of some count activities (page 71)
- › increasing the focus in election management training on common areas of difficulty for election managers, including managing additional staff, splitting tasks, effective delegation, managing conflict and maintaining oversight over a greater number of tasks (page 100).

# 2. Election service management



Number of electors  
2,000,000

3,000,000

4,000,000

Figure 2: Number of electors on the electoral roll for Victorian State elections, 1992-2022. Percentages show year-on-year increases in enrolment.

## 2.1 Planning and governance

### Planning

Delivering an event the size of a State election requires extensive planning and coordination beginning 18 months before election day.

Prior to each major electoral event the VEC develops an election service plan. The service plan details the delivery of the relevant election, including information regarding enrolment, public awareness, outreach services, recruitment of election officials, the hiring of election offices and voting centres, services for candidates, the production of ballot material and roll products, early voting services, election day voting services, postal voting services, mobile voting services, counting activities, complaints management, compulsory voting enforcement, and evaluation and reporting.

The service plan for the 2022 State election outlined eight major operational objectives:

- › complete all election preparation projects by Sunday 30 September 2022
- › ensure that as many eligible Victorians as possible are correctly enrolled by the close of roll on Tuesday 8 November 2022
- › increase public awareness and knowledge of the election process and the various participation methods
- › provide every eligible elector with a voting experience that is safe, convenient and easy to access, timely to their requirements, easy to understand, respectful and courteous, and confidential
- › assist candidates, registered political parties and other participants to meet nomination and other compliance requirements and participate effectively in the election
- › provide electoral information, including results, to all stakeholders in a format that is easy to understand and use, easy to find, rapid and deliverable through a variety of media
- › ensure all votes cast are accounted for, and counted accurately and efficiently, with results available in a timely manner
- › maintain stakeholder confidence and trust in the VEC's capacity to deliver impartial, transparent, accurate and efficient electoral outcomes.

The service plan included a set of key performance indicators covering election preparation, election conduct and election outcomes.

The VEC's performance against these indicators is reported in **Appendix 3**.

### Governance

In line with the planning timeline, the VEC implemented a robust governance framework to support the internal management of election delivery. A cohesive election management program underpinned by strong risk profiling, issue management and business continuity planning enabled oversight of both successes and emerging pinch points.

## 2.2 Budget

After an initial budget forecast, additional budget was provided to meet inflation, an increase in the number of electors, and the use of advanced technology to assist with, and improve the security of, the provision of electoral services. Actual expenditure occurred over two financial years: 2022–23 and 2023–24.

The cost of conducting the 2022 State election was \$97.94 million up to 30 September 2023.

## Responding to a complex environment

# Recommendation 1: The Electoral Act

The Electoral Act is over 20 years old and contains provisions that have not kept pace with shifts in Victoria's electoral landscape, including population growth and changes to election campaigning and procedures.

**The VEC recommends that a holistic review of the Electoral Act is undertaken, to address the unsustainability of the election timeline and respond to the complexities of the modern electoral landscape.**

## Election timeline

The prescribed timelines for State elections are no longer sustainable for an electoral landscape growing in complexity and scale. As enrolment grows in Victoria and the State's elections become increasingly complex, the absence of any contingency in many parts of the legislated timeline means the risk of an election failure event is now real. Victoria's election timeline from issue of the writ to its return is the shortest in Australia, despite the State having the second highest overall population and the highest metropolitan population.

Certain prescribed timelines create specific pressure points in the broader election timeline that pose a risk to the successful delivery of elections. There are also some requirements in the Electoral Act which generate operational pressure and exacerbate the risks caused by short timeframes. Acknowledging that a comprehensive review may take time, recommendations to alleviate immediate risks to the successful delivery of future elections at specific points in the timeline have been provided here. However, they are no substitute for comprehensive reform of Victoria's State election timeline to ensure sustainable elections from 2026 and beyond.

### Close of roll

Many election operations depend on the timely and accurate production of the electoral roll, including processing postal vote applications, and preparing roll products for candidates, registered political parties, early voting and election day voting centres, as well as validating the eligibility of candidates who have nominated for election.

The current deadline requires the VEC to complete enrolment processing, quality assurance and generate key roll products within 48 hours after the roll closes.

As the State's enrolment continues to grow, it is increasingly difficult for the VEC to meet this timeline for general elections and leaves no contingency for unforeseen disruptions or failures.

This pressure is unnecessary at general elections, given Victoria's fixed parliamentary terms and the ability for eligible Victorians who cannot be found on the electoral roll to apply for a provisional vote.

**The VEC recommends amending section 63(3) of the Electoral Act to appoint a day as soon as practicable after the writs are issued for a general election as the day for the close of roll.**

### Deadline for registration of political parties

The *Electoral Legislation Amendment Act 2018* (Vic) amended section 45 of the Electoral Act to set a blackout period for making an application to register a political party that commences 120 days before election day for a general election.

The blackout period for the 2022 State election meant a number of applications for registration were made shortly before the deadline on 29 July 2022. Several applications were lodged with incomplete or inaccurate membership lists, which delayed the VEC's ability to process these applications.

Once an application has been lodged, the process for registration includes public notification and membership checks and often takes 3–4 months. As there is no fixed timeframe for deciding an application for registration, the delays encountered for processing applications before the 2022 State election meant decisions for some applications were made just days before the writs were issued for the election.

This removed any realistic opportunity for applicants to meaningfully dispute the decision, especially for those refused registration. It also meant the number of registered political parties contesting the election, a key variable for the VEC's election planning, could not be finalised until the day before the writs were issued.

**The VEC recommends amending sections 45(2) and 46 of the Electoral Act to set the deadline for it to decide on an application to register a political party before a general election to be 120 days before the general election.**

*Recommendation continued on next page*

## Printing ballot papers in time to commence early voting

The short timeframes between close of nominations, ballot draws and commencing early voting – 67 hours at best – increases the challenge of delivering sufficient ballot papers to meet the demand of electors.

In particular, distant districts require significant print runs to have been completed before deliveries commence, meaning ballot paper deliveries cannot begin until less than 24 hours prior to the opening of early voting. Electors expect more convenient access to early voting centres and a larger choice of early voting centres.

Accordingly, the need to print and distribute those ballot papers has increased while the timeframe to do so remains the same.

This challenge is compounded for new early voting centres where there is no historical data showing early voting demand. A longer period of time between the final nomination day and commencement of early voting would reduce the strain on the VEC's printing and delivery activities to better guarantee every early voting centre has the ballot paper supply it needs to open on time.

Additional time in the timeline for printing would reduce unnecessary pressure at the beginning of early voting. It would also reduce requirements for further top-ups, which increase administrative and logistic costs. Without changes to the timeline, the VEC will be less able to respond to voter demand for more early voting centres and would need to look at decreasing the services available from the beginning of the early voting period to reduce the risks of not being able to adequately provide early voting centres with sufficient ballot paper stock in time.

**The VEC recommends that sections 63(5)(a) and 69(2) of the Electoral Act are amended to harmonise the final nomination day for all nominations in a general election to occur 9 days after the expiration of the Legislative Assembly, which would provide one additional business day for the printing and distribution of ballot material in readiness for early voting.**

## Available counting timeline

In its report on the 2018 State election, the VEC recommended extending the available counting period from 21 days (Saturday) to 23 days (Monday) in order to preserve some contingency for completing a recount for one or more Legislative Council elections if needed.

To date, no action has been made on this recommendation and efficiencies introduced to the VEC's count plan have been quickly consumed by growth in the size and scale of the count operation, as well as the increased number of preference distributions required for recent Legislative Assembly elections.

Achieving the count timeline within the existing parameters places considerable risk on the health and safety of the VEC's workforce, especially given the need to reserve sufficient time to conduct a recount for a Legislative Council election.

The VEC notes all other comparable jurisdictions have significantly longer periods to count votes, such as the 41-day period from election day before the return day for writs for New South Wales State elections, compared to only 21 days for Victorian State elections.

**The VEC recommends, at a minimum, amending section 61(4)(c) of the Electoral Act to require that the writs for an election are returnable within 23 days after election day or, alternatively, that the count timeline is future proofed by allowing the writ for Legislative Council elections to be returnable within at least 28 days after election day, providing an additional 7-day contingency to conduct this aspect of the count.**

## Decision on challenged ballot paper in a recount

Section 19(2)(c) of the Electoral Act provides that 'the Commission' cannot delegate the power to allow or disallow a ballot paper on a recount if the number of ballot papers reserved for the decision of the Commission may determine whether a particular candidate is declared elected. In the circumstance of a recount because of a close margin, the decision on every ballot paper reserved for the Commission may potentially determine the result.

In effect, by virtue of the Electoral Commissioner constituting the Commission under section 7 of the Electoral Act, only the Electoral Commissioner may make such decisions during a recount. It cannot be delegated to the Deputy Electoral Commissioner or any VEC officer. This is one of only 3 powers which the Electoral Commissioner cannot delegate.

The current provision places significant risk on the VEC to return the writs in accordance with the legislated deadline, particularly if multiple recounts or a recount for a Legislative Council election were to occur.

*Recommendation continued on next page*

The VEC was particularly alert to this risk during the 2022 State election when the Electoral Commissioner was on unexpected leave, and COVID-19 was still present in the community, including within the VEC's workforce. The Deputy Electoral Commissioner was Acting Electoral Commissioner, and there was no other person appointed to act in the Office of the Electoral Commissioner if the Acting Electoral Commissioner became unavailable.

**The VEC recommends repealing section 19(2)(c) of the Electoral Act to allow the power to decide on a challenged ballot paper in a recount to be delegated by the Electoral Commissioner.**

## Keeping pace with modern challenges and opportunities

At over 20 years old, there are also several aspects of the Electoral Act preventing it from meeting modern expectations and opportunities in electoral administration. A holistic review of the Electoral Act should identify technological and social changes to be taken into account.

One of the most prominent changes of the past 20 years is the abundance of social media and the significant role that social media now plays in modern election campaigns, including the spread of mis- and dis-information about electoral matters. Given that actors are using these environments to spread mis- and dis-information about elections and undermine electoral integrity, it is important that the legislation is more responsive to the risks inherent in digital environments.

The VEC notes that the findings and recommendations of Parliament's 2021 Electoral Matters Committee inquiry into the impact of social media on elections and electoral administration could be taken into consideration in a full review of the Electoral Act. For further discussion on the use of social media to distribute electoral campaign material, see **Recommendation 9 - Regulation of electoral campaign material** on page 78.

**The VEC recommends that a holistic review of the Electoral Act is undertaken to ensure that the risks associated with the rise of social media, mis- and dis-information in election campaigning are mitigated.**

## 2.3 Resource management

The VEC is committed to managing resources in a way that minimises environmental impact across its operations. For some time, the VEC has been implementing changes to its practices to be more environmentally sustainable. For the 2020 Local Government elections, the paper stock used for printing the ballot material was 100% recycled paper with carbon neutral and forest management certified credentials and was made locally in Victoria. The VEC used paper from the same source at the 2022 State election.

While there are items outside the VEC's control that play a large role, such as the large amounts of electoral material distributed by candidates and parties, other examples of sustainable practices across the delivery of the State election included:

- › extending the provision of re-use and recycling facilities (currently at VEC head office) to all election venues
- › encouraging recycling of how-to-vote cards (HTVCs) and other materials by providing clearly labelled recycling bins at voting centres and other election venues
- › careful consideration and planning of the transportation of election materials across the State to avoid unnecessary movements wherever possible
- › paper reduction strategies such as reducing the amount of paper sent to election offices for election use, moving instruction manuals to an online format, and the provision of electronic copies of reports where possible.

The VEC encourages all stakeholders to embrace sustainable actions.

## 2.4 External service providers

There are many aspects of a State election that require the expertise of external service providers. Contracting external service providers enables staff to focus on their election-specific areas of expertise, ensuring that Victorians are provided with the highest quality election services, using the latest technologies and systems.

For the 2022 State election, the VEC had contracts with a range of specialist service providers. Contractors were generally selected after robust procurement processes, taking into account the quality of their service and value for money. Where the scope, complexity and scale of requirements sought by the VEC extend beyond the industry's general capacity,

an exemption from a competitive procurement process is sought in line with guidelines provided by the Department of Treasury and Finance and is consistent with VEC procurement policy practice. For the 2022 State election only printing services were exempt.

Contracted services for the State election included:

- › Australia Post
- › cardboard furniture supplier
- › cartage and courier services
- › election advertising
- › election surge staffing
- › envelope production
- › information technology
- › mailhouse services
- › network security testing and cyber-security augmentation
- › ballot paper and ad hoc printing services
- › Public Enquiry Service
- › online training portal for election staff.

## Arrangements with other organisations

### Legal service providers

The VEC instructed the Victorian Government Solicitor to lead on legal matters arising during the 2022 State election. An experienced lead counsel and supporting solicitor were seconded from the Victorian Government Solicitor's Office (VGSO) to provide on-site legal services during the early voting period and on election day. This arrangement ensured that any emerging matters could be dealt with in a timely fashion and streamlined the management of matters referred back to the VGSO.

The VGSO also briefed legal counsel to ensure that counsel was available on short notice throughout the election timeline to represent the VEC in court matters. Counsel appeared for the VEC in respect to HTVCs, injunction and judicial review matters, and for the Court of Disputed Returns.

For separate election matters, the VEC engaged law firms Hall & Wilcox, Herbert Smith Freehills and Maddocks from the Victorian Government's legal services panel to assist with legal issues relevant to their specialist areas of law.

This ensured expert, timely and cost-effective legal assistance was available for complex legal matters without compromising the VGSO's general support for the VEC's administrative, constitutional and public law issues.

The VEC extends its appreciation to the Victorian Government Solicitor and his team, the legal teams at Hall & Wilcox, Herbert Smith Freehills and Maddocks, as well as Solicitor-General Rowena Orr KC, Crown Counsel Liam Brown, Fiona Batten and Alice Whardall for their support and assistance during the 2022 State election.

### Victoria Police

In response to recommendation 40 from Parliament's Electoral Matters Committee's report following its inquiry into the conduct of the 2018 Victorian State election, the VEC took a proactive approach to its regulatory function for the 2022 State election, including building a more strategic partnership with Victoria Police.

The partnership was led by dedicated relationship managers at both agencies. Victoria Police established a dedicated State election structure to coordinate its handling of election-related matters. Referral procedures were established to promptly alert police to emerging issues and allow for a police response to be coordinated. Police liaison officers were available during the voting period and also provided on-site coverage at the VEC's head office on election day.

The VEC notes its appreciation for the support received from Chief Commissioner Shane Patton APM, then Deputy Commissioner for Regional Operations Rick Nugent APM and those police officers, intelligence and support personnel who commanded and contributed to the Victoria Police State election structure. The VEC also extends its appreciation to police officers from across Victoria who attended election locations in response to local disturbances that required police assistance.

### Victorian Civil and Administrative Tribunal

The VEC made arrangements with the Chief Executive Officer of the Victorian Civil and Administrative Tribunal (VCAT) for tribunal members to be in place to promptly deal with any applications for review of the decisions in relation to the registration of political parties and HTVCs.

Under section 45(1A) of the Electoral Act, a political party cannot apply for registration less than 120 days before a general election. This deadline led to a spike in applications being submitted in June-July 2022.

As the party registration process requires approximately 3-4 months to complete, this meant that 8 of the 15 applications received in June and July were decided in the last week of October 2022. Of those 8 applications, 6 were refused.

Since a decision to refuse an application for registration of a political party is reviewable by VCAT under section 60 of the Electoral Act, the 120-day deadline affected VCAT as well as the parties and the VEC. VCAT heard one matter in relation to the VEC's decision to refuse an application. As a result of the VEC's early engagement with VCAT prior to the election, VCAT was ready to hear the application just 24 hours after it had been lodged. More information on the party registration process is provided in **Chapter 4.1 – Political party registration.**

Under section 82A(2) of the Electoral Act, if an application for review of a HTVC decision is received, VCAT has until 5 pm on the next working day after receiving the application to determine a response. At the 2022 State election, VCAT heard and determined HTVC matters in relation to 7 applicants. For more information about these matters, see **Chapter 8.3 – VCAT matters.**

### **Supreme Court of Victoria**

Candidates may seek injunctions in certain circumstances where the conduct of a person may impact on the outcome of an election. The VEC is also able to seek an injunction under the same circumstances. These matters must be heard in the Supreme Court. At the 2022 State election, there were no injunctions sought under section 176 of the Electoral Act, although one application for judicial review was made shortly before the writs were issued in respect to a political party registration matter. This matter was decided on the same day the application for judicial review was made.

The Court of Disputed Returns also sits in the Supreme Court and hears disputes to the validity of a State election. At the 2022 State election, there was one petition to the Court of Disputed Returns. For more information about this matter, see **Chapter 8.5 – Court of Disputed Returns.**

The VEC made arrangements with the Supreme Court to ensure it was ready to respond to any applications, including urgent matters on election day.

### **Emergency Management Victoria**

Due to the flood emergency in north-east Victoria in October 2022 not meeting the existing definition of a declared emergency within the Electoral Regulations, the VEC sought and received support from the Minister to make temporary changes to the Regulations to enable telephone assisted voting (TAV) to be provided to affected voters. The changes provided the Electoral Commissioner the power to issue an emergency determination to provide TAV after consulting with the relevant emergency management agency, without the requirement of a formal declared emergency.

Conscious of the large number of Victorians displaced by the flood events, the VEC worked with Emergency Management Victoria to identify affected areas and ensure an accessible voting option, TAV, was provided. The VEC relied on VoterAlert (an SMS and email service providing direct information to opted-in electors), social and print media to relay eligibility to access this service.

### **Victorian Public Service Commission**

Alert to the staffing challenges the AEC faced in the preceding 2022 Federal election, the VEC sought the support of the Victorian Public Service Commission (VPSC) to mobilise the public service to fill critical election delivery roles. The VEC worked closely with the Human Resource Directors Committee, a sub-group reporting to the Secretaries Board to promote and engage suitably qualified and available staff.

The VPSC utilised the Jobs and Skills Exchange website, monthly bulletins and direct emails to departmental heads to ensure support for staff prepared to undertake the opportunity.

### **Department of Education and Training**

Pursuant to section 67 of the Electoral Act, the VEC is able to utilise prescribed premises for the purpose of establishing an election day voting centre. 'Prescribed premises' are defined as schools or buildings that are not used exclusively for religious services and are supported wholly or in part by public funds. Prior to every parliamentary election, significant work is undertaken by both the VEC and the Department of Education and Training to identify, inspect and operationalise select sites for the event.

For the 2022 State election, the VEC received substantial support from the Department of Education and Training in communicating key messages and providing alternative venues where those previously used were no longer available.

### **Corrections Victoria**

As part of the VEC's commitment to ensure a voting channel is provided to all eligible electors, the VEC obtained the support of Corrections Victoria to attend all of Victoria's prisons and remand centres to conduct enrolment and mobile voting sessions.

## 2.5 Enrolment and close of rolls

The VEC conducted an extensive advertising campaign leading up to the close of roll for the 2022 State election (8 pm on Tuesday 8 November). The campaign encouraged Victorians to ensure they were correctly enrolled in time for the election, particularly if they had recently turned 18 or had moved home.

At the close of roll, there were 4,394,465 Victorians enrolled to vote in the 2022 State election, compared with 4,139,326 in 2018 (see Table 2 for a breakdown of enrolment by age and gender). This is an increase of 255,139 or 6.16% on the 2018 State election, and represents an estimated enrolment rate of 97.8% in 2022 compared to 96.6% for the same time in 2018<sup>2</sup>.

**Appendix 4** contains details of region and district enrolments at the close of rolls.

Age	Female	Male	Unspecified	Total
18–24	216,953	219,386	1,396	437,735
25–29	172,542	174,641	784	347,967
30–34	187,368	187,500	575	373,443
35–69	1,272,471	1,222,228	1,353	2,496,052
70+	401,274	337,892	102	739,268

Table 2: Electoral roll breakdown by age and gender

The VEC uses a range of strategic programs to maintain and update the register of electors and support Victorians to enrol or update their enrolment. For example, since 2010 the VEC has undertaken regular direct enrolment of electors using driver licence data from the Department of Transport and Planning and student enrolment information from the Victorian Curriculum and Assessment Authority.

More broadly, Victorian law allows the VEC to share enrolment information with the AEC and maintain a joint enrolment process. These efforts are governed by a Joint Roll Agreement and remain a significant input to the maintenance of the register of electors. Both commissions work together to ensure forms are accepted for federal, state and local government election purposes.

The VEC also receives information from the Registrar of Births, Deaths and Marriages and prisoner information from the Department of Justice and Community Safety to assist with maintaining the register of electors.

### Special elector categories

Where special circumstances affect an elector's enrolment, they may be eligible to enrol in a special category. Table 3 shows the number of electors enrolled in each special elector category for the 2022 State election compared with the 2018 State election.

Special elector category	2022	2018
Silent electors	42,348	34,799
Itinerant (No fixed abode)	2,369	1,788
Overseas eligible electors	10,560	10,645
Antarctic	13	18
General Postal Voters – over 70 years old	83,083	20,480
General Postal Voters – all other categories	111,936	78,360

Table 3: Special elector enrolment by category

Special elector enrolments for the 2022 State election were relatively consistent with those observed in the 2018 State election.

However, the surge in General Postal Voter (GPV) applications observed prior to the 2018 State election accelerated at the 2022 State election. Electors holding GPV status (all categories, including over 70 year old) increased by 97.3% on 2018 enrolments. This increase was mostly driven by the over 70's category which saw a four-fold increase in enrolments.

The VEC supports and enables GPV applications under section 24 of the Electoral Act, having run a targeted campaign to increase awareness within the community. The VEC believes the increase in GPV applications was a result of a variety of additional factors—not limited to the activities of registered political parties, members of parliament and candidates. See **Recommendation 11 - Privacy and data protection concerns** on page 92.

<sup>2</sup> Based on data calculated by the Australian Electoral Commission

## Close of roll

Victorians have 7 days after the issue of the writs to ensure they are enrolled on the register of electors and that their enrolment details are correct. Electors are supported in updating their enrolment details or enrolling in-person at the VEC head office, any election office, or any AEC divisional office throughout the State. An online enrolment form operated by the AEC is also available.

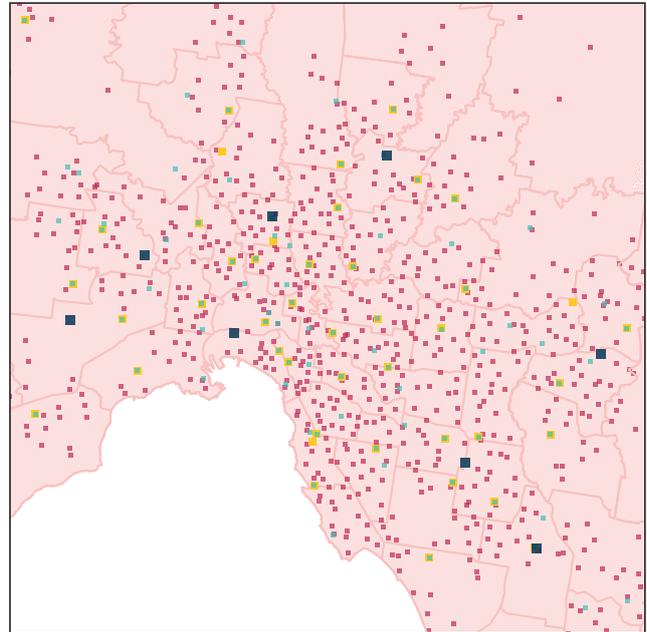
The VEC entered into special arrangements with the AEC for the 2022 State election to facilitate the close of roll for roll production. All VEC election offices and AEC divisional offices within Victoria were open until 8 pm at the close of roll, and the AEC provided its close of roll enrolment file within 24 hours of the close of roll. A total of 113,031 enrolment or other transactions occurred between the issue of the writs on Tuesday 1 November 2022 and the close of roll on Tuesday 8 November 2022 (see Table 4). This represented an increase compared to the 2018 transaction count of 109,555.

Change to roll	Transactions
New to roll	6,444
Change of address	23,367
Reinstatement	1,020
Deletions	6,151
Other (Includes special category, GPV, silent)	76,049
<b>Total</b>	<b>113,031</b>

Table 4: Enrolment transactions processed between the issue of writs on 1 November 2022 and close of roll on 8 November 2022

# 3. Venues and resourcing

- 1,765 Election day voting centres
- 89 Early voting centres (standalone)
- 22 Election offices (standalone)
- 66 Election office-early voting centres
- 8 Metropolitan hubs



Metropolitan Victoria

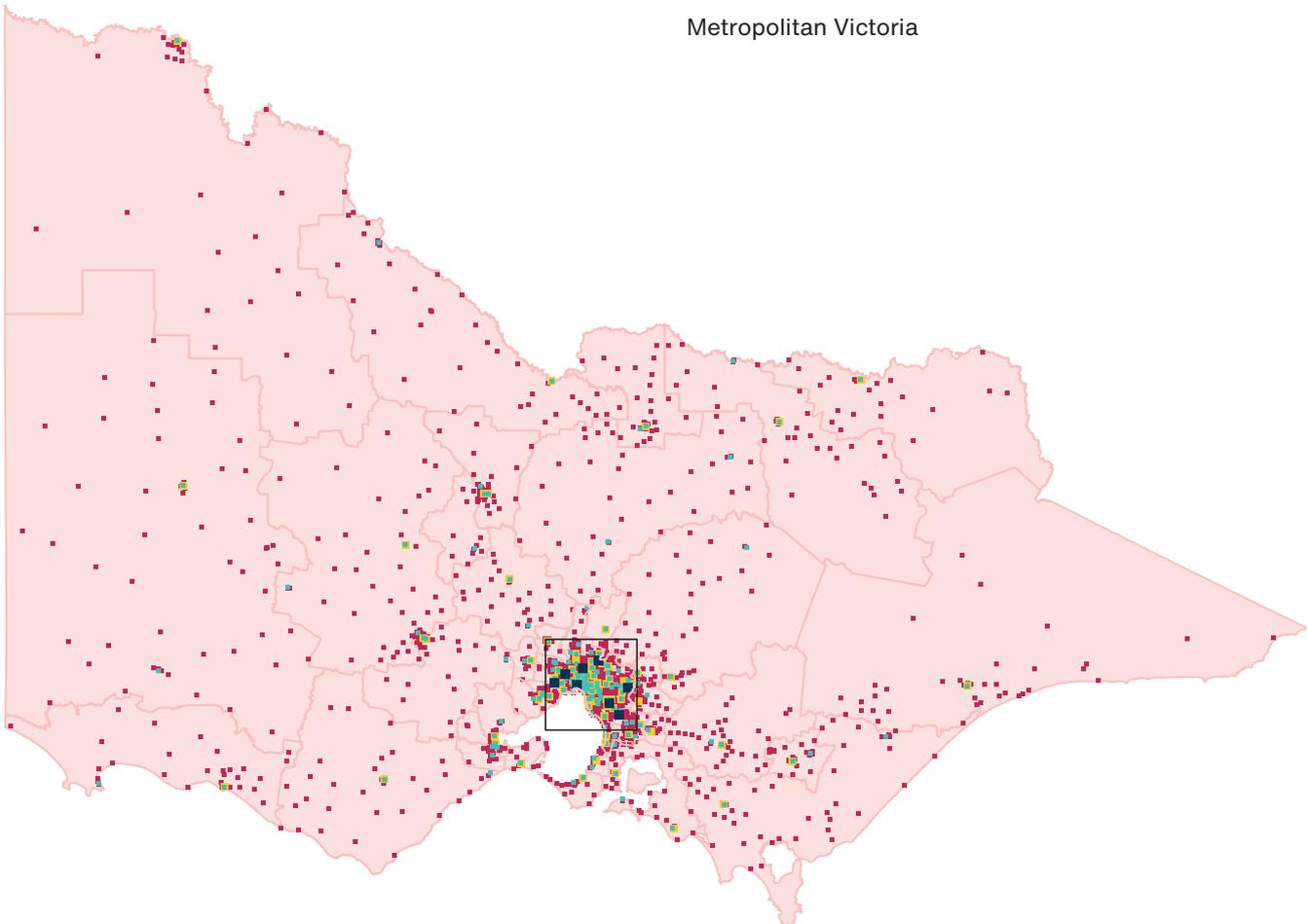


Figure 3: Map of election venues at the 2022 State election. Internal boundaries are electoral district boundaries.

## 3.1 Hubs

To better support operations in the field, the VEC trialed logistical staging hubs to support multiple districts, with two hubs established in each metropolitan region. These hubs supported the distribution and return of resources and ballot papers for assigned districts, and provided a central location for various 'back office' activities and, after election day, selected counting activities. This relieved pressure on election offices and reduced distance for transporting bulk materials such as cardboard, furniture, IT equipment and ballot papers.

The VEC established these sites in metropolitan regions only, as the relative proximity of districts in metropolitan regions provided the maximum benefit to operations and a reduction in transport distance. In addition, the VEC had more success in obtaining standalone properties for each function than single properties suitable for use as a combined election office, early voting centre and warehouse.

## 3.2 Centralised Activity Site

The VEC established a Centralised Activity Site (CAS) at the Melbourne Showgrounds. This site housed the Centralised Computer Count Centre, Centralised Processing Centre, Telephone Assisted Voting Centre and Vote Exchange. This was the largest site operated by the VEC over the election period, employing up to 1,800 workers a day and handling more than 3,800,000 ballot papers.

The CAS footprint included 6 buildings with a total area of over 10,000 m<sup>2</sup>. The layout of the Melbourne Showgrounds increased the complexity of managing a site that spread across 19 hectares and was shared with other events and users. The VEC worked with 4 labour hire agencies to staff operations at the CAS, with more than 4,000 staff engaged throughout the VEC's time at the Melbourne Showgrounds. Due to the pressured timeline, at its peak of operations, CAS operated multiple shifts from 6 am to 3 am.

A team of up to 20 logistics officers facilitated the management of the sites, resources, staff wellbeing and the secure storage and management of ballot papers. The VEC also supported and managed site access for registered political parties, candidates and scrutineers.

Operation of the CAS was supported by the VEC's Information Technology Branch, which coordinated network access to a site not designed for this level of operation. In addition, more than 500 computers and 50 printers were set up across the site to support the various election activities.

## 3.3 Election offices

An unprecedented decline in market availability for commercial properties in 2022 compared with 2018 delayed the procurement of all election office and early voting centre sites in line with the VEC's original timeframe. In addition to the reduced market availability, there was a reluctance by owners/landlords to enter into short-term leases which further impacted the number and quality of properties available.

In response to this situation, the VEC engaged a commercial property partner to assist in the identification of potential properties off-market. In addition, the VEC worked with local councils and community organisations to identify potential venues. Where these approaches still failed to yield a suitable property, the VEC modified its delivery model.

Traditionally, the VEC has operated an election office with a co-located early voting centre in each district. The increased difficulty in securing suitable properties required these functions to be split across separate properties in 22 districts. This requirement to split functions, combined with the increase in stand-alone early voting centres, resulted in increased pressure on budget, logistics, resources, IT and staffing given the need to replicate site profiles at each new venue.

Election offices that operated with a co-located early voting centre were well received and provided a level of staffing contingency. Ultimately, given the difference in operational requirements for an election office and an early voting centre, it is unlikely that the VEC or the market will be able to support this model going forward.

## Improving the voter experience

# Recommendation 2: Availability of early voting centres

Section 67 of the Electoral Act gives the VEC access to 'prescribed premises' for use on election day only. 'Prescribed premises' are defined as schools or buildings that are not used exclusively for religious services and are supported wholly or in part by public funds. There is no equivalent provision which allows the VEC to have access to publicly-funded buildings for use as early voting centres.

The VEC continues to experience challenges with sourcing suitable venues for use as early voting centres. With current trends, the challenges experienced with securing suitable early voting centres for the 2022 State election will mean that the traditional model of co-locating early voting centres with election offices is no longer sustainable. More early voting centres will be standalone for future elections, and the availability of suitable venues through the commercial market continues to diminish.

With the popularity of early voting continuing to increase, it is critical that the VEC is able to source sufficient suitable venues to be able to meet the community's expectations and provide accessible voting. Community facilities owned and operated by local councils are ideal for the placement of early voting centres, yet there is no obligation for local councils to make these venues available to the VEC for the early voting period.

**The VEC recommends that section 67 of the Electoral Act is amended to include an appropriate mechanism to require suitable publicly-funded venues to be available for use as early voting centres, such as community facilities owned and operated by local councils.**

## 3.4 Early voting centres

In response to the increase in early voting, the VEC established 155 early voting centres, compared with 103 early voting centres in 2018. Early voting centres were a combination of stand-alone early voting centres and election office-early voting centres.

Market availability and a reluctance by owners/landlords to enter into short-term leases also impacted the number and quality of properties available for lease as early voting centres. The strategies used in response to the lack of suitable properties for use as election offices were also used to assist in the securing of early voting centres.

The VEC was able to meet its service commitment to provide an early voting centre in every district, and two or more early voting centres in districts where a high number of early votes were anticipated.

**The VEC will increase the number of early voting centres at future elections to respond to the increased demand amongst Victorian voters to vote early.**

The VEC was able to exceed the target for early voting centre accessibility, even increasing accessibility compared to 2018 despite the reliance on commercial properties. Where practicable, the VEC modified properties or fitted temporary ramps to improve accessibility.

Early voting centre accessibility	2022	2018
Independent Wheelchair Accessible (IWA)	50 (32%)	18 (17%)
Assisted Wheelchair Accessible (AWA)	76 (49%)	62 (60%)
Limited or No Wheelchair Accessibility (LNWA)	29 (19%)	23 (22%)

Table 5: Early voting centre accessibility (% of total early voting centres) in 2022 and 2018

## 3.5 Election day voting centres

A total of 1,765 election day voting centres were appointed for the 2022 State election. While the focus remained on sourcing accessible and convenient sites, the VEC reviewed all voting centres across the State that were used for the 2018 State election to consider population changes, account for areas of significant growth in enrolment and the impact of boundary redivisions, allow for an increase in early voting, and also respond to elector expectations and feedback from previous elections.

The VEC reduced the number of voting centres appointed for the election compared to the 2018 State election (1,794) in response to continued decline in the number of electors voting on election day.

With 62% of voting centres located in educational facilities, the VEC leveraged its strong relationship with the Department of Education and Training along with the Catholic Education Commission of Victoria and Catholic Archdioceses to secure sites. The VEC also worked closely with councils to secure a further 32% of election day voting centres in community halls and sporting pavilions. The remaining 6% of voting centres were sourced from churches and other organisations. No commercial sites were used as election day voting centres.

The VEC was able to meet its service commitment to provide sufficient voting centres to facilitate the opportunity to vote on election day and exceeded its target for voting centre accessibility.

Voting centre accessibility	2022	2018
Independent Wheelchair Accessible (IWA)	369 (21%)	379 (21%)
Assisted Wheelchair Accessible (AWA)	649 (37%)	733 (41%)
Limited or No Wheelchair Accessibility (LNWA)	747 (42%)	682 (38%)

Table 6: Election day voting centre accessibility (% of total voting centres) in 2022 and 2018

## 3.6 Staffing the election

The VEC appointed over 20,000 people to work in temporary election workforce roles during the 2022 State election. This workforce undertakes a variety of short-term roles, ranging from single day appointments to more substantial work over several months. The VEC operates 2 distinct pools of people registered to work in election roles: the senior election official (SEO) pool; and the election casual pool. SEOs go through a rigorous recruitment process, whereas there is a simple registration process for people wishing to join the election casual pool. See page 26 for more information about pre-employment screening of all election staff.

The management of recruitment campaigns, preparation of work instructions, induction and training of appointees, provision of appointment support, and the health and safety of the VEC's workforce requires significant planning, coordination, monitoring and ongoing evaluation.

The VEC identified the availability of staff as a significant risk facing the 2022 State election, due to the weakness of the employment market and based on feedback from the AEC regarding labour shortages faced during the 2022 Federal election. Additional programs of work were established to ensure the VEC had sufficient people available to work.

### Election management teams

Election roles requiring specific skills, training and experience are identified as senior election official roles, and must be filled by members of the SEO pool who have been carefully recruited to ensure they have the required skills and capabilities. Ahead of the election, there were approximately 300 SEOs available for appointment.

Because SEO roles are located across the State, the VEC aims to recruit SEOs in all geographical areas. The role requires prospective SEOs to commit to being available for a short-term, full-time role many months in advance, which precludes people requiring full-time ongoing employment. The combination of the availability requirement and the degree of experience and skill required presents challenges in recruitment. There are particular areas of the State where it is consistently difficult to recruit suitable SEOs.

The number of SEO roles required to be filled for the 2022 State election is shown below.

Role	No. roles 2022	No. roles 2018
Election manager	88	88
Assistant election manager	99	100
Election support officer	16	12
Reserve SEO	97	N/A
<b>Total</b>	<b>300</b>	<b>200</b>

Table 7: Number of senior election official roles required for the 2022 and 2018 State elections

One election manager was appointed to oversee the election in each district. Election managers are responsible for a broad range of activities including:

- › processing independent candidate nominations
- › conducting the draw for the order of the candidate names on the ballot papers
- › appointing and training voting centre staff, including early and mobile voting staff
- › resourcing voting centres
- › overseeing the running of early voting, mobile voting and election day voting
- › counting of votes within their district
- › declaration of Legislative Assembly election results.

Election managers are assigned one or more assistant election managers to support delivery of the election. Multiple assistant election managers are assigned in districts covering large geographic areas, or where there are specific complexities about the district that increase managerial workload. Together, the election manager and their assistant election manager(s) formed the election management team for their election office.

Appointment of SEOs to election management team roles involves consideration of the geographic location of election offices, and the experience and residential location of SEOs. Additional 'SEO reserves' are appointed to be available for placement in the event that any SEO becomes unavailable.

Although most SEO positions were filled in March 2022, there was a high rate of attrition in the following months leading up to the election. There were a number of 'geographic areas of need' where interested and suitable candidates were not available to replace SEOs who withdrew from their roles.

Several strategies were adopted to address this staffing need (see 'Initiatives to increase workforce availability' below), with the priority being attracting people with the required skills and willingness to be placed in roles regardless of geographic location. The VEC were ultimately able to fill all SEO positions by increasing the number of 'away from home' SEO placements, which increased travel and accommodation costs. The VEC anticipates that difficulty in attracting suitability skilled people with the required availability and geographic spread will only increase over the coming years. Strategies are being considered to ensure a sustainable approach to staffing these positions.

A team of 16 election support officers were appointed to support election management teams. 15 of those were appointed from the SEO pool. Election support officers were required to have previous experience as a high-performing election manager at a State election.

## The election casual pool

The VEC has a range of roles with defined duty statements that can be filled by temporary election appointees. Most of these roles support work conducted in election offices, early voting centres, mobile voting teams, election day voting centres and counting teams. Election managers select people from the VEC's election casual pool to appoint to these roles within their district.

VEC head office staff also select staff from the election casual pool to work on activities delivered in centralised venues, such as vote processing and counting activities, and to scale up operational teams based at head office.

A total of 23,511 appointments were accepted by election casual pool staff for this event. Almost 19,000 election casuals filled these roles, with many accepting multiple appointments over the election period.

## Initiatives to increase workforce availability

### Casual pool registration campaign

An advertising campaign aimed at increasing the number of people registered for election work was run in the months leading up to the election. As a result of these efforts, the database of potential election staff grew from 49,000 in June 2022 to over 75,000 by the end of the 2022 State election. Not all registrants on the database were available to be engaged for work. Further work is required to identify inactive or out-of-date records within the database.

## Electoral commission secondments

The VEC expanded its secondment program beyond previous years, welcoming staff from other electoral commissions to work on the 2022 State election.

A nationally endorsed Memorandum of Understanding was established between the commissions, which enabled rapid deployment of specialist staff throughout the delivery of the event.

Electoral commission secondees were deployed to fill a variety of key roles in both head office and the field. Most notably the VEC received support from the New South Wales and Australian Electoral Commissions, both providing staff for significant periods of time and in some circumstances at short notice. The VEC extends its appreciation to both commissions.

## Victorian Public Service registration of interest

For the first time, the VEC worked closely with the Victorian Public Service Commission to establish a mobility register for Victorian public servants interested in undertaking work to support the election. This was then promoted broadly across the Victorian Public Service.

The campaign promoted two options for Victorian Public Service involvement in the election:

- › those interested in undertaking 1–2 day roles were encouraged to register for work directly via the VEC's election casual work registration platform (while the VEC does not have a way of tracking the origin of an applicant's registration, the VEC noted a significant increase in the size of the database at the same time as the campaign was active).
- › those interested in undertaking longer roles of 2–6 weeks were invited to submit an expression of interest; this resulted in 22 longer-term appointments, with these Victorian Public Service staff undertaking critical election work in election offices and early voting centres.

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The VEC intends to further develop its partnership with the Victorian Public Service Commission, which provided a talent platform that could be leveraged for future events.

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## Labour hire: multi-agency engagement

For the first time, the VEC deployed an extensive multi-agency labour hire strategy and engaged 4 labour hire firms to provide high volumes of staff for large-scale centralised activities, and to provide additional coverage in the event of staff shortages in the field.

Having multiple agencies aware of the roles, capability requirements and employment conditions of the VEC provided assurance that diverse staffing needs across Victoria could be met as required.

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The VEC intends to further refine labour hire agency service levels for future election events, in line with the changing nature of the labour market.

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## Training and instruction manuals

### Election management team training

To prepare for their complex roles, election managers and assistant election managers completed a blended training program comprising self-paced eLearn modules, a 4-day face-to-face training program, and a 3-day in-election-office training program.

There were some differences in responsibilities and processes that election management teams needed to follow, depending on whether their election office was located in a metropolitan or regional district. The training program was designed to cater to these differences.

Election managers and assistant election managers were provided with a comprehensive Election Manual. This manual set out their responsibilities and processes involved, with additional guides setting out work instructions for discrete procedures that may be delegated to other staff. Election managers and assistant election managers were required to be familiar with the content of work instructions used by all staff who reported to them, to enable them to direct and support staff as required.

The election manager was also provided with an Election Diary that clearly sets out the timeline for key tasks and activities.

### Election casual and election official training

All election staff were required to complete training for their roles. The Learning Management System used to deliver online training was hosted by a third-party company, and content was developed by the VEC to suit the requirements of each role. Of the 153,603 online training modules assigned to 20,664 temporary election staff, the modules had a completion rate of 88%.

Additional face-to-face training was provided for more complex roles, including early voting centre managers, assistant early voting centre managers, voting centre managers, assistant voting centre managers, declaration issuing officers, election liaison officers and mobile voting staff.

The VEC provided written manuals with detailed work instructions for each of these roles.

## Election staff support services

### Election manager support

Support for election managers was provided via a Help Desk team of call centre operators, and a specialist team of election support officers.

Helpdesk operators provided support for issues with operation of the VEC's Election Management System (EMS), the personnel system (Aurion), and other technical matters. Any support queries regarding procedural matters were referred to the election support officer team.

A team of 16 election support officers (2 per region) were appointed to act as line managers for election managers. Election support officers performed a critical function during delivery of the election. They were the point of contact between the election manager, the Electoral Commissioner and other VEC staff. Election support officers' assistance to election managers covered all aspects of their performance including:

- › direction regarding election procedures
- › support for operational issues concerning venues, election materials, staffing, candidates and the public
- › guidance and coaching regarding planning and preparation for each phase of the election.

While election support officers primarily provided remote assistance, all election support officers met with their election managers face-to-face several times over the course of the election.

### Appointment support service: Personnel Helpline

Members of the temporary election workforce were able to access appointment support via Personnel Helpline, a phone and email service. The service is available all year round, but capacity was increased during the election period. During this period, the service answered approximately 12,000 calls and responded to over 5,000 emails. The Personnel Helpline assisted election staff to:

- › complete new online employment registrations
- › access and navigate their *Election Staff self-service* portal to update their contact details, enter financial details, access pay advice, and accept offers of appointment
- › complete electronic timesheets
- › resolve pay related queries.

The Personnel Helpline team was also responsible for managing the review of political disclosures from people wishing to work (see Measures to ensure impartiality below).

## Pre-employment screening

### Measures to ensure impartiality

The VEC adopts several integrity measures to ensure staff are politically impartial and suitable for work in elections. Section 17A of the Electoral Act allows the VEC to discriminate against a person on the basis of political membership or activity when offering employment, and this discrimination is lawful under the *Equal Opportunity Act 2010* (Vic).

The VEC requires all prospective appointees and employees to disclose any political memberships and activities that could be perceived to compromise the VEC's independence. Potential staff are required to complete an online Disclosure of Political Activities questionnaire at the time they are offered an appointment.

For the 2022 State election, the VEC reviewed and updated its policy and guidelines for disclosures of political activity, including a benchmark exercise using similar policies in other states' and territories' electoral commissions.

Key changes to the VEC's policy included:

- › reducing the exclusion timeframe for people who have been candidates for a state, territory or federal parliament or a local council, or holding one of those elected positions, from 15 years to 10 years
- › reducing the exclusion timeframe for people who have been members of a political party from 15 years to 5 years
- › reducing the disclosure timeframe for other political activities, such as publicly supporting a party or candidate or being a member of a political group from 15 years to 5 years
- › reducing the number of automatic exclusions, and assessing disclosures on discretionary grounds aligned to the requirements, risks and visibility of the role being applied for
- › improved guidance material, including clearer examples of the types of political activities required to be disclosed.

These changes aligned the VEC's requirements with contemporary criteria, while retaining the strictest impartiality and independence requirements among electoral commissions in Australia.

All disclosures from potential staff were assessed within 2 business days. A total of 825 people made a positive disclosure, 365 of whom were disqualified from appointment with the VEC. An appeals process was available and the VEC received 21 requests for review, resulting in the overturning of 1 disqualification.

### **Measures to ensure appointment suitability and security**

All SEOs appointed to election management roles were required to undergo both a National Police Records Check and a Working with Children Check.

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The VEC intends to expand National Police Records Checks and Working with Children Checks to additional election at future election events.

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For all election staff, the VEC required a disclosure of a pending or prior disclosable criminal conviction.

This was the first election that the VEC adopted an active criminal conviction disclosure requirement across its entire election workforce. All 109 positive disclosures were individually assessed by the VEC's human resources team. 102 of these positive disclosures were false and made in error, and further review of the remaining 7 positive disclosures resulted in revocation of the offer of employment to the relevant candidates.

The VEC notes that the global security environment for elections is changing, and election events for major national, state and provincial economies are becoming more likely targets for foreign interference.

Using guidance from Australia's Electoral Integrity and Assurance Taskforce and National Counter Foreign Interference Coordination Centre, the VEC assessed its head office and field staff workforce in March 2022 to identify individuals and roles that may be exposed to higher levels of risk from foreign interference and targeted credential theft, known as spear fishing. Assessment criteria included levels of authority and decision-making, access to sensitive information, and privileged system access. A high-value target employee list was established and mandatory Counter Foreign Interference training and additional cyber awareness training was delivered to relevant employees.

In addition to baseline controls that apply to all users, VEC head office staff identified as high-value targets are also subject to additional controls:

- › annual conflicts of interest declarations
- › mandatory annual refresher training, and the complete training suite for new additions to the list of high-value targets
- › higher levels of multi-factor authentication to access the VEC's IT systems compared with the baseline.

## Prioritising staff safety and wellbeing

# Recommendation 3: Safety and wellbeing of election staff

The safety and wellbeing of the VEC's entire election workforce is of paramount importance. Currently, the VEC has insufficient tools under the Electoral Act to effectively protect the safety and wellbeing of its staff in the course of performing their duties.

The VEC is concerned about a number of incidents that occurred during the 2022 State election risking the safety and wellbeing of election staff, including threats of violence, conduct intended to intimidate, and the filming and sharing of personal details about election staff with the aim to harass.

In one circumstance, police were called to attend an alleged assault of an election official at an early voting centre. Victoria Police were unable to take action under the Electoral Act in regard to the complaint, as the offences prescribed by the Electoral Act were deficient. This is an unacceptable outcome that must be addressed through legislative change to ensure that the safety and wellbeing of election staff is protected.

The wellbeing of election staff is critical not only for the operation of a safe and respectful workplace and voter experience, but also because of its impacts on the already difficult staffing challenges faced by the VEC and other electoral commissions. If election staff roles are seen as unsafe or undesirable due to the risk of harassment or intimidation, staffing challenges will continue to grow, particularly in re-engaging experienced election staff to work at future elections. It is imperative that the VEC can assure its staff of a work environment that prioritises their safety and wellbeing.

Section 152 of the Electoral Act establishes a number of offences in relation to 'interference with political liberty'. These offences include interfering with a person's exercise of their political rights and duties, influencing a person's vote through violence or intimidation, and subjecting a party or candidate worker at a voting centre to violence or intimidation. A similar offence in relation to VEC staff, covering both temporary field staff and ongoing staff, would be an appropriate deterrent from harassing staff and it would give the VEC and Victoria Police recourse to take legal action in circumstances where a staff member's safety or wellbeing is deliberately threatened and compromised.

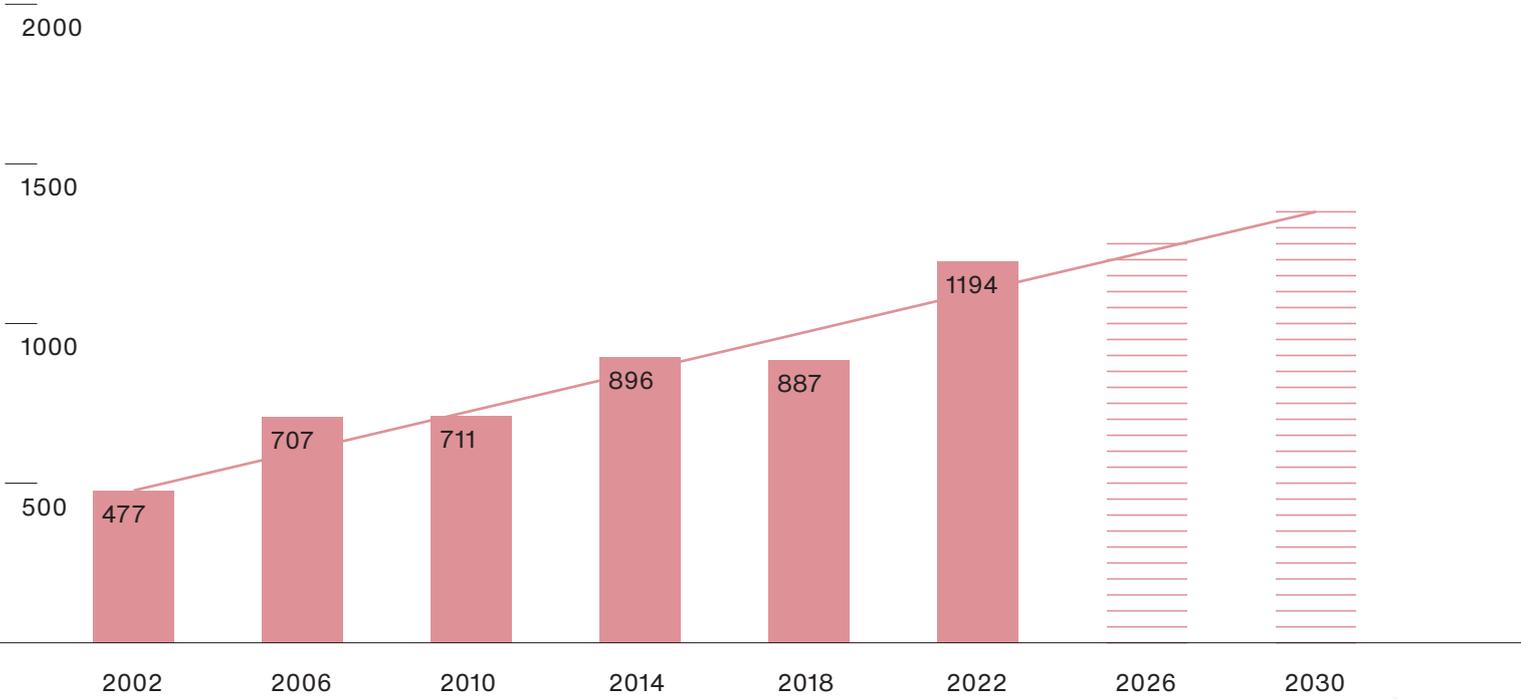
See **Recommendation 10 - Enforcement and investigation of electoral offences** on page 81, in which the VEC recommends that less serious offences in the Electoral Act are enforceable by the VEC through infringement notices, cautions, warnings and enforceable undertakings. This should apply to less serious breaches of the recommended offence.

**The VEC recommends that an offence is inserted into the Electoral Act to proscribe a person from, by violence or intimidation or harassment, interfering with or obstructing the conduct of a person employed or appointed by the VEC in the performance of their duties.**

# 4. Candidates and parties

## Number of candidates

— Trendline



## Number of How-to-vote cards

— Trendline (pre-legislative change)

- - - Trendline (post-legislative change)

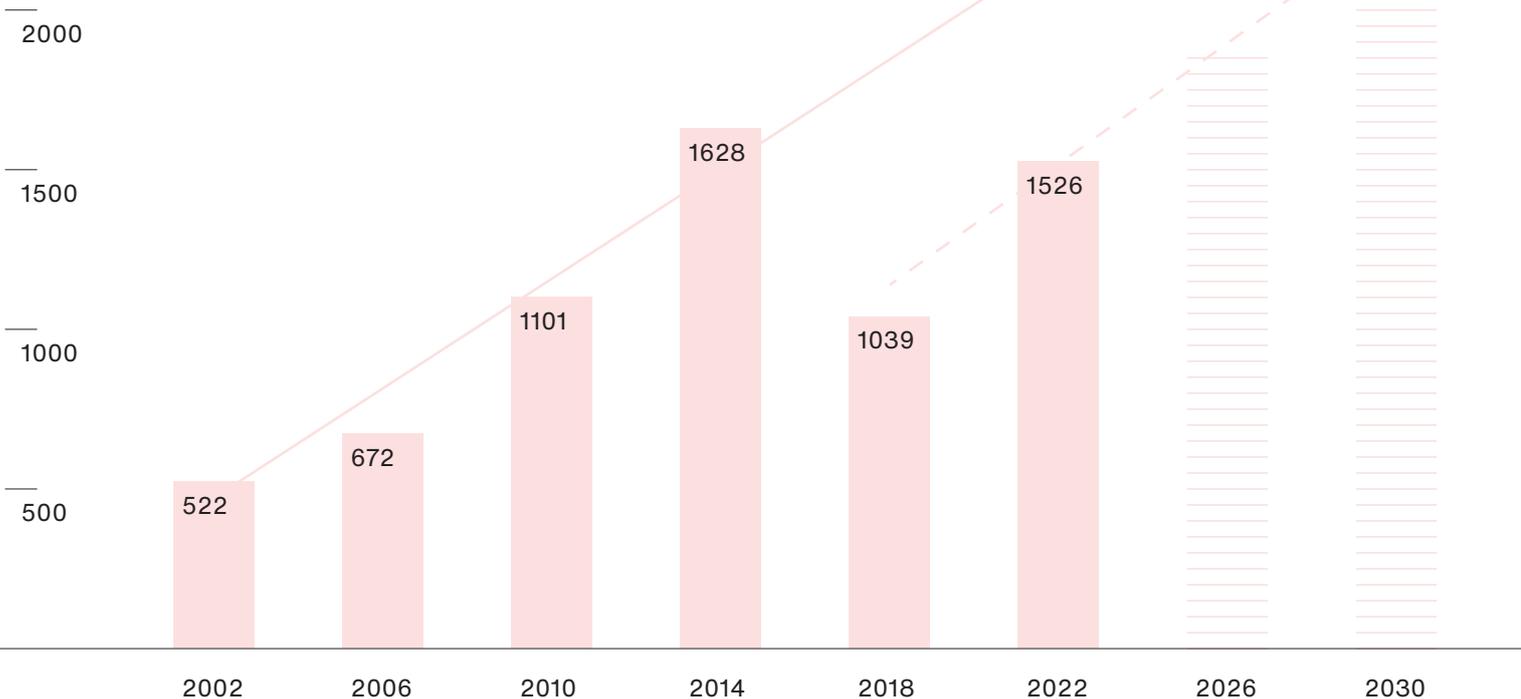


Figure 4: Number of Legislative Assembly and Legislative Council candidates and registered how-to-vote cards at State elections, 2022–2022 with trendlines. Legislative change prior to the 2018 State election allowed the submission of combined HTVCs for one or more districts, which reduced the number of overall HTVC submissions but not the rate of growth.

## 4.1 Political party registration

The Electoral Act requires the VEC to establish and maintain a register of political parties.

### Registered political parties

A registered political party must be established on the basis of a written constitution and have at least 500 members who are:

- › on the Victorian register of electors, and
- › members in accordance with the party's rules, and
- › not members of another registered political party, nor another party applying for registration.

### Benefits of party registration

An unregistered political party can still contest an election, however the benefits of registration include:

- › having the party's name or abbreviation, and logo next to its endorsed candidates or group on ballot papers
- › the submission of candidate nominations and HTVCs centrally with the VEC
- › access to enrolment and voter information for permitted purposes
- › access to policy development funding (if eligible).

### Changes to the register of political parties

Following the 2018 State election, the VEC reviewed and determined several changes to the Register of Political Parties. The most common requests received were applications for registration and re-registration, as well as changes to a party's registered officer.

### Registration reviews

The VEC is required to review the registration of a political party following a State election if the party receives an average of less than 4% of the first preference votes in all the electorates it contested. Following the 2018 State election, the VEC conducted registration reviews of 16 parties, of which:

- › 11 retained their registration
- › 2 were found to no longer be eligible for registration and were subsequently de-registered
- › 3 applied to voluntarily de-register.

### Re-registration

The Electoral Act requires all registered political parties to apply for re-registration between general elections. In 2020, the VEC administered the re-registration applications of 15 political parties, with all applicants successfully maintaining their registration.

### New registrations

Parties applying for registration in time for the 2022 State election were required to apply by 29 July 2022.

There was considerable interest in party registration in the lead-up to the 2022 State election, with the VEC receiving 18 new applications in 2022 alone. See 'Deadline for registration of political parties' in **Recommendation 1 - The Electoral Act** on page 13. Of the 18 applicants:

- › 9 parties were successfully registered; of these, one (Victorians Party) voluntarily deregistered just prior to the State election
- › 8 parties were refused registration for failing to demonstrate that they had enough eligible members
- › one party withdrew its registration application.

### Membership verification

A key requirement in a party's bid for registration is the need to have at least 500 eligible members.

The VEC verifies membership by conducting mail-outs to the lists of members provided by a party and cross-checking member responses against the Victorian register of electors.

As membership verification is dependent on the postal network, the VEC was responsive to several external factors that prevented party members from submitting their member responses by the due date.

### 2022 flooding event

In October 2022, Victoria experienced a flood emergency across many parts of the State. In recognition of the disruption this presented to party members and the postal network, the VEC extended the member response due date to close of business on 26 October 2022 for all undecided applications. This extension gave parties the maximum possible opportunity to achieve a successful outcome prior to the VEC's legislative and administrative deadlines.

**Public holidays**

Due to the public holidays on 22 and 23 September 2022, the due date to return member responses was extended for 4 parties. This extension date was ultimately superseded by additional extensions offered to all parties due to the flooding event.

- > allowing a party to correct errors and resubmit their member list
- > allowing member response forms to be submitted in-person.

At the time of the 2022 State election, 23 political parties were on the Register of Political Parties.

**Consideration of applicant circumstances**

Several parties contacted the VEC to discuss the challenges of meeting membership requirements. The VEC managed these on a case-by-case basis. In response to the issues raised, the VEC supported parties by:

- > accepting an additional member list due to a party experiencing administrative issues

**Party registration activity by type (2019–2022)**

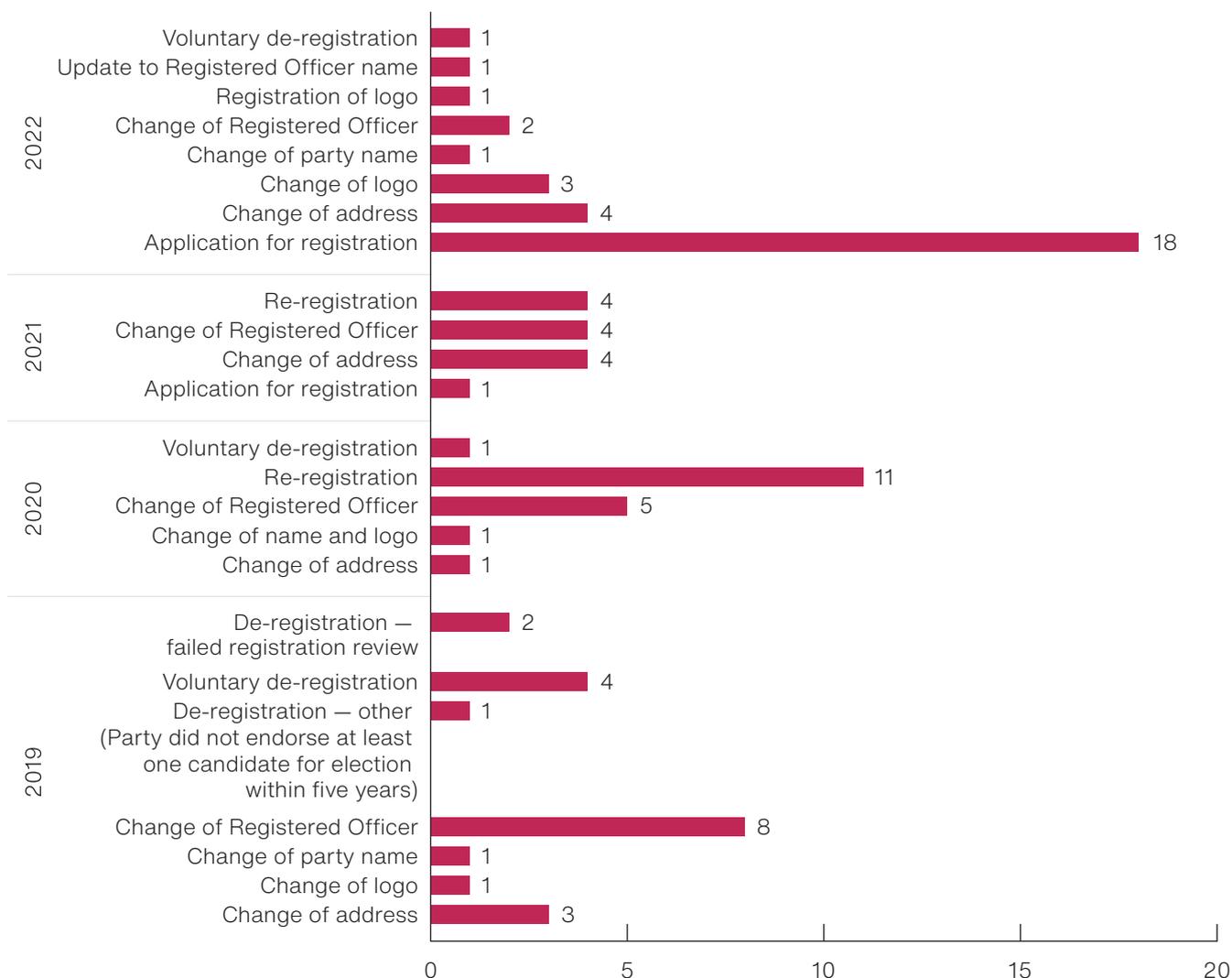


Figure 5: Party registration activity by type of activity and year, post-2018 State election to 2022 State election

Party name	Date of application	Date of registration	Number of objections
Migrants Party	30 December 2020	Refused registration 15 July 2021	1
Victorians Party	13 January 2022	8 March 2022 <sup>3</sup>	0
Family First Victoria	31 March 2022	Refused registration 22 July 2022	1
Companions and Pets Party	1 June 2022	19 September 2022	0
Freedom Party of Victoria	23 June 2022	29 September 2022	0
United Australia Party	27 June 2022	29 September 2022	0
Family First Victoria	30 June 2022	6 October 2022	1
Angry Victorians Party	13 July 2022	28 October 2022	0
Family Matters Australia Party	15 July 2022	Refused registration 31 October 2022	1
Legalise Cannabis Victoria	18 July 2022	13 October 2022	0
Indigenous-Aboriginal Party of Australia	21 July 2022	Refused registration 28 October 2022	0
New Democrats	28 July 2022	6 October 2022	0
Restore Democracy Sack Dan Andrews Party	28 July 2022	28 October 2022	0
Australian Federation Party Victoria	28 July 2022	Refused registration 28 October 2022	0
Independence Party	28 July 2022	Refused registration 27 October 2022	0
Australian Democrats	29 July 2022	Refused registration 28 October 2022	0
FUSION: Science, Pirate, Secular, Climate, Emergency	29 July 2022	Refused registration 28 October 2022	0
Legalise Marijuana Party	29 July 2022	Application withdrawn 26 September 2022	4
Victoria Climate Change Party	29 July 2022	Refused registration 12 September 2022	0

<sup>3</sup> While Victorians Party was registered, the party voluntarily de-registered prior to the 2022 State election.

Table 8: Party registration applications and outcomes, post-2018 State election to 2022 State election

### Registered political parties contesting elections (2006–2022)

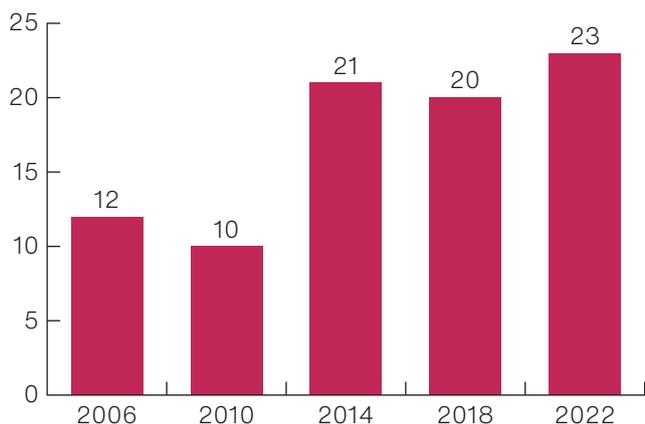


Figure 6: Registered political parties contesting elections, 2006–2022

## 4.2 Engagement and support

### Political party and candidate engagement and support

The VEC held a series of individual briefings for registered political parties and a combined briefing for independent candidates to alert them to important matters for their election preparation. The briefings summarised relevant legislation and recent legislative changes, the VEC's active regulatory role, information about the election timeline, changes to the VEC's footprint for early and election day voting as well as various election services and counting activities, and the channels available for support.

All registered officers of registered political parties were invited to meet with the VEC for the first round of briefings in March 2022 and a second round of briefings, also capturing any newly registered political parties, between September and November 2022. All registered political parties attended at least one briefing, including those parties registered shortly before the election writs were issued.

An online information session for independent candidates was broadcast on Sunday 30 October 2022 and attracted 106 attendees. The information session was recorded and later made available via the VEC's website, where it received 342 views.

An online information session was also held on 2 November 2022 specifically focusing on cyber security matters. While the VEC hosted the session, the presentation was led by representatives from the Australian Cyber Security Centre.

Despite advertising the event to all candidates and registered political parties, as well as posting information about the event on the VEC website, the dedicated cyber security briefing received very low levels of attendance.

From the opening of the election office, the central point of contact for independent candidates with the VEC was through their local election manager where they could seek support and updates on the election process.

Similarly, registered political parties had access to a dedicated candidate helpdesk for guidance on lodging nominations, applying to register how-to-vote cards, and other enquiries during the election.

The VEC issued bulletins to all candidates and the registered officers of registered political parties at regular intervals to provide updates on salient matters, including the voting and counting timelines. In addition to these, 2 bulletins were sent to registered political parties before the close of nominations to advise parties of the process for nominating candidates. Additional bulletins were sent by election managers to candidates in their district to advise of changes to count plans or information about preference distributions. An average of 11 bulletins were sent by each election manager, including the regularly scheduled candidate bulletins.

### Handbooks

The VEC published candidate and scrutineer handbooks and all necessary forms on its website, including information about the election timeline, legal requirements and key election processes.

These handbooks, along with all relevant forms, were also available to registered political parties and candidates in candidate information kits via election offices. Scrutineer handbooks were also available for scrutineers at all counting locations.

## 4.3 Nominations

Nominations for the 2022 State election opened on Wednesday 2 November and closed at 12 noon on the final nomination day, Friday 11 November 2022. Registered political parties were required to lodge nominations for their endorsed candidates at least 1 day earlier than the final nomination day, by 12 noon on Thursday 10 November 2022.

Registered political parties were required to lodge nominations for their endorsed candidates and pay the required nomination deposit in-person at the VEC's head office.

Candidates not endorsed by a registered political party were required to lodge their nominations, supported by the details and signatures of 6 nominators for Legislative Assembly elections, or 50 nominators for Legislative Council elections, with their local election manager.

By the close of nominations for the 2022 State election, the VEC had received 1,194 nominations, a 35% increase from the 887 candidates who nominated at the 2018 State election. Figure 7 shows the steady increase in the number of candidates contesting State elections from 2002.

**Number of candidates contesting the State election (Legislative Assembly and Legislative Council)**

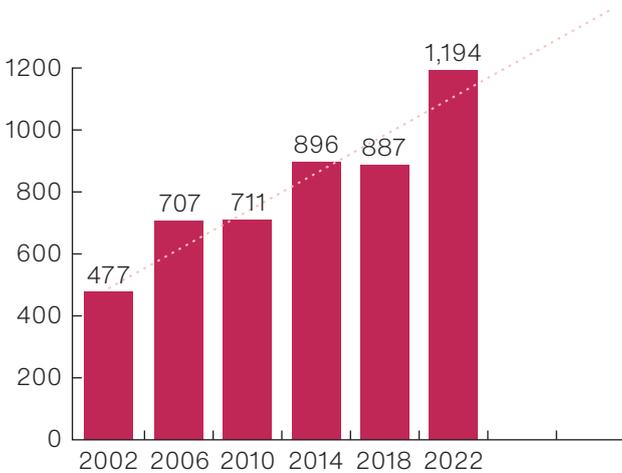


Figure 7: Number of candidates for the Legislative Assembly and Legislative Council contesting State elections, 2002–2022 with trendline and forecast

There were 740 candidates for the 88 Legislative Assembly elections (compared to 507 in 2018) and 454 candidates for the 8 Legislative Council elections (compared to 380 in 2018).

A total of 1,065 candidates were endorsed by registered political parties, an increase on the 776 candidates endorsed in 2018. Registered political party candidates represented 89% of total candidates at the 2022 election, an increase in proportion from 87% in 2018. There were 129 independent candidates, compared with 111 in 2018. **Appendix 4** contains a list of elected candidates for the 2022 State election.

**Candidates endorsed by registered political parties (2006–2022)**

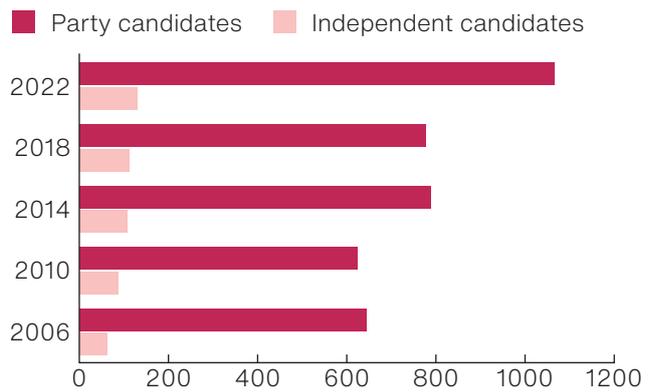


Figure 8: Number of candidates at State elections endorsed by registered political parties compared to independent candidates, 2006–2022

**Group voting tickets**

Two or more candidates nominating for the same region in the Legislative Council can request that their names be grouped on the ballot paper in a specified order.

All registered groups must lodge at least one group voting ticket, which sets out the preference flow for votes received by the group.

Group registration for the 2022 State election closed at 12 noon on Thursday 10 November 2022, the same time as the close of nominations for registered political parties. A total of 178 groups were registered across the 8 regions, an increase from 146 groups (21.9%) at the 2018 State election. There were 176 groups formed by registered political parties, including 3 composite groups for the Eastern Victoria, Northern Victoria and Western Victoria Regions formed by the Liberal Party of Australia – Victorian Division and the National Party of Australia – Victoria, and 2 groups formed by candidates not endorsed by registered political parties. A total of 5 candidates remained ungrouped in their respective regions.

In accordance with legislation, all registered groups lodged group voting tickets by the deadline of noon on Sunday 13 November 2022. Five groups lodged more than one group voting ticket. The other 173 groups only lodged one group voting ticket each.

## Candidate nomination deposits

Nomination deposits were refunded for 526 candidates because the candidate:

- > was elected, and/or
- > obtained more than 4% of the first-preference votes in their electorates, or their Legislative Council election group obtained more than 4% of the first-preference votes in their region, or
- > was a candidate at the Narracan District failed election.

In addition, one refund was issued due to the candidate retiring before the close of the nomination period.

The deposits of 669 candidates were forfeited because they were not elected and/or because they, or their Legislative Council election group, obtained less than 4% of the first-preference votes in their electorates.

Endorsed or not endorsed	Candidates	Total refunds paid
Angry Victorians Party	21	0
Animal Justice Party	104	7
Australian Labor Party - Victorian Branch	128	128
Companions and Pets Party	17	0
Democratic Labour Party (DLP)	50	19
Derryn Hinch's Justice Party	26	0
Family First Victoria	104	19
Fiona Patten's Reason Party	27	2
Freedom Party of Victoria	74	10
Health Australia Party	19	0
Legalise Cannabis Victoria	19	12
Liberal Democratic Party	27	4
Liberal Party of Australia - Victorian Division	117	117
National Party of Australia - Victoria	17	17
New Democrats	39	0

Pauline Hanson's One Nation	21	4
Restore Democracy Sack Dan Andrews Party	17	0
Shooters, Fishers and Farmers Party Victoria	22	7
Sustainable Australia Party - Stop Overdevelopment / Corruption	16	0
The Australian Greens - Victoria	128	124
Transport Matters Party	18	0
United Australia Party	16	0
Victorian Socialists	38	19
Non-endorsed candidates <sup>4</sup>	156	36

<sup>4</sup> Includes one candidate who retired prior to the close of nominations

Table 9: Number of candidates and number of candidate deposits refunded, by registered political party or group

## 4.4 How-to-vote card registration

How-to-vote cards (HTVCs) must be registered by the VEC if they are to be handed out, distributed or otherwise made available within 400 metres of a voting centre on election day. The HTVCs carried by mobile early voting teams must also be registered. HTVCs are not required to be registered for distribution outside an early voting centre. Any candidate, person or organisation can register a HTVC.

Applications to register HTVCs opened at 9 am on Monday 14 November and closed at 12 noon on Friday 18 November 2022. This is the earliest possible opening time given the ballot draws occur on the preceding business day.

Registered political parties applying to register HTVCs must do so through the VEC's head office. All other applicants were required to apply to register HTVCs at the relevant election office. All HTVC applications were subject to a 2-step quality assurance process to ensure compliance with the requirements for HTVCs and be approved for registration.

A total of 2,097 applications to register HTVCs were lodged during the application period, driven by the increase in candidates in 2022 and representing an increase of 64% from the 1,280 HTVCs lodged in 2018. Nearly half of applications were received during the last one and a half days of the application period, with a total of 957 applications lodged on Thursday 17 November or before the 12 noon deadline on Friday 18 November 2022. Table 10 shows the breakdown of the HTVC registration applications each day during the registration period.

Lodgement date	Registered	Refused registration	Total
Monday 14 November	176	228	<b>404</b>
Tuesday 15 November	158	157	<b>315</b>
Wednesday 16 November	304	117	<b>421</b>
Thursday 17 November	470	49	<b>519</b>
Friday 18 November	418 <sup>5</sup>	20	<b>438</b>
<b>Total</b>	<b>1526</b>	<b>571</b>	<b>2,097</b>

5 Includes 22 HTVCs registered after deadline due to a subsequent VCAT decision.

Table 10: HTVC applications submitted by day, 2022 State election

Applications were assessed against a checklist that was available in the candidate handbook and could be used as a reference guide prior to submission.

Of the 2,097 applications lodged, 571 were refused registration for failing to comply with the HTVC requirements, and 1,526 HTVCs were approved for registration. In accordance with the Electoral Act, applicants whose HTVC had been refused registration were notified by phone prior to 12 noon on the day following their application, and they were provided the reason(s) for refusal. For the first time, refusal letters were also sent to these applicants to formally provide the reason(s) that their application had been refused and give advice about available next steps.

Applicants whose HTVCs had been refused registration could then choose to submit another application, provided it was within the HTVC registration period. Alternatively, they could apply to VCAT for a review of the decision.

A total of 4 HTVCs which had been refused registration by the VEC were subsequently ordered by VCAT to be registered. For discussion of these matters, see **Chapter 8 - Compliance and integrity**.

## 4.5 Provision of electoral roll to candidates

Under the Electoral Act, the VEC is required to provide information about electors on the electoral roll at the request of registered political parties and candidates in an election. This list is provided as encrypted data and excludes the particulars of silent electors. It does not contain the email addresses or phone numbers of electors.

The Electoral Act prescribes severe penalties for any misuse of electoral information provided. During the pre-election briefings offered to registered political parties and independent candidates, the VEC sought to reinforce and remind recipients of electoral roll products about their obligations in respect to the information.

## Responding to a complex environment

# Recommendation 4: Registration of how-to-vote cards

The registration of HTVCs is a complex and time-consuming process, for those applying for registration and the VEC. The requirements for HTVC registration have not kept pace with modern election campaigns, bringing the utility of HTVC registration into question.

HTVCs must be registered by the VEC if they are to be handed out or otherwise made available within 400 metres of a voting centre on election day. Any candidate, person or organisation can apply to register a HTVC. Decisions on applications for registration must be advised to the applicant by noon the next day, regardless of the time the application was lodged. This creates significant pressure to process an ever-increasing number of applications in the time provided by the Electoral Act.

HTVC registration is no longer sufficiently relevant in the changing electoral landscape to warrant this significant and growing administrative burden. At the 2002 State election, over 80% of electors cast their vote on election day, compared with less than 40% at the 2022 State election, yet the number of HTVC applications received by the VEC continues to grow each election, diverting critical election resources to administer the application process.

The current scheme is also confusing for electors. Electors contacted the VEC to query why they received HTVCs outside an early voting centre that were not on the list of registered HTVCs published on the VEC website, or to complain that they could not find the HTVC for their preferred candidate during the early voting period on the VEC website.

At the 2022 State election, 571 HTVC applications were refused registration because they did not meet the requirements for registration prescribed by the Electoral Act and communicated by the VEC through the candidate handbook and the application checklist. Almost all refusals result in a new application (with the issue corrected) creating downstream workload for applicants and the VEC.

Feedback from candidates and parties indicates that they find the process to be burdensome and confusing, and that it necessarily delayed them printing their HTVCs.

Like other jurisdictions which have removed HTVC registration requirements, natural justice protections are in place for election participants and the VEC to challenge the distribution of unlawful electoral campaign material, which already includes – in Victoria – unlawful HTVCs.

**The VEC recommends that Division 5 of Part 5 of the Electoral Act is repealed to remove the process for registering HTVCs, and that section 156 of the Electoral Act is repealed to remove the offence of distributing unregistered HTVCs near voting centres on election day.**

## Alternative recommendations

If the registration requirement for HTVCs is not removed, there are changes required to alleviate the administrative burden. The VEC notes that its primary recommendation is for the registration requirement to be removed, and that these changes should only be considered if that recommendation is not adopted.

- › The timelines for HTVC applications should allow at least one clear business day between receiving an application and the VEC being required to inform the applicant of the decision. Note that this is an immediate pressure point in the broader election timeline, and poses a risk to the successful delivery of elections (see ‘Election timeline’ in **Recommendation 1 - The Electoral Act** on page 13).
- › The requirement in section 65(4) for registered HTVCs to be displayed by staff at mobile voting should be replaced with a requirement to make registered HTVCs published on the VEC’s website available to those voters either digitally or in print.
- › The VEC’s decisions on HTVC registration are reviewable on application to VCAT. At the 2022 State election, three independent candidates for Hawthorn, Kew and Mornington Districts successfully challenged the VEC’s decision to refuse to register their HTVCs. VCAT also overturned the VEC’s decision on a HTVC application lodged on behalf of Kooyong Climate Change Alliance. The HTVC was initially refused registration because it did not contain a clear ballot paper representation or list of candidates containing a preference for each candidate.

By ordering the registration of these HTVCs, the VEC was required to incorporate VCAT’s decisions into its assessment for all new applications, including for districts where informality levels had been shown to be impacted by lower levels of English literacy. The requirements for HTVC registration should be amended to ensure requirements can be applied consistently across all electorates, and to preserve the original intention for ballot paper representations on HTVCs to be an exact replica of the ballot paper. This would also allow for future digitisation of the registration process to streamline and improve participants’ experience.

## 4.6 Funding and disclosure

### Funding

#### Overview

The 2022 State election was the first election for Victoria's political funding and disclosure laws, which were introduced to the Electoral Act in 2018 and commenced the day after election day in 2018. Part 12 of the Electoral Act imposes bans or caps on certain political donations, achieves greater accountability and transparency through disclosure and real-time reconciliation of political donations, and provides access to political funding streams for Victoria's parliamentary elections.

The VEC administers 3 funding streams, which are available to eligible independent candidates, independent elected members of parliament and registered political parties. Each funding stream has different legislative obligations regarding the application process, reporting requirements and payment schedules. The key features of each funding type are summarised in Table 11.

	Administrative Expenditure Funding (AEF)	Public Funding (PF)	Policy Development Funding
Eligibility	Elected independent members and registered political parties with elected members	Candidates who receive at least 4% of first preference votes or are elected	Registered political parties that have been registered for a full calendar year and were not eligible for AEF and did not receive PF
Purpose	Administrative expenses, office accommodation, staff, utilities, audit costs	Election campaign costs, travel, advertising, election campaign staff	Costs associated with policy development
Administration	Paid quarterly in advance Calendar year return	Paid after election upon application, advance PF also available (year 1 40%, years 2–4 20% each)	Paid annually in arrears
Amount (financial year 2022–23)	Tiered: > 1st MP \$216,210 > 2nd MP \$75,660 > 3rd–45th MP \$37,850 per MP If subsequent statement of expenditure is lower, amount of underspend must be repaid or reduced from subsequent payment	Lower of: > \$6.49 per FPV for Legislative Assembly / \$3.24 per first preference vote for Legislative Council or > Audited statement of expenditure	Greater of: > \$1.08 per first preference vote or > \$27,020 per annum
Approximate total payments	<b>\$6 million per annum</b>	<b>\$31 million per State general election</b>	<b>\$100k per annum</b>

Table 11: Summary of how registered political parties, candidates and MPs receive funding from the VEC

## Calculation, communication and payment of entitlements

Immediately following the return of the writ on 17 December 2022 for the State general election, the VEC determined which candidates and registered political parties were eligible for public funding, depending on the election result and number of first preference votes received. Entitlement letters were sent to eligible recipients, inviting them to apply for funding. A total of \$30.396 million in public funding was paid to candidates and registered political parties. The VEC also paid a total first instalment of \$11.996 million in advance public funding in relation to the 2026 State general election, to eligible registered political parties and independent candidates who chose to receive it. A summary of public funding amounts paid to registered political parties and independent candidates at the 2022 State election is provided in **Appendix 5**.

The VEC also determined administrative expenditure funding entitlements for registered political parties based on the number of their endorsed candidates that had been elected. As required by the Electoral Act, the VEC paid entitlements to registered political parties within 30 days of receiving their application for funding.

One registered political party was eligible for policy development funding in 2022 but did not apply.

## Disclosure of political donations

The disclosure obligations outlined in Part 12 of the Electoral Act apply to any person or entity that gives or receives political donations, including:

- › registered political parties
- › candidates (at an election)
- › groups (2 or more candidates who are grouped together on a ballot paper)
- › independent elected members
- › associated entities (controlled by or operated for the benefit of one or more registered political parties)
- › third party campaigners (a person or entity that receives political donations or incurs expenditure for the purpose of helping promote or oppose a candidate or registered political party at an election, of more than \$4,320 (financial year 2022-23, indexed annually) in a financial year)
- › nominated entities (an organisation nominated by a registered political party to be the party's nominated entity. Donations between a party and its nominated entity are not considered political donations)
- › donors.

The Electoral Act bans the following:

- › donations that exceed the general cap of \$4,320 (financial year 2022-23, indexed annually), which is the amount that can be donated in the 4-year period between elections
- › aggregated donations to a single recipient that exceed the general cap (this means during the 4 years between State elections, a single donor must not circumvent the donation cap by giving smaller donations to a single recipient that combined would exceed the donations cap)
- › foreign donations by requiring that donations can only be made by Australian citizens, residents or businesses with a relevant business number (e.g. an Australian Business Number)
- › anonymous donations of \$1,080 or more (financial year 2022-23, indexed annually)
- › donations by a single donor to more than 6 third party campaigners within the 4 years between elections.

Unlike some other jurisdictions, donations from particular industry sectors are not banned in Victoria.

The Electoral Act requires donors and recipients of donations equal to or above the disclosure threshold (\$1,080 in financial year 2022-23) to disclose the donation within 21 days of making or receiving it. VEC Disclosures is the VEC's online disclosure reporting system, accessed via the VEC website. It serves as the integrated political donations disclosure and annual return submission tool for all stakeholders governed by the obligations outlined in Part 12 of the Electoral Act.

Number of donations published by month and year

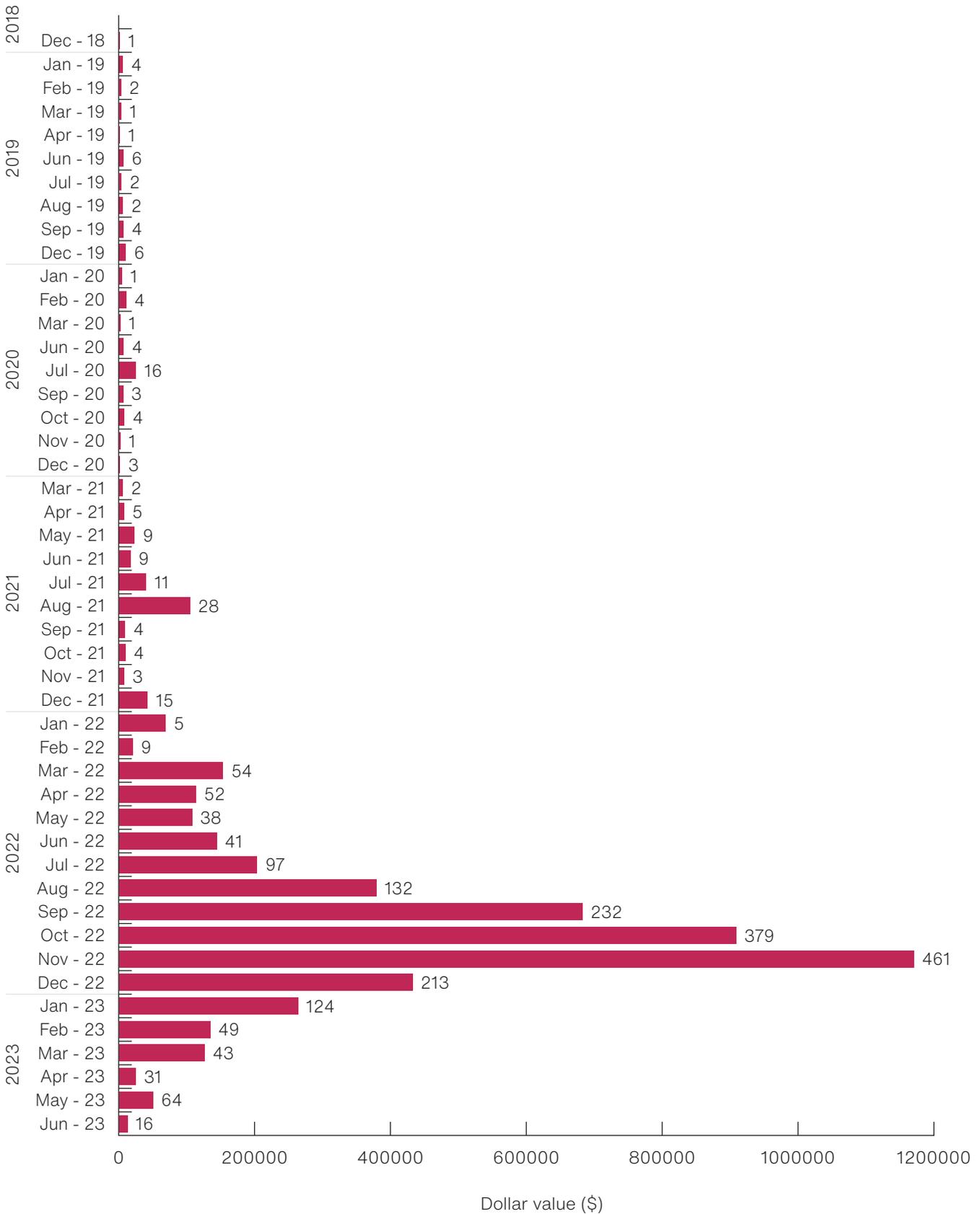


Figure 9: Published donations from December 2018 to June 2023, by sum of dollar value of donations with labels showing the number of donations

Figure 10 shows that only one third of donations published since 2019 were fully compliant with the 21-day disclosure requirement. Donors were late meeting their disclosure obligations 49% of the time, and recipients were late meeting their disclosure obligations 28% of the time.

#### Number of donations disclosed within the required timeframe

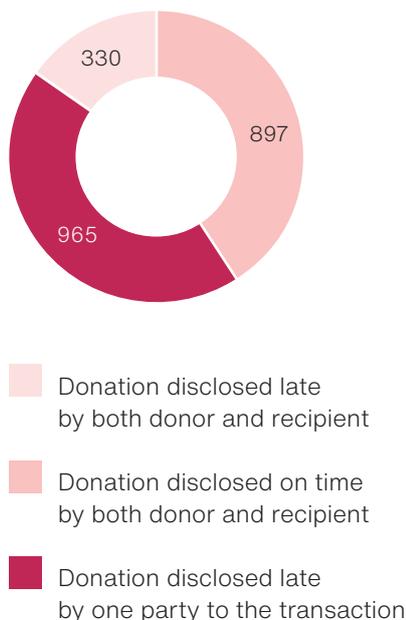


Figure 10: Breakdown of non-compliance with donation disclosure time requirements by entities involved

Stakeholder communications also peaked during the election quarter, as the VEC's Funding, Disclosure and Parties team assisted donors and recipients with their disclosure queries and obligations. This was followed with a project to contact donors and recipients with outstanding disclosure obligations in the first half of 2023, which resulted in a significant reduction in the number of unreconciled donations. This is consistent with the VEC's regulatory approach, which seeks to educate and guide people about their obligations wherever appropriate, rather than pursuing, in this case, an offence against section 218A(1) of the Electoral Act that carries a penalty of 200 penalty units.

2022 was the first time that annual return submissions coincided with an election year. Because the deadline for lodging 2021–22 annual returns was 20 October 2022, less than 6 weeks before the 26 November State election, the VEC was also receiving a significant volume of queries from stakeholders concerning their annual returns, as well as donations.

The number of annual returns submitted for the 2021–22 financial year and published prior to 31 December 2023 was 79, including:

- > 16 from registered political parties
- > 53 from associated entities
- > 3 from nominated entities
- > 6 from third-party campaigner organisations
- > 1 from an independent elected member.

The financial year annual returns for the 2022 election period were due 20 October 2023 and will be published by 31 December 2023.

#### Review of the funding and donations scheme

An Electoral Review Expert Panel has been appointed to conduct a statutory review of the effectiveness of Victoria's funding and disclosure laws, with its report due by 25 November 2023. The VEC made a submission to the Panel, including a number of recommendations for legislative change, on 29 June 2023. The recommendations aim to enhance accountability and transparency, reduce complexity and ambiguity, and promote compliance.

# 5. Communication and engagement

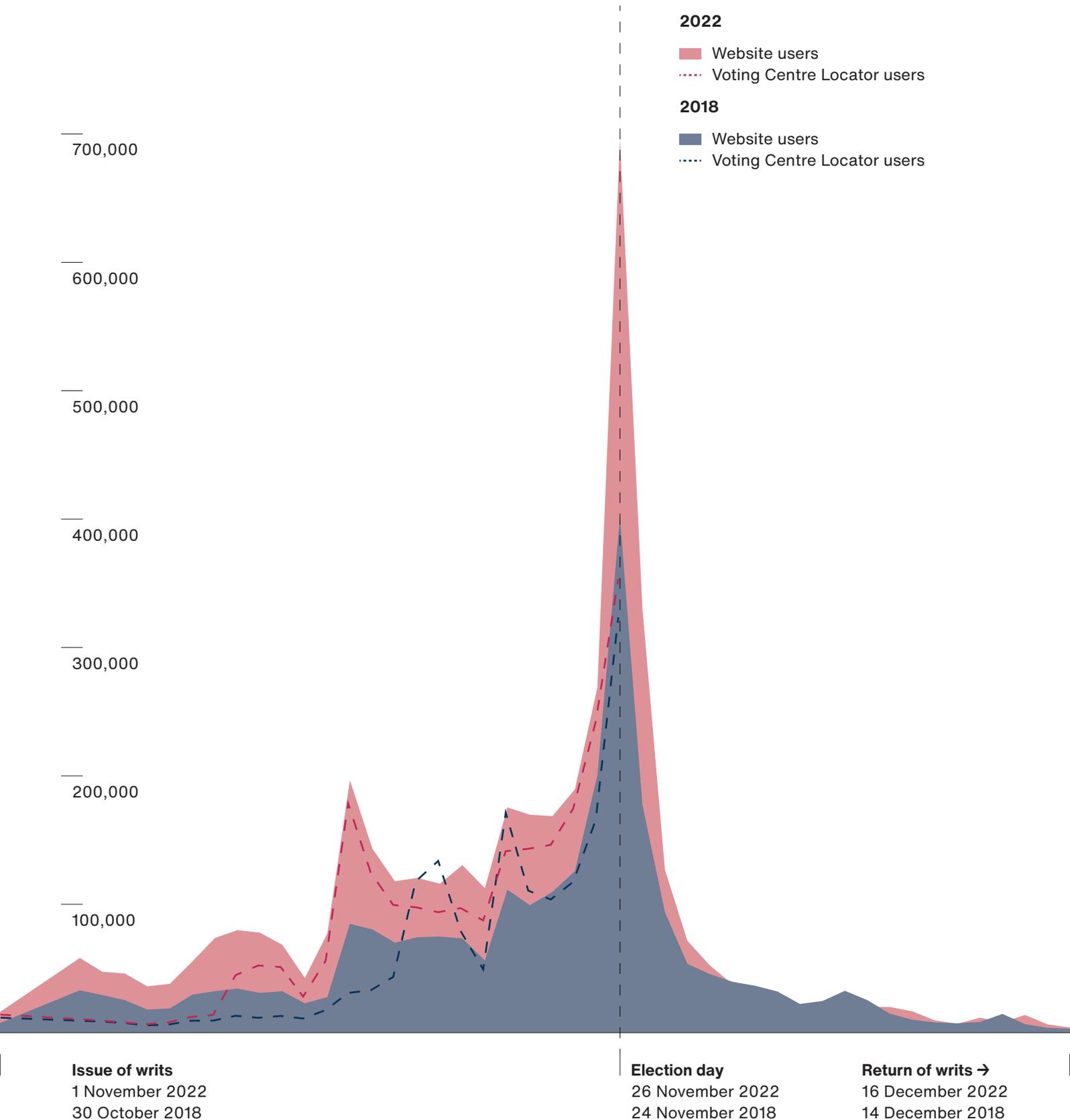


Figure 11: Number of users of the VEC website and Voting Centre Locator between issue of writs and return of writs for the 2022 and 2018 State elections (October 30, 2018 to December 14, 2018 and November 1 to December 16, 2022)

## 5.1 Advertising campaign

The VEC's state-wide advertising campaign for the 2022 State election emphasised the importance of every vote with the tagline 'Your vote will help shape Victoria'. The campaign highlighted the VEC's COVID safety measures and the variety of voting options available to electors. After testing through market research, the campaign featured a refresh of the animated 'paper people' campaign, used at the 2018 State election. It featured 'paper' characters to represent the voting process, while also better reflecting the diversity of Victoria's voters.

The state-wide campaign was divided into 3 basic phases: enrolment; early voting; and voting correctly/ voting assistance. Each phase was supported by advertisements through multiple channels including television, radio, outdoor, digital media, social media, and newspapers (press) and were translated for culturally and linguistically diverse (CALD) platforms, to have the maximum impact with identified audiences while ensuring the VEC received value for money.

Although the campaign was designed to engage all eligible voters, several sub-campaigns were developed to address specific messages or engage targeted audiences. In line with research findings, messaging was kept simple and straightforward. The sub-campaigns included:

- › VoterAlert registration campaign
- › *Sorting fact from fiction*, a media literacy campaign
- › *DemGraphics*, a digital campaign targeting young and directly-enrolled voters
- › *Mythbusting* and *Voting Matters* campaigns aimed at increasing participation of people experiencing homelessness.

The media literacy campaign, *Sorting fact from fiction*, was developed and implemented to increase awareness of electoral-related mis- and dis-information and provide tips on how to critically consume information during the election period. For more information about this, see 'Electoral mis- and dis-information' in **5.2 Media**.

A VoterAlert registration campaign encouraged Victorian voters who were not subscribed for the VEC's VoterAlert notification service to sign up to ensure they received voting reminders for future elections, as well as the digital EasyVote Guide for the election.

The *DemGraphics* campaign targeted young and directly-enrolled voters. The original concept and material was co-designed with young people and the campaign for the 2022 State election adapted the creative executions to ensure their relevance to the State election. They were tested with young people aged 18-29 years old via the VEC's online research panel, with the strongest concepts chosen for roll-out. The campaign primarily appeared on social media as well as through digital partnerships.

*Mythbusting* and *Voting Matters* were 2 outdoor campaigns aimed at encouraging people experiencing homelessness to enrol and vote, targeting inner city, suburban and regional postcodes with high rates of homelessness. *Mythbusting* was aimed at overcoming common concerns or 'myths' associated with enrolling and voting that people experiencing homelessness might have. The artwork provided accurate information to correct the 'myths'. *Voting Matters* involved a partnership with the Big Issue and aimed to speak to people experiencing homelessness through the voices of those with lived experience and highlight the relevance and importance of being an active citizen and part of the democratic process.

Widespread flooding affecting Victoria occurred in October 2022 and left voters in a number of areas cut off by floodwaters. The VEC's VoterAlert service, a geo-targeted social media and radio advertising campaign, and a state-wide media release were used to provide affected electors with information on voting options dependent on their circumstances.

The key elements of the advertising strategy were to:

- › produce an advertising and communication program that is engaging and informative, that reaches a broad cross-section of audiences and communities in Victoria
- › deliver clear and consistent state-wide messaging about when, where and how to enrol and vote correctly
- › increase engagement and maximise participation of directly-enrolled voters and young voters
- › increase media and digital literacy in voters in navigating potential misinformation or disinformation circulating during the election period
- › increase VoterAlert registrations to ensure electors receiving VoterAlert notifications is maximised.

In recognition of the cultural diversity of Victorian voters, the VEC spent 13% of the total media placement on CALD media advertising – almost 3 times the minimum amount required by the State Government.

An independent evaluation commissioned by the VEC<sup>6</sup> showed that 75% of voters surveyed recalled seeing communications from the VEC leading up to the election with the election date and how to vote correctly being the main key messages recalled. This is lower than in 2018 (85%) and is potentially a result of the proliferation of communication channels over the past 4 years, particularly streaming services.

Nevertheless, of those who recalled seeing the campaign, 74% believed it was effective. Many of the suggestions for improvement related to more information about candidates, which the VEC is unable to provide given its status as an impartial electoral regulator.

Campaign	Spend (excl. GST)
<i>Mythbusting and Voting Matters</i> (targeted at people experiencing homelessness)	\$197,412
Enrolment	\$694,280
<i>Sorting fact from fiction</i> (media literacy)	\$286,765
<i>DemGraphics</i> (youth and directly-enrolled)	\$141,026
VoterAlert registration campaign	\$133,049
Overseas voters	\$10,832
Voting preferences	\$204,856
Voting assistance	\$530,865
Early voting	\$824,418
Voting correctly	\$810,986
Search	\$82,122
Mandatory press	\$318,834
Flood-affected voters	\$29,222

Table 12: Advertising campaigns and their associated expenditure (excl. GST)

Channel	Spend (excl. GST)
Television	\$1,347,632
Radio	\$655,550
Outdoor	\$444,770
Print	\$318,834
Digital and social	\$1,166,812
Search	\$82,122

Table 13: Advertising spend by channel (excl. GST, translation and miscellaneous fees)

### Effectiveness of advertising campaigns

A key focus of the VEC’s advertising strategy for the 2022 State election was to target those aged 18–24, particularly through its *DemGraphics* campaign. The corresponding Victorian enrolment rate would indicate that this work impacted positively. The VEC compared the average enrolment rate by age as at December 2022 with the average national benchmark (all other states and territories). As shown in Table 14 below, the Victorian enrolment rate is significantly higher in the targeted cohorts compared to other states and territories.

Age	Victorian enrolment rate	Average enrolment rate of all other states and territories	Variance
<b>Under 18</b>	12.2%	1.1%	-7
<b>18-24</b>	91.6%	83.8%	+7.8%
<b>25-29</b>	97.6%	95.3%	+2.2%
<b>30-34</b>	97.7%	96.6%	+1.2%
<b>35-69</b>	98.7%	97.1%	+1.6%
<b>70+</b>	98.6%	98.6%	-0.0%

7 The enrolment rates for the under 18 age group are not directly comparable between Australian jurisdictions as states and territories differ in how they define and report on the enrolment rates of these cohorts.

Table 14: Victorian enrolment rate compared to average enrolment rate of other states and territories as at December 2022. Variation in table values is due to rounding.

Other key objectives of the advertising campaign were increased voter turnout; increased engagement and participation of directly-enrolled and young voters; and reduced rates of informal voting. While a record high enrolment rate, a key objective, was achieved, this may have impacted on the overall voter turnout rate, which dropped (as this is expressed as the number of people who voted as a proportion of those enrolled). This was the case for both voters overall and those aged 18-24. However, the turnout for directly-enrolled voters aged 18-24 increased from 72.8% in 2018 to 75.4% in 2022. Furthermore, there were lower informality rates overall, from 5.83% in 2018 to 5.54% in 2022 for the Legislative Assembly, and 3.96% in 2018 to 3.22% in 2022 for the Legislative Council. This marked the first time the informality rate decreased from the last election since 1996, representing the reversal of a decades-long trend of increasing informality. These results indicate that the VEC's advertising campaign had a positive impact on formal participation.

## 5.2 Media

### Media briefing

The VEC invited broadcast, print, and online media representatives to a hybrid online and in-person media briefing on Monday 19 September 2022. The purpose of the briefing was to guide media representatives through the election process, outline changes since the 2018 State election, and provide an opportunity to ask questions.

Senior VEC staff provided an outline of the State election timeline, results and counting information, complaints handling, and recent legislative changes to the Electoral Act. Attendees were also provided with a media handbook.

Four State political journalists attended in-person, representing *The Age*, *The Australian*, Sky News and *The Guardian*, with a further 15 joining virtually, representing ABC Radio, Country News, AAP, Macquarie Media, *Star Weekly*, *Latrobe Valley Express* and 2 independent online commentators. A recording of the briefing was also made available on the VEC's media centre online.

### Media handbook

A media handbook was developed and distributed to Victorian metropolitan and regional media outlets prior to the election period. It was also available to download from the VEC's online media centre during the election. The media handbook was tailored to responses provided by media representatives in a survey prior to the election.

The handbook included key information about the election, such as voting options, results and counting, rules about political donations and electoral campaign advertising, as well as election statistics and figures.

### Media centre

A dedicated media centre was created on the VEC website, providing a hub of useful links, resources, and information for the media.

The media centre received 8,964 page views during the election period.

A *Count update* page was created following election night to keep the media and members of the community informed of daily counting activities for both the Legislative Assembly and Legislative Council elections. This page was viewed 134,696 times during the counting period.

The VEC also published general information for the public on the different phases of the count for both houses of Parliament, as well as preference distribution and declaration schedules.

The following media releases were the 5 most viewed:

- › Early voting opens for the 2022 State election – 19,643
- › Reminder that voters control their own Legislative Council election preferences if voting below the line – 4,147
- › Application for registration by the Restore Democracy Sack Dan Andrews Party – 3,922
- › Overseas and interstate voting options for holidaying Victorians – 3,506
- › Poor behaviour blemishes commencement of early voting – 2,805

## Media releases

Significant media activity occurred up to and during the State election, with the VEC issuing 56 media releases and responding to 460 media queries during the election period (1 September to 31 December 2022).

Heading into any electoral period, the VEC has a schedule of planned state-wide media releases for specific election milestones, which in turn are echoed through its social media channels. Topics include the close of roll, enrolment numbers for the election, candidate nomination advice, candidate numbers and information, voting assistance available, voting options, opening of the early voting period, voting reminders and results.

In addition, the VEC also receives many requests for comment or interviews around specific aspects of the election, specifically, the number of people voting early, voting options and any issues that may arise through the election period.

LEBA Ethnic Media was engaged to translate 5 key media releases and distribute them to multicultural news publications. Across the 5 media releases, the VEC reached an average of 34 publications in an average of 12 languages, with an approximate circulation of 500,000 readers per media release.

In addition, the VEC organised the pre-recording of 4 radio releases for the State election. Each radio release corresponded to the main phases of the election cycle, while also taking into consideration the best timing for optimal airplay. These releases were downloaded for broadcast by 153 radio stations.

## Radio and television interviews

A total of 50 media interviews (radio and television) were conducted with VEC representatives during the election period (1 September to 31 December 2022). These were mostly informative interviews regarding enrolment, early voting, and voting.

Over the 2 weeks of early voting up to (and including) election weekend alone, the VEC undertook 23 interviews on live issues such as a VCAT decision on HTVCs, poor party/campaign worker behaviour at voting centres, concerns over preference harvesting in Legislative Council elections, staffing shortages at voting centres, the expulsion of a Liberal candidate from the party room, the Melton drive-through voting centre, and the death of a candidate in Narracan District necessitating a supplementary election. The VEC also received multiple requests to speak about a referral to the Independent Broad-based Anti-corruption Commission (IBAC).

The VEC's public announcement of the IBAC referral during the early voting period resulted in some criticism about the VEC's timing in doing so. However, as noted in a follow-up media statement, the VEC's regulatory responsibility is not subject to a moratorium during an election and is a year-round responsibility.

The VEC issued a statement to advise of the referral to IBAC and noted it would not be commenting further on the matter. A senior VEC spokesperson was subsequently invited to be interviewed on a radio talk show about 2 other media releases issued on the same day that were important reminders regarding voter participation. Although the program's producer was advised in advance that the spokesperson would not comment further on the referral, the interviewer raised the issue in repeated and pointed questioning despite several requests for the interviewer to move on.

During this questioning the spokesperson repeated what was stated in the media release.

It was at this time that the VEC conducted an online survey to gauge voter perceptions of the VEC's integrity, trustworthiness, fairness and impartiality, which all increased positively.<sup>6</sup>

## Social media enquiries

Social media was particularly busy for the VEC with over 275,000 mentions (likes, replies and shares) and more than 45,000 engagements (likes, comments and shares) during the election period.

6 Victorian Electoral Commission, Reputation Index Report, 2022 Victorian State election, p.16

The social media landscape during the election evolved quickly into an echo chamber for polarising and divisive political sentiment to an extent not seen in the traditional media. The VEC's social media team, as well as election field staff, were required to deal with abusive, harassing and at times, very personal attacks on social media.

## Media and social media coverage

Between 1 September and 31 December 2022, the VEC received a total of 14,533 mentions across online, print, and broadcast sources. Broadcast news generated the greatest volume of mentions, accounting for 42.77% of total media coverage, followed closely by online channels (42.35%) and then print (14.88%).

However, a significant volume of coverage was generated through social media, with 73.87% of all electoral coverage on social media.

## Electoral mis- and dis-information

For the first time, the VEC developed an approach to counter harmful electoral mis- and dis-information. The VEC's objectives were to:

- › raise awareness among the voting public of the existence of mis- and dis-information in relation to elections and remind them to critically consume information
- › support voters to avoid being misled by incorrect assertions or comment that might appear across media and social media platforms, particularly in relation to electoral processes
- › position the VEC as the trusted source of electoral process information and maintain trust in the election
- › address orchestrated mis- or dis-information campaigns by establishing clear escalation and content referral processes with key online/social media platforms.

The VEC used a multi-channel approach to achieve these objectives, including the development and rollout of the *Sorting fact from fiction* advertising campaign, publishing dedicated website content with tips and tricks for spotting mis-information, an Easy English flyer introducing the concept of mis-information for people with learning difficulties or low English literacy, an animated video explaining mis-information, and numerous social media and media activities.

Furthermore, the VEC monitored social media from 8 am – 10 pm from 31 October to 15 December to quickly identify any emerging trends or issues. The Communication Team worked collaboratively across the organisation to respond quickly, clearly and accurately to any mis- or dis-information that appeared and began trending on social media.

The VEC also maintained a misinformation register on its website that was updated as new electoral 'myths' emerged during the election period, such as 'The VEC use pencils at voting centres so we can change your vote' or 'People who aren't vaccinated won't be able to vote'. The register listed the fact against the myth and this was subsequently used by the Communication Team when responding to those myths in social media conversations, encouraging users to visit the register to see the myth 'debunked'.

In September 2022, the VEC signed an agreement with 5 online platforms to set out arrangements for working together to reduce the risk of harm arising from the spread of mis- and dis-information. This agreement was known as a 'statement of intent' and signatories included Meta, Microsoft, Google, Twitter and TikTok. Furthermore, the VEC made arrangements with 3 additional platforms (Reddit, Tencent and Snapchat) to organise escalation channels for content potentially in breach of electoral law.

The effectiveness of the Statement of Intent and voluntary arrangements varied. During the election period, a number of common misinformation themes were identified, including:

- › voters who are not vaccinated will not be able to vote
- › the VEC uses Scytl/Dominion voting software and it will result in 'rigged' elections
- › postal voting is not secure or safe
- › the election will be void if less than half the people vote
- › the election is not legitimate because the writs have not been signed.

'Take down' requests would not be actioned if the material did not contravene the platform's own 'terms and conditions', or if the material was misinformation but did not breach electoral law.

Of the 6 takedown requests that the VEC made to platforms during the 2022 State election, the response time was generally within one business day. However, only 3 of those requests were successful in having the content restricted, removed, or labelled as misleading. Of these successful takedowns, 2 were actioned because of a breach of the Electoral Act. The remaining request was initially refused by the platform because it did not breach the Electoral Act or the platform's terms and conditions. After strong representations from the VEC, the platform agreed to attach a misleading information label to the content.

The VEC recently provided a submission regarding the Exposure Draft of the Communications Legislation Amendment (Combating Misinformation and Disinformation) Bill 2023 (Cth).

The submission highlighted the need for stronger regulation of mis- and dis-information on social media platforms and expressed concerns that authorised electoral matter would fall outside the scope of the proposed legislation.

## Reputation management strategy

Early in 2022, the VEC determined that it needed to develop a reputation management strategy ahead of the State election that would assist the VEC to retain public trust in an environment of community polarisation and erosion of trust in government institutions.

Consultations were held across the business in early 2022 with the aim of developing a sustainable framework to maintain trust in the integrity, independence and impartiality of both the electoral system and the VEC, particularly in the area of social media.

As a result, the VEC developed a suite of products including a social media response library for electoral events, a social media playbook, tailored media training for VEC spokespeople, and the VEC's first reputation management strategy. The strategy was embedded across the organisation and made publicly available on the VEC website.

## 5.3 VoterAlert

More than half of enrolled electors in Victoria (56.7%, over 2.49 million) are opted-in to receive direct information via SMS or email from the VEC's VoterAlert service.

VoterAlert was a key awareness-raising activity for the VEC. A total of 700,710 users arrived at the Voting Centre Locator from a VoterAlert link during the 2022 election period, compared to 288,453 in 2018.

Results of the evaluation of election services (commissioned by the VEC) after the election showed that VoterAlert had the second-highest recall of all channels used (30%), following free-to-air television (40%). VoterAlert was the top source of election information among election day attendance voters and CALD voters.

The service also played a key role in ensuring younger groups of voters turned out to vote. Subscription to VoterAlert is higher among younger demographics. The VEC observed a markedly higher participation among those in the 18–39 age groups who are subscribed to receive VoterAlert (86%) compared to those who do not receive VoterAlert (76%).

VoterAlert was used in the 2022 State election to send reminders to subscribers about:

- › the close of roll date
- › a digital EasyVote Guide, sent at the commencement of early voting
- › election day.

There were also 6 campaigns to targeted audiences including:

- › people who had become Australian citizens since the Federal election held in May 2022
- › electors who were directly-enrolled after the 2020 local council elections
- › people over 70 years of age eligible to register as GPVs
- › people who had missed the close of roll, postal vote application or GPV deadline
- › overseas registered electors
- › people who appeared not to have voted (following the election).

VoterAlert content was based on research that asked Victorian electors what election information they would find useful and included links to information on the VEC website about voting options, voting centre locations, educational videos on how to complete a formal vote and information about electoral boundary changes. This included information in 25 languages.

The VEC used VoterAlert to specifically target almost 50,000 directly-enrolled electors to advise them that they were on the roll. The messaging in this campaign was nuanced given the traditionally low participation rate for this cohort, and detailed the importance of their vote at the upcoming election.

Although youth participation was not what the VEC had forecast, the correlation between participation by age for those who received VoterAlert messages is stark. If not for this initiative, youth turnout would have been lower.

Age	Participation rate for those without VoterAlert	Participation rate for those with VoterAlert
18-24	73.12%	86.50%
25-29	72.70%	83.58%
30-34	76.04%	85.28%
35-39	79.45%	88.36%

Table 15: Participation rate among young voters subscribed for VoterAlert notifications compared to non-subscribers

## 5.4 Social media

The VEC's social media presence continued to increase during the 2022 State election. The focus was on both sponsored and organic social media campaigns aimed at increasing awareness and participation, particularly among the 18-24 year old demographic. A greater volume of posts was published compared to 2018, and a dedicated social media monitoring roster was established to ensure that from 31 October to 15 December, the VEC's social media channels were monitored from 8 am to 10 pm, 7 days a week. This enabled the VEC to respond promptly to all enquiries received via its channels.

During the election period (1 September to 31 December 2022) there were a total of 275,457 mentions of the VEC across all monitored social media platforms (Facebook, Instagram, Twitter, LinkedIn), with a peak on election day of 70,029 mentions.

The majority of social media coverage of the VEC during the election period was published via Twitter, with 34,872 engagements on the VEC's Twitter account from Thursday 1 September to Saturday 31 December 2022.

### Twitter

From Thursday 1 September to Saturday 31 December 2022:

- > the VEC's Twitter following increased from 6,049 to 7,425
- > the VEC sent 1,910 tweets
- > the VEC had 2,851 retweets, 12,568 likes, and 3,088 replies.

Overall, the VEC's Twitter had 34,872 engagements, including impressions and video views.

### Facebook

From Thursday 1 September to Saturday 31 December 2022:

- > the VEC published 697 Facebook posts
- > the VEC's Facebook following increased from 9,862 to 10,671 followers
- > there were 16,938 reactions, comments and shares on VEC posts.

The organic (that is, non-sponsored) reach of several election posts was noteworthy. The VEC's top 10 performing posts in the lead up to election day attained an average organic reach of almost 6,870 users.

### Instagram

From Thursday 1 September to Saturday 31 December 2022:

- > the VEC published 136 Instagram posts
- > the VEC's Instagram following increased from 1,019 to 1,310
- > there were 1,762 likes and 2,121 comments on the VEC's posts.

### Explainer videos

The VEC produced 13 explainer videos ahead of the State election to illustrate key aspects of the election process. Seven videos were animations and 6 were filmed with VEC staff members. They were hosted on the VEC's YouTube channel and promoted via the VEC's social media channels (Twitter, Facebook and Instagram) and on the VEC website. The topics covered, and respective YouTube views, are provided in Table 16 and Table 17.

## Animations

Video topic	Views
Completing ballot papers correctly	22,046
Early voting at State elections	11,093
How-to-vote cards	3,958
Sorting fact from fiction	2,048
What happens to your vote after you've voted?	1,016
False and misleading advertising	801
What is authorisation?	255

Table 16: Educational animated videos by topic and YouTube views

## Filmed with VEC staff

Video topic	Views
What is the 2-candidate-preferred count?	7,920
Postal voting for the 2022 State election	625
What happens at a voting centre on election day?	159
Telephone assisted voting	98
Voting with a disability at the 2022 State election	52
Culturally and linguistically diverse (CALD) voting information	51

Table 17: Videos filmed with VEC staff by topic and YouTube views

## 5.5 Website

The VEC website was in 'election mode' from 18 July to 16 December 2022.

The objectives of the website were to:

- › increase the number of users compared to 2018
- › provide a single source of truth for electors with regard to enrolling and voting in the 2022 State election

- › encourage and facilitate enrolment
- › provide voters with task-oriented information about the election, including locations, voting process and candidates
- › provide candidates with task-oriented information about their compliance obligations
- › ensure equitable access of information
- › inform the media and general public about election results.

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The VEC will conduct a website content review to ensure that all website content is up-to-date and accurate, remains accessible, and meets the needs of its audiences.

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## Increased number of website users

For the period 18 July to 16 December 2022, the VEC's website had more than 3.9 million users, an increase of more than 90% in comparison to 2.5 million at the 2018 State election.

For the period 18 July – 16 December 2022, the VEC's website had more than 3.9 million users.

### Check my enrolment – [enrolment.vec.vic.gov.au](https://enrolment.vec.vic.gov.au)

Just over 519,000 people checked their enrolment online via the VEC's portal between 18 July and 26 November – a 28% decrease from 2018.

A factor for this decrease may include the Federal election held in May 2022, which meant many electors had recently checked or updated their enrolment. Figure 12 shows the use of the online enrolment checker in the lead up to the close of roll.

### Voting Centre Locator – [maps.vec.vic.gov.au/elections](https://maps.vec.vic.gov.au/elections)

The Voting Centre Locator was active from 2 to 26 November (6 pm) and achieved 100% uptime.

During this period, 1.78 million users (compared with 1.3 million in 2018) made their way to the Voting Centre Locator, 77% of them on a mobile phone. More than half of those visitors came from the VEC website.

### Traffic sources

The top source of traffic to the VEC website was via search engines, dominated by Google. In 2022, 59% of visits came from search engines, compared to 71% in 2018. The VEC diversified its campaign channels in 2022 compared to 2018 in order to reach electors directly, which accounts for the proportional decrease in visits via search engines. This included increased VoterAlert campaigns, QR codes, and other forms of social media.

VoterAlert was the second most important source of traffic, representing 11.4% of visits to the main website, compared to 10.9% in 2018.

Google ads accounted for 8.3% of visits in 2022, compared to 9.3% in 2018. Other cost-per-click display advertisements accounted for 3.6% of visits compared to 2.2% in 2018.

### Use of online enrolment checker

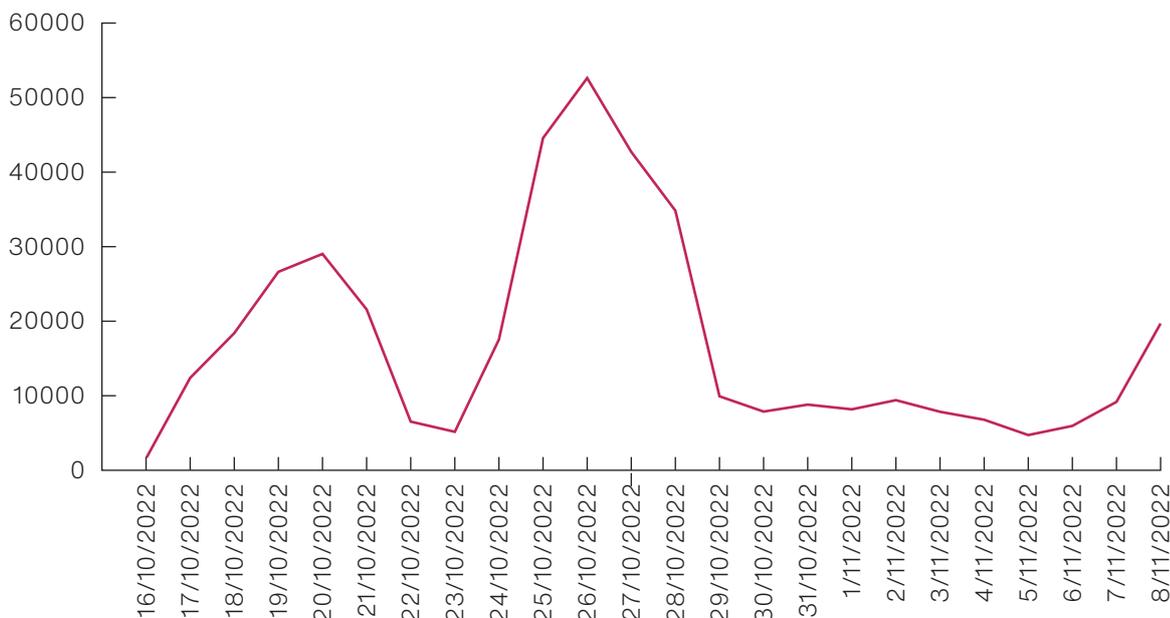


Figure 12: Use of the VEC's online enrolment checker from 16 October 2022 to 8 November 2022. Check my Enrolment had its highest usage in the lead up to the close of roll on 8 November. The increased activity in the second half of October correlates to the VEC's VoterAlert campaign.

Social media was also a key source of traffic with more than 184,000 visits generated from various social media platforms. This includes paid and organic elements, which accounted for 2% and 0.7% of all website visits respectively.

Direct traffic (typically users typing vec.vic.gov.au in their browser) made up 5.7% of visits compared to 9.6% in 2018.

## 5.6 Public enquiry service

The VEC conducted a competitive tender process for an outsourced contact centre to deliver a Public Enquiry Service (PES).

The PES operated between 26 September and 29 November 2022, catering for a high volume of enquiries from the public. Operating hours for the PES were 9 am to 5 pm on weekdays (8 pm on close of rolls day).

Hours were extended throughout the two weeks of early voting to mirror the operating hours of early voting centres, supporting queries after hours on weekdays and on Saturdays.

A dedicated VEC project team was established at the operator's site to ensure high quality, accurate and appropriate responses were provided, to provide escalation for complex enquiries, and to handle sensitive and silent elector enquiries.

The number of calls to the service was 133,346, up significantly on calls to the service in the 2018 State Election (105,082 calls). The VEC also observed a significant increase in emails, 19,212 for 2022 State election compared to 4,632 in 2018.

Table 17 shows the key statistics for services provided by the PES during the 2022 State election, with comparison data to the 2018 State election.

An innovation introduced through the PES was a self-service tool that allowed electors to select from a suite of options, with web links to forms and various relevant information to be sent by SMS. Over 21,000 callers took advantage of this offering. This service operated 24/7 throughout the campaign, which allowed greater access than ever before. People who wished to speak with an operator benefited from reduced wait times, while the VEC saw reduced costs through the resulting decrease in calls needing to be handled by PES staff.

Postal voting, enrolment checks and electors expressing an inability to vote were the most common call queries. The most common email queries related to electors away from Victoria (interstate or overseas) and postal voting.

Contact with the Public Enquiry Service	2022	2018
Public enquiry calls received by telephone	133,346	105,082
Grade of Service for Public Enquiry Service <sup>8</sup>	95.30%	91.9%
Public enquiries by email	19,212	4,632
Calls resolved by Interactive Voice Response	21.46%	17.9%
Calls handled through interpreter	333	772
Emails responded to within 8 operating hours	100%	77%
Average talk time	04:36	05:18
Call abandonment rate	2.35%	0.09%
SMS requests for links to forms/online information	21,378	—
Customer Satisfaction <sup>9</sup>	9.9/10	9.7/10

Table 18: Comparison of contact with the Public Enquiry Service for the 2018 State election and 2022 State election

8 Percentage of calls answered within expected timeframe. Note the Key Performance Indicator changed from 2018 (within 20 seconds) to 2022 (within 120 seconds)

9 Average score provided in Customer Satisfaction (CSAT) survey responses – a measure of how satisfied the customer is with the service interaction with the VEC as measured by responses to SMS linked post call survey. Respondents rated their satisfaction level based on the experience provided by the PES agent, the reason for the rating and any additional feedback.

## 5.7 Community outreach and engagement

The VEC aims to engage electors and future electors across many and varied communities within Victoria, particularly those that are under-represented within the electoral system. Some parts of the Victorian community face barriers to informed electoral participation, which leads to lower rates of enrolment and voting in elections.

These barriers include lack of information, disengagement from and/or distrust in the political system and social exclusion.

The 2022 Education and Inclusion Program was based on research conducted on barriers to electoral participation and aims to address several issues in the delivery of community education programs, such as:

- › access to communities
- › low political and English literacy
- › competing needs of community members, including willingness and energy to participate in the electoral process.

These issues were addressed by:

- › forming partnerships with community and government-based organisations that have established access to community members for program delivery
- › focusing on community members with low political and English literacy
- › focusing on young people across audiences in areas of high informality and low voter turnout
- › adopting an evidence-based and/or consultative approach to designing the solutions in reducing barriers to electoral participation following best practice in community engagement
- › providing education and information programs and culturally appropriate services and products.

The 2022 Education and Inclusion Program aimed to provide targeted enrolment, voting and failure-to-vote programs to communities traditionally under-represented in the electoral process.

These communities include people those experiencing homelessness, those in prison serving maximum sentences of less than 5 years, people living with disability, Aboriginal communities, CALD communities and young people.

The objectives of the program included:

- › increase awareness of the upcoming State election with targeted communities
- › provide access to voting within homelessness, Aboriginal and prison settings
- › increase enrolment rate and voting participation of voters within communities targeted
- › reduce level of unintentional informality in targeted areas
- › improve collaboration with Corrections Victoria to support engagement of people in prison.

### Democracy Ambassador program

The Democracy Ambassador program was scaled up for the 2022 State election after delivery of a successful program in 2018. The program aims to increase electoral literacy and increase meaningful and informed electoral participation across Victoria. The VEC recruited, onboarded, and trained 73 community members as Democracy Ambassadors.

The Democracy Ambassadors then delivered electoral information and enrolment sessions through existing services and community events. The program provided online peer-to-peer electoral education sessions run by Democracy Ambassadors, and face-to-face sessions delivered directly to community groups.

Five population cohorts were identified as priority communities in 2022:

- › CALD communities
- › people living with disability (especially people with intellectual disabilities)
- › young people
- › people experiencing homelessness or incarceration
- › Aboriginal and Torres Strait Islander communities.

During program implementation, an additional and related project was added to train, recruit and support Democracy Ambassadors to assist residents of small-medium aged care residences to apply for GPV status.

A total of 99 sessions were delivered across Victoria with 84 in metropolitan Melbourne and 15 in regional areas. At least 871 forms were completed and returned.

The VEC set ambitious targets for the Democracy Ambassador program. The aim was to reach 8,000 participants across the 5 target communities.

The VEC almost achieved its target, with 7,105 participants over 327 sessions and activities. However, a combination of structural barriers and program resourcing issues limited the VEC's ability to achieve all targets. Notably, 87% participants *strongly agreed* or *agreed* that they felt confident to fill out a ballot paper correctly after a session, compared to less than half (49%) before the session.

### Targeting priority districts

Conducting face-to-face outreach work is resource intensive and difficult to implement State-wide over a short time period. Voting centre data from the 2018 State election was analysed to identify electoral districts with the highest rates of informality and the lowest levels of voter turnout. This data was then cross-referenced with Census data to find areas with the lowest levels of English proficiency, and the highest levels of disadvantage, homelessness, and populations of Aboriginal and Torres Strait Islander peoples. This process identified 13 priority areas across Victoria.

Service providers and community leaders in these priority areas, or those who worked with target communities, were approached to help recruit Democracy Ambassadors, coordinate outreach sessions, and distribute information on electoral engagement.

Broadmeadows District had a very high informality rate at the 2018 State election (10.1%). The VEC trialled a pilot to see if provision of a single QR code on voting screens and queue signage during the early voting period could assist voters to vote correctly and decrease the level of informality. The QR code took the voter to a landing page where they could watch in-language videos showing them how to complete the ballot papers correctly. The videos were available in 25 languages, including the top 5 languages other than English spoken in Broadmeadows. Disappointingly, there were only 9 scans of the QR code created for the Broadmeadows District pilot.

### People experiencing homelessness

People experiencing homelessness continued to be a priority cohort for the VEC's engagement efforts during the State election. Victoria has the second-highest rate of homelessness in Australia. According to the Australian Bureau of Statistics' 2021 Census, the number of people experiencing homelessness in Australia has grown 5.2% in 5 years, with women making up the vast majority of the newly homeless and

23% of all people experiencing homelessness aged 12 to 24 years<sup>10</sup>. Aboriginal and Torres Strait Islander people are over-represented, comprising one-fifth of all people experiencing homelessness.

At the close of roll, there were approximately 2,369 electors enrolled using the No Fixed Address enrolment option, meaning they would not be fined if they could not vote due to their housing situation.

In the lead up to the State election, the VEC offered mobile enrolment and voting to homelessness services across Victoria. This was to increase the opportunity for people experiencing homelessness to participate in the State election in familiar surroundings (see Figure 13). Feedback from service providers highlighted the importance of this VEC service suggesting some people who voted would otherwise not have participated.

### Supported mobile voting in homelessness agencies for State elections 2010–2022

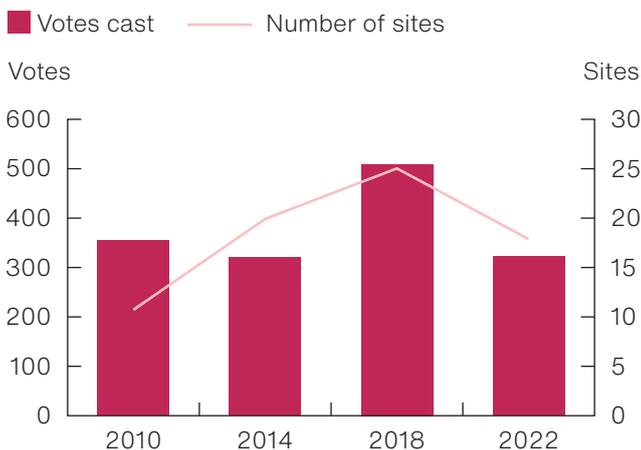


Figure 13: The relationship between supported mobile voting visits in homelessness agencies and the number of votes cast at those sites, 2010–2022

### People experiencing incarceration

Under Victorian law, people on remand (waiting to be sentenced) or serving a sentence of less than five years are entitled to enrol and vote. The VEC engaged with Corrections Victoria, prison management, prisoners, prison support groups, ex-offenders and other prisoner advocates, to develop and distribute *Voting – a guide for Victorian prisons* aimed at people in prison or on remand. The guide provides people in the Victorian prison system with clear, up-to-date information about their right to enrol and vote in local council, State and Federal elections.

Mobile enrolment and voting teams made visits to 14 prisons. During specialist mobile enrolment

sessions, the VEC received 311 enrolment applications, a further 202 people checked or updated their enrolment details on the roll and the teams recorded 359 interactions with people in prison. During specialist mobile voting sessions, the VEC took 416 votes and 35 provisional votes from eligible voters in prison.

The teams recorded a further 126 interactions with prisoners during these specialist mobile voting sessions.

The apparent unintentional informality rate of votes taken was very low at 0.4% for Legislative Assembly ballot papers and 0.2% for Legislative Council ballot papers, which demonstrates the value of providing mobile voting to people in prison. The apparent intentional informality rate for Legislative Assembly ballot papers was 3.1% and 1.3% for the Legislative Council ballot papers, also much lower than the State average.

### People living with disability

In 2022, the VEC trained 15 community members with lived experience of disability as Democracy Ambassadors. These individuals, along with VEC staff, delivered a total of 52 sessions to 795 participants with a disability, their carers and support workers. Sessions were predominately located in metropolitan Melbourne at community centres, specialist schools and TAFE settings.

These resources were updated and distributed to services and education settings across Victoria:

- › Easy English – 2022 State Election Guide
- › Flyer – For families, carers and supporters
- › Flyer – Who can vote?
- › Presentation – Enrolment & voting for students with disabilities.

Convo Australia was engaged to provide Auslan interpreting services for the 2022 Victorian State election – enabling remote access to Auslan interpreters at every voting centre in Victoria with available internet access.

The scope of the service provided Auslan video interpreting services for the following:

- › through the VEC's Public Enquiry Service before the State election where electors received information about the State election
- › at each early voting centre and through the VEC's Public Enquiry Service during the two-week early voting period from Monday 14 November to Friday 25 November

<sup>10</sup> Based on data from Australian Bureau of Statistics, 2021

- › at each voting centre on election day (8 am to 6 pm, Saturday 26 November).

Overall connection numbers for the election were lower than expected with 25 interactions totalling 1.7 hours of interpreting time taking place.

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The VEC will consider better promotion opportunities for Auslan interpreting services with the aim to boost access and usage.

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### In-language video project

In Victoria, 49.1% of Victorians were born overseas or had at least one parent born overseas, and 26% of Victorians speak a language other than English at home. A large portion of CALD community members have low or no English language proficiency, and many also have limited to no literacy in their own language. Furthermore, many members of CALD communities have never voted before in their country of origin and Australian voting systems are complex. These community members require information in their own language, either through audio-visual format or in written form.

Responding to the communities' electoral needs, the VEC produced in-language videos for the 2022 State election covering how to enrol, how to vote correctly, and voting enforcement. Democracy Ambassadors, community leaders and VEC staff produced 75 videos in 25 languages:

- |                        |              |
|------------------------|--------------|
| › Amharic              | › Karen      |
| › Arabic               | › Khmer      |
| › Assyrian             | › Mandarin   |
| › Auslan               | › Nepali     |
| › Burmese              | › Oromo      |
| › Cantonese            | › Punjabi    |
| › Chaldean Neo-Aramaic | › Somali     |
| › Chin Haka            | › Swahili    |
| › Dari                 | › Tamil      |
| › Dinka                | › Turkish    |
| › Farsi                | › Vietnamese |
| › Greek                | › Urdu       |
| › Italian              |              |

## Outreach and engagement with Aboriginal and Torres Strait Islander communities

In the lead up to the 2022 State election, the VEC achieved significant outcomes in its electoral outreach to Aboriginal and Torres Strait Islander communities. For the first time, the VEC was granted permission by Aboriginal organisations to run early mobile voting sessions in 6 key Aboriginal community organisations across Victoria. These included Morwell, Sale, Mildura, Frankston, Wyndham Vale and Geelong. Two sessions booked for Bendigo and Shepparton had to be cancelled due to the severe floods across Victoria in late 2022 and a further session at Mullum Mullum was cancelled due to Sorry business. Initially the VEC had planned to collaborate with Reconciliation Victoria, to utilise their stakeholder relationships for coordinating mobile voting sites, however this was not required due to the strong relationships the VEC has with Aboriginal stakeholders.

Another milestone in the VEC's community engagement was a team of Aboriginal Democracy Ambassadors, developed in partnership with Richmond Football Club's Korin Gamadji Institute. Elders from the VEC's Aboriginal Advisory Group provided culturally appropriate education and support for both the education and outreach sessions, and the early mobile voting sessions.

This strategy helped to overcome some of the physical, emotional and cultural roadblocks experienced by many Aboriginal and Torres Strait Islander communities in engaging in the electoral process. By holding voting and education sessions in a culturally safe space, with respected elders and young leaders from those communities, the VEC was able to hold positive discussions around democracy and self-determination.

Between June and December 2022, the Victorian Aboriginal enrolment rate increased 2.8 percentage points (2.8 nationally) (an increase of 1,700 electors).

The VEC partnered with Reconciliation Victoria to create and distribute a series of electoral education and engagement videos for the 2022 State election.

The videos aimed to promote the benefits of voting and build trust in the democratic process as an important step towards Aboriginal self-determination. The project aimed to achieve the following outcomes:

- › 5 electoral education videos created and distributed, with one existing video on failure to vote also being distributed to Victorian Aboriginal communities
- › culturally safe and appropriate messaging reinforcing Aboriginal communities' right to be a part of the democratic process

- › leadership development by involving several young Aboriginal democracy ambassadors in the videos
- › reinforcement of the VEC’s commitment to future leader development and a strong ‘by Aboriginal people for Aboriginal people’ message
- › stronger relationship and network building with Reconciliation Victoria including potential partnership for specialist mobile voting.

A total of 5 video products, 3 videos and 2 animations, were created and promoted. Data from Reconciliation Victoria indicates the following:

- › The videos received 1059 views.
- › Videos shared across Reconciliation Victoria social media platforms including Facebook, LinkedIn and YouTube.
- › Reconciliation Victoria shared the project through its eNews mailouts, reaching an audience of nearly 4,000 readers each edition.

### Passport to Democracy program

The Passport to Democracy program provided 44 sessions to primary and secondary schools across Victoria. Electoral districts identified within the VEC’s priority areas reached by the Passport to Democracy program in the lead up to the State election included Braybrook, Melton, Shepparton, Traralgon, Pakenham and Keysborough Districts.

A total of 1,861 young people participated in workshops between July 2022 and the State election, of whom 641 were of voting age. A further 896 students of voting age used the Passport to Democracy website and online educational resources during this period.

While there was no discrete program targeting schools with State election information, the VEC delivered information to young people of voting age as part of the Democracy Ambassador program. Of the trained Democracy Ambassadors who delivered sessions, 16% were aged 29 years or under, and 7% (16) of the total Democracy Ambassador sessions were delivered to young people.

### Be Heard community newsletter

The VEC distributed 3 editions of its Be Heard community newsletter during the election period in 2022, to inform priority communities of key initiatives and activities leading up to, and following, the State election. Each edition was sent as an electronic direct mail newsletter to the VEC’s database of over 1,700 contacts, consisting of individuals and organisations representing priority communities, or having them as a community of interest. Each edition’s key articles, open rates, and click-through rates are listed in Table 19:

#### October 2022

<b>Key stories</b>	AUSLAN video remote interpreting services for the 2022 State election; <i>Voting Matters</i> campaign promotion; reflection from democracy ambassador Winta; links to key resources (Easy English guides, education sessions brochure, Victorian prisons guide).
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<b>Open rate</b>	27.36%
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<b>Click-through rate</b>	9.57%
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#### November 2022

<b>Key stories</b>	Early voting promotion; in-language videos for the 2022 State election (how to complete a ballot paper correctly); help to reduce informal voting; disability support resources; links to key resources (EasyVote Guide, Easy English guide, flood-affected Victorians)
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<b>Open rate</b>	27.89%
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<b>Click-through rate</b>	13.89%
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## December 2022

**Key stories** In-language videos (how to respond to an apparent failure to vote notice); electoral structure reviews; thank you to key stakeholders; *What happens if I do not vote?*; Easy English guide.

**Open rate** 27.61%

**Click-through rate** 7.64%

Table 19: Summary of content of and engagement with the October 2022, November 2022 and December 2022 editions of the VEC's Be Heard community newsletter

### Effectiveness of community outreach

Many of the people to whom the VEC provides community outreach are already enrolled to vote in Victoria. However, the VEC keeps a record of those enrolled via these sessions and monitors participation at a program level. This is one effectiveness gauge of the outreach activity given the focus is on not just encouraging enrolment, but also encouraging electors to vote at every opportunity. For those electors who received community outreach at the 2022 State election (505), the participation rate was 92.67%, almost 5 percentage points higher than the average participation rate at the election.

# 6. Voting period

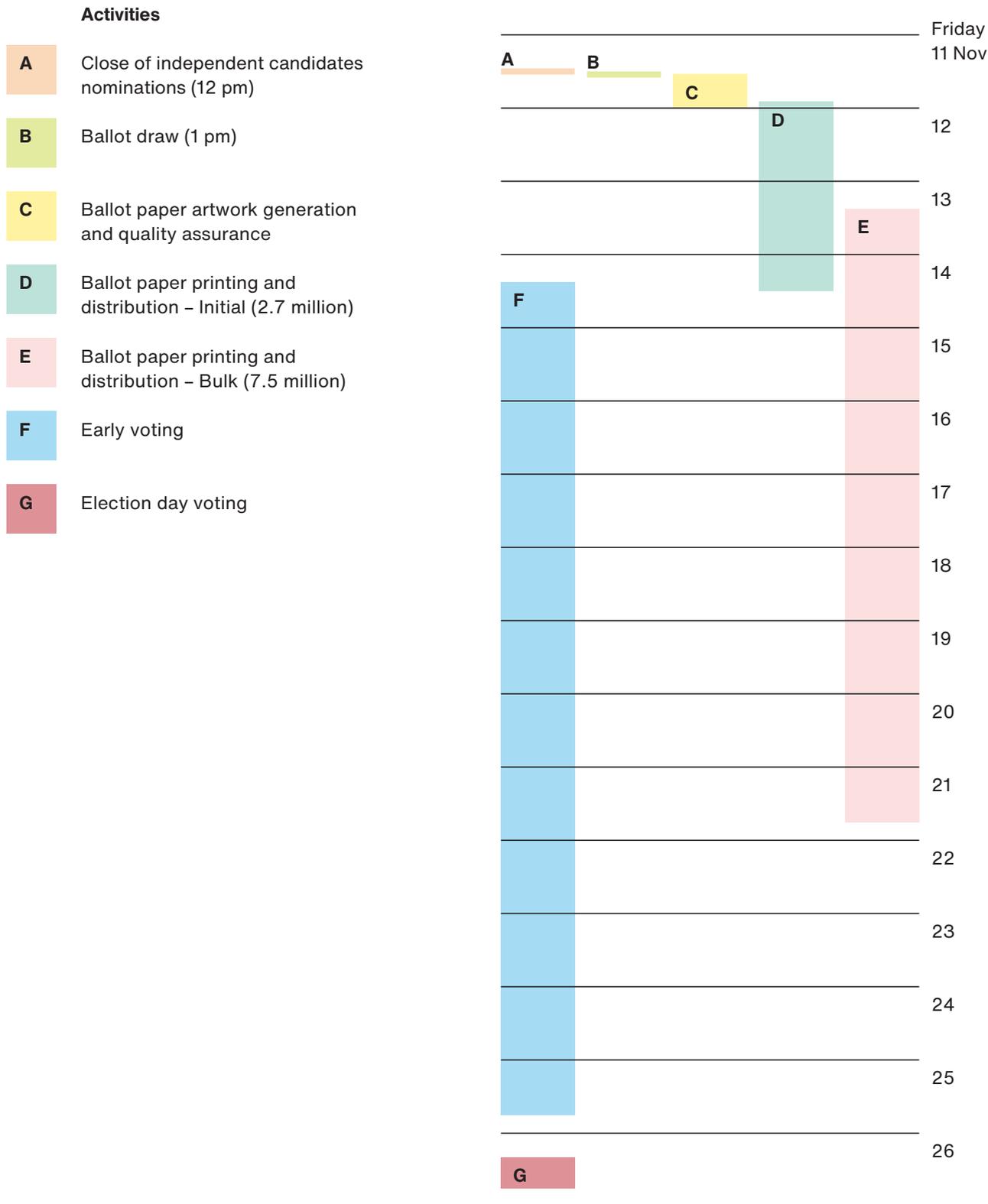


Figure 14: Timeline of ballot paper production and voting period from close of nominations on Friday 11 November 2022 to election day on Saturday 26 November 2022

## 6.1 Ballot paper preparation

Once the ballot draw was completed after the close of nominations on Friday 11 November 2022, the VEC immediately began preparation of ballot papers for each of the 88 districts and 8 regions. The VEC had 67 hours before early voting opens to generate, print and distribute ballot papers for the commencement of early voting on Monday 14 November 2022. Only 5 of these hours were standard business hours. See 'Printing ballot papers in time to commence early voting' in **Recommendation 1 - The Electoral Act** on page 13.

In this 3-day period the VEC generated all 88 ballot paper layouts<sup>11</sup> and undertook quality assurance, printing and the initial distribution of ballot papers (approximately 2.7 million) to supply 155 early voting centres across the State. By Monday 21 November 2022, a further 7.5 million additional ballot papers were printed and distributed for the ongoing supply of early voting centres, as well as the 1,765 election day voting centres.

In planning and preparing for this process, the VEC estimated how many people would vote at any given location and which type of ballot paper they would need. The planning and estimation process was carried out based on the best available data. This included:

- › historical voting patterns at State and Commonwealth elections
- › trends in early voting
- › boundary changes
- › population growth data
- › the number of voting locations and their relative distance from each other.

After this central data was considered, it was provided to election managers who added local knowledge to this estimate, such as local events that may increase out of district voters or roadworks that might disrupt access to a site. Once vote estimates were completed, the VEC recommended that election managers include a 25% buffer of in-district ballot papers for all election day voting centres, reflecting the unpredictable nature of voters across the State.

Each voting centre was allocated own district and region ballot papers along with a supply of all other districts and regions. Many local and personal factors had significant impacts on the accuracy of these estimates for individual voting locations, including commuting (such as the effects of changing COVID-19

work-from-home patterns), travel and local events on election day, and floods or other natural disasters affecting particular areas. Boundary changes also impacted upon the accuracy of these estimates.

Additional support mechanisms were put in place to respond to local issues arising from shortfalls in this estimation process on election day itself. Senior support staff for voting centre managers, known as election liaison officers, travelled with additional supplies of ballot papers and provided these to voting centre managers on request. For the early voting period, the VEC monitored ballot paper consumption rates via the usage of electronic roll mark-off across all individual early voting centres on a daily basis. This enabled the VEC to proactively respond to higher than expected demand for certain districts in certain locations, rather than relying solely on early voting centre managers to identify and request ballot papers where shortfalls were anticipated.

To prevent future shortfalls, the VEC intends to extend electronic roll mark-off from early voting centres to all election day voting centres (see the VEC's commitment on page 85). This is in contrast to the current system of paper roll mark-off for election day, which cannot be monitored in real time. This will reduce the dependency on election day voting centre managers to notify their election manager or election liaison officer of their site's ballot paper consumption rates. This approach was successfully trialled at the 2023 Narracan District supplementary election. The cost to uplift the VEC's services in this regard has been included in the appropriation request for the 2026 State election.

## 6.2 Voting channels

In 2022, electors had multiple channels to cast their votes. These were:

- › attendance voting, including:
  - early attendance voting
  - interstate early voting at other electoral commissions
  - mobile voting at designated facilities
  - election day voting
- › COVID-19 drive-through voting
- › postal voting, including overseas and interstate electors
- › telephone assisted voting (for prescribed electors only).

<sup>11</sup> Legislative Council and Legislative Assembly ballot papers are printed on the same paper and separated, so there are 88 unique ballot paper files (one for each district).

## Votes by type — 2022 State election

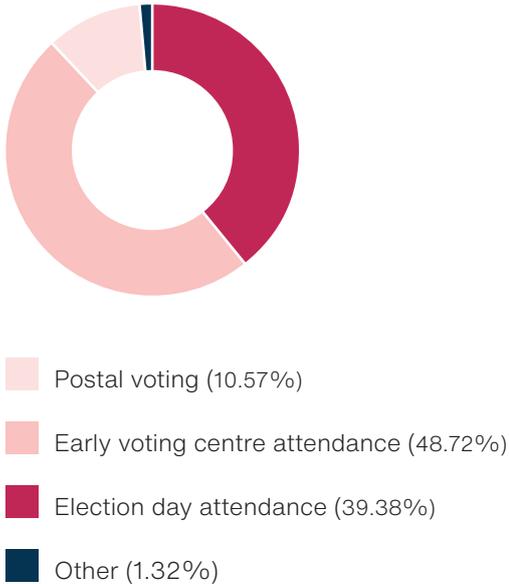


Figure 15: Votes by type in the 2022 State election

## 6.3 Attendance voting

### Early voting

Early voting in-person was available at 155 early voting centres (located at 153 physical locations) throughout Victoria. Early voting centres opened at 9 am on Monday 14 November 2022 and were open for two weeks on all weekdays, as well as from 9 am to 5 pm on Saturday 19 November. On most weekdays, early voting centres opened at 8:30 am and closed at 6 pm, with three days of extended hours - until 8 pm on Tuesday 15 November, Thursday 17 November and Thursday 24 November 2022.

Due to printing issues following the close of nominations, the commencement of early voting for the 2022 State election was restricted to one early voting centre in each district (88) from 9 am on Monday 14 November 2022, with the remaining 67 returning to normal operations by 12 pm the same day.

In recognition of the increasing trend of voters' preference to vote early, the number of early voting centres in 2022 was increased by 48.5% to 155 physical locations (up from 103 in 2018). The VEC recognises that there will need to be more venues at future elections to cope with the high number of early voters and to meet expectations as voters increasingly prefer early and postal voting.

The VEC received some complaints relating to the location of early voting centres. Market pressures meant that less than optimal premises could not be secured in all locations. (See **Chapter 3.4 - Early voting centres** and **Chapter 9 - Customer feedback and complaints**).

### Interstate voting

Early attendance voting was available at the offices of 7 interstate electoral commissions in Adelaide, Brisbane, Canberra, Darwin, Hobart, Perth and Sydney. A total of 3,360 votes were returned from these locations in 2022, a slight increase on 3,160 votes cast at interstate venues in 2018.

### Mobile voting

The Electoral Commissioner has the authority to appoint mobile voting centres at certain locations, to enable electors at those locations to vote in-person when a mobile voting team visits the location during the early voting period. Mobile voting teams primarily visited aged care and healthcare venues, but also visited other specialist locations including homelessness services, prisons and Aboriginal and Torres Strait Islander community locations.

In consultation with the aged care and healthcare sectors, mobile voting was significantly decreased in 2022 in response to the ongoing COVID-19 pandemic and an influenza epidemic that was affecting aged care facilities and hospitals around the time of the election.

There were 322 sites appointed as mobile voting centres for the 2022 State election. A further 721 venues were sent postal vote applications. Mobile voting teams used online roll look-up and electronic roll mark-off to identify each elector's correct enrolment details and mark them directly off the electoral roll as having voted. Election officials who serviced mobile venues were required to be triple-vaccinated and test for COVID-19 daily and return a negative rapid antigen test before entering any premises. A number of scheduled mobile voting visits were cancelled by the venues themselves during the voting period due to COVID-19 outbreaks.

Specialist mobile enrolment and voting for priority communities complemented the mobile voting service. The VEC conducted specialist mobile voting in a total of 38 locations, including 18 homeless services, 6 Aboriginal community services and 14 prisons. Democracy Ambassadors and VEC staff supported specialist mobile voting teams, mainly staffed by election casuals, in providing mobile voting in homelessness and Aboriginal community settings. This was in contrast to mobile voting in prisons, which was delivered directly by Democracy Ambassadors and VEC community engagement staff due to the number of prisons requiring the service.

Services hosting specialist mobile enrolment and voting provided positive feedback about the enrolment and voting sessions, with 95% of those surveyed strongly agreeing or agreeing that the session at their service was well run, and 91% strongly agreeing or agreeing that the VEC staff related well to the clients or residents of the service.

Table 20 shows the number of votes taken at these services.

Type of vote	Prisons	Homeless services	Aboriginal services	Total
Mobile attendance votes	416	282	93	791
Provisional votes	35	41	0	76
Total	451	323	93	867

Table 20: Number of mobile attendance and provisional votes taken at specialist mobile voting locations.

## Election day voting

Voting took place between 8 am and 6 pm at 1,765 voting centres throughout Victoria on Saturday 26 November 2022. Voters were able to cast an ordinary vote at a voting centre within their district, or an absent vote at any voting centre in the State outside their district. Of these voting centres, 106 were joint voting centres, which were situated very close to the borders between districts and were therefore expected to take a reasonable number of votes for the neighbouring district. This enabled voters from either district to cast an ordinary vote rather than an absent vote, reducing the time taken for both issuing the vote and later counting the vote.

Voting centre locations and accessibility details were promoted through the VEC's Voting Centre Locator on its website, the Public Enquiry Service, and newspapers.

## Conduct outside voting centres

Election managers, voting centre staff and voters experienced poor behaviour by campaign workers outside many early voting and election day voting centres. The VEC received 278 complaints related to the conduct of campaign workers, candidates, or registered political parties.

Election managers and voting centre managers received support from the VEC's electoral compliance team in managing poor behaviour. In-person support was prioritised for those locations reporting more severe issues, including where site security and local police were more regularly being called to attend. Where behavioural issues were less severe or limited to just particular candidate and party workers, engagement with election managers and voting centre managers was provided remotely and issues were escalated directly to the candidates or registered political parties concerned. Police liaison officers were available during the early voting

period and provided on-site coverage at the VEC's head office on election day. To inform police members called to attend an election venue, a series of factsheets were made available through Victoria Police's State election structure. The factsheets provided high-level context about the election, relevant electoral offences, and site contacts. The VEC also operated a regulatory advice and incidents desk to provide real-time advice and support to field staff in relation to behaviour and electoral offences.

Early voting and election day voting centres displayed posters summarising voters' electoral rights and responsibilities, as well as the powers of election officials. Field staff had access to a 'ready reckoner' poster to guide them in responding to electoral offences and other improper conduct at an election venue, including when to contact Victoria Police. These posters are provided in **Appendix 6**.

More information about the VEC's response to poor conduct outside voting centres is available in **Chapter 8 – Compliance and integrity**.

## COVID-19 drive-through

A drive-through mobile voting centre was established in Melton District as a safe option for voters who were COVID-19 positive but had missed the postal vote application deadline of 6 pm on Wednesday 23 November 2022. Despite isolation requirements being lifted at the time, it was acknowledged that some voters would not feel comfortable entering a voting centre and endangering others.

The drive-through was operational during standard business hours from 9 am to 5 pm on Thursday 24 November 2022 and Friday 25 November 2022 and on election day from 8 am to 6 pm. Attendance was subject to the provision of evidence of a positive rapid antigen test or presentation of a text message from the Department of Health confirming a positive polymerase chain reaction test (PCR test) result.

Significant effort and resources were deployed to establish and operate this voting centre at short notice. The VEC designed the drive-through voting centre to be as safe as possible. Registered nurses in full personal protective equipment were the intermediary between election officials and voters to ensure the safety of all participants. The COVID-19 drive-through service took 519 votes, including 262 on election day. The cost of standing up the centre was \$191,980, with an incremental cost of approximately \$370 per vote – compared to \$1 per vote for telephone assisted voting (TAV).

Expanded access to TAV for ill or infirm electors is included in the VEC's recommendations from this event to provide a more accessible voting channel for these electors and protect the health and safety of others at voting centres – See **Recommendation 6 - Eligibility for electronic assisted voting** on page 65.

## Improving the voter experience

### Recommendation 5: Poor behaviour at voting centres

The VEC has heard voter feedback that the conduct of campaigners at voting centres has led to poor voting experiences. To ensure free and fair access to the democratic process, it is critical that voters have positive and safe voting experiences, including during their approach to a voting centre.

The VEC recommends that legislation is introduced to resolve the lack of an existing regulatory framework around the expectations of campaigners interacting with voters outside voting centres. Appropriate restrictions on the permitted activity of campaigners at voting centres may be warranted to ensure a positive voting experience, though the VEC notes that any legislated restrictions would need to be adaptable to the varying geographical and logistical contexts of different voting centres. For example, if a measure such as a dedicated campaigner zone was introduced, it would be critical for the voting experience and the VEC's ability to resource venues that such requirements could be adaptable and context-based rather than fixed.

The current powers of election managers and officials are only sufficient to cause a person to be removed, and do not suitably extend to ensuring that that person stays removed from the voting centre in order to preserve ongoing order and peace in the voting experience. At a minimum, the ability of election managers and officials in section 174 of the Electoral Act to cause a person to be removed if they are disturbing the voting process should be mirrored by an offence for that person to return to the voting centre once they have been removed.

See also **Recommendation 10 - Investigation and enforcement of electoral offences** on page 81, in which the VEC recommends more effective tools for enforcing electoral offences, including at voting centres.

**The VEC recommends that legislative reforms to the Electoral Act are introduced to place reasonable limitations on the ways in which campaigners at voting centres may interact with voters, including strengthening the existing tools of election staff by introducing an offence for a person removed from a voting centre under section 174 to return to the voting centre.**

## 6.4 Postal voting

Electors had until 6 pm on Wednesday 23 November 2022 to apply for a postal vote. Electors could apply for a postal vote by:

- › completing an application online via the VEC website
- › collecting a postal vote application form from Australia Post locations across Victoria
- › collecting an application form from any election office or interstate voting location
- › calling the VEC's Public Enquiry Service to request an application form be posted to them.

Some applications arrived by mail after the deadline and could not be processed. The VEC called these electors to advise them of alternative voting options, namely early voting or election day voting.

All postal vote applications were processed centrally for the 2022 State election. Over 94% were completed online and once submitted by the elector were immediately available in the Election Management System (EMS). Applications received by mail were scanned and uploaded into the EMS. Most applications were processed electronically, which eliminated labour-intensive handling of paper applications and ensured the efficient delivery of ballot packs. Paper applications that could not be scanned were processed manually. The EMS enabled election officials to track all applications and inform electors of the status of their application at any time. Electors who applied online were also emailed a tracking number so that they could track the progress of their application on the VEC website.

Applications received prior to the close of roll were cleared within two working days of the electoral roll being available. The VEC processed all further applications on the day they were received.

A very small number of electors who applied for a postal vote also voted at an early voting centre prior to receiving their ballot pack. The use of electronic roll mark-off at all early voting centres enabled the election officials to identify electors who had been issued with, but had not yet returned, a postal vote, and to cancel that postal vote. If the postal vote was subsequently returned, it was marked as rejected by the system and not counted.

Australia Post is an important partner in the postal voting system, and the VEC used the Express Post network for delivery of election material in the week prior to election day. This helped ensure that material was delivered in sufficient time for electors to complete and return their ballot material.

From the Monday prior to election day, electors' declarations were checked against either the elector's signature on the scanned image of the postal vote application, or the verification question and answer on the online application. As a result, all postal votes in the hands of the VEC at the close of voting that could be included in the count were counted on election night. Noting the verification processes listed above, a separate discrete team is used for the extraction process at a later stage, thereby ensuring the secrecy of the vote.

The VEC again established an email ballot material service for the 2022 State election. This facility was only available to electors that were in remote areas, interstate or overseas and so would have trouble accessing timely postal facilities. Electors could provide an email address for receipt of ballot material. The VEC processed each application, with the system automatically generating an email to each elector. The email contained a secure link to all ballot material required to vote. To access the ballot material file via the email link, each elector was required to enter verification information they provided upon application.

A total of 12,716 emailed ballot packs were dispatched during the election, compared to 12,268 at the 2018 State election. While the emailed ballot pack provides a solution to the decreasing efficacy of postal services, it remains labour intensive for the voter and requires access to a printer.

The email ballot material service encountered some problems, however less than 100 email voters experienced difficulties in accessing the downloadable files, and the VEC was able to rectify the issue. Post-election research showed that it is rated as the least satisfactory method of voting.

### Overseas voting

The VEC was unable to offer attendance voting at overseas locations in 2022 due to ongoing concerns at Australian diplomatic posts in relation to COVID-19 protocols, increased security at venues, and issues with international movement of materials. These factors limited the ability of the VEC to ensure that ballot papers could be provided to venues. Instead, 27 venues provided onward mail services, where voters overseas could either personally drop their ballots off or post them to these locations to be forwarded to the VEC.

Overseas drop-off locations received a total of 1,576 votes, which were returned to the VEC using the diplomatic mail service. Despite the superiority of this mail service compared with the ordinary postal network, 338 votes from overseas drop-off locations were still received too late to be included for counting.

### General postal voters

Electors who satisfy certain statutory requirements regarding their inability to vote at a voting centre at election time are eligible for registration as a General Postal Voter (GPV). By registering as a GPV, electors automatically receive ballot papers in the mail for all State elections and local government elections. There were 195,019 GPVs (4.44% of enrolment) registered for the 2022 State election – a 97% increase from 2018.

## 6.5 Antarctic electors

An 'Antarctic elector' is an elector who has made a request under the Electoral Act to be treated as such while stationed in the Australian Antarctic Territory. A total of 9 votes were cast by Antarctic electors and included in the count.

## 6.6 Telephone assisted voting

In 2022, the VEC again provided telephone assisted voting (TAV) as an accessible alternative voting option to eligible classes of electors. This was the second time the VEC operated TAV since the Electoral Act was updated prior to the 2018 State election to allow for the provision of electronic assisted voting. For the 2022 State election, the TAV service was available to electors who are blind or have low vision, electors living with a motor impairment, and, for the 2022 election only, specifically designated eligible flood-affected electors in northern and eastern Victoria.

Voting using the TAV service involves 2 discrete call centres: the first to register eligible electors for the service, and the second for capturing and transferring their vote onto a physical ballot paper.

At no point during the second call is the elector asked to disclose their identity, which preserves the secrecy of the elector's vote. To provide further integrity to the service, an observer accompanies the operator for the second call to ensure the vote is cast as per the elector's instructions.

The TAV service commenced from 9 am on Monday 14 November 2022 and operated through to 6 pm on election day, compared to the service only running during the early voting period in 2018. A total of 5,476 votes were taken at TAV, including 3,384 during early voting and 2,092 on election day itself. TAV recorded 6,183 registrations to use the service – nearly a five-fold increase from 2018.

## Flood emergency determination

Despite widespread flooding across Victoria in October 2002, no formal declaration of an emergency was made that would have allowed the use of TAV for flood affected voters under the existing Electoral Regulations. At the request of the VEC, the Electoral Regulations were amended in October 2022 to temporarily allow the Electoral Commissioner to issue an emergency determination providing access to TAV for specified flood affected voters, after consulting with the relevant emergency management agency, without relying on a formal declaration.

A temporary determination was made by the Electoral Commissioner on 18 November 2022 to activate this eligibility for electors in 9 affected areas. This allowed flood-affected electors to cast their votes through an accessible voting channel without needing to travel to a voting centre. A total of 476 flood-affected electors registered to cast their vote through TAV.

## Removal of COVID-19 stay-at-home orders

At the 2022 Federal election, the AEC's eligibility requirements for TAV were expanded to include electors who had tested positive for COVID-19 within the week before election day. The refreshed Electoral Regulations in Victoria took a similar approach, prescribing that for the 2022 State election TAV could be accessed by electors subject to a lawful public health order to isolate or quarantine for COVID-19.

However, all stay-at-home orders in relation to COVID-19 expired in Victoria on 12 October 2022. As a result, COVID-affected electors were unable to access TAV. The VEC's requests to government to amend regulations to allow COVID-19 positive electors to vote by telephone were unsuccessful, and the VEC's COVID-19 drive-through mobile voting centre was developed at a significant cost to attempt to enfranchise these electors.

## 6.7 Voting trends

Of the total votes counted for the election, 1,891,270 votes were cast as early attendance voting either in early voting centres, by mobile teams or in interstate locations. In addition 404,850 postal votes were completed. Combined, this makes up 59.97% of the total voting for the election, showing that the trend towards early voting has been wholeheartedly embraced by the electorate. The Electoral Act was changed prior to the 2018 State election such that voters no longer needed to declare they are unable to vote on election day in order to vote early, contributing to the ease of voting early.

Of the total votes counted, 1,507,781 were issued as either ordinary (voting in-district) or absent votes (voting out-of-district) on election day. This is 39.38%, compared with 2,051,888 (54.98%) in 2018 and 2,275,439 (64.99%) in 2014. The VEC did not materially decrease the number of voting centres operating on election day from 2018.

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**The VEC intends to consolidate the number of election day voting centres to be able to more effectively allocate resources to early voting.**

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In addition, some voters were eligible for either TAV or mobile drive-through voting at a dedicated site in Melton District. 5,995 votes (0.16%) were counted from votes cast through these channels, a significant increase from the 1,199 votes cast through TAV in 2018.

Some voters are required to complete a provisional vote, either because they cannot be located by an election official on the roll<sup>12</sup>, or they have already been marked as voted. Provisional votes are subject to preliminary scrutiny, where the voter's entitlement is confirmed before being admitted to counts. These votes can occur during either early or election day voting. In 2022, 18,895 provisional and marked-as-voted votes were counted (0.49%). The 2022 State election had the lowest number of provisional votes cast since provisional voting began in 2012. This is due to the VEC having a more accurate and complete roll. Internal roll-auditing procedures and the 2022 Federal election raised awareness among electors of the need to update their enrolment details.

<sup>12</sup> This may occur due to name changes, address changes not actioned by electors, lack of electronic roll information in smaller voting centres, or in some cases, human error.

## Improving the voter experience

# Recommendation 6: Eligibility for electronic assisted voting

The VEC's TAV service was developed for eligible electors at the 2018 State election. Its demonstrated success in the 2022 State election at a greater scale shows it to be a fit-for-purpose voting channel for electors facing barriers to participation in elections. It is easily scalable, maintains the secrecy of the ballot and relies only on telephony infrastructure.

### Interstate or overseas electors

The only option for interstate and overseas electors to vote in Victorian elections is to cast a postal vote. This voting method is reliant on the efficiency of overseas postal services, and a significant proportion arrive after the deadline for postal votes to be admitted to the count. At the 2022 State election, 21.4% of votes cast in overseas locations were received after the deadline and could not be admitted to the count.

While the VEC was able to secure a drop-off service at 27 consular locations for overseas electors for the 2022 State election, changes in the global security environment generally mean that Australian diplomatic posts cannot be relied upon to provide in-person voting services as for previous elections. Even with in-country voting options, overseas electors heavily rely on offshore postal services to carry their ballot pack in at least one direction back to Australia. As a result, the timeline for issuing and returning postal votes is increasingly incompatible with the decline in global postal service timeframes and disenfranchises significant numbers of overseas voters.

### Electors who are unwell, infirm or caring for someone

The most common reason given by electors for not having voted is that they were unwell, infirm or caring for someone ill or infirm. If these circumstances arise after the close of postal vote applications, these electors have no alternative to attendance voting which may be risky or unfeasible. The VEC excused 24,679 electors from compulsory voting enforcement at the 2022 State election due to illness or caring duties.

### Electors experiencing homelessness or family or domestic violence

Research and stakeholder feedback have consistently highlighted that this cohort faces significant barriers to safely access voting services because of difficulty accessing postal voting and limited access to transport to a voting centre on election day. Obstacles reported for electors in this cohort include lower literacy skills, fear for personal safety, lack of access to transport, and access to communication.

### Neurodivergent electors

Electors who are neurodivergent, particularly those who are hypersensitive to the types of stimuli that occur in and around in-person voting centres, are less likely to attend a voting centre or vote at all.

### Australian Antarctic Territory electors

The logistics and costs of facilitating in-person voting for Antarctic voters across multiple research bases for such a small number of votes are complex and involve extensive planning and coordination with the Commonwealth Department of Climate Change, Energy, the Environment and Water. While internet access is very limited in the Australian Antarctic Territory, satellite phones are more accessible and would allow Antarctic electors a more reliable and secure way of casting their vote.

**The VEC recommends that the classes of electors eligible to access electronic assisted voting are expanded to include those voters who experience the greatest barriers to participation, and that the eligible classes of electors for electronic voting and electronic assisted voting are maintained in alignment with each other to allow for any future technological development.**

## 6.8 Voter turnout

Voter turnout as a proportion of enrolled electors declined again in 2022, but to a lesser degree than in 2018 (see Figure 16 and Figure 17). This is in line with a trend of declining turnout occurring at the federal level and in all other States within Australia over the last decade.

While a similar trend is evident in almost all other comparable Western democracies, it is comparatively recent in the Australian context.

There is no single cause to the decline in turnout, but rather a combination of factors. Research indicates that later transition to adult milestones and a lack of trust in government play a role, as does enrolment integrity, and limited voting options for those outside of Victoria during the election.

### Voter turnout (1911–2022)

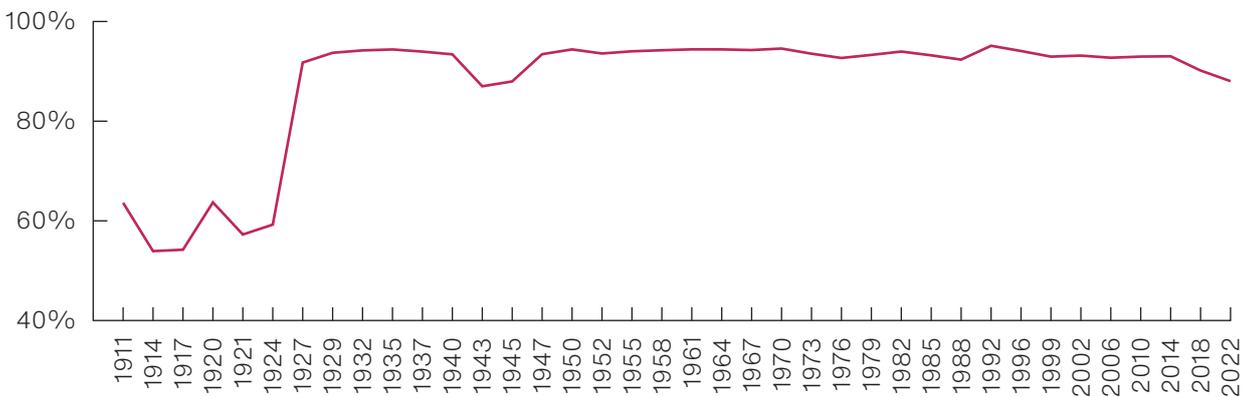


Figure 16: Voter turnout in Victorian State elections, 1911–2022. Two factors are responsible for the large increase between the 1924 and 1927 elections: the introduction of compulsory voting for Legislative Assembly elections in Victoria in 1926, and the election being held on a Saturday for the first time.

### Voter enrolment and turnout (2006–2022)

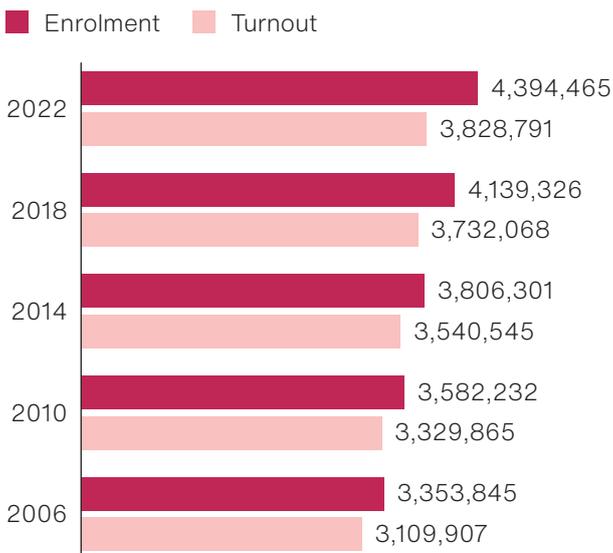


Figure 17: Voter enrolment and turnout at Victorian State elections, 2006–2022. The large increase in enrolment before the 2022 State election meant that even though more Victorians had the opportunity to vote than in previous elections, the participation rate itself dropped.

### Enrolment

From 2010 to the 2022 State election, the estimated proportion of eligible Victorians on the roll has increased from 90.85% to 97.8%. This is greater than the national enrolment rate and compared to the average rates for all states and territories, Victoria has a greater proportion of eligible electors enrolled across all age groups. Significantly, the Victorian rate is 6.4% above the average of 85.7% for electors aged 18–24 years and 2.8% above the average of 94.9% for those aged 25–29 years, attributable to the VEC’s efforts in this area.

One of the factors that has contributed to the VEC’s continued success in enrolling electors, particularly among younger age groups and first-time voters, has been the direct enrolment program. Since 2010, the VEC and AEC have engaged in direct enrolment, resulting in over half a million direct enrolment transactions. However, directly-enrolled electors have been consistently shown to be less interested and engaged in elections, and less likely to know when and how to vote at election time. This has translated into lower turnout rates among directly-enrolled electors when compared with the State average, particularly for those new-to-roll and in younger age groups.

As such, engaging directly-enrolled electors is an ongoing challenge. Nonetheless, ongoing strategies for increasing engagement with this group of electors includes targeted messaging, improved communications at the point of direct enrolment and ongoing engagement with younger people, who comprise a high proportion of directly-enrolled electors.

**Overseas electors and travel**

A further contributing factor to the low turnout rate relates to the limited availability of voting options for electors overseas during time of the election. During November 2022, the VEC estimates that approximately 200,000 electors were overseas<sup>13</sup>, a large number of whom faced barriers to participating in the election while out of the country. Due to ongoing logistic and public health measures in place at Australian embassies and commissions, in-person voting at overseas locations was not possible in 2022. At the close of roll for the 2022 State election, 10,560 Victorians were enrolled as overseas electors.

The VEC undertook several initiatives to engage overseas electors. In addition to a dedicated VoterAlert campaign and a dedicated advertising campaign (see **Chapter 5 – Communication and engagement**), the VEC collaborated with the Australian Government Department of Foreign Affairs and Trade to issue a ‘Smartraveller’ bulletin reminding overseas electors of the upcoming election and advising of the available voting methods. The VEC also sent a letter to registered overseas electors providing information about how they could cast their vote.

Victorians who were overseas could apply to have their ballot papers emailed to them, and were required to print them, mark their vote, and post them back to either the VEC directly, or to one of the 27 overseas locations providing an onward mail service on behalf of the VEC. A total of 8,137 people who were overseas during the 2022 State election applied for ballot papers to be emailed to them, however the VEC only received 1,576 returned ballots. Over 27% of these emailed ballot papers arrived after the voting deadline and were unable to be admitted to the count; only 1,150 emailed ballot papers from overseas were included in the count in 2022.

**Young people**

**Turnout by age group (2014–2022)**

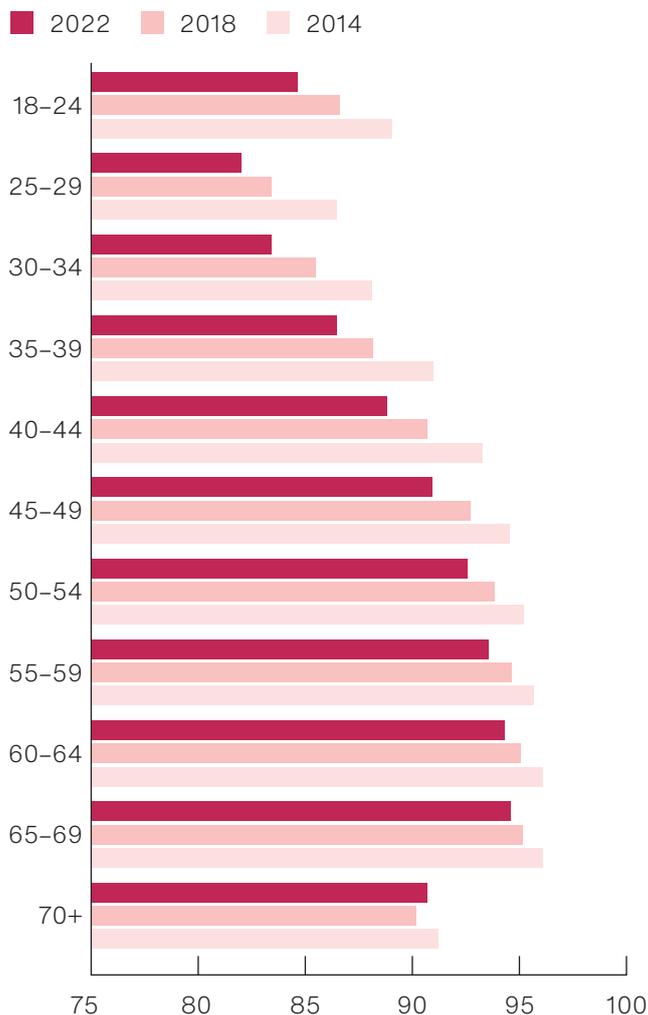


Figure 18: Turnout across age groups over the past three State elections, 2014–2022

Another factor is the historically lower turnout rate amongst young electors. While there was a slight drop in turnout across all age groups, the largest rates of decline were amongst electors in their 20s and 30s. However, in 2022 the rate of decline was not as great for these age groups as it was in 2018.

For example, the turnout rate of electors aged 25–29 years declined from 86.63% to 83.70% from 2014–18, whereas in 2022 it declined from 83.70% to 82.01%. For younger electors, the VEC’s VoterAlert service encouraged turnout and assisted to prevent the same levels of decline seen previously.

13 There were 314,730 Victorians overseas on election day, including children (Federal Government 2022).

## Improving the voter experience

# Recommendation 7: Preparing for emergency situations

Following the 2018 State election, the VEC recommended action to resolve the flawed process of adjourning or suspending voting at voting centres impacted by emergency situations.

While the Electoral Regulations were amended to attempt to provide for an appropriate voting channel for voters who are affected by a declared emergency situation, the recommendation to resolve the flawed process of adjourning or suspending voting at voting centres impacted by emergency situations was not actioned. The Electoral Act continues to require voting to resume at an election day voting centre after voting has been adjourned under section 97 or suspended under section 97A of the Electoral Act.

It is often not practicable or reasonable for an election day voting centre impacted by an emergency to be reopened, for example when the voting centre is no longer accessible or was destroyed by the emergency situation. This issue has not yet been resolved.

Widespread flooding across Victoria shortly before the 2022 State election once again highlighted the significant disruption that emergency situations cause on the delivery of elections. When faced with an emergency situation during the voting period of an election or on election day, the VEC seeks for the requirement to resume voting at a voting centre which was adjourned or suspended to be removed where the adjournment or suspension was a result of an emergency situation, and a provision to be introduced to enable the VEC to make alternative arrangements with respect to the affected election day voting centre.

This recommendation was previously made in the VEC's report on the 2018 State election (see pages 56 and 109 of that report). The VEC notes that any legislative amendments should ensure that severe localised emergency situations are captured despite not having been declared as national or State-wide emergencies.

**The VEC recommends that the Electoral Act is amended to remove the need for voting to be suspended or adjourned under sections 97 and 97A of the Electoral Act, respectively, for emergency situations. A provision should be inserted to allow the Electoral Commissioner to make alternative arrangements to ensure the proper administration of an election in the event of an emergency situation.**

Despite the Electoral Regulations being amended in 2022 to prescribe electors affected by a declared emergency situation as an eligible class of electors for electronic assisted voting, the VEC found that the threshold was not met by the widespread flooding in Victoria in October 2022.

The current regulation 52 is only triggered by a declared national emergency, a declared state of disaster, or a proclamation of emergency by the Governor in Council. Of these, a state of disaster is the most relevant in terms of its impact on elections in Victoria, and has only been declared twice, in relation to the severe bushfires in January 2020 and for several months of the COVID-19 pandemic in August to November 2020. This indicates regulation 52's limited utility in responding to the barriers faced by victims of disasters in the context of an election.

At the request of the VEC, the Electoral Regulations were amended in October 2022 to include regulation 51A which temporarily allowed the Electoral Commissioner to issue an emergency determination providing access to electronic assisted voting for specified flood affected voters, after consulting with the relevant emergency management agency, without relying on a formal declaration. Temporary regulation 51A was revoked on 1 May 2023.

Under different circumstances, such as a more sudden emergency situation occurring after the issue of the writs, this outcome may not have been possible. This process should be permanently enshrined so that the VEC can effectively respond to severe, localised emergency situations that would otherwise prevent large groups of electors from voting, by providing them with access to TAV.

**The VEC recommends that the Electoral Regulations are amended to provide a process mirroring temporary regulation 51A to extend eligibility for electronic assisted voting to victims of localised, but still severe, emergencies, as determined by the Electoral Commissioner in consultation with the Emergency Management Commissioner.**

# 7. Counting and results

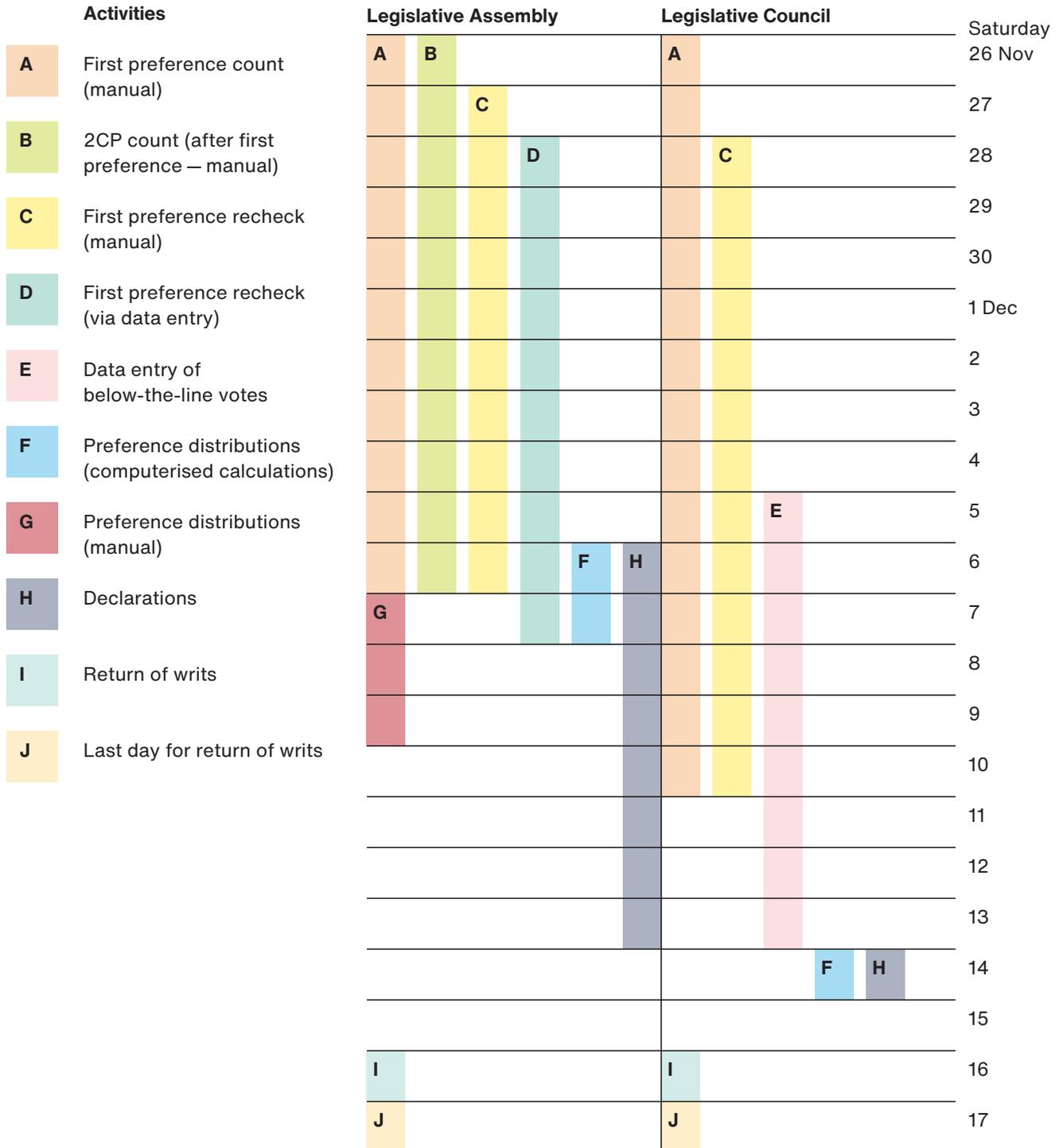


Figure 19: Timeline of counting activities from election night on 26 November 2022 to final day for writs to be returned on 17 December 2022

Counting of votes commenced at the close of voting at 6 pm on Saturday 26 November 2022, and continued until Wednesday 14 December 2022 when the final results for the 8 Legislative Council elections were calculated and declared. This is the shortest available count timeline of all Australian jurisdictions – see ‘Available counting timeline’ in **Recommendation 1 - The Electoral Act** on page 13.

There are different types of votes that are cast at an election. The type of vote and where it was cast affects when and where it will be counted.

The VEC’s count plan is constructed to count ballot papers systematically, while also preserving critical information about each parcel of ballot papers as the counting process progresses. This maintains accountability and ensures ballot paper parcels can be easily reconciled against earlier counting activity.

## 7.1 Vote types

### Ordinary votes

Votes cast by voters at election day voting centres within their enrolled district are referred to as *ordinary* votes.

All ordinary votes were counted at the voting centre where they were issued following the close of voting on election day.

### Absent votes

Votes cast by voters on election day at voting centres outside of their enrolled district are referred to as *absent* votes.

These were not counted on election day but were reconciled and forwarded to the Centralised Activity Site (CAS) for processing and counting. This included votes from electors in the Australian Antarctic Territory. Telephone assisted voting (TAV) votes cast on election day were also counted at the CAS.

### Early votes

Votes cast by voters at any early voting centre or mobile voting centre are referred to as *early* votes.

Early votes cast within the voter’s enrolled district were counted after the close of voting at the early voting centre where they were issued. Early votes cast outside of an elector’s enrolled district were forwarded to the CAS for processing and counting. Early votes received from interstate voting locations were also forwarded to the CAS for processing and were counted alongside TAV votes that had been cast during the early voting period.

### Postal votes

All postal votes mailed back to the VEC were received, processed and counted at the CAS, including votes returned from the overseas drop-off locations. Votes returned and verified before election day were counted at the CAS during election weekend. Votes that arrived at the CAS after election day, including those delivered to voting centres on election day, continued to be received, processed, verified and counted up until the cut-off for admitting returned postal votes to the count at 6 pm on Friday 2 December 2022.

### Provisional votes

People who believe they should be on the electoral roll but cannot be found on the roll in an election day voting centre, early voting centre, or mobile voting centre may choose to make a *provisional* vote.

A provisional vote requires the person to complete the necessary application form and secure their completed ballot papers in a declaration envelope. These provisional votes were forwarded to the CAS after election day for processing. Ballot papers in declaration envelopes were admitted for counting if the voter was found eligible to be enrolled. Admitted provisional votes were counted at the CAS.

### Marked-as-voted votes

Voters found to have already been marked on the roll when they attended to vote, but who claimed not to have voted, were issued with ballot papers that were enclosed in a declaration envelope once completed. These declaration votes were all forwarded to the CAS after election day for processing, where they were checked to determine whether they should be admitted to the count. Admitted marked-as-voted votes were counted at the CAS.

## 7.2 Counting

### Election day counting

Counting of votes on election day commenced from 6 pm.

In election day voting centres, election officials conducted three counts of ordinary votes. This made up 34.83% of the total vote counted in the Legislative Assembly elections:

- › first preference count of Legislative Assembly ballot papers

- › 2-candidate preferred (2CP) count of Legislative Assembly ballot papers
- › first preference count of Legislative Council ballot papers.

The 2CP count involves the distribution of preferences to the two candidates considered most likely to be in the lead after a distribution of preferences. The VEC predicts the two candidates for the 2CP count shortly after nominations close. The 2CP count is for statistical purposes only and does not replace the formal distribution of preferences, if required.

First preference counts for Legislative Council ballot papers involve sorting and counting to first preference by group above-the-line, below-the-line, and by ungrouped candidate.

In early voting centres, election officials conducted two counts on election night, including votes cast in mobile early voting centres:

- › first preference count of own district Legislative Assembly ballot papers
- › 2CP count of own district Legislative Assembly ballot papers

Counts were able to immediately commence at 6 pm, with staff having established a restricted zone in each early voting centre from 8 am on election day to allow for sorting and reconciling activities to occur before the close of voting.

Due to the high numbers of candidates and groups for the 2022 State election, counting activities across the entire count plan took longer than predicted, due to the physical size of the ballot papers.

As a result, only 73.97% of voting centres were able to enter their Legislative Assembly election first preference counts into the Election Management System (EMS) by 9 pm on election night (compared to 87.96% in 2018), and almost 10% of planned Legislative Council election counts were delayed and rescheduled for later in the week at election offices and metropolitan hubs. The size of the ballot papers added significant pressure to an already long day for voting centre staff, with staff working from 7 am until very late on Saturday night to complete required activities.

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The VEC will continue to examine ways to relieve pressures on election day voting centre staff, including greater centralisation of some count activities.

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At the CAS, election officials conducted the same two counts (Legislative Assembly first preference and 2CP) on election night for all postal votes returned and verified prior to election day (over 235,000).

This followed the establishment of a restricted zone between 8 am and 6 pm on election day to allow staff to first extract the Legislative Assembly and Legislative Council ballot papers from their envelopes.

## Counting after election day

Legislative Council election early votes cast by electors in their own district were counted to first preference in early voting centres from the Monday after election day, with some counts continuing into the Tuesday. Legislative Council election postal votes extracted on election day were counted to first preference during the 2 days after election day at the CAS.

## Further counting at the Centralised Activity Site

First preference (and for Legislative Assembly votes, 2CP) counts, continued at CAS from the Monday after election day, commencing with TAV votes (early and absent) on Monday 28 November 2022.

Counting to first preference for all other votes (out-of-district early votes – including those from interstate locations, absents including Antarctic votes, marked-as-voted votes, provisional votes and all remaining postal votes received by the deadline at 6 pm on Friday 2 December 2022) commenced on Tuesday 29 November 2022 and continued until Tuesday 6 December 2022 (for Legislative Assembly votes), and Saturday 10 December 2022 (for Legislative Council votes).

By Thursday 1 December 2022, five days after election day, 87.55% of all Legislative Assembly first preference votes had been counted across the state.

The VEC processed 26,376 provisional declarations from people who could not be found on the roll (see Figure 20). Of these, 19,655 were subsequently admitted to the count. Those rejected were largely due to the elector not being entitled to enrol. This marked a 26.95% reduction in the number of provisional declarations from 2018.

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The VEC will maintain its focus on the enrolment phase of its election advertising on the close-of-roll date, so that the number of electors enrolling 'on the day' is manageable at voting centres, and to reduce the number of rejected provisional votes.

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## Unenrolled/provisional declarations (2006–2022)

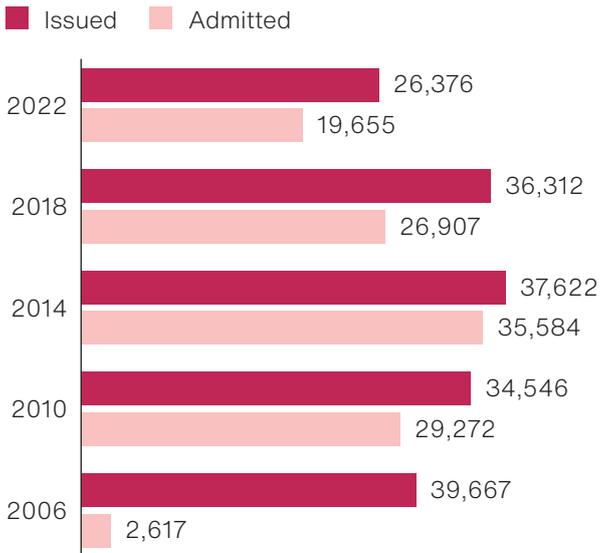


Figure 20: Provisional declaration votes issued and admitted to the count in Victorian State elections, 2006–2022

## Rechecks

Rechecking is an administrative process where, following a first preference count, ballot papers are checked again for formality, correct sorting to first preference, and correct reconciliation of totals. This is a normal part of the counting process post-election night and results are adjusted to correct any discrepancies.

Legislative Assembly votes counted on election night in voting centres and early voting centres were rechecked in the election office between Monday 28 and Wednesday 30 November 2022.

Legislative Council votes counted in voting centres and early voting centres were rechecked in the election office (in country regions) or hubs (in metropolitan regions) in the week after election day.

Legislative Assembly postal votes counted on election night were rechecked on Sunday 27 November 2022.

All other rechecks at CAS followed directly after the first preference count was completed (or 2CP count for Legislative Assembly votes).

## Legislative Assembly election computerised counts

All Legislative Assembly election rechecks for the 2022 State election were conducted manually, with the exception of 7 districts that were rechecked by a computerised count at the CAS. Conducting a recheck via computer involves data-entering all preferences into the VEC's computer count application.

Following the successful computerised count trial for the Melbourne District election at the 2018 State election, the VEC committed to further trialling the use of computerised counting in metropolitan-based close seats for the 2022 State election.

Of the 7 districts that progressed to computer count, 4 were considered to be 'close seats': Brighton, Hawthorn, Melton and Northcote Districts. While not part of a metropolitan region, Melton was deemed close enough to be changed to a computerised count due to the high candidate numbers in that district. Point Cook and Werribee Districts were subsequently incorporated due to their high candidate numbers.

Election managers in districts nominated for computerised counts delivered their ordinary and early Legislative Assembly ballot papers to the CAS for data entry, instead of manually rechecking these in their local election offices.

A 7th Legislative Assembly election, Preston District, was also moved to a computer count following the completion of the manual recheck in the election office. This followed reports from candidates that scrutineers had not been able to adequately observe the recheck. All ballot papers that had been manually rechecked were delivered to CAS. A batch review process was undertaken in the presence of scrutineers before data entry commenced for Preston district.

## Incorrect 2CP predictions

During the monitoring of 2CP counts on election night, it was identified that the candidates originally selected for the 2CP in 7 districts would not be the 2 in the lead after a distribution of preferences. New 2CP counts were authorised in 5 districts where the successful candidate could not be predicted from the results on election night: Albert Park, Brighton, Melton, Point Cook and Werribee Districts. The correction of these counts allowed the successful candidate to be predicted as early as possible as counting continued. Corrected 2CP counts were not authorised in the 2 districts where the successful candidate could be predicted from the results on election night.

## Legislative Assembly election preference distributions

After Legislative Assembly election rechecks are completed, if no candidate achieves an absolute majority of first preference votes in a district, a preference distribution must be conducted to determine the result of that election.

A preference distribution involves excluding the candidate with the fewest first preference votes and distributing further preference votes to the remaining candidates according to the preferences on the excluded candidate's ballot papers. This process continues until one candidate obtains an absolute majority of the formal votes.

The high numbers of candidates across all districts meant that 88.51% (77 of 87) Legislative Assembly elections required a preference distribution for the 2022 State election, up from 54.55% (48 of 88) at the 2018 State election. Following the completion of all Legislative Assembly election rechecks at the CAS, ballot papers for those districts requiring a preference distribution were dispatched to election offices on 5 and 6 December 2022, to be amalgamated with those that had been rechecked in the election office. Preference distributions commenced from 7 December 2022 – a day later than originally planned, illustrating that along with an increasing number of candidates, an increasing number of votes to count is making it challenging to continue to deliver Legislative Assembly election results within 10 days of election day.

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The VEC will investigate options to better utilise the available counting timeline for Legislative Assembly election counts, while still trying to ensure that outcomes are known for as many districts as possible in a timely manner.

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For more information about the VEC's count information initiatives, see **Chapter 7.6 - Legislative Assembly election statistical counts post-declaration**.

## Computerised distributions

The VEC's computer count application was used to calculate the preference distributions in the 7 districts that underwent a computerised recheck. Without the need to manually amalgamate rechecked ballot papers in these districts, the calculations occurred on Tuesday 6 December 2022, with the exception of Preston District, which was calculated on Wednesday 7 December 2022.

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The VEC will investigate options to implement computerised counting more broadly for Legislative Assembly elections.

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## Legislative Council election preference distributions

Rechecks of Legislative Council first preference counts occurred in election offices for country regions and logistics hubs for metropolitan regions, and again at the CAS for all regions. As the data entry process acts as a full recheck for below-the-line ballot papers, the recheck stage only requires that below-the-line ballot papers are check-counted to ascertain their total number. They were then transferred to the Legislative Council election

computer count centre at the CAS. Below-the-line ballot papers arrived at the CAS from election offices on the Tuesday after election day, and from hubs on the Friday after election day. Ballot papers that were counted to first preference and then rechecked at the CAS were dispatched progressively to the computer count teams.

Data entry at the CAS of below-the-line ballot papers for Legislative Council elections commenced on Monday 5 December and continued until Tuesday 13 December 2022. Preferences from below-the-line ballot papers were entered into the VEC's computer count application twice, with the application identifying discrepancies between first and second round of data entry for the operator to review and correct if necessary.

When below-the-line ballot paper data entry was completed, the total number of above-the-line votes for each group (from the manual rechecks that occurred at the CAS, election offices and hubs, as well as those found during the formality checking process at the computer count) were loaded into the system for each Legislative Council election by count supervisors located at CAS. The tally of informal votes followed the same process.

Once all ballot papers for each Legislative Council election were entered into the VEC's computer count application, final reconciliation steps were completed.

The preference distributions for each Legislative Council election were publicly calculated on Wednesday 14 December 2022 at the CAS. As with Legislative Assembly election preference distributions, this was 1 day later than originally planned. While the VEC will continue to investigate ways to complete the Legislative Council election counts in a timely manner, it is becoming increasingly difficult to perform all activities with enough contingency for recounts. Had a recount been required towards the end of the counting timeline, there would have been significant risk that the relevant Legislative Council election writ would not have been able to be returned in accordance with the timeline required by the Electoral Act. There are also significant health and safety considerations to be made alongside the logistical pressures of conducting a recount if required, noting that multiple shifts were in operation from 26 November to 14 December 2022 to meet the deadline of this election when recount was required. See 'Available counting timeline' in **Recommendation 1 - The Electoral Act** on page 13.

## 7.3 Count information

With counting activities for the 2022 State election spread over several locations during the counting timeline, candidates and registered political parties were provided with information about updates to the count plan through:

- › candidate bulletins direct from election managers to Legislative Assembly election candidates, outlining counting activities in their local election office and relevant voting locations
- › the VEC website, where the upcoming daily count activities were published each night on the homepage.

The VEC website provided an overview of all counting activities occurring across the State, with a particular focus on activities at the CAS. Due to the anticipated high number of scrutineers that were expected to attend the CAS, a team was dedicated to support the appointment and daily sign-in of scrutineers, and provide them access to the relevant count area(s). Scrutineers at the CAS also had a dedicated breakout space to use in between observing counting activities. Given the volume of scrutineers anticipated at the CAS, significant onsite resources were provided including site maps, scrutineer handbooks and a site induction video.

At the CAS, daily count information was often not available until late on the previous night. Feedback from registered political parties and candidates was that this created difficulties in organising scrutineer attendance at the CAS.

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The VEC will uplift its count planning to improve the timeliness of count information and increase the period of notice given in relation to count activities, noting that last-minute changes are sometimes unavoidable.

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## 7.4 Recount requests

Recounts may be conducted at the discretion of the election manager, at the request of a candidate who provides sufficient reasons, or at the discretion of the VEC. Any recount must be conducted in the presence of appointed scrutineers. In accordance with a recommendation by Parliament's Electoral Matters Committee in its report on the conduct of the 2018 State election, the Electoral Act was changed prior to the 2022 State election to require the VEC to provide at least 4 hours written notice of a recount to the affected candidates, registered political parties, and their nominated recount contact, adding further pressure to an already stressed count timeline. See 'Decision on challenged ballot paper in a recount' in **Recommendation 1 - The Electoral Act** on page 13.

For the 2022 State election, there were no recommendations for a recount by an election manager or the VEC. However, there were requests for recounts by candidates for the Hastings, Mulgrave and Preston District Legislative Assembly elections, and for the North-Eastern Metropolitan, South-Eastern Metropolitan and Western Metropolitan Region Legislative Council elections.

All requests were duly considered, and responses provided in writing. None of the requests were granted as the result for each election was sufficiently clear and it was determined that a re-examination of ballot papers would not alter the outcome of the election. Several of the requests also failed to give sufficient grounds to warrant a recount, raising grievances with election processes which would not be addressed by a recount.

Others were based on a misunderstanding of various election processes, such as the reliability of the 2CP count and the need to complete counting and identify a result before a recount may be ordered. As well as declining the request, all written responses alerted the candidate who had requested the recount to their opportunity to petition the Court of Disputed Returns in respect to the issues they had raised.

## 7.5 Results and declarations

As in previous State elections, all results were progressively displayed on the VEC website and various results reports were made available to scrutineers on request. An election results media feed was also provided to media outlets and other subscribers on request.

All Legislative Assembly election results were finalised by Friday 9 December 2022, with the majority of results finalised on Wednesday 7 December 2022. Results were marked as 'provisional' on the VEC website until the formal declaration of results was made.

Legislative Assembly election declarations commenced from Tuesday 6 December 2022 in election offices, and ran through until Tuesday 13 December 2022, with 93% of declarations completed by Friday 9 December 2022.

Legislative Council election declarations were conducted on Wednesday 14 December 2022 from 6 pm at the CAS.

## 7.6 Legislative Assembly election statistical counts post-declaration

For statistical purposes and further analysis, it can be useful to see how the 2-party-preferred vote sits in each Legislative Assembly election. The VEC undertakes post-election 2-party-preferred counts in those Legislative Assembly elections where the 2CP count or the preference distribution did not show how the vote is divided between the Australian Labor Party – Victorian Branch and either the Liberal Party of Australia – Victorian Division or the National Party of Australia – Victoria.

The VEC conducted 2PP counts for 12 districts following the 2022 State election and published the state-wide 2PP on the VEC website. 2PP counts were conducted once all counting in the relevant districts had been completed.

In early 2023, the VEC also conducted full preference distributions for 39 Legislative Assembly elections where:

- › a candidate had won by an absolute majority of first preference votes (10 districts)
- › more than 2 candidates remained in the count after a preference distribution (29 districts, including the Narracan District supplementary election).

The Legislative Assembly elections in these districts did not require a full preference distribution to determine the election result. However, the full preference distributions provide useful information for statistical purposes and further analysis by candidates, registered political parties and other commentators. The full preference distribution results were published to the VEC website.

The VEC is committed to conducting full preference distributions as part of the official count in all districts for future events should an amended timeline allow. However, given the number of districts requiring preference distributions, this is unlikely to be feasible within the prescribed count timeline without prejudicing the support for the Legislative Council election counts.

### Responding to a complex environment

## Recommendation 8: Centralisation of processes

The VEC has encountered some legislative barriers to effectively centralising election processes, where certain activities under the Electoral Act are prescribed as a power, duty or function given to an election manager or election official, rather than the VEC ('the Commission' under the Electoral Act).

This impacts the ability to ensure centralised and consistent fulfilment of the VEC's obligations, as some activities must be carried out in 88 local election offices despite being more effectively and efficiently operated centrally. The concept of election managers performing all functions of an election is becoming obsolete with the increasing scale and opportunities for centralised activities to take place, and the Electoral Act should be modernised to take this into account.

For example, the requirement under section 110J(3) for each election manager to notify candidates in their respective district of the hours and location of a restricted area could be fulfilled with greater consistency and efficiency by the VEC from its head office. Similarly, the decision to allow or disallow a declaration vote under section 111 is made based on a centralised verification process, and is more appropriately made by the VEC than by 88 election managers. The conduct of post declaration statistical counts occurs in a centralised location after election managers' appointments have ended.

The Electoral Act should be amended to ensure that VEC staff can lawfully centralise election processes where it is appropriate or necessary to do so.

**The VEC recommends that the Electoral Act replaces references to an election manager or election official with references to 'the election manager or the Commission' or 'an election official or the Commission', thereby allowing the VEC to centralise election processes where it is appropriate or necessary to do so.**

# 8. Compliance and integrity

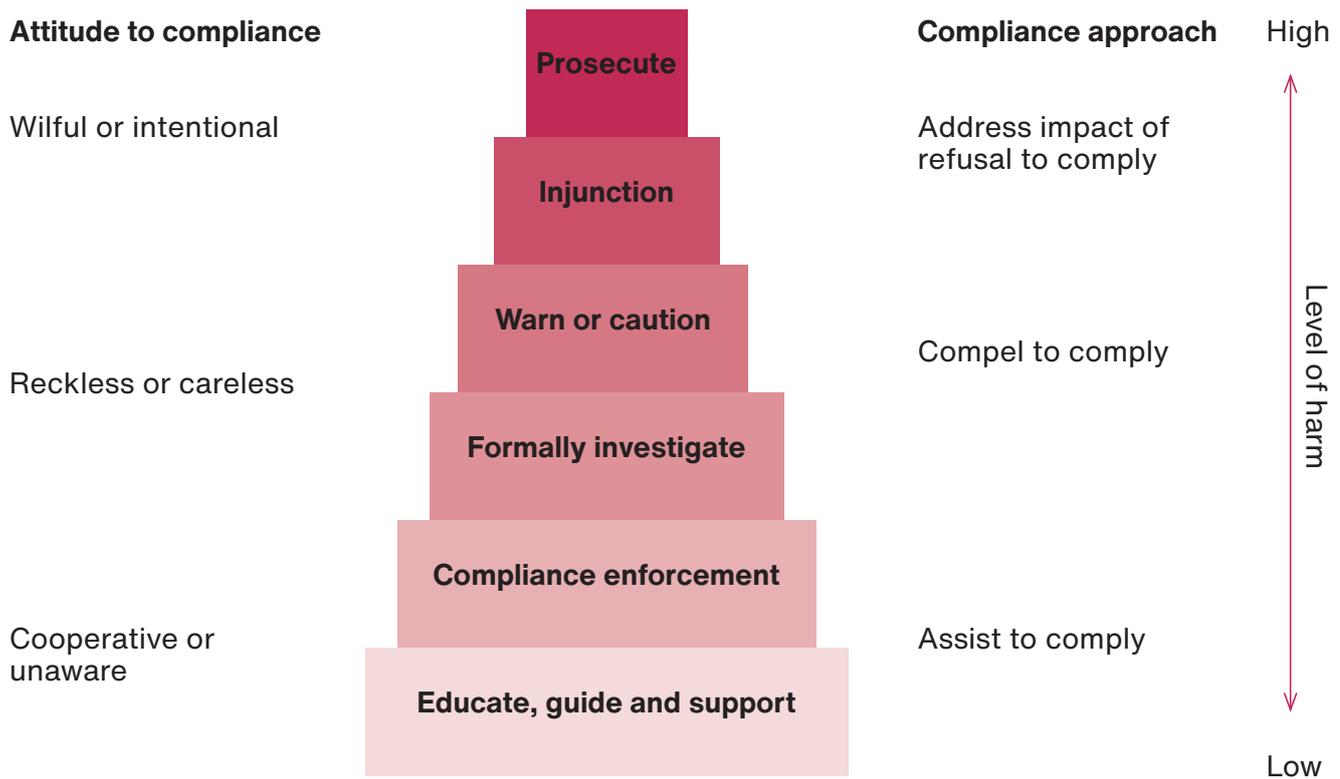


Figure 21: Flowchart of the VEC's constructive compliance approach

## 8.1 Electoral integrity activities

### Determinations

Section 9(3) of the Electoral Act allows for the VEC to make determinations regarding the performance of its responsibilities and exercise of its powers. Similarly, directions may be issued regarding the enrolment process, elections and election procedures.

In the lead up to the 2022 State election, the VEC identified determinations were needed to clarify its approach to a range of matters in relation to State elections. This included the authorisation of electoral campaign material, signage at voting centres, and campaigning at voting centres, as well as a variety of other administrative, operational and regulatory requirements where the legislation alone was not sufficiently clear to inform all relevant stakeholders about the VEC's approach to these matters.

In total, 11 determinations were made between August and December 2022, including one temporary determination specifically for flood-affected electors at the 2022 State election. All determinations were published to the VEC website.

To provide greater transparency for electors who failed to vote, a determination was made on 12 May 2023 explaining what constitutes a valid and sufficient excuse for failing to vote in an election. This determination articulated the prescribed excuses and the policies adopted by the VEC when considering failure to vote excuses. The determination has supported the compulsory voting programs for the 2022 State election and 2023 Narracan District supplementary election.

### Directions

In accordance with Determination 010/2022 – Campaigning at voting centres, the Acting Electoral Commissioner issued directions to regulate the activities and behaviours outside 2 early voting centres during the State election – Watergardens early voting centre in Sydenham District and Derrimut early voting centre in Kororoit District.

The decision to issue directions was made after the VEC received multiple complaints relating to voter access to those voting centres, and after attempts by VEC officers and police officers to manage behaviour were deemed insufficient.

Both directions limited the number of campaigners permitted for each candidate and, given the early voting centres were located in shopping precincts, also restricted the distribution of electoral campaign material (e.g. HTVCs) to only those people attending the early voting centres for the purpose of voting.

The directions were issued to the relevant election manager and copies were provided to all affected candidates and registered political parties.

### Electoral integrity support

For the 2022 State election, the VEC strengthened its electoral integrity management practices. This was achieved through targeted support for high-risk activities and closer engagement with election offices, voting centres, and counting locations. Additional and on-call support was provided through a dedicated, internal regulatory advice and incidents desk.

Increased electoral integrity support was provided to election offices through election support officers (see **Chapter 3.6 – Staffing the election**) who were given specific training on election integrity risks that can occur in the field and appropriate measures to respond to them. Electoral integrity support extended to the VEC's head office operations and the CAS, with election integrity a key focus in the review of election planning and procedure documents.

## Reinforcing public trust

# Recommendation 9: Regulation of electoral campaign material

One of the key regulatory functions of the VEC is ensuring that electoral campaign material adheres to the requirements of the Electoral Act. Many of these requirements date back over 20 years and are no longer fit for purpose in ensuring fair and transparent election campaigning by political participants, undermining the public's trust in the electoral process.

**The VEC recommends that the laws relating to electoral campaign material are reviewed to modernise authorisation requirements, provide a more appropriate definition of 'electoral matter', and establish clear principles for what is likely to mislead or deceive an elector in relation to the casting of their vote.**

### Authorisation requirements

The requirements for authorisation of electoral campaign material under section 83 of the Electoral Act need updating to suit the modern electoral landscape. Recent developments at the Commonwealth level have provided a contemporary framework that should be applied in Victoria.

Reforms to Commonwealth authorisation requirements in 2022 specified the kinds of electoral materials requiring authorisation: paid advertisements; printed materials; or materials produced by an entity that receives political funding or makes or receives political donations. This mitigates a significant point of confusion about what needs to be authorised in the digital age, where an electoral 'advertisement' may be shared or re-posted by individuals on social media without a fee. It also clarifies the blurred lines as to whether ordinary promotion of political parties and candidates on social media constitutes an 'advertisement'.

These Commonwealth reforms also modified the requirements for publication of authoriser's addresses, with the town or city being sufficient for communications other than printed electoral material. Earlier 2021 reforms removed the requirement for authorisation of printed electoral matter to include the printer details.

**The VEC recommends that section 83 of the Electoral Act is amended to synchronise authorisation requirements with the more modern Commonwealth requirements provided in section 321D of the Commonwealth Electoral Act 1918 (Cth).**

### Electoral matter

The definition of 'electoral matter' in section 4 of the Electoral Act is unworkable. The VEC was required to issue determination 001/2022 as an interim solution to provide a practicable framework for regulation for the State election.

Section 4 prescribes that matter is taken to be 'intended or likely to affect voting in an election', and therefore constitute electoral matter, if it contains an express or implicit reference to:

- › the election
- › any current or previous Government, Opposition or MP of any Australian jurisdiction
- › a political party or candidate
- › an issue before the electorate.

In reality, most of this matter would have little or no intent or likelihood to influence voting in a State election, and would not be appropriate for the VEC to regulate. A strict reading of this section would suggest that even materials, both online and offline, that reference a previous government in another State would be required to be authorised.

This is also a matter of confusion and concern among MPs, where the distinction between what can be considered an electoral advertisement and what constitutes ordinary electorate office communications is highly blurred. Under the very broad definition of 'electoral matter', any sign or advertisement relating to an MP might be considered as an electoral advertisement, and therefore require authorisation and to be paid for out of the State campaign account rather than the electorate office budget.

When combined with no limitation on the timeframe of the offence (i.e. it applies at all times, not just during an election period), the result is an unworkable regulatory burden and includes materials that are clearly not intended to affect voting in a Victorian election.

*Recommendation continued on next page*

The existing broad definition of electoral matter as matter that is 'intended or likely to affect voting in an election' provides sufficient detail and should be the extent of the definition of electoral matter, without the broadness of the elements listed in section 4(2) of the Electoral Act.

**The VEC recommends that section 4(2) of the Electoral Act is repealed so that the definition of electoral matter is limited to 'matter which is intended or likely to affect voting in an election' under section 4(1).**

### Mis-information and dis-information

In an era of heightened electoral mis- and dis-information, there is a lack of certainty in the community about the VEC's role in regulating misleading or deceptive matter under section 84 of the Electoral Act. Materials prohibited under the legislation are those which are:

- › likely to mislead or deceive an elector in relation to the casting of their vote, or
- › contain a representation or purported representation of a ballot paper that is likely to induce an elector to mark their vote otherwise than in accordance with the directions on the ballot paper.

Courts have interpreted these provisions narrowly and, in some cases, inconsistently. This contributes to an uncertain regulatory framework in which the VEC must operate. In general, the VEC regulates materials likely to influence how or whether an elector casts their vote for a party or candidate they have decided to vote for. It does not regulate matter that would influence a voter in forming a political judgment about who they want to vote for. These principles should be enshrined in legislation to provide certainty in the regulatory landscape and mitigate the possibility of contentious litigation.

**The VEC recommends that section 84 of the Electoral Act is amended to clarify that reference to matter likely to mislead or deceive an elector in the casting of their vote is limited to matter likely to mislead or deceive an elector in how they cast their vote based on the party or candidate they have decided to vote for, or whether they cast their vote at all.**

## 8.2 Constructive compliance

### Cease and desist letters

During the 2022 State election, the VEC issued 6 formal notices requiring the recipients to cease and desist an activity that was not permitted under the Electoral Act. Each notice intended to intervene in activity the VEC had determined damaged the election, prevent any further damage, and give notice of further remedies available through civil and criminal actions for violating the cease and desist request.

Following a joint decision by VCAT on the applications by candidates Sophie Torney, Melissa Lowe and Kate Lardner in respect to their how-to-vote cards (HTVCs), 5 notices were withdrawn as the issue in contention had fallen away by the effect of VCAT's decision.

### VEC regulatory approach

The VEC published its regulatory approach in October 2022. The VEC adopts a constructive compliance approach for its regulatory activities, which focuses on providing electoral participants with resources to understand and comply with their obligations. Where a person or organisation fails to comply with their obligations, compliance action is taken proportionate to the VEC's assessment of harm. The VEC engages with electoral participants frequently to educate and assist them to meet compliance obligations.

### Victorian Police partnership

Following specific feedback and observations from previous elections, the VEC and Victoria Police worked closely together during the planning and delivery of the 2022 State election.

Victoria Police established a dedicated State election structure to coordinate its handling of election-related matters. Referral procedures were established to promptly escalate emerging issues and allow for a police response to be coordinated.

The VEC developed factsheets for Victoria Police about key activities in the election timeline, roles and responsibilities of VEC staff at election venues, the role of scrutineers during the counting period, and information about electoral offences. The factsheets ensured local police called to attend a VEC location were better equipped to deal with election issues.

Police liaison officers were available during the early voting period and provided on-site coverage at the VEC's head office on election day.

## Field compliance support

For the 2022 State election, the VEC increased its compliance presence and regulatory support for election office and voting centre activities. The VEC's more active regulatory role was prompted by several factors, including:

- › the need for consistent regulation across the Electoral Act
- › the introduction of political funding and donation disclosure laws in 2018
- › lessons learned by the VEC following the 2018 State election, including feedback and insights from submissions to Parliament's Electoral Matters Committee during its inquiry into the 2018 State election, as well as reports from elections in other jurisdictions and the 2022 Federal election.

From September 2022 to January 2023 (which includes the Narracan District supplementary election), the VEC operated a regulatory advice and incidents desk to coordinate compliance matters raised through the VEC's head office and field locations. Staffed with experienced electoral law and regulatory experts, this service had 2 main purposes:

1. to provide prompt and reliable advice on regulatory or legislative queries or requests for assistance to VEC staff and election officials receiving queries or alleged breaches of electoral law
2. to coordinate visits to voting centres or venues where a need for additional compliance support was identified.

This team responded to 400 cases between September 2022 and January 2023 in relation to the State election, with most cases occurring during the early voting period and on election day. Of those that were queries requiring advice, most related to authorisation requirements, how-to-vote cards, signage and misleading or deceptive material.

The VEC's electoral compliance team attended several sites during the early voting period to assist the election manager in managing poor behaviour by campaign workers observed outside early voting centres. Consistent with the VEC's regulatory approach, the attending staff sought the cooperation of those present, reminded them of their obligations, assisted to resolve any structural frustrations causing the behaviour, and offered reassurance to election staff and any others at the site.

On election day, the electoral compliance team had 4 teams in operation, managing the assessment of potential electoral offences, serious incidents, and instances of poor behaviour. These teams were responsible for attending various voting centres and offering on-the-spot support to field staff throughout the day.

Following election day, the teams maintained a presence at the Centralised Activity Site (CAS) and attended several field locations to assist local election staff with scrutineer management.

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The VEC intends to expand the capacity of its electoral compliance team to triage and manage serious incidents, poor behaviour and other possible electoral offences that occur during elections and assist election staff with scrutineer management, including in regional areas.

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## Investigations

To enhance the VEC's capacity and capability in electoral compliance, and implement the regulatory approach, a new intelligence function was introduced in 2022. The new electoral compliance function took the lead for investigating alleged offences against the Electoral Act, including matters arising during the 2022 State election. Investigations were triggered by referrals of incoming complaints, own motion matters, and information and intelligence reported to the VEC by other law enforcement and integrity agencies.

The electoral compliance team investigated 262 matters raised between September 2022 and January 2023, as a result of the VEC's increased compliance presence and regulatory support for field activities.

## Reinforcing public trust

# Recommendation 10: Enforcement and investigation of electoral offences

The VEC frequently engages with electoral participants to educate and assist them with meeting their compliance obligations. Currently, legislative barriers prevent the VEC from appropriately responding to electoral offences proportionate to the seriousness of the offence. This constrains the VEC's ability to effectively respond to emerging non-compliance during elections.

It is critical for the VEC to have a range of tools to reinforce public trust in the electoral system by enforcing appropriate consequences for breaches of electoral offences, and fully investigating serious breaches.

### Enforcement

There is currently no legislative authority to issue formal warnings or serve infringement notices for most offences under the Act. Except for failing to vote, which is an infringement offence, the VEC's only options in relation to suspected electoral offences are to formally investigate possible non-compliance or alleged offences and, where an offence is found to have been committed, either prosecute the matter or take an educative approach.

Prosecution should be reserved for only the most serious electoral offences. Bringing a matter to prosecution is very serious and stressful for the person being prosecuted and is resource intensive for the VEC. Investigations into alleged offences may take many months to finalise, in some cases more than a year, and even more time to prosecute. This means that from the public's perception, offenders appear to not experience consequences, which compromises public confidence in electoral integrity and the VEC as a regulator.

Enforcement powers for the VEC and election managers in relation to less serious electoral offences would also provide more effective tools to respond to conduct that breaches the Electoral Act at voting centres and other election venues.

**The VEC recommends that provisions are inserted into the Electoral Act to allow the VEC and election managers to issue infringement notices, cautions, warnings and enforceable undertakings for breaches of less serious electoral offences.**

### Investigation

The VEC also has limited authority to investigate breaches, including those serious matters that are directly consequential on the outcomes of elections such as bribery, forgery of electoral papers, tampering with ballot papers and impersonating election staff. It is critical that the VEC is able to properly investigate and prosecute alleged breaches of these serious offences to protect the integrity of elections and ensure public confidence in the electoral system.

Changes to the Electoral Act are required to ensure that Victoria's electoral laws can be properly administered, and breaches and offences properly investigated. The VEC notes that the *Local Government Act 2020* (Vic), which prescribes electoral offences for Victorian local government elections, provides a range of regulatory tools to the Local Government Inspectorate as the regulator for those elections. Similarly, there are circumstances where the VEC may initiate an investigation, and may need to refer it to other integrity and law enforcement agencies with more powers, such as the IBAC or Victoria Police.

**The VEC recommends that provisions are inserted into the Electoral Act to provide investigative tools to VEC compliance officers for electoral offences equivalent to those provided to the Local Government Inspectorate for electoral offences under the *Local Government Act 2020*.**

## 8.3 VCAT matters

The conduct of elections in Victoria is subject to oversight by the courts. Victorian law allows a person to make an application to the court or to a tribunal to dispute a decision by the VEC or petition for an enquiry into the election itself. These are important natural justice processes that ensure Victorians continue to enjoy independent and impartial elections.

Section 60 of the Electoral Act allows for a person to apply to the Victorian Civil and Administrative Tribunal (VCAT) for administrative review of the VEC's decision to register, or not to register a political party.

Section 82A of the Electoral Act allows for a person to apply to VCAT for administrative review of the VEC's decision to register, or not to register, a how-to-vote card.

### Victoria Climate Change Party

The Victoria Climate Change Party applied for registration on 29 July 2022. The member list provided in the original application failed to adhere to the VEC's required format. Following an invitation to vary the application, the party submitted a member list in the required format. However, it was identified that the list contained less than 500 members and the party's application was subsequently refused.

The party's representative, John Bric, applied to have the VEC's decision overturned at VCAT. During the hearing, Mr Bric acknowledged the challenges in achieving registration before the issuing of the writ and as a result, withdrew the VCAT application.

### How-to-vote card challenges

The Electoral Act allows for a person – including a candidate and registered political party – to submit a HTVC for registration. There are strict criteria for registration, as only registered HTVCs may be distributed within 400 metres of a voting centre on election day.

Candidates Sophie Torney, Melissa Lowe and Kate Lardner separately applied to VCAT to challenge the VEC's decision to refuse to register their HTVCs pursuant to section 82A of the Electoral Act. The applications were heard simultaneously, and a consolidated decision was handed down by VCAT President, her Honour Justice Quigley.

The VCAT applications refer to a total of 4 HTVCs which had been refused registration by the VEC principally because they were likely to mislead or deceive an elector in the casting of the vote of the elector pursuant to section 79(3) of the Electoral Act.

The HTVCs contained a full ballot paper representation with only a first preference marked and included notations against the candidates' names on the ballot paper representation indicating they were 'Independent' that was not attached to other independent candidates. Adjacent to the ballot paper representation on the HTVCs were written instructions to number every box.

The VEC argued that its consideration of misleading and deceptive needed to go towards the 'gullible and naïve' elector and not an elector of 'ordinary sophistication'. Counsel for the applicants argued that the HTVCs were not misleading or deceptive and would not be likely to lead an elector to leave blank boxes on their ballot paper thereby making it informal.

Although Justice Quigley accepted the VEC's threshold of the test, her Honour allowed the review and – standing in the shoes of the VEC – ordered the HTVCs to be registered deciding the blank boxes and use of the term 'Independent' on the ballot paper representations on the HTVCs were not likely to mislead or deceive the gullible or naïve elector.

In separate matter, Leigh Naunton applied to register a HTVC for the Kew District election on behalf of the Kooyong Climate Change Alliance. The HTVC application was refused registration by the VEC as it contained an entirely blank ballot paper representation with no how-to-vote instruction, and therefore was not a HTVC.

Mr Naunton submitted that the HTVC provided a scorecard for some of the candidates' climate change credentials and encouraged electors to 'put ALL the stronger candidates before the others'. As a result of the decision in Torney, which had been heard and determined by VCAT in between the VEC's refusal of Mr Naunton's application and VCAT's review, the VEC took a neutral stance in respect to VCAT's decision to register the HTVC and limited its submissions to articulating the perceived defects that had prevented it from being registered initially.

VCAT Deputy President Proctor, standing in the shoes of the VEC, ordered for the HTVC to be registered.

In another matter, on 21 November 2022, an application was lodged with VCAT by the Liberal Party of Australia – Victoria Division challenging the validity of 516 HTVCs associated with the Australian Labor Party – Victorian Branch. The application alleged 2 defects in the HTVCs which had been registered by the VEC, including that the partial ballot paper representation shown on them contained errors when compared against the relevant ballot papers and that the HTVCs risked deceiving or misguiding electors.

While the Liberal Party of Australia – Victoria Division initially filed the application, it was required to amend its application due to a lack of standing as a political entity.

On the following day, the party filed an amended application listing its registered officer as the proper applicant.

A directions hearing was held to clarify and confine the application, determining that it would focus on one of the HTVCs. The substantive hearing took place on the same day, addressing the extension of time application and the merits review of the HTVC.

VCAT decided that the application was unmeritorious and was not brought in the public interest. Considering section 109 of the *Victorian Civil and Administrative Tribunal Act 1998* (Vic), which grants the tribunal the power to make cost orders, VCAT found that an award of costs against the applicant was justified.

A fourth matter involved an application to VCAT by the registered officer of the Australian Labor Party – Victorian Branch in relation to the VEC's refusal to register a number of HTVCs that were to be printed in languages other than English.

The VEC had refused to register the HTVCs because the applications for registration were incomplete. The applications were not lodged with signed translations of the in-language text into English as required by regulation 19(2) of the Electoral Regulations. Although the HTVCs were lodged shortly before the registration period closed on Friday 18 November, the noon deadline had passed before the signed translations were supplied.

By the time VCAT heard the matter on Monday 21 November, the party was able to produce the required signed translations. The VEC took a neutral position in respect to the matter and observed that its authority to consider the original applications had ended at the deadline. VCAT ordered the HTVCs to be registered, having now satisfied the requirements for registration.

## 8.4 Supreme Court matters

### Independence Party challenge

Dr Catherine Cumming had applied for the Independence Party to be registered as a political party in advance of the 2022 State election. The VEC refused the application on 27 October 2022 on the grounds that it was unable to independently verify the Independence Party had at least 500 'eligible members'.

While decisions in respect to application to register a political party are ordinarily reviewable by VCAT, Dr Cumming sought judicial review of the VEC's decision through the Supreme Court. As it would take some time to consider a judicial review application, Dr Cumming sought an order compelling the VEC to register the Independence Party in order for it to participate as a party in the election.

Justice Garde found it was appropriate for the VEC to take steps to confirm the legislative requirements are met by a political party applying to be registered and declined the request for interim relief. Dr Cumming subsequently discontinued her judicial review application.

### Production of the writs for the election

Gerard Donohue made an application for judicial review of the 2022 State election because the writ for the election had not been produced for his inspection. The application listed 3 respondents – the Electoral Commissioner for Victoria, the Governor of Victoria, and the Attorney-General of Victoria. The VEC instructed on the response on behalf of itself and the Governor of Victoria, and the Attorney-General did not appear and was not represented. The application was made 2 days before election day. The matter was heard for directions and dismissed by the Supreme Court, noting that the VEC had since published copies of the writs on its website with permission from the Office of the Governor.

## 8.5 Court of Disputed Returns

The Court of Disputed Returns is established under the Electoral Act to hear disputes about an election. The Court of Disputed Returns sits in the Supreme Court of Victoria and is ordinarily constituted by a single Supreme Court judge. Those able to petition the Court of Disputed Returns to hear a dispute to an election include a candidate for the election, a person who was entitled to vote at the election, or the VEC.

The Court of Disputed Returns will generally observe, but is not bound by, the procedures and rules of the Supreme Court, and has a wide range of powers. It may order a person declared elected to be not duly elected, a person not declared elected to be duly elected, or for an election to be void and for a re-election to be required. Decisions of the Court of Disputed Returns are final and cannot be appealed.

David Vincent, an unsuccessful candidate for Bulleen District at the 2022 State election, petitioned the Supreme Court of Victoria sitting as the Court of Disputed Returns to set aside the election of Matthew Guy, the successful candidate for Bulleen District on character grounds. As the matter progressed, the applicant's submissions also sought to install himself in other parliamentary offices, including as Speaker of the Legislative Assembly.

Counsel for the VEC made submissions in respect to the election process and the declared outcome of the Bulleen District election, including that the requirement to be a candidate in election was not subject to any particular test of propriety. The solicitor for Mr Guy made further submissions, including that the Court of Disputed Returns had no role in the applicant's grievance with the election, and sought for the applicant's petition to be summarily dismissed.

Justice Dixon sat as the Court of Disputed Returns and provided an opportunity for the applicant to seek to refine the issues in his petition. The applicant subsequently amended his petition, which was still found to be unsatisfactory, and Justice Dixon declined leave for the applicant to amend his petition and dismissed the original petition.

## 8.6 Compulsory voting enforcement

After each State election, the VEC carries out compulsory voting activities in accordance with the Electoral Act, as well as integrity checks that include following up apparent instances of multiple voting. For the first time, the VEC published a determination on the reasons and excuses for failing to vote in an election held under the Electoral Act. This effort reflects the VEC commitment to transparency as a regulator providing electors the opportunity to understand the criteria under which decisions to excuse are made.

There are five stages to the process of compulsory voting; pre-processing, compilation of the non-voter list, Apparent Failure to Vote notice, infringement notice and penalty reminder notice. Each stage requires a unique and dedicated policy, process and staffing profile.

### Pre-processing

#### Stage one – pre-excuse

The VEC commenced the formation of a non-voter notice for the 2022 State election under section 162 of the Electoral Act in early 2023. Elector and voting centre information reports completed at voting centres that provided reasons why an elector could not vote

(for example due to illness, being deceased or being away from Victoria) and excuses recorded by the VEC's Public Enquiry Service were processed through the compulsory voting module of the EMS. Overall, 121,140 records were investigated, with 82,663 individuals pre-excused from voting. The remaining individuals were not excused through this process, as the individual had voted or they were already excused by law.

The VEC also applied its prosecutorial discretion to excuse 14,423 individuals who were in flood-affected parts of Victoria and had failed to vote. All individuals excused through pre-processing were not issued with Apparent Failure to Vote notices. An outline of the reasons electors were excused at the pre-excuse stage is provided in Table 22.

### Roll scanning

#### Stage two – compilation of the non-voter list

Roll scanning commenced in early February 2023 and took approximately 6 weeks to scan the 6,561 rolls used at election day voting centres to mark electors as having voted.

Where the scanning technology's tolerance level was exceeded, each scannable roll was manually reconciled by counting every mark on each page of the roll. This ensured that every elector marked on a roll as having voted at a voting centre was recorded in the Election Management System (EMS) and helped ensure that electors were not incorrectly issued with an Apparent Failure to Vote notice.

### Enforcement

#### Stage three – Apparent Failure to Vote notice

The first stage of the non-voter follow-up process was conducted under Part 9, Division 2 of the Electoral Act. The VEC sent Apparent Failure to Vote Notices to those electors who appeared not to have voted in the election. Apparent non-voters had 28 days from the date of the notice to provide a valid excuse for failing to vote, or to provide information as to where and when they voted.

A total of 288,511 Apparent Failure to Vote Notices were generated in mid-April 2023 and mailed to electors. The final deadline for response to this notice was 25 May 2023.

An additional 7,905 Apparent Failure to Vote notices for the 2023 Narracan District supplementary election were mailed on 12 May 2023.

All responses to the notice were assessed by VEC officers, with no further action on 68,293 non-voters. As part of this enforcement activity, the VEC excused 14,568 non-voters for reasons of illness, specifically under the category ‘the elector was ill, disabled or infirm and for that reason was unable to vote at the election or could have voted only with difficulty’. Electors affected by COVID-19 fell into this category. An outline of the reasons electors were excused at the Apparent Failure to Vote notice stage is provided in Table 22.

#### Stage four – Infringement notice

The second stage of compulsory voting enforcement was conducted under the *Infringements Act 2006*. An Infringement Notice was sent to each elector who did not respond to the Apparent Failure to Vote Notice, or who did not provide a valid excuse.

This notice included a penalty amount of \$92 for Infringement Notices issued in the 2022–2023 financial year. Non-voters had 35 days to respond to the Infringement Notice by making the penalty payment or seeking a review of the notice. Consideration was given to written correspondence detailing reasons for failing to vote.

During the infringement notice stage a non-voter had the option to have their matter heard directly at the Magistrates’ Court.

A total of 220,218 Infringement Notices were generated in June and mailed to those electors who did not respond, or who provided an invalid response to the Apparent Failure to Vote notice. The final due date for payments or a review of the infringement was 31 July 2023.

#### Stage five – Penalty Reminder notice

A Penalty Reminder Notice was sent in mid-August to those who did not pay the infringement penalty (and had not had their infringement withdrawn as a result of an internal review). A penalty reminder notice fee of \$27.70 was added to the original penalty amount. Non-voters had 28 days to respond to the Penalty Reminder Notice by making the penalty payment or seeking a review of the infringement. Like the Infringement Notice stage, a non-voter had the option to have their matter heard directly at the Magistrates’ Court.

The completion date of the Penalty Reminder Notice stage was mid-September 2023. Follow-up of all remaining non-voters was instigated with the Director, Fines Victoria in October 2023, and will be reported in the VEC’s 2023–24 Annual Report.

Statistic	Total
Total electors enrolled	4,394,465
Total marked as voted	3,983,134
Electors not marked as voted	411,331
Electors pre-excused from voting	82,663
Apparent Failure to Vote Notices sent	288,511
Infringement Notices sent	220,218
Penalty Reminder Notices sent	179,023

Table 21: Compulsory voting enforcement in the 2022 State election

### Multiple voting

When all excuse and late return processing and roll scanning had been completed, the VEC generated a file of ‘possible’ multiple voters. A total of 585 electors were recorded as potentially voting more than once at the 2022 State election. A breakdown of the number of apparent multiple voters by district is provided in **Appendix 8**. Apparent multiple voting notices were issued in May 2023. A reminder notice was issued in July 2023 to the 128 potential multiple voters who did not respond to the first notice.

Integrity checks ensure that the number of apparent multiple voters in any one electorate does not impact on the final result. In almost all cases, an issuing officer error was found to have contributed to the elector being marked on the roll more than once. Taking into account the likelihood of clerical errors and the high evidentiary threshold required for prosecution, 7 electors remain the subject of the VEC’s ongoing multiple voting inquiries.

The VEC intends to invest in deploying electronic roll mark-off to more issuing points on election day. This will provide real-time visibility of ballot paper consumption and an additional safeguard against accidental or intentional multiple voting as election officials will be recording voter turnout through a secure online list of electors.

Reason for not voting	Number of electors pre-excused	Number of electors excused from response to AFTVN	Total percentage
Electors were absent from Victoria on election day	36510	18340	39.29%
Electors were ill, disabled or infirm and for that reason were unable to vote or could only have voted with difficulty	10111	14568	17.68%
Flood affected electors	14422	1	10.33%
Electors were issued with a ballot paper for the purposes of voting	2573	6968	6.83%
Electors were unable to vote for religious reasons	0	8834	6.33%
Electors cast a provisional vote in the wrong electorate	2262	0	1.62%
Itinerant, eligible overseas or Antarctic electors	2010	27	1.46%
Electors are deceased	765	1045	1.30%
Postal vote application was received too late or defective	861	0	0.62%
Electors were of or over the age of 70	679	0	0.49%
Electors were ineligible to vote	0	5	0.00%
Electors had another valid and sufficient excuse for not voting	12470	7144	14.05%
<b>Total</b>	<b>82663</b>	<b>56932</b>	<b>100%</b>

Table 22: Number and percentage of electors excused at the pre-excuse stage and Apparent Failure to Vote notice stages of compulsory voting enforcement, by reason for not voting

# 9. Customer feedback and complaints

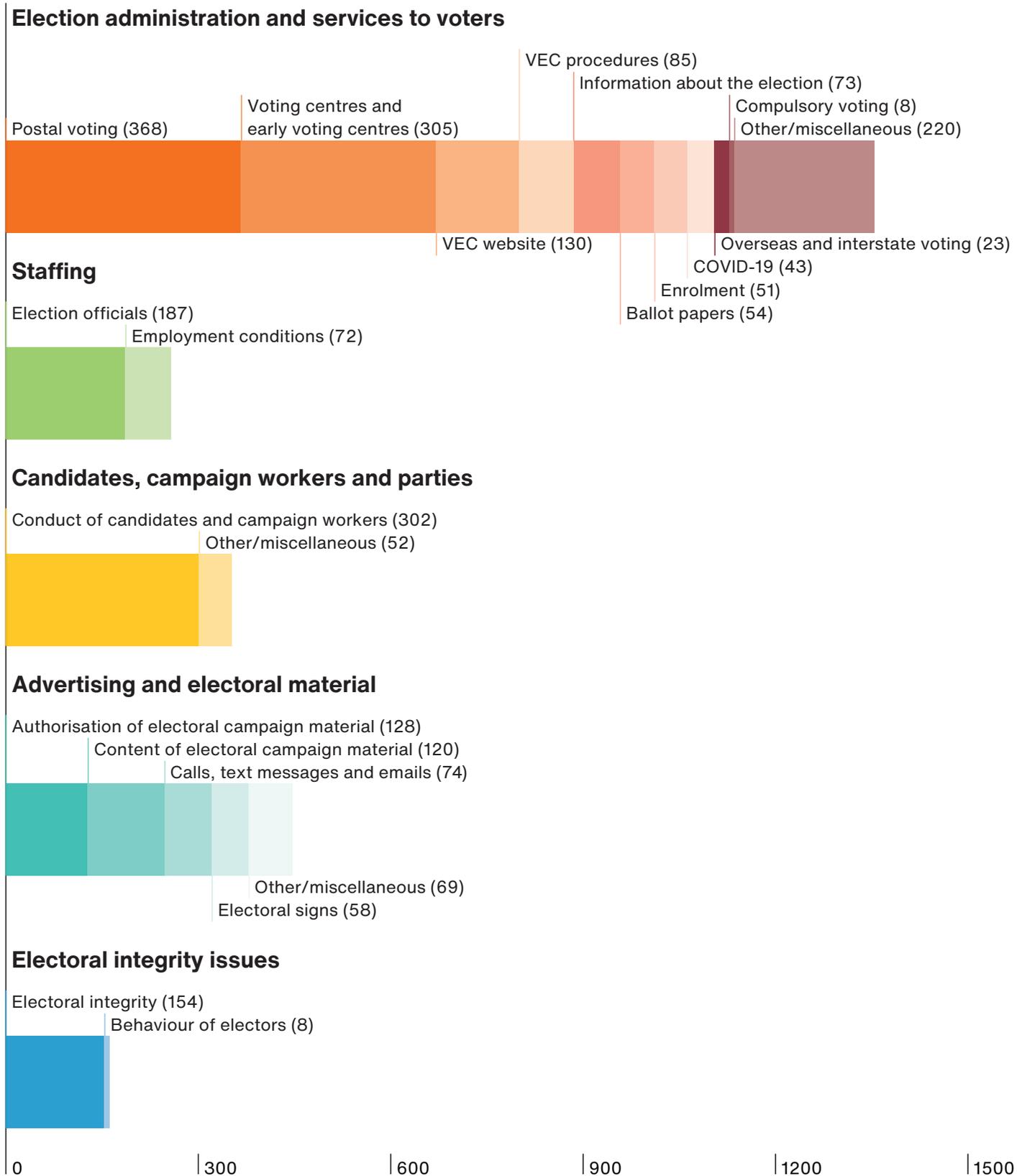


Figure 22: Customer feedback and complaints received by the VEC at the 2022 State election by category and subcategory

## 9.1 Managing complaints and feedback

The VEC received 2,675 submissions, including feedback and complaints, during the 2022 State election period, between 31 October 2022 and 16 December 2022. This represents a significant increase when compared with the 861 submissions received during the 2018 State election.

The VEC received complaints and feedback in writing via three main channels — online, by email, and by post. The complaints and feedback webforms on the VEC website were the most frequently utilised channel, through which 73% of submissions (1,952) were received. The next most popular channel was email; 27% of submissions (715) were received via email to the Customer Feedback and Complaints mailbox or another VEC mailbox. Only a modest number of submissions were received by post (5), with a small number received in-person at voting centres (3) and forwarded to the VEC's Customer Feedback and Complaints team for processing.

A Customer Feedback and Complaints team of 20 people managed the triage, assessment, referral, and preparation of responses for each submission. The VEC undertook to provide at least initial responses to all submissions within 5 working days. This was accomplished in 99% of cases.

## 9.2 Submissions received

Of the 2,675 submissions received during the election, 1,956 were complaints, 58 were allegations and 8 were reports of an incident or near miss. The VEC also received 327 enquiries and 326 submissions containing feedback. In addition to the submissions outlined in the below categories, there were also 91 miscellaneous submissions.

## 9.3 Election administration and services to voters

There were 1,360 submissions about the VEC's election administration functions and services rendered to voters. In addition to the submissions outlined below, there were also 216 miscellaneous submissions in this category.

### Postal voting

The VEC received 368 submissions about postal voting, 66% of which were complaints.

Of these submissions, 57 were about the postal voting process, 57 about applications to vote by post, and 13 about registering as a GPV. There were 24 submissions from electors about their postal ballot materials arriving late, while 162 submissions claimed that ballot materials did not arrive at all in the post. The VEC also received 55 submissions from electors who applied to access their ballot materials online and encountered difficulty downloading and printing them. In most cases, this was due to a known temporary malfunction with the relevant online portal.

### Voting centres and early voting centres

The VEC received 305 submissions about a voting centre or election office, 69% of which were complaints.

The location selected for early and election day voting centres was the subject of 129 of these submissions. There were also 65 submissions about lack of accessibility and 24 about facilities at voting centre locations. Wait times at voting centres was the subject of 87 submissions.

See **Recommendation 2 - Availability of early voting centres** on page 22, which if adopted would improve the VEC's ability to address these concerns.

### Information about the election

There were 73 submissions about information the VEC provided to the public in connection with the election. Complaints made up of 53% of these submissions.

Of these submissions, 34 referred to a perceived lack of information, 33 were about the Voting Centre Locator or interactive maps on the VEC website not working, (these were found to be user error as the Voting Centre Locator achieved 100% uptime), and 6 complaints related to the VEC disseminating purportedly incorrect information.

### VEC website

The VEC received 130 submissions about the VEC website, 51% of which were complaints.

Of these submissions, 61 referred to possible malfunctions affecting the website. Most of these submissions were about temporary outages affecting the online services. As the VEC's website did not have a single outage during the election period, it seems likely that the outages experienced related to electors' internet service providers.

Difficulty navigating the website and locating information was the subject of 38 submissions (despite a very responsive search functionality), while 23 submissions were about the perceived accuracy or presentation of content on the website.

See the VEC's commitment on page 50 to undertaking a comprehensive review of web content and accessibility.

## VEC procedures

The VEC received 85 submissions about miscellaneous VEC procedures, including those implemented at voting centres and at other work locations. Complaints made up 67% of these submissions.

Of these submissions, 38 were about procedures at voting centres and election offices during the election and the remainder concerned procedures at head office (21), counting procedures (15) and pre-election procedures (11).

See the VEC's commitment on page 71 to increasing centralisation of some counting activities.

## Ballot papers

The VEC received 54 submissions about ballot papers, 76% of which were complaints. Of these 54 submissions, 32 were about ballot paper shortages. Of the electors who made submissions about ballot paper shortages, 21 were able to cast a vote, 8 were excused from compulsory voting enforcement, and the other 3 did not provide valid or sufficient information for the VEC to excuse them from compulsory voting.

This topic was also mentioned as a secondary complaint in 7 submissions included in other complaint categories.

## Enrolment

The VEC received 51 submissions relating to electoral enrolment, 51% of which were complaints.

A range of enrolment-related transactions were discussed, including 18 submissions about checking or updating information on the register of electors, 14 about objections to an elector's own enrolment or the enrolment of another elector, 11 about incorrect or outdated enrolment information, 5 from voters not listed on the register of electors, and 3 about enrolment entitlements.

## COVID-19

The VEC received 43 submissions about actions taken to deliver a safe and compliant election in the context of the ongoing coronavirus (COVID-19) pandemic. Complaints made up 81% of these submissions.

Of these submissions, 30 were from voters who tested positive to COVID-19 and expressed their dissatisfaction with the voting options available to them, including 14 that suggested access to TAV should be extended to this cohort. See **Recommendation 6 - Eligibility for electronic assisted voting** on page 65, in which the VEC supports this suggestion.

## Overseas and interstate voting

There were 23 submissions about overseas or interstate voting for the election, 17% of which were complaints.

The majority of submissions on this subject were about lack of available voting options for electors overseas (16) and interstate (3). See **Recommendation 6 - Eligibility for electronic assisted voting** on page 65, in which the VEC recommends that access to TAV is expanded to overseas and interstate electors, to provide them with an accessible voting option.

## Compulsory voting

The VEC received 8 submissions during the election from people objecting to compulsory voting or infringement notices issued in connection with a previous election. Complaints made up 75% of these submissions.

The VEC's activities relating to the compulsory voting provisions in the Electoral Act are discussed in **Chapter 8.6 – Compulsory voting enforcement**.

## Other services to voters

The VEC received 4 submissions about eligibility requirements for TAV, 50% of which were complaints. See **Recommendation 6 - Eligibility for electronic assisted voting** on page 65, in which the VEC recommends the expansion of TAV eligibility.

As discussed above (in the section entitled 'COVID-19'), TAV was also mentioned in the context of voting options for electors who tested positive to COVID-19.

# 9.4 Staffing

The VEC received 259 submissions relating to election officials and employment conditions.

## Election officials

There were 187 submissions about election officials, 84% of which were complaints.

The majority of submissions (109) focussed on the conduct of officials in the course of their work at early and election day voting centres.

There were 72 submissions about the decision of an election official or an official applying what was perceived to be an incorrect procedure. The authors of 6 submissions pointed to inadequate staffing at early and election day voting centres or inadequate training for staff. See the VEC's commitment on page 100 to increasing the focus in election management training on common areas of difficulty for election managers.

### **Employment conditions**

There were 72 submissions about employment conditions for election officials, 46% of which were complaints.

Submissions discussed offers of employment (28), working conditions (16), pay (14) and the employee self-service portal (9). Three submissions were about vaccination requirements for election officials.

## **9.5 Candidates, campaign workers and parties**

The VEC received 354 submissions about candidates, campaign workers and registered political parties. In addition to the submissions outlined below, there were also 21 miscellaneous submissions in this category.

### **Conduct of candidates and campaign workers**

There were 302 submissions about the conduct of candidates and campaign workers, including campaigning activities at early and election day voting centres, as well as campaigning more broadly. The majority of these submissions (92%) were complaints.

There were several recurring themes in this category. Electors reported that the number of candidates and campaign workers outside some voting centres was intimidating and made it difficult to access the centres or surrounding businesses. Some electors also reported that candidates and campaign workers behaved forcefully while campaigning, and made offensive, derogatory comments about electors and each other.

A number of submissions from both electors and candidates and campaign workers discussed tensions arising between candidates or groups of campaign workers, who reportedly obstructed and behaved discourteously towards one another. Both groups also reported candidates and campaign workers allegedly failing to comply with the rules for campaigning, particularly with respect to exclusion zones for campaigning activities.

See **Recommendation 5 - Poor behaviour at voting centres** on page 62 and **Recommendation 10 - Enforcement and investigation of electoral offences** on page 81, in which the VEC recommends legislative change to improve the voting experience by addressing poor candidate and party worker conduct.

### **Other matters**

The VEC also received 31 submissions about other matters concerning candidates, campaign workers and registered political parties, 71% of which were complaints.

Among these submissions, there were 13 submissions about the registration of registered political parties, 9 about candidate eligibility or fitness, and 4 about candidate nominations. Five submissions were about scrutineering and scrutineers.

## **9.6 Advertising and electoral material**

The VEC received 449 submissions about advertising and electoral material. In addition to the submissions outlined below, there were also 69 miscellaneous submissions in this category.

### **Authorisation of electoral campaign material**

There were 128 submissions about the authorisation of advertising and electoral material, 68% of which were complaints.

Of these submissions, 106 concerned electoral material that was either incorrectly authorised or not authorised at all.

Of the remaining submissions, 10 concerned authorisation statements not being legible due to font size or colour, 5 concerned the inclusion of political party names in authorisation statements, and 7 concerned authorisation rules and how those rules are to be applied.

### **Content of electoral campaign material**

The VEC received 120 submissions that were about the content of electoral campaign material, 82% of which were complaints.

The majority of these submissions (94) were about material being misleading or deceptive. Of the remaining submissions, there were 17 about material perceived to be offensive and 9 about material being allegedly false and defamatory.

## Calls, text messages and emails

The VEC received 74 submissions about calls, text messages or emails from candidates and registered political parties in connection with the election, 91% of which were complaints.

Of these submissions, 52 were about electors receiving unsolicited text messages, 13 were about phone calls and 9 were about emails. A common theme across these submissions was a concern about privacy and how candidates and registered political parties obtained electors' phone numbers and email addresses.

The VEC reminded concerned electors that it does not share email addresses and phone numbers with candidates and registered political parties, and that unsolicited text messages, emails and phone calls are not presently regulated by any Victorian agency or body as they do not breach electoral or privacy law.

Although the VEC notes that it does not share electors' phone numbers or email addresses with parties, candidates or members, it is required to provide the names and addresses of electors to these recipients. It is possible that recipients might match this data with other databases containing contact information. See **Recommendation 11 - Privacy and data protection concerns**.

## Electoral signs

The VEC received 58 submissions relating to electoral signage during the election period, 91% of which were complaints.

Of these submissions, 37 were about the location of signs. Other submissions discussed signage at voting centres (17), the amount of time signage was displayed (2), and signage being removed without permission (2).

# 9.7 Electoral integrity issues

There were 162 submissions about electoral integrity issues.

## Electoral integrity

The VEC received 154 submissions about electoral integrity, 89% of which were complaints.

This was a broad theme capturing submissions about several different topics. The most frequently mentioned was group voting tickets and preference deals, which was the subject of 73 submissions. Electors raised concerns about the group voting ticket system and the possibility for votes to be manipulated through preference deals. There were 22 submissions about referrals the VEC made to other agencies, including the IBAC. Counting activities were discussed

in 8 submissions while 3 submissions were about access to the writs for the 2022 State election. The writs were also mentioned in 4 other submissions across these themes.

The VEC also received 35 submissions questioning the integrity of the VEC and the 2022 State election. In most cases, these submissions comprised imprecise claims about corruption, deficiencies in the election, or a perceived lack of independence by the VEC.

## Behaviour of electors

The VEC received 8 submissions about the behaviour of other electors, 88% of which were complaints.

The majority of submissions in this category were about behaviour observed at an early or election day voting centre (6). The remainder (2) contained reports of electors allegedly voting incorrectly or fraudulently. See **Recommendation 10 - Enforcement and investigation of electoral offences** on page 81, in which the VEC recommends more effective tools for looking into and enforcing electoral offences.

## Reinforcing public trust

# Recommendation 11: Privacy and data protection concerns

### Provision of enrolment information

The number of privacy-related complaints received by the VEC are increasing each year, with 7 times the number of privacy-related complaints received during the 2022 State election compared to the 2018 State election.

Electors' primary concern is about the VEC's sharing of enrolment information and postal vote information with registered political parties, candidates and MPs after receiving unsolicited contacts from these information recipients. A recent Privacy Act 1988 (Cth) (Privacy Act) review, conducted by the Commonwealth Attorney-General's Department, highlighted that the political exemption under the Privacy Act was 'serving to undermine the integrity of the democratic process'.

It is apparent that there is a conflict between the VEC's requirement to comply with the Privacy and Data Protection Act 2014 (Vic) (PDP Act) and the requirement for the VEC to provide personal information to entities that are exempt from these same data protection laws.

These concerns risk eroding the community's trust in the VEC and their confidence in elections, and demotivate them from enrolling and maintaining their enrolment. Notwithstanding the possibility of reform to the Privacy Act, some changes should be implemented in Victoria to protect the data privacy of electors.

There is also a variance between the way in which enrolment information must be treated by parties, candidates and members as opposed to other recipients. Under section 34(3) of the Electoral Act, the VEC must receive an undertaking from other recipients that they will only use the information for appropriate purpose and that they will return or destroy the information after using it. There is no equivalent undertaking required of parties, candidates and members. There is also no equivalent undertaking required in relation to postal vote information received under section 104A.

**The VEC recommends that sections 33 and 104A of the Electoral Act are amended to require that recipients of enrolment information must provide an undertaking to the VEC that they will use the information in accordance with the PDP Act and will return or destroy the information within a given timeframe.**

## General Postal Voters

Reforms to the Electoral Act following Parliament's Electoral Matters Committee findings after the 2014 and 2018 State election, to prohibit anyone other than the VEC from distributing postal vote applications, did not extend to GPV applications.

During a time of increased sensitivity about privacy, the VEC was contacted by multiple electors expressing concern about receiving their personal information pre-filled on a GPV application. On several occasions, the letter that accompanied the GPV application contained inaccurate enrolment advice. The VEC contacted the registered political party responsible for the relevant mail-out to alert them to relevant electoral offences and requested that they cease the mail-out, which the party promptly complied with.

The VEC notes the opportunity to reduce the confusion and data privacy concerns in the community due to inconsistencies between the requirements for GPV and postal vote applications. Electors may mistakenly believe that pre-filled GPV applications distributed by political participants are from the VEC, which could compromise the public's confidence in the VEC's independence and impartiality.

The number of General Postal Voters (GPVs) grew from 102,777 at 1 June 2022 to 201,441 at 1 January 2023. Like the 2018 State election, the surge in GPV applications occurred in the 2 months before the close of roll for the 2022 State election, and coincided with targeted campaigns by registered political parties, members of parliament and candidates.

This situation increases pressure on enrolment processes during an already pressured critical pre-election period.

The VEC would work with the AEC to operationalise such an amendment to ensure efficient application to the management of joint enrolment processes.

**The VEC recommends that an offence is introduced to prohibit the distribution of applications to become a General Postal Voter by a person other than an electoral commission.**

# 10. Election findings

## Voters



82%

Satisfaction in 2022

84%

Satisfaction in 2018

## Candidates



68%

Satisfaction in 2022

86%

Satisfaction in 2018

## Election management staff



68%

Satisfaction with work

71%

Satisfaction with support provided

## Registered political parties



'Very satisfied'

With management of the election in 2022

'Very satisfied'

With management of the election in 2018

## 10.1 Evaluating the election

Following the 2022 State election, an in-depth evaluation was conducted to identify success against performance measures, capture lessons learned, and identify performance improvement opportunities through an established continuous improvement framework. During the evaluation, the VEC collected and analysed a range of data, including feedback from internal and external stakeholders and election participants.

As part of its evaluation of the election, the VEC engaged an independent research company to evaluate external stakeholder satisfaction with the delivery of the 2022 State election services. This activity included feedback from voters, registered political parties and candidates on their satisfaction with the services provided at the election – findings from this independent research are provided below.

Further, the service plan for the election included a set of key performance indicators relevant to six core objectives of election delivery:

- › Our organisation is inclusive, and reflects the community we serve
- › We have a sustainable workforce that is trained, equipped, and supported to deliver the election
- › We provide accessible services and proactively support the participation of all electors, particularly those under-represented in the electoral process
- › We engage and support our stakeholders through the electoral process
- › Our systems and processes enable efficient and timely delivery of election services and results
- › Our systems and processes are secure and compliant

The VEC's performance against these indicators is listed in **Appendix 3**.

## 10.2 Stakeholder feedback

### Voters

At each State election, the VEC engages an independent research company to evaluate its election services. For the 2022 election, the VEC engaged Kantar Public for this important piece of work.

The research involved surveying a sample of voters (N=2,992) and candidates (N=100) and interviewing representatives of registered political parties (N=10) to determine satisfaction with VEC election services and any other relevant supports, the reach and impact of its communications, and suggestions for improvement.

Voters recorded high levels of satisfaction (82%) with the voting experience overall and specific aspects of the VEC's role – the delivery of secure (86%) and fair elections (84%) and its impartial approach towards all candidates and parties (84%).

### Communication

There was a high rate of recall (75%) of information from the VEC during the election – although at a decreased rate compared with the 2018 election (85%). As in 2018, voters surveyed most commonly recalled receiving election information from VEC free-to-air television. The second highest channel via which voters recalled receiving information was the VEC's VoterAlert SMS and email notification service. About three-quarters (74%) of voters perceived the VEC's communications to be effective, slightly higher than that recorded in 2018 (70%). The most recalled messages tended to be functional in nature, such as the date of election and how to vote before election day.

In contrast to 2018, the VEC did not post an EasyVote Guide to all households, but instead provided information and links for voters to access a digital EasyVote Guide. About 1 in 10 voters surveyed accessed this Guide, mostly through a link provided in other communications or directly from the VEC website. Of those that did access the guide, 89% felt it was useful.

Some 4 in 5 voters were aware of the VEC's website, and about half of the respondents used the website during the election. Of those who used the website, 83% were satisfied with the information it contained and 82% considered it easy to find information on the website, at similar rates to 2018 (85% and 83% respectively). The Voting Centre Locator was a tool provided on the website to enable voters to search for voting centres across the State. About half (48%) of voters who visited the website used the Voting Centre Locator, and 85% of them found the Locator easy to use. Satisfaction with the website has not changed significantly since 2018, though usage continues to increase from 45% in 2018 to 53% in 2022.

In contrast, although 40% of respondents were aware of the VEC's Public Enquiry Service, only 7% of those voters actually called it. The small number of respondents who called the Public Enquiry Service were overwhelmingly satisfied with the courtesy of the call centre staff (86%) and the accuracy of the information provided (73%), though less satisfied with wait times (65%).

## Ordinary and absent voters

Ordinary voters surveyed rated their overall voting experience slightly lower than that of voters in general, at 79%. This was due primarily to wait times.

However, ordinary voters were more aware of VEC communications (78%), the VEC's VoterAlert Service (39%) and social media communications (30%). In examining information from the VEC, ordinary voters paid most attention to the date of the election and enrolling to vote. When prompted, these voters said they would have liked more information on candidates and parties and where to vote on election day.

More than three quarters (77%) of ordinary voters surveyed were satisfied with their experience at the voting centre on election day – a figure very similar to that recorded in 2018. Voters were overwhelmingly satisfied with the helpfulness (89%) and efficiency (84%) of VEC staff, ease of completing ballot papers (88%) and privacy when voting (88%). They were more likely to be satisfied with accessibility of the voting centre and the behaviour of candidates and parties, compared with early voters.

The most common cause of dissatisfaction was waiting times. Compared to 2018, queue times appear to have increased, with 41% of ordinary voters stating they queued for more than 10 minutes compared with 29% in 2018.

## Early voters

Convenience was the main motivation for voters surveyed to vote early (69%) – a slight increase on the 63% of early voters citing convenience in 2018. The choice to vote early before election day continued to rise from the large increase experienced in 2018: only around a quarter (26%) of voters surveyed in 2022 indicated voting this way in 2018. Other reasons for voting early included not wanting to be pressured or rushed (18%), being at work on election day (8%) and being in another part of the state (5%) or interstate (4%) and overseas (2%).

Early voters' overall satisfaction (87%) was higher than that for voters overall and significantly higher compared with ordinary voters. Satisfaction with the experience of early voting centres during the early voting period was 86% (compared with 77% for ordinary voters), and was highest for helpfulness (92%) and efficiency (90%) of staff, but lowest for accessibility (75%) and behaviour of candidates and parties (75%). Higher levels of satisfaction relate to early voting centres being far less crowded, with nearly half (49%) not having to queue at all and 35% queuing for less than 10 minutes, though this did allow more contact with candidates and parties, the source of greatest dissatisfaction.

## Postal voters

As with early voters, convenience was the main reason Victorians voted by post in 2022, with 47% surveyed citing this as the main reason for voting this way, slightly up compared to 42% in 2018. A further 26% were away from home, either on holiday or for work, while 12% indicated they always voted by post and 9% that they were at work on election day. Only 7% of respondents voted by post for health reasons – a slight decline from the 9% recorded in 2018.

Nearly all (93%) applied for a postal vote on the VEC website, a continuation of increased use of the website from 2018 when this facility first became available. Far fewer applied using the VEC's Public Enquiry Service (3%) or receiving it without having to apply (2%).

High rates of satisfaction were recorded for the information received about completing postal ballots (87%) and ease of the application process (89%). Postal voters were generally more satisfied than other voters with information on the VEC's website (87% compared with the overall average of 83%) and much more interested in receiving future VoterAlert messages (58% compared with 45% overall).

## Provisional voters

A person who cannot be found on the electoral roll can apply to enrol and cast a provisional vote at a voting centre, by completing a form and providing a specified form of identification. Provisional voters tended to be less engaged with the electoral process than other voters. Nearly a third (32%) of provisional voters surveyed were aware that they were not on the roll when they went to a voting centre, a significant increase from the 13% in 2018. Awareness that they could apply to be added to the roll at a voting centre increased to nearly two-thirds (65% compared with 35% in 2018). Overall satisfaction amongst provisional voters increased from 71% in 2018 to 84% in 2022. These voters were more satisfied with the different aspects of voting centres compared with other voters, particularly the helpfulness (93%) and efficiency (93%) of staff. Although slightly less aware of VEC communications at 69% compared with 75% for all voters, the main source of information about voting provisionally was the VEC website. Over half (53%) of provisional voters recalled it taking less than 20 minutes for their application to be processed, and 30% said that it took under 10 minutes.

## Email voters

Voters who are interstate or overseas can apply online to receive ballot material by email. When they receive their ballot material, they need to print their ballot papers, complete them, and post them back to the VEC.

Due to limitations on in-person voting at overseas voting centres, there was a marked increase in applications for email voting. Half of the respondents indicated they voted this way because they were unable to get to an overseas/interstate voting centre, with a large proportion (45%) determined to cast a vote while out of the state. Over two-thirds (67%) found out about email voting via the VEC website, 10% by a direct email/SMS from the VEC and a further 9% by word-of-mouth from family or friends.

Although email voters were much less satisfied with their overall voting experience compared with other voters (65% compared with 82%), there were high levels of satisfaction with various aspects of the process, such as receiving and completing the ballots (all above 74% and similar to 2018). Printing and returning the ballots (62% and 47%), plus confidence the VEC would receive them in time (63%) were the aspects voters surveyed were most dissatisfied with, which accounts for the lower overall satisfaction rating compared to other methods.

Email voters had a variety of suggestions to improve the process. Similar to 2018, the most popular suggestions for improvement related to the process for printing and mailing back completed ballots, and to the possibility of being able to vote entirely online, bypassing the need for printing, folding and posting. Notwithstanding criticisms, 70% of voters who received their papers by email would do so again, a slight increase on the two-thirds recorded in 2018.

### Telephone assisted voting voters

Telephone Assisted Voting (TAV) was available at the 2022 State election for electors unable to vote without assistance. Eligibility was restricted to electors who are blind or have low vision, those living with a motor impairment, and to a small number of voters unable to travel to a voting centre due to flooding in their area. While TAV voters were less satisfied with their voting experience in 2022 (78%) compared with other voters surveyed, they were significantly more satisfied with the quality of the service provided. This is likely due to the fact that most would have preferred to vote by another method but could not for various reasons. Indeed, satisfaction with TAV service overall was 85%, with slightly higher rates for the confidentiality of their vote (93%), convenience (88%), length of time to speak to an operator (87%) and length of time to cast their vote (86%). In 2018, higher satisfaction ratings were recorded for convenience (95%), time to speak with an operator (92%) and time casting their vote (94%), but slightly lower for confidentiality (91%). Three-quarters considered it important to vote in private, the same as in 2018.

Most 2022 TAV voters had voted by post in 2018 (40%) or in-person (35% early and 34% on election day), with 58% considering their experience voting using TAV to be better than how they had voted at previous elections. Nearly half (46%) found out about TAV via the VEC website, at a significantly greater rate than in 2018 (12%), followed by a television advertisement (17%) and the VEC's Public Enquiry Service (15%). Very few suggested changes to improve TAV, 81% indicated they would use TAV again at future elections and 90% would recommend TAV to others.

### CALD voters

Culturally and linguistically diverse (CALD) voters were the most satisfied of all voter groups across almost all measures. Satisfaction with the overall voting experience was above average at 88%, similar to results in 2018. However, 61% of voters from CALD backgrounds had not seen VEC communications in languages other than English, though this likely relates to the fact that respondents from CALD backgrounds had high levels of English proficiency. Nonetheless, of the 1 in 10 CALD voters who saw information in languages other than English at a voting centre, 91% found it useful. As in 2018, around 90% did not require language assistance to vote, and if they did such assistance was mostly provided by family or friends. Most (61%) were aware of language lines to provide translated information and assistance over the phone, and 31% were aware of translated information available on the VEC website. Of the small number that did access in-language information, Easy English Guides on voting were the most used (84%).

### Voters with a disability

Overall, 14% of voters surveyed identified as having a disability, up from 8% in 2018. Of these, 27% indicated they required some form of assistance to vote. For those voters who did need assistance, 73% were satisfied with the assistance provided, while 14% were dissatisfied. This is a significant increase from 2018, where 60% of those needing assistance were satisfied and 15% were not satisfied.

Voters indicating being deaf or hard of hearing represented 17% of the total number of voters recorded as having a disability. Some 3 in 10 were aware of the Auslan interpreting service available for assistance with voting, of which 1 in 10 used the service.

### Tracking survey of young voters

As in 2018, Kantar conducted a tracking survey of younger voters (aged 18-29 years) in four waves over the four weeks before the State election, to measure awareness of the election and of VEC communications, and to gauge attitudes to voting.

Participants were asked from waves 2–4 if they recalled any communication from the VEC in the lead up to the election. Awareness increased from 56% in Wave 2, peaking at 69% in Wave 3, to 65% in Wave 4. In 2018 awareness peaked during Wave 4 at 85%, and at a higher rate than 2022.

Recall of radio, free-to-air television and internet advertising moved slightly from a low of 33% to a high of 44% across the media, with no one media obviously out-performing the others. Slightly fewer younger Victorians recalled free-to-air television in 2022 compared with 2018 (peak of 56% in 2018 and 44% in 2022).

The internet performed slightly better at 39% in 2022 compared to 27% in 2018.

The rise in awareness of the election in general was similar to that seen in 2018 with a peak of 89% in 2018 compared to 94% in 2022. The rise in awareness of the exact date was steeper and peaked higher in 2022 at 83%, compared with 2018 at a peak of 59%.

VEC advertising had the greatest impact at the beginning of the election period (Wave 2 of survey). Of the sample surveyed, 57% were aware of messaging on the importance of voting, the date of the election and the need to enrol, declining somewhat in the range 42%–54% by Wave 4, on the eve of election day. Actions taken during the advertising period (between Waves 2 and 4 of the survey), such as the decision to vote after all and the decision to cast a formal vote, increased from 13% to 18% and 24% to 32% of the survey sample respectively; being enrolled to vote remained steady at 24% of the across the different waves; making an active enquiry increased from 8% in Wave 2 to 10% in Wave 3 and updating enrolment naturally declined from 24% at Wave 2 to 12% at Wave 4 as it was no longer a key message or option for most voters.

The results suggest that VEC communications were effective in informing younger voters about the election, though at a lower rate than in 2018. The impact on attitudes towards voting, such as importance to self and younger people as a group, was effective during the early stages of the advertising period at Wave 2, returning to base levels by election day.

## Registered political parties

Political party representatives were very satisfied with the VEC's management of the election, particularly the quality, timeliness and professionalism of the VEC's services. In general, there was an implicit trust in the VEC to act impartially and to deliver a safe and secure election. Nonetheless, party representatives provided a number of suggestions for improvement to VEC services and processes.

With only one exception, none of the party representatives challenged the VEC's impartiality, independence and trustworthiness. The minority opinion concerned the VEC's employment criteria on political activity, which one party representative felt by not prohibiting union membership outright led to staff being politically biased. In contrast, party representatives generally understood issues experienced with VEC election staff, such as inconsistencies in the application of election rules, as due to the very large numbers of staff, gaps in training or communication, rather than an inherent bias.

In terms of safety, party representatives felt the VEC responded reasonably well to the elevated level of conspiratorial and extreme political views observed in 2022. However, some felt the VEC could have done more and sooner to address aggression and poor behaviour amongst some candidates at voting centres. Strengthening the relationship between the VEC and Victoria Police was a suggestion made by one party representative to improve safety at voting centres. Little mention was made of COVID-19 as a safety issue. While few paid attention to the details of the VEC's engagement with voters, most felt it was satisfactory, though some felt more could be done to connect with disengaged voters, address informal voting and monitor or evaluate the success of the VEC's engagement activities.

Overall, the enrolment and nomination processes were thought to be good, particularly for smaller parties with correspondingly fewer candidates. Representatives from these smaller parties described the process as straightforward and praised the VEC for its responsiveness to queries. The use of digital signatures in 2022 was given specific mention as an improvement to older paper-based processes. Some urged the VEC to continue to expand the use of digital resources to assist the enrolment and nomination process.

How-to-vote card (HTVC) registration drew a number of criticisms. While many acknowledged the challenges faced by the VEC in this area, inefficient processes, reliance on hard-copy documentation and the short timeframe for registration were all raised as areas needing attention. Party representatives generally felt a single review process would be beneficial and would reduce the occurrence of different issues being identified where multiple reviews occurred.

Although the operation of early voting centres was generally viewed positively, some felt there were too many early voting centres or that the early voting period was too long, which impacted the burden of arranging for campaigners to be present. Of particular concern was the use of shopping centres as sites for some voting centres, where tensions between VEC staff, candidates, centre management and on occasions shoppers arose.

In such situations, a few party representatives felt an inconsistent approach to election and campaigning rules was applied by VEC staff.

In general, party representatives believed that the VEC performed fairly well in providing services on election day. However, a range of issues were raised and suggestions for improvement put forward, many of which were similar to comments made about early voting. These included the high number of election day voting centres available, inconsistency of interpretation of rules, and the lack of a clear path to escalate incidents.

There were very few comments about the VEC's performance in relation to other voting methods, such as postal and mobile voting, only that the former appeared to be conducted well or was time and cost intensive. One party representative did believe TAV was open to fraud, though no further information or evidence for this was provided.

In general, party representatives were satisfied with the communication, timeliness and accuracy of election results, though a small number felt that 2-candidate-preferred statistical results were released too early. As in 2018, a number of party representatives felt more or better use of technology could be adopted to keep parties and candidates better informed on the progress of counting.

The most commonly suggested areas for improvement at future elections included:

- › increased use or adoption of technology and digital services to support processes relating to candidate nominations, HTVC registration and vote-counting (timeline, updates and declaration of results)
- › greater clarity and/or a clearer process for candidates and parties to escalate issues with the VEC
- › review and/or amendment to the time allowed for early voting, the number of early voting centres and election day voting centres and locating voting centres within shopping centres
- › increased voter engagement, particularly around voting correctly
- › improved/increased training for election staff.

Finally, an observation made by some party representatives (and reflected somewhat by candidates and voters) was a general sense that 'much has changed' since the 2018 election. Correspondingly, expectations, behaviours and the general 'mood' at the election in 2022 was different to 2018. Most specifically for parties, elevated levels of extremism and misinformation were identified as specific factors of the changed mood.

## Candidates

A majority (68%) of candidates in the 2022 State election were satisfied with the VEC and its delivery of the election, though at a much lower rate than at the 2018 (86%) and 2014 (82%) elections. The downward trend was evident across most services and supports, though more so where candidates sought additional information or support.

Importantly, the rate at which candidates were 'not satisfied at all' was 10% for overall satisfaction, peaking at 19% for conduct of the computerised ballot draw. This compares with the 2018 rates of 2% and 1% respectively. The raw data shows a group of 10-15 candidates consistently dissatisfied with all VEC services and supports, responding with the lowest scores (1–2 out of 10) for nearly all questions. Moreover, while the evaluation attempted to create a sample of candidates representing a good spread of new and established registered political parties from across the political spectrum, candidates from small parties comprised nearly half (49%) of the sample, with candidates from small-new parties and ideologically right-of-centre making up 1 in 5 (21%) of the sample.

A clear bias against the VEC is evident amongst new independent candidates and runs contrary to the findings of party representatives, where a high level of trust and respect for the VEC was evident.

Slightly more than three-quarters of candidates surveyed were satisfied with the VEC's transparency in decisions and processes (77%), impartial approach to candidates (76%) and provision of correct, up-to-date information (75%), while the provision of useful advice on request and applying campaign rules fairly had lower rates at 71% and 63% respectively.

A total of 7 in 10 candidates were satisfied with the operation of voting centres, down from the nearly 8 in 10 (79%) satisfied at the last election. Satisfaction was lower for sufficient numbers of staff to cope with demand (66% down from 77% in 2018) and accessibility (60% compared with 67%), but higher for location (58% compared with 54%). Satisfaction of early voting centres operations was 67%, only marginally less than in 2018 where it was 70%. The location of early voting centres in shopping centres was one aspect candidates were particularly dissatisfied with.

Candidates surveyed gave generally high ratings for the services provided by the election manager. For example, almost all were satisfied with the way they arranged for their nomination to stand (93%) and high levels of satisfaction were also given for the election manager's impartiality (80%).

Nonetheless, satisfaction was generally lower than in 2018, particularly responding to enquiries (71% compared with 84%) and arrangements at voting centres on election day (70% compared with 83%). Lower ratings were seen for procedural services such as registration of HTVCs, the computerised ballot draw and the counting process (69%, 69%, 68% respectively). Satisfaction with the computerised ballot draw was 88% in 2018, the significant drop most likely attributable to unfounded claims the ballot draw was rigged. Unfounded claims made in the comments section such as about thousands of missing votes suggest some candidates held conspiratorial views about the election.

Half of the candidates feel the VEC needs to do more to support voters from non-English speaking backgrounds, and 4 in 10 candidates feel more support is needed for voters with disability. Half were aware of the provision of TAV, up from 34% in 2018.

Awareness of the VEC's advertising and communication activities during the election period was high with 82% of those surveyed recalling VEC information, most commonly about enrolling to vote, how to vote before election day, the date of the election and where to vote. These results were similar to 2018, though the message about 'your vote will shape Victoria' appears stronger at the previous election. Free-to-air television, internet, catch-up television and radio were the most common sources of this information, again similar to 2018, though newspaper ads did not perform as well this time round. The same ratings for effectiveness of the VEC's communications were recorded in 2022 as in 2018 (63% and 64% respectively).

Nearly 90% of candidates were aware of boundary changes since the last election, though only 57% were satisfied with how such changes were communicated by the VEC. Similar satisfaction ratings were recorded for the information on the VEC website for voters (67%) as for candidates (65%), with higher ratings for website content and information as opposed to navigation and finding the information sought. Satisfaction with the VEC's Public Enquiry Service was significantly lower than in 2018 (57% compared with 84%), though many candidates seem to have expected answers to enquiries and requests best handled by candidate services.

About three-quarters (76%) of the candidates received or downloaded the candidate information kit, most of whom (78%) felt it was effective, similar to the rating in 2018 (81%). Around two-thirds were satisfied with the information (64%) and support (65%) on disclosing political donations and 82% were confident of disclosing such donations properly. Over half (55%) of candidates recalled receiving information about the registration of HTVCs, 68% of whom found this information helpful.

A large majority (84%) recalled receiving the regular candidate bulletins from the VEC, of which 65% considered these bulletins useful, slightly lower than the 72% rating recorded in 2018.

Independent candidates were provided with additional supports, such as an information session. Of the 16 independents candidates surveyed, half attended the session and half of these again felt the session was helpful.

The majority of candidates (60%) were satisfied with the process of counting the votes, although at a rate below the 77% recorded in 2018. Similarly, lower rates of satisfaction were recorded for aspects of the counting process, such as accuracy of the count (69% compared with 89%), cooperation with scrutineers (69% compared with 95%), the provision of results (66% compared with 78%), the speed of the count (59% compared with 68%) and obtaining information about the counting timetable (57% compared with 62%).

Signage rules and HTVC registration attracted significant levels of dissatisfaction, due in part to some misunderstanding about the former and the complex legislative and processes involved in the latter. Nonetheless, there is a clear need to improve communication around both and possibly streamline processes for the registration of HTVCs.

## Election management staff

Feedback received from SEOs provides a useful perspective on the VEC's delivery of election services and leads to improvements in service delivery. The feedback was gathered via online surveys during training, weekly pulse-check surveys (highlighting real-time challenges they come across while performing their roles), an accessible log for procedural feedback, and face-to-face debrief sessions.

All areas of feedback were analysed by the VEC's Field Operations team, who are responsible for overseeing the activities in the field to deliver the election. A number of themes emerged:

- › The timelines to deliver election outcomes in the field are relentless. Changes to the political environment, the intensity in which elections are conducted, and the sharp increase in early voting have combined to increase the peak delivery time by weeks, with significant strain on field management staff.
- › The behaviour of party and candidate workers continues to worsen with each electoral event, with major stress placed on election managers, and significant time needed away from the administration of the election to deal with issues at voting locations.

- > The acquisition and establishment of venues was very stressful, due to lack of suitable venues available in the market, and ongoing pressure of short-term leases.
- > There were ongoing IT issues that caused a high level of stress, particularly managing issues across multiple venues.
- > There is an unsustainable level of responsibility for election managers. This has been noted consistently across previous elections, with increasingly complex and overly burdensome procedures required to meet new electoral and workplace legislation being delivered in temporary workplaces, which can be a fraught operating environment. As a result, instructional products and training can struggle to fully equip SEOs for all required tasks.

Leading into this election, the VEC recognised that the election manager role had become too large and sought to share responsibilities among other roles. Other roles for delegation of some responsibilities included assistant election managers, staff at logistics hubs servicing metropolitan districts and expanded responsibilities for the early voting centre manager role. Even with additional staff in these roles, the level of oversight required of election management teams remains too large.

**The VEC will increase the focus in election management training on common areas of difficulty for election managers, including managing additional staff, splitting tasks, effective delegation, managing conflict and maintaining oversight over a greater number of tasks.**

**What 2 things would've been the greatest help?**

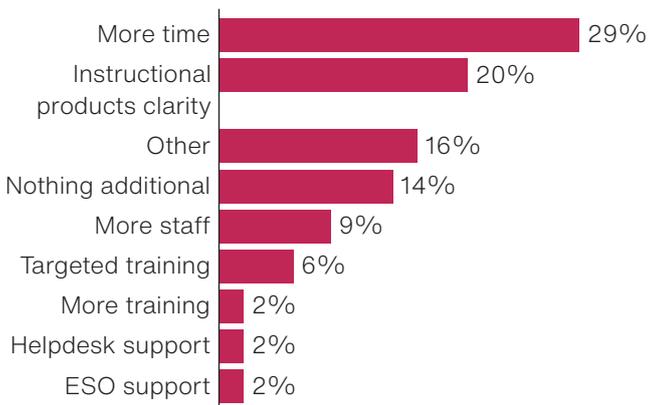


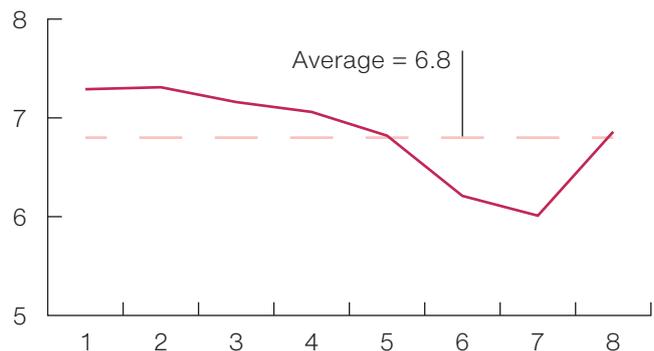
Figure 24: Opportunities for greater assistance identified by field management teams

Pulse-check surveys asked ‘what 2 things would have been the greatest help?’ during the election period, where EMTs identified that more time and more clarity with instructional products would have made the most impact.

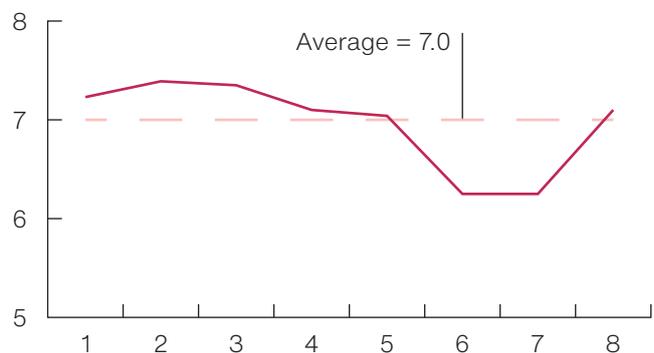
As part of the weekly pulse-check survey undertaken over the peak 8 weeks of election office operations, field management staff (election managers, assistant election managers, election support officers and hub managers) were asked to provide a score out of 10 on satisfaction, confidence, support and whether they would recommend working at the VEC (Figure 17). The average response rate was 66% across approximately 214 staff in senior field positions.

Ratings on all four questions saw a decrease as the election progressed, with scoring on all metrics lowest in the week covering election day and the first week of counting. This was consistent with the core theme of relentless deadlines for election delivery, with no ability to reset after difficult weeks, and legislative timelines placing significant strain and fatigue on almost all field staff.

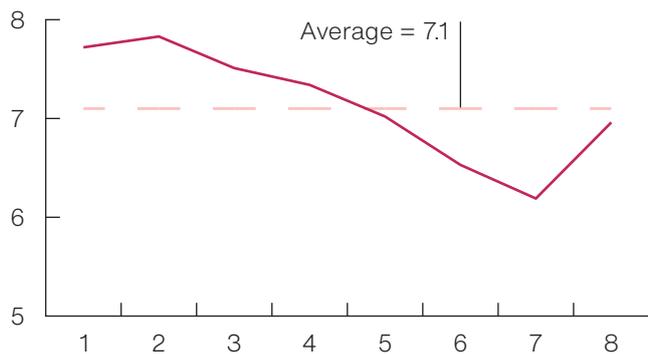
**How satisfied do you feel in your work? (/10)**



**How confident do you feel in your work? (/10)**



### How safe and supported do you feel at work? (/10)



### Would you recommend election work at the VEC? (/10)

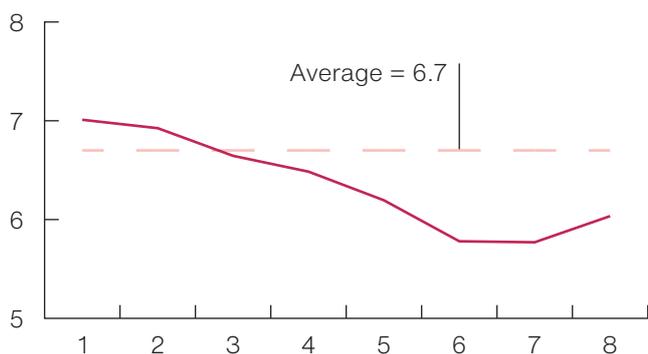


Figure 25: Field management teams pulse-check survey results by week. Rating out of 10. Weeks 5–6 cover early voting, while week 7 covers election day and the first week of counting.

### Election officials and casuals

All election casuals and officials were invited to participate in an online survey to provide feedback on the training and preparation they received, as well as on their experience working for the VEC. Over 7,000 responses were received, representing approximately 30% of the election workforce. Almost 90% of those completing the survey indicated that they would do future election work for the VEC<sup>15</sup>.

## 10.3 Informality

The VEC carried out a comprehensive inspection of every informal vote following the 2022 State election. This involved looking at the particular ways voters cast informal votes, for example by leaving a ballot paper blank, because of a numbering error or using ticks and crosses instead of numbers. It also categorised informal votes into apparently intentional and apparently unintentional informal votes, as a means of understanding why informal voting occurs.

The final major goal of the report was to conduct a statistical analysis of the correlation between informal voting and several factors such as socio-economic disadvantage, English proficiency and number of candidates involved in the election. From this, the research report makes some recommendations about VEC activity. For further detail see **Appendix 7.1**.

Overall, there were lower informality rates at the 2022 State election compared with 2018, from 5.83% in 2018 to 5.54% in 2022 for the Legislative Assembly, and 3.96% in 2018 to 3.22% in 2022 for the Legislative Council. This was the first time since 1996 that informality decreased.

## 10.4 Future research

### Declining participation

Acknowledging the identified trend of declining participation (see **Chapter 6.8 - Voter turnout**), the VEC will scope a research program on declining electoral participation to better understand the possible causes and attitudes towards voting and non-voting. The extent to which these factors contribute to lower participation will be examined and compared to other Australian states and territories.

### Informal voting

After the 2018 State election, the VEC entered a research partnership with the University of Adelaide and Flinders University (via an Australian Research Council grant) on informal voting. The comprehensive analysis of every informal ballot paper from the 2022 State election has been shared with the research partners. The informal ballot papers from the upcoming 2024 Local Government elections will also be analysed and reported. The resulting report from the researchers will be provided in 2025.

### Conformity with how-to-vote cards

Electors will be surveyed as to their views and usage of how-to-vote cards (HTVCs) to supplement what appears to be a decline in conformity with HTVCs in elections. Findings in relation to HTVC conformity and 'donkey votes' are provided in **Appendices 7.2 and 7.3**.

### Trust and confidence in the integrity of Victoria's electoral service delivery

Regular elector surveys will continue to monitor the trust and confidence electors have in the VEC to deliver fair, impartial and independent elections with integrity.

15 Employee Satisfaction Survey, Net Promoter Score = 4.2; n = 7,050 respondents (4752 election day, 2298 election casuals). 88.9% yes, 8.0% unsure, 3.1% no.

# 11. Narracan District supplementary election

## Electors and votes



50,506

Enrolled electors

19,305

Early attendance votes

4,440

Postal votes

15,511

Election day attendance votes

568

Other vote types

## Voting centres



2

Early voting centres

26

Election day voting centres

## Candidates



11

Candidates

11\*

Registered how-to-vote cards

\*Single district only

## Statistics



78.85%

Voter turnout

6.58%

Informal votes

# 11.1 Introduction

## Background

During the 2022 State general election, the Legislative Assembly election for Narracan District was declared a failed election due to the death of a candidate on 20 November 2022. Under section 72 of the Electoral Act, if a candidate dies before 6 pm on election day the election for that district is declared 'failed' and a supplementary election must be held to fill the vacancy. This was the first time in 23 years that a Victorian election failed (the last being the failed Legislative Assembly election for Frankston East District in 1999, before the introduction of the Electoral Act in 2002).

The VEC liaised with the Department of Premier and Cabinet to recommend a suitable election timeline for the supplementary election and identify provisions of the Electoral Act that needed to be modified by an Order in Council to apply to a supplementary election.

The writs for the State election were returned on Friday 16 December 2022, including for the failed Narracan District election, which was indorsed by the Acting Electoral Commissioner to specify that the election had failed. A new writ was issued by the Governor of Victoria on Monday 19 December 2022 for the Narracan District supplementary election, with election day fixed for Saturday 28 January 2023.

## Election timeline

Timeline	Days until election	Date
Narracan District election failed	69	Sunday 20 November 2022
2022 State election day	63	Saturday 26 November 2022
Return of writs for 2022 State election	43	Friday 16 December 2022
Issue of writ for supplementary election	40	Monday 19 December 2022
Close of nominations	16	Thursday 12 January 2023 for registered political parties
	15	Friday 13 January 2023 for independent candidates
Final day for submission of How-to-Vote Cards for registration by the VEC (12 noon)	9	Thursday 19 January 2023
Electors have until 6 pm on the last day to apply for a postal vote	3	Wednesday 25 January 2023
Close of early voting (6 pm)	1	Friday 27 January 2023
Election day	0	Saturday 28 January 2023
Last day that votes can be admitted (6 pm)	-6	Friday 3 February 2023
Return of writ	-21	On or before Saturday 18 February 2023 (Writ returned Tuesday 14 February 2023)

Table 23: Timeline of the 2023 Narracan District supplementary election

## 11.2 Election service management

### Planning

The timing of the Narracan District supplementary election required the VEC to be considered in its election planning due its overlap with the voting and counting periods of the State election, and the impacts on staffing both at a local and head office level over the summer holiday period after a long and intense work campaign to deliver the 2022 general election.

The VEC developed a service plan for the election that detailed information regarding enrolment, public awareness, outreach services, recruitment of election officials, the hiring of election offices and voting centres, services for candidates, the production of ballot material and roll products, early voting services, election day voting services, postal voting services, mobile voting services, counting activities, complaints management, compulsory voting enforcement, and evaluation and reporting.

The service plan outlined six major operational objectives:

- › implement the use of the Narracan District electoral roll prepared for the original election at the 2022 State election
- › provide every eligible elector with a voting experience that is safe, convenient and easy to access, timely to their requirements, easy to understand, respectful and courteous, and confidential
- › assist candidates, registered political parties, and other participants to meet nomination and other compliance requirements
- › provide electoral information to all stakeholders in a format that is easy to understand and use, easy to find, rapid and deliverable through a variety of media
- › ensure all votes cast are accounted for, and counted accurately and efficiently, with results available in a timely manner
- › maintain stakeholder confidence and trust in the VEC's capacity to deliver impartial, transparent, accurate and efficient electoral outcomes.

### Governance

The VEC implemented a robust governance framework to support the internal management of election delivery. A cohesive election management program, underpinned by strong risk profiling, issue management and business continuity planning, enabled oversight of milestones and emerging pinch points.

### Budget

The cost of conducting the 2023 Narracan District supplementary election was \$468,000 up to 30 June 2023. Actual expenditure occurs over the 2022–23 financial year. Given the proximity to the State election, some expenses cannot be separately identified.

### External service providers

Most external service providers for the supplementary election remained the same as the State election. These services included: Australia Post, cartage and courier services, envelope production, information technology, mail house services, and ballot paper and ad hoc printing services.

### Enrolment and close of rolls

By law, the supplementary election was required to be held on the same electoral roll that was prepared for the election that had failed. This meant that all Narracan District electors who were eligible to vote at the State election were required to vote at the supplementary election. No changes to the roll in relation to deceased or silent elector status were able to be processed by the VEC.

## 11.3 Venues and resourcing

### Election office and early voting centres

To support the delivery of the Narracan District supplementary election, the VEC was able to extend the lease agreements in place for the election office (also used as an early voting centre), and the additional early voting venue used for the 2022 State election.

### Voting centres

After a review of the votes taken at Narracan District voting centres for the State election, the number of election day voting centres for the supplementary election for Narracan District was reduced from 36 to 26. This change considered the increase in early and postal voting experienced in the State election, and the lesser amount of time needed compared to the State election given voters only had to complete a Legislative Assembly election ballot paper.

Election event	Early voting centres			Election day voting centres		
	Independent wheelchair access (IWA)	Assisted wheelchair access (AWA)	Limited to no wheelchair access (LNWA)	Independent wheelchair access (IWA)	Assisted wheelchair access (AWA)	Limited to no wheelchair access (LNWA)
Narracan District	1	1		7	12	7

Table 24: Early and election day voting centre accessibility for the 2023 Narracan District supplementary election

Venue accessibility	Early voting centres	Voting centres
Independent Wheelchair Accessible (IWA)	50%	27%
Assisted Wheelchair Accessible (AWA) or better	100%	73%

Table 25: Early and election day voting centre accessibility (% of total voting centres) for the 2023 Narracan District supplementary election

## 11.4 Staffing the election

### SEO appointment and election casual staff

The assistant election manager for Narracan District from the State election, Brenda Barnes, was available to take on the duties of election manager for the supplementary election. The election manager was supported by an assistant election manager who had completed the equivalent role for a neighbouring district at the State election.

Due to the timing of the supplementary election, a number of closure tasks for the State election overlapped with the work required for this event. As such, many of the office staff were able to continue to support the election. Early voting, election day and counting staff were all sent an email by the VEC to gauge their interest in working at the supplementary election, noting the difficulty on election day for those taking a long holiday weekend following the Australia Day public holiday. The election manager reported no difficulties in staffing the event.

### Support services

As per the State election, the election manager was supported by both an election support officer and a help desk that was run from the VEC's head office.

The dedicated personnel helpline was also extended to support the supplementary election, as well as a dedicated resource to support any legislative or regulatory queries from the election office.

## 11.5 Candidate and party engagement

Registered political parties had access to a dedicated candidate helpdesk for guidance on lodging nominations, applying to register HTVCs and other enquiries during the election. Registered political parties received periodic bulletins with updates on the conduct of the election. From the opening of the election office, the central point of contact for independent candidates with the VEC was through their local election manager where they could seek support and updates on the election process. The election manager sent candidate bulletins containing updates to all candidates to ensure the provision of timely messages on voting and counting.

The VEC published candidate and scrutineer handbooks with information about legal requirements and key election processes. These handbooks, along with all relevant forms, were available to registered political parties and candidates in candidate information kits via the election office. Scrutineer handbooks were also available for scrutineers at all counting locations. The handbooks and all necessary forms were also published on the VEC website.

## Nominations

Nominations for the Narracan District supplementary election opened on Tuesday 20 December 2022 and closed at 12 noon on Friday 13 January 2023. Registered political parties were required to lodge a nomination for an endorsed candidate by 12 noon on Thursday 12 January 2023.

The VEC received 11 nominations for the Narracan District supplementary election - 8 nominations were from candidates endorsed by registered political parties and 3 candidates stood for election as independent candidates. The VEC had received 9 nominations for the failed Narracan District election at the State election.

At the conclusion of the election, candidate nomination deposits were refunded for 6 of the 11 candidates who obtained more than 4% of the first preference vote.

## How-to-vote cards

Applications to register how-to-vote cards (HTVCs) opened on Monday 16 January 2023 and closed at 12 noon on Thursday 19 January 2023.

The VEC received 16 applications to register HTVCs. Of these applications, 5 were refused registration for failing to comply with the HTVC requirements and 11 were approved for registration. Each applicant who had a HTVC application refused had a subsequent application approved for registration.

## Public funding

Public funding is available to independent and endorsed candidates who receive at least 4% of the first preference votes (or are elected) in an election. Parties and candidates that receive public funding at a general election may request to receive an equal amount paid in advance instalments in relation to the next general election. These provisions of the Electoral Act were not modified by the Order in Council to relate to the supplementary election, and public funding recipients for the Narracan District supplementary election are not able to receive advance instalment payments of public funding in relation to the 2026 State election. The VEC submitted to the Electoral Review Expert Panel that this could be addressed through legislative change. A summary of public funding amounts paid to registered political parties and independent candidates in relation to the Narracan District supplementary election is provided in **Appendix 5.2**.

Only elected members are eligible to receive administrative expenditure funding. Since the elected member was endorsed by a registered political party with more than 2 but less than 46 members, the notional full calendar year maximum entitlement amount was \$37,850, based on FY 2022–23 indexation.

# 11.6 Communication program

The VEC issued a media release on 21 November 2022 after being notified about the passing of the candidate, informing voters that they still needed to vote for their Legislative Council election (Eastern Victoria Region) at the general election.

The VEC also sent VoterAlert SMS and email notifications to 21,466 electors in Narracan District (42.5% of the electorate) to inform them of the failed Legislative Assembly election and the need to still vote in the Legislative Council election (Eastern Victoria Region).

The Legislative Council election turnout in November 2022 for Narracan District was 89.32%, higher than the overall State average Legislative Council election turnout of 88.23%. This suggests that the VEC's messaging to voters that they were still required to vote in the Legislative Council election, was effective at reaching them.

The VEC ran a comprehensive communication program to raise awareness of the Narracan District supplementary election, starting in December 2022 when the writ was issued for the election. This included:

- › a media release on 19 December 2022 announcing the date of the supplementary election (Saturday 28 January 2023)
- › VoterAlert SMS and email notifications to 28,344 Narracan voters, or 56.12% of the electorate. This included a digital EasyVote guide on the first day of early voting (16 January 2022) explaining when, where and how to vote, as well as an election day reminder (28 January 2022)
- › comprehensive information on the VEC website, including information about early voting, election day voting, postal voting, telephone assisted voting, nominating as a candidate, what to do if you're away, and an interactive map with the addresses, opening hours and accessibility information of early voting centres and election day voting centres
- › print advertisements in the *Warragul and Drouin Gazette* (local newspaper), broadcast ads on the local radio stations and sponsored social media ads geo-targeted to all postcodes in Narracan District
- › a series of media releases and radio releases and organic social media reminders on the VEC's owned channels.

The VEC also worked closely with local media to respond to queries during the supplementary election period.

## 11.7 Voting period

### Ballot paper preparation

Following the close of nominations, the VEC completed the same ballot paper artwork creation and quality assurance processes as were conducted for the general election, to prepare for printing. A total of 58,000 ballot papers were produced for postal and attendance voting methods. These volumes were based on estimations for a standalone event with no out-of-district voting requirements. Ballot papers required for the entire voting period were produced prior to the commencement of early voting and distributed to the election office one day prior to the commencement of early voting.

### Voting methods

Voting methods at the Narracan District supplementary election largely followed the same trends as at the general election. Voters adopted the convenience of early and postal voting, while attendance at election day voting centres continues to decline. The early voting period included the Australia Day public holiday, and the voting period was therefore shortened by 1.5 hours on Thursday 26 January. This had little to no impact on participation.

The VEC leveraged the smaller scale of a supplementary election to trial extending electronic roll mark-off from early voting centres to all election day voting centres.

A total of 19,305 votes were admitted to the count from early voting centres. A further 15,511 ordinary votes were cast on election day and 4,440 postal votes were received by the VEC in time to be admitted to the count. A total of 243 votes were cast by voters in mobile visits to four nursing homes, 262 declaration votes were admitted that required further scrutiny (either provisional or marked-as-voted), and as with the State election, TAV was available to eligible electors. There were 63 votes cast using TAV for the Narracan District supplementary election.

### Votes by type – Narracan supplementary election

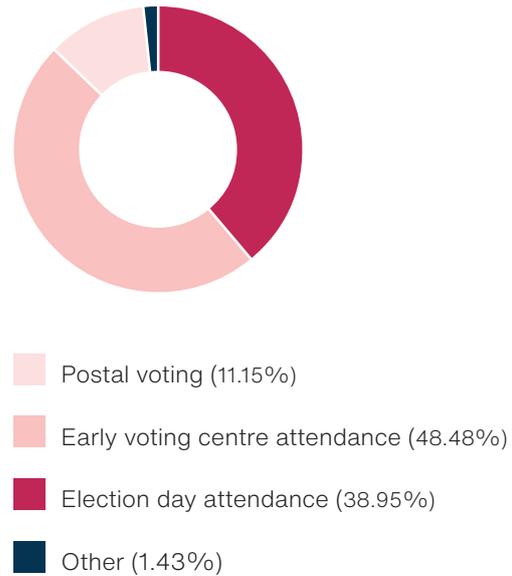


Figure 27: Votes by type at the 2023 Narracan District supplementary election

## 11.8 Counting and results

Early processing of ballot papers from early voting centres began at 9 am on election day in a designated restricted area at the election office. After the close of voting at 6 pm, ordinary votes were counted in election day voting centres, and early and mobile votes were counted at the election office. Election night counting included a first preference count, followed by a two-candidate-preferred count. A recheck count of ordinary, early, and mobile votes was conducted at the election office commencing Monday 30 January 2023.

Centralised counting was conducted at the VEC head office from 6 pm on election night for TAV and postal votes returned and verified prior to election day. Counting of remaining postal votes, marked-as-voted votes and provisional votes, and all rechecks of these votes was conducted on Friday 3 February 2023 at the VEC head office.

As no candidate received an absolute majority of first preference votes, a preference distribution was required. The centrally counted votes were transported to the election office, and the full preference distribution was conducted at the election office on Monday 6 February 2023 and required 7 distributions. Liberal candidate Wayne Farnham was the successful candidate for the election and was declared elected by the election manager on Wednesday 8 February 2023.

A total of 39,824 votes were cast in the supplementary election, with a turnout of 78.85%, almost ten percentage points lower than the turnout rate for the Legislative Council in Narracan District at the general election. Previous experience indicates that by-elections (and by extension, supplementary elections) have lower turnouts and higher informality rates than general elections. In addition, election fatigue (after the general election and the 2022 Federal election), timing of election day on a long holiday weekend, and confusion about the nature of a supplementary election (as separate from a by-election, particularly for those that voted early before the election was deemed to have ‘failed’) may have had an impact on the turnout in the election.

The informality rate of 6.58% was slightly higher than the state average of 5.54%, while still sitting in the middle range of informality of all districts, noting informality is generally higher with more candidates on the ballot paper.

## 11.9 Compliance and integrity

### Electoral integrity

Based on learnings from the 2022 State election, the VEC monitored risks to electoral integrity throughout the Narracan District supplementary election. Overall, integrity risks were far lower at the supplementary election with more concentrated oversight and a less volatile political environment. As with the general election, the VEC’s head office closely engaged with the election office to monitor successful delivery of compliance requirements, all of which were met.

### Constructive compliance

The VEC maintained its constructive compliance approach for the Narracan District supplementary election. The regulatory advice and incidents desk was carried over from the State election and responded to 8 cases in relation to the supplementary election, mostly relating to authorisation requirements, how-to-vote cards (HTVCs), signage, and the legislative differences between general and supplementary elections.

No poor behaviour was reported at voting centres throughout the early voting period or on election day. Two VEC staff members were based in Narracan District on election day to assist with electoral compliance matters, but there were no incidents or matters requiring their attention.

### Legal matters

There were no legal matters in relation to the Narracan District supplementary election, including no applications to VCAT in relation to HTVCs and no applications to the Court of Disputed Returns.

### Customer feedback and complaints

The Customer Feedback and Complaints team received 12 submissions concerning the Narracan District supplementary election. Of the 12 submissions received, 50% were complaints.

The submissions discussed information the VEC provided to the public in connection with the supplementary election (4), the conduct of candidates and campaign workers (2), candidate eligibility and fitness (1), employment conditions or offers of employment (2), advertising and electoral material (1) and eligibility criteria for TAV (1). There was also 1 submission which raised a range of questions concerning electoral integrity, and funding and disclosure requirements.

### Compulsory voting enforcement

The VEC issued 7,905 Apparent Failure to Vote Notices for the Narracan District supplementary election; these were mailed on 12 May 2023. Due to the unique circumstances experienced by Narracan District electors, the VEC excused all electors who cited confusion regarding the two elections as their reason for not voting. Electors who received an Apparent Failure to Vote Notice for both elections were excused from voting in the Narracan District supplementary election, regardless of whether they responded to the notice or not. This was to ensure that no elector received two Infringement Notices.

3,162 Infringement Notices were issued for the Narracan District supplementary election. These were issued in June 2023, with a due date of 4 August 2023 to pay the infringement or request an internal review. Penalty Reminder Notices were issued in late August 2023.

## Responding to a complex environment

# Recommendation 12: Supplementary election provisions

Provisions relating to State general elections and by-elections are clearly set out in the Electoral Act. The same is not true for supplementary elections; rather, section 72(4)(a) provides that provisions of the Electoral Act can be modified by the Governor in Council to apply to a supplementary election.

At the Narracan District supplementary election, the VEC's election planning and delivery was hindered by a lack of certainty around the timing of the election and what provisions and requirements would apply, either as usual or with a modification. This was exacerbated by the failed election occurring during the caretaker period, which limited the capacity for government liaison and negotiation.

This process also poses a risk of incongruent election procedures between general or by-elections and supplementary elections if provisions are not adapted consistently and holistically.

The Order in Council issued on 19 December 2022 modified:

- › section 61(4)(b), to require the writ for the supplementary election to be directed at the VEC
- › section 61(4)(c), to make the writ returnable to the person who issued it
- › sections 63(8), 63(9) and 63(10), to replace references to a by-election with references to a supplementary election
- › section 64, to impose obligations on the VEC upon receipt of the writ
- › section 208(3)(b), to allow candidates and parties in the supplementary election to be eligible for public funding.

As a supplementary election must be held on the same electoral roll as the failed election, electors who have been granted silent elector status since the close of roll for the election that failed cannot have their address suppressed from the supplementary election electoral roll. It is preferable for the safety of new silent electors that their address is not required to be included on the electoral roll for a supplementary election.

**The VEC recommends that provisions relating to supplementary elections are codified in the Electoral Act, and that section 72(4)(a) is amended to provide that the VEC must suppress the address of any electors who have become silent electors since the close of roll for the election that failed on the roll for a supplementary election.**

# 12. Technical recommendations

## Technical recommendation 1

Amend section 3 of the Electoral Act to capture electronic means for wherever the law requires the VEC to 'deliver' material, and review references to giving or receiving material in accordance with this definition.

*Note that this matter was raised in the VEC's report following the 2018 State election and remains outstanding.*

## Technical recommendation 2

Amend section 23A to insert a provision that the VEC may initiate an update to an elector's enrolled address based on available information.

*Note that this matter was raised in the VEC's report following the 2018 State election and remains outstanding.*

## Technical recommendation 3

Repeal section 24(4) of the Electoral Act and amend section 101 to include a provision that despite subsections (2) and (2A), a GPV application received in the period that commences after the close of roll and ends at the deadline for postal vote applications for an election is taken to be an application to vote by post in the election under subsection (1), as well as a GPV application for future elections.

This will allow the VEC to:

- › consider GPV applications received during this period and apply them to the register of electors before election day, and
- › ensure those electors applying for GPV status that miss the close of roll deadline are still able to be issued postal ballot papers for the current election without making a separate application.

## Technical recommendation 4

Amend section 44 of the Electoral Act to insert a requirement that a registered political party (RPP) must nominate a person to be the registered officer within 14 days of the party ceasing to have a registered officer. This will ensure that the VEC has an authorised contact point with whom it can address party obligations, and avoid the need for the VEC to make contact with former staff of a registered political party.

## Technical recommendation 5

Amend sections 45(2)(f) and 58B(f) of the Electoral Act to replace 'names and addresses' with 'names, addresses, dates of birth and contact details' for party membership verification.

Amend section 45 of the Electoral Act to include a provision defining 'contact details' as a person's phone number or e-mail address.

Including a person's date of birth will allow the VEC to accurately identify whether they are on the register of electors. Including a phone number or e-mail address will provide a more efficient and sustainable method of conducting member verification, as opposed to using the postal network.

## Technical recommendation 6

Amend sections 47 and 47A of the Electoral Act to insert provisions compelling the VEC to refuse an application for the registration of a political party, or to refuse an application for a registered political party to change its registered name, abbreviation or logo if, in the opinion of the VEC, the name, abbreviation or logo of the political party—

- › is or resembles the name, abbreviation or logo of another political party which has a pending application for registration, where the other political party submitted its application first
- › is or resembles the name, abbreviation or logo to which a registered political party has submitted an application to change its registered name, abbreviation or logo, where that registered political party submitted its application first

- › is or resembles the registered name, abbreviation or logo of a political party which was at one point registered within the past 10 years
- › contains 'MP', 'MLA' or 'MLC'
- › is likely to lead an elector to mistakenly believe that the political party has a connection or relationship with a registered political party or parties.

### Technical recommendation 7

Amend section 53(2) of the Electoral Act to replace 'registered officer' with 'registered officer and the secretary'. This will prevent a 'rogue' registered officer from submitting an application to voluntarily de-register the political party against the wishes of the political party.

### Technical recommendation 8

Amend section 69(4) of the Electoral Act to include that the sum of \$350 required to be delivered with a nomination form can be paid by an electronic method of payment determined by the VEC. This will modernise the payment process, which currently requires the amount to be paid in cash or by cheque drawn on account of an authorised deposit-taking institution.

### Technical recommendation 9

Amend section 76 of the Electoral Act to insert a provision that the VEC may, from time to time, determine a reasonable limitation on the number of scrutineers allowed in a voting centre under s76(3) of the Act in order to maintain fair access for scrutineers, to meet health and safety requirements, or other lawful obligations.

### Technical recommendation 10

Amend section 94 of the Electoral Act to include a provision that an elector may not appoint a person to assist the elector to vote if the person is a scrutineer appointed under section 76. Given the implied political interest of scrutineers, this will help ensure that electors are not subject to undue political influence if they require assistance to vote.

### Technical recommendation 11

Amend section 110J(1) of the Electoral Act to include ballot papers deposited in ballot boxes at a voting centre designated as a mobile voting centre under section 65(2)(a)(ii). This will allow the early processing of ballot papers in a restricted area during the authorised period on election day to include mobile early votes.

### Technical recommendation 12

Amend section 113(2) of the Electoral Act to replace the word 'Immediately' with the term 'As soon as practicable'. This ensures that the provision can be read consistently for counting ballot papers for Legislative Council elections at a general election due to the cross-reference introduced at section 114A(4) of the Electoral Act.

### Technical recommendation 13

Amend section 123(2)(b) of the Electoral Act to replace the words 'member's electorate' with 'district or region for which the member was elected'.

This will provide clarity for which members are entitled to elector information in relation to supplementary and by-elections.

### Technical recommendation 14

Amend section 158A(1) of the Electoral Act to replace 'but excluding any prescribed exempted premises, any premises used as a private residence that is located within 100 metres of any designated entrance to the voting centre or any designated entrance to the grounds in which the voting centre is situated' with 'but excluding any prescribed exempted premises OR any premises used as a private residence that is located within 100 metres of any designated entrance to the voting centre or any designated entrance to the grounds in which the voting centre is situated'. This would fix a grammatical drafting error that may give the provision incorrect effect.

### Technical recommendation 15

Amend section 158A(3) of the Electoral Act to specify that it applies to 'a candidate for the district or region for which the Commission has appointed the voting centre'.

Amend section 158A(3A) of the Electoral Act to specify that it applies when 'a registered political party has endorsed 2 or more candidates for the Council in an election for the region for which the Commission has appointed the voting centre'.

Amend section 158A(3B) of the Electoral Act to specify that it applies despite a candidate endorsed by that political party displaying signs under subsection (3).

These amendments will ensure that signage allocations at voting centres are only applicable to candidates for the district/s or region/s the voting centre is servicing, and that the allocations are clearly attributable to either a registered political party or candidate.

To give effect to these amendments, amend section 65(1) of the Electoral Act to include a provision that the VEC must appoint each voting centre as a voting centre appointed for one or more districts and regions. This will ensure that candidates will not have to share their signage allocation at joint voting centres servicing multiple districts or regions.

### **Technical recommendation 16**

Insert a provision into the Electoral Act to provide that any document that is ballot material is an exempt document under section 38 of the *Freedom of Information Act 1982* (Vic).

While it may be considered 'tampering' to release ballot material under Freedom of Information requests, this should be entrenched in legislation to prevent doubts about the validity of election results being propagated by third parties based on unofficial and unscrutinised counting.

### **Technical recommendation 17**

Amend Form A of the Electoral Regulations to allow a Medicare card or citizenship certificate as evidence of identity for enrolment, aligning with Commonwealth requirements and all other Australian jurisdictions.

The prescribed forms of identification under regulation 29 of the Electoral Regulations should not be changed.

### **Technical recommendation 18**

Amend section 48(2)(d) of the *Constitution Act 1975* (Vic) to replace 'being of unsound mind' with 'having a lack of cognitive capability, having been diagnosed by a qualified medical professional as such'.

This is consistent with recommendations made by the Australian Law Reform Commission<sup>16</sup> and the Human Rights Law Centre<sup>17</sup>, among other legal and disability advocacy groups.

<sup>16</sup> Australian Law Reform Commission, *Repeal of the 'unsound mind' provisions* (Report no. 124, September 2014) [9.17].

<sup>17</sup> Human Rights Law Centre, *Submission No 54 to the Australian Law Reform Commission, Equality, Capacity and Disability in Commonwealth Laws*, January 2014, page 9.

# Appendices

# Appendix 1: VEC responses to 2018 Electoral Matters Committee recommendations

**Table 1 – Actioned recommendations**

EMC Recommendation	VEC compliance with published response
<p>1 That the VEC consider the appropriateness of its enrolment rate target in light of increases in enrolment nation-wide</p>	<p>The VEC <b>has actioned this recommendation</b>. The VEC's enrolment rate target has been adjusted to be within 1% of the national average.</p> <p>The Victorian enrolment rate as at 1 January 2023 was 97.7%. This represents a +0.6% variation from the national enrolment rate, meeting the stated target of +/-1%. Over the last year, the Victorian enrolment rate has been consistently within 1% of the national enrolment rate.</p>
<p>2 That the VEC regularly publish data on the proportion of eligible electors who are enrolled, broken down by age</p>	<p>The VEC <b>has actioned this recommendation</b> in expanding annual reporting to include age group enrolment numbers.</p> <p>The VEC included this information in its 2019-20 Annual Report. Regular reporting has subsequently been maintained, including in the VEC's 2022-23 Annual Report.</p>
<p>3 That the VEC establish performance targets relating to the proportion of people in different age brackets who are enrolled. This will enable it to track its progress in this area</p>	<p>The VEC <b>has actioned this recommendation</b> in conducting enrolment data analysis and establishing performance targets for enrolment rate by age, effective June 2023.</p> <p>These targets are benchmarked against the national average for each age cohort, and are reported in the VEC's 2022-23 Annual Report.</p>
<p>4 That the VEC conduct an evaluation of the effectiveness of VoterAlert at impacting voter turnout, including a cost-benefit analysis, and publish the results</p>	<p>The VEC <b>has actioned this recommendation</b>. The VEC conducted a cost-benefit analysis and evaluation of its VoterAlert service following the 2022 State election. The analysis found that the service was both effective in terms of increasing electoral participation, particularly with younger voters, as well as cost-effective when compared with other communication tactics such as the hard copy EasyVote guide mailed out for the 2018 State election. The outcome of the analysis is that the VEC will continue to use VoterAlert for State and local council elections, including by-elections.</p>

EMC Recommendation	VEC compliance with published response
<p>5 That, in future post-election reporting, the VEC publish an analysis of the explanations given for not voting and what that indicates about why people did not vote</p>	<p>The VEC has actioned this recommendation by providing an outline of the reasons that electors were excused from compulsory voting enforcement in Table X in <b>Chapter 8.6 – Compulsory voting enforcement</b>.</p> <p>The VEC has also collected some statistical information about invalid responses to AFTVNs. The VEC notes that some electors who reply to AFTVNs may be motivated by the avoidance of a penalty, which may cast some doubt on the reliability of these replies.</p> <p>Of the invalid responses analysed:</p> <ul style="list-style-type: none"> <li>&gt; 231 (2.13%) did not provide a reason</li> <li>&gt; 529 (4.89%) claimed they did not vote because they had changed their name and/or address</li> <li>&gt; 2,595 (23.97%) claimed they voted on election day or early or by post without evidence</li> <li>&gt; 688 (6.36%) claimed they were unaware that they were enrolled to vote</li> <li>&gt; 1,275 (11.78%) claimed they were working on election day</li> <li>&gt; 3,049 (28.17%) claimed they forgot to vote or were unaware they had to vote</li> <li>&gt; 587 (5.42%) claimed they did not want to vote</li> <li>&gt; 1,870 (17.28%) gave another reason which was not considered valid or sufficient.</li> </ul> <p>The VEC also intends to scope a research program on declining electoral participation to better understand the possible causes and attitudes towards voting and non-voting. The extent to which these factors contribute to lower participation will be examined and compared to other Australian states and territories, and reported by the VEC.</p>
<p>6 That the VEC identify directly enrolled electors as a priority group for its inclusion and participation efforts and implement engagement programs aimed specifically at increasing turnout among directly enrolled voters</p>	<p>The VEC <b>has actioned this recommendation</b>. The VEC undertook a number of targeted campaigns designed to increase participation. A co-designed campaign was updated and targeted specifically to directly-enrolled voters via VoterAlert and advertising on social media. An overview of these approaches can be found in <b>Chapter 5 - Communication and engagement</b>.</p>
<p>7 That the VEC provide more detailed explanations of the factors affecting voter turnout at future elections</p>	<p>The VEC <b>has actioned this recommendation</b> in providing an analysis of voter turnout and the relative decline in participation in Appendix 3 of the VEC's Submission to the Electoral Matters Committee's inquiry into the conduct of the 2022 Victorian State election.</p>

EMC Recommendation	VEC compliance with published response
<p>8 That the VEC publish apparently intentional and apparently accidental informal voting rates as a percentage of all votes in its post-election reporting</p>	<p>The VEC <b>has actioned this recommendation</b>. The results of the informality analysis indicate 87,376 votes cast for the Lower House were apparently intentional, which equates to about 41% of all informal votes and 2.28% of all votes cast at the district level.</p> <p>A total of 119,717 informal votes indicated some form of preference, and were therefore considered apparently accidental, which equated to about 56% of all informal votes and 3.13% of all votes cast.</p> <p>The overall proportion of informal votes and percentage of apparently accidental informal votes declined from 2018. The full results of the informality analysis for the 2022 State election, including comparisons with informality at the previous election, are provided in <b>Appendix 7.1</b>.</p> <p>See also the VEC's response to EMC Recommendation 11 in Table 2.</p>
<p>9 That the VEC reinstate its analysis of informal Upper House ballot papers at future elections</p>	<p>The VEC <b>has actioned this recommendation</b>. The results of the informality analysis for the Legislative Council elections at the 2022 State election show a decline in informal voting from 3.96% in 2018 to 3.22% in 2022, with a far greater proportion of apparently intentional informal votes (approx. 65% of all Legislative Council election informal votes) than at the district level. More information is provided in <b>Appendix 7.1</b>.</p> <p>See also the VEC's response to EMC Recommendation 11 in Table 2.</p>
<p>10 That the VEC conduct an analysis of Upper House ballot papers to estimate the number of votes that included multiple preferences above the line, to understand how much confusion is being caused by having different systems at Commonwealth and state levels and to inform future information and education campaigns</p>	<p>The VEC <b>has actioned this recommendation</b> by completing an analysis of a sample of Legislative Council election ballot papers from Mildura, Berwick and Thomastown Districts to estimate the number of votes that included multiple preferences above the line. This analysis is provided in <b>Appendix 7.4</b>.</p>

EMC Recommendation	VEC compliance with published response
<p>12 That the VEC increase the depth of its analysis and reporting on informality at Victorian state elections. This includes election-to-election trends and events specific to individual elections</p>	<p>The VEC <b>has actioned this recommendation</b>. As in 2018, the VEC examined all informal votes from all districts in 2022, measuring the incidence of various types of informal votes. This was conducted in collaboration with academics from the University of Adelaide and Flinders University, as part of an Australian Research Council study into informal voting.</p> <p>As part of this study, more categories of informality were introduced to gain more detailed information about the motivations and behaviour of informal voters. Additionally, the VEC has increased the depth of its analysis of informality in the following ways:</p> <ul style="list-style-type: none"> <li>&gt; conducting the informality analysis centrally and by a dedicated team, which has improved the consistency of analysis</li> <li>&gt; analysing all Legislative Council election informal votes</li> <li>&gt; expanding the analysis to include more detail on the different types of informality across all districts and regions</li> <li>&gt; analysing informality by voter type (ordinary, early, postal, absentee and provisional) for 21 districts where the informal votes had not been amalgamated</li> <li>&gt; conducting the same level of informality analysis at local government elections (2020 and planned for 2024)</li> <li>&gt; working with academics as part of the ARC informality study to make the analysis consistent with current research trends and approaches.</li> </ul> <p>A more detailed analysis of informality at the 2022 State election is provided in <b>Appendix 7.1</b>.</p> <p>See also the VEC's response to EMC Recommendation 11 in Table 2.</p>
<p>13 That the VEC publish and discuss turnout by age cohorts in terms of the eligible population in its future reports on state elections</p>	<p>The VEC <b>has actioned this recommendation</b>. The outcome of this analysis was provided in Appendix 3 of the VEC's submission to the Electoral Matters Committee's inquiry into the conduct of the 2022 State election. This analysis demonstrates that the voter turnout was lowest for voters aged 40 and below (84.22% compared to 92.36% for voters aged 40–69 and 90.70% for voters aged 70+).</p>
<p>14 That, in its research into reasons for not voting and attitudes toward voting among the 25-to-44-year-old age group, the VEC include a focus on the drop in turnout among 30-to-44-year-old electors at the 2018 election</p>	<p>The VEC <b>has actioned this recommendation</b>. The outcome of this research and analysis was provided in Appendix 3 to the VEC's submission to the Electoral Matters Committee's inquiry into the 2022 State election. The VEC's research suggests that socioeconomic trends and later transitions to adult milestones may be contributing to lower turnout rates in younger voters, as has been observed nationally and in comparable democracies around the world.</p>
<p>16 That the VEC consider the suggestions from the Committee's CALD community forums as part of developing future plans for engaging with CALD communities</p>	<p>The VEC <b>has actioned this recommendation</b> by continuing to consult with its CALD Advisory Group as well as sponsoring Active Citizen Leadership programs in 2022, leading to wider opportunity for targeted employment of CALD Democracy Ambassadors.</p>

EMC Recommendation	VEC compliance with published response
<p>17 That the VEC explore ways to more objectively measure the effectiveness of its advisory groups as a means of addressing the challenges faced by certain groups of voters</p>	<p>The VEC <b>has actioned this recommendation</b> in developing a set of advisory group effectiveness measures, several of which are included in the advisory group survey.</p> <p>Specifically, members rate their satisfaction overall with the level of VEC support and their perceived contribution to planning and implementation. Members must also be able to demonstrate reach and network within the population group.</p>
<p>18 That the VEC consider the effectiveness of face-to-face outreach as a foundation for efforts to increase electoral participation</p>	<p>The VEC <b>has actioned this recommendation</b> and will continue to offer both face-to-face and online electoral education for all groups traditionally under-represented in the electoral process.</p> <p>In 2022, the VEC held face-to-face and online electoral education sessions for traditionally under-represented communities.</p> <p>Additionally, the VEC developed and distributed through VoterAlert an Easy English Guide detailing all voting options available, where to find a list of candidates, links to check their enrolment and to see if they were affected by electoral boundary changes, links to videos showing how to correctly complete ballot papers (in English and in 25 different languages) and a link to search for their nearest voting centre with directions and accessibility information. The VEC also developed 75 in-language videos across 25 languages covering how to enrol and vote. More information is provided in <b>Chapter 5.7 - Community outreach and engagement</b>.</p>
<p>19 That the VEC develop and trial measures within its inclusion and participation efforts to increase turnout among electors across the entire 20-to-39-year-old age cohort and not just the youngest electors</p>	<p>The VEC <b>has actioned this recommendation</b>. The VEC's published response identified the primary cohorts relevant to the turnout rate among this age group as directly enrolled electors and overseas travellers.</p> <p>For directly enrolled electors, the VEC undertook a significant, dedicated advertising campaign (DemGraphics) aimed at youth and directly enrolled electors. For more information about this campaign, see <b>Chapter 5.1 - Advertising campaign</b>.</p> <p>The VEC engaged with overseas electors in a variety of ways. Both a dedicated VoterAlert campaign and a dedicated advertising campaign targeted overseas electors. In addition, the VEC collaborated with Smart Traveller to provide a bulletin to overseas Victorians, and sent a letter directly to registered overseas electors. For more information about these initiatives, see <b>Chapter 5 - Communication and engagement</b>.</p>
<p>20 That the VEC establish an advisory group aimed at advising on engagement programs for voters from 20 to 39 years old, a cohort which consistently shows low turnout</p>	<p>The VEC <b>has actioned this recommendation</b> through the implementation of its Young People Inclusion Plan, by establishing a Young People Advisory Group.</p>

EMC Recommendation	VEC compliance with published response
<p>21 That the VEC provide extended voting hours on more days during the early voting period</p>	<p>The VEC <b>has actioned this recommendation</b> in providing two additional late nights added to the first week of early voting compared to 2018, totalling an additional 620 hours state-wide.</p> <p>In 2018, the VEC extended the usual closing time of 6 pm for early voting centres to 8 pm on Thursday 22 November 2018. In 2022, the VEC increased late-night voting, and extended the closing time of early voting centres to 8 pm on Tuesday 15 November, Thursday 17 November and Thursday 24 November 2022.</p>
<p>22 That the VEC continue to explore new ways to find more suitable early voting and election-day voting centres, including learning from the approaches in other jurisdictions where appropriate</p>	<p>The VEC <b>has actioned this recommendation</b> in developing the Election Infrastructure Location Strategy that looks to optimise the location of early voting and election day voting centres.</p> <p>The VEC notes the challenges of market availability for suitable early voting centres. For more information see <b>Chapter 3 - Venues and resourcing</b>. See <b>Recommendation 2 - Availability of early voting centres</b> on page 22, in which the VEC recommends legislative change to provide an appropriate mechanism to require suitable publicly-funded venues to be available for use as early voting centres.</p>
<p>23 That the VEC establish an election performance target for the number of Assisted Wheelchair Access voting centres at future elections</p>	<p>The VEC <b>has actioned this recommendation</b>. See <b>Chapter 3.4 - Early voting centres</b> and <b>Chapter 3.5 - Election day voting centres</b> for State-wide overviews of voting centre accessibility, and see <b>Appendix 4</b> for statistical information about voting centre accessibility by electorate.</p> <p>The VEC adopted a target of 80% of early voting centres and 40% of election day voting centres having an Assisted Wheelchair Access (AWA) or higher rating. The VEC exceeded this target at the 2022 State election, with 81% of early voting centres and 58% of election day voting centres having an AWA or higher rating.</p> <p>See also <b>Recommendation 2 - Availability of early voting centres</b> on page 22, in which the VEC recommends legislative change to provide an appropriate mechanism to require suitable publicly-funded venues to be available for use as early voting centres. This change would improve the VEC's ability to source accessible voting locations.</p>
<p>24 That the VEC, in its briefings, proactively engage candidates and parties around the need to minimise the anxiety that some voters may experience when approaching campaigners at a voting centre, with the aim of increasing campaigner sensitivity and reducing the anxiety some voters experience</p>	<p>The VEC <b>has actioned this recommendation</b> in reminding registered political parties and prospective independent candidates through pre-election briefings of their responsibilities to ensure their campaigners are not compromising the safety of voters accessing voting centres.</p> <p>The VEC provided guidance to registered political parties and candidates on rules about campaigning outside voting centres and deployed compliance staff to voting centres that were the subject of complaints about campaigner conduct. The VEC also issued directions for 2 voting centres to limit campaigner presence and enhance voter experience.</p> <p>For more information see <b>Chapter 8 - Compliance and integrity</b>.</p>
<p>25 That the VEC investigate and develop ways to ensure postal voting and other voting methods remain viable options for Victorians who cannot attend a voting centre</p>	<p>The VEC <b>has actioned this recommendation</b>. Refinements to the operating model for the 2022 State election were highlighted in the VEC's 2022 State election Service Plan.</p> <p>Additional voting methods for Victorians who cannot attend a voting centre are addressed in <b>Recommendation 6 - Eligibility for electronic assisted voting</b>.</p>

EMC Recommendation	VEC compliance with published response
<p>26 That the VEC establish more early voting centres in larger regional districts and consider further innovative ways of providing voting options for voters living in regional Victoria, such as mobile voting centres</p>	<p>The VEC <b>has actioned this recommendation</b> in developing the Election Infrastructure Location Strategy, which looks to optimise the location of early voting and election day voting centres.</p> <p>More information on the VEC’s strategy of locating and sourcing early voting and election day voting centres is outlined in <b>Chapter 3 - Venues and resourcing</b>.</p> <p>See also <b>Recommendation 2 - Availability of early voting centres</b> on page 22, in which the VEC recommends legislative change to provide an appropriate mechanism to require suitable publicly-funded venues to be available for use as early voting centres. This change would improve the VEC’s ability to source suitable early voting locations.</p>
<p>27 That the VEC improve its transparency in relation to the security of ballot papers</p>	<p>The VEC <b>has actioned this recommendation</b> in revising its ballot paper tracking and security policy to improve its transparency in the management of ballot papers through the course of the election. Initiatives established during the 2022 State election include::</p> <ul style="list-style-type: none"> <li>› the introduction of a VEC Ballot Paper Standard Operating Procedure to ensure all transport vehicles adopted a standardised approach for sensitive ballot material movements</li> <li>› requiring all transport services relating to ballot material movements were booked and tracked via an online system allowing real time monitoring of ballot material at any given time</li> <li>› mandating the use of tracking sheets that accompanied all online bookings to ensure a secondary tracking method was adopted and correct volumes checked at collection and delivery location before being signed for.</li> </ul>
<p>28 That the Government amend the Electoral Act to:</p> <ul style="list-style-type: none"> <li>› mandate a minimum length of time between notifying candidates and parties about a recount and commencing the recount</li> <li>› specify a particular form of words in which recounts are announced, to avoid any confusion, and</li> <li>› require the VEC to notify the relevant state secretaries of parties and contact officers for non-party-aligned candidates, as well as the candidates</li> </ul>	<p>The Electoral Act has been amended to require a minimum of 4 hours notice is given before commencing a recount and to specify the form and distribution list of that notice, which was operationalised for the 2022 State election if required.</p> <p>The VEC notes that no recount was conducted at the 2022 State election, so this was not required to be exercised.</p>

EMC Recommendation	VEC compliance with published response
<p>30 That the VEC include information about apparent multiple voting in all future reports on state elections. This should include quantifying the number of apparent multiple votes in each district</p>	<p>The VEC <b>has actioned this recommendation</b> by providing the number of apparent multiple votes in each district in <b>Appendix 8</b>. More context about this information is provided in <b>Chapter 8.6 - Compulsory voting enforcement</b>.</p>
<p>31 That the VEC publish the results of its investigations into multiple voting at each state election, including noting the number of cases which remain unexplained to the VEC's satisfaction</p>	<p>The VEC <b>has actioned this recommendation</b>. Information about the VEC's investigations into multiple voting at the 2022 State election is provided in <b>Chapter 8.6 - Compulsory voting enforcement</b>.</p>
<p>32 That the VEC review the election performance indicator and budget paper measure 'Number of legal challenges to VEC conduct upheld' to ensure that what it measures is clear or change what is included when reporting on this measure</p>	<p>The VEC <b>has actioned this recommendation</b> in providing an updated performance measure 'Election events invalidated by a Court of Disputed Returns as a result of a proven claim against the Victorian Electoral Commission's conduct of that event'. This measure more clearly articulates the basis for the VEC's 'nil' target for election challenges.</p> <p>The VEC notes that no 2022 State election result was affected by a legal challenge related to VEC conduct.</p>
<p>33 That, in future election plans, the VEC include two new performance indicators with targets that relate to the suitability of venues used as a) early voting centres and b) election-day voting centres</p>	<p>The VEC <b>has actioned this recommendation</b> in setting targets of 80% of early voting centres and 40% of election day voting centres being Assisted Wheelchair Accessible (AWA) and 25% of all venues being Independent Wheelchair Accessible (IWA). The VEC exceeded the AWA target at the 2022 State election with 82% of early voting centres and 58% of election day voting centres with an AWA rating.</p> <p>At the 2022 State election, the VEC exceeded the IWA target for early voting centres with 32% having an IWA rating, and fell short of its target for election-day voting centres, with 21% having an IWA rating.</p>
<p>35 That, in future election plans, the VEC include performance indicators that measure the accuracy of primary counts, two-candidate-preferred counts and, where possible, recheck results. Results for these indicators should be included in future reports on state elections</p>	<p>Key performance indicators are not an appropriate measure for this activity. Rather the VEC <b>has actioned this recommendation</b> having reviewed its policies and procedures relevant to manual counting.</p>
<p>36 That, in developing future plans and strategies, the VEC include concrete actions, measures and quantified targets in the original plan at the time of release, so that stakeholders have a better understanding of what the VEC intends to do</p>	<p>The VEC <b>has actioned this recommendation</b> following the publishing of the inclusion action plans available on the VEC website relating to the following areas: Out of Home; Young People; Multicultural; and Disability Access. Each action plan has clear and defined monitoring and evaluation objectives.</p>

EMC Recommendation	VEC compliance with published response
37 That the VEC make all future inclusion and participation plans, strategies, and key performance indicators publicly available	The VEC <b>has actioned this recommendation</b> in producing a number of inclusion plans, managed through the Diversity and Inclusion Framework with annual reporting of key performance indicators. These inclusion plans are available on the VEC website, and the key performance indicators are reported on in the VEC's 2022-23 Annual Report.
38 That the VEC talk with parties to understand their concerns about how-to-vote card registration and identify any changes to processes that could be helpful in the future	The VEC <b>has actioned this recommendation</b> in providing guidance to registered political parties and candidates about how-to-vote card registration through information sessions, handbooks and newsletters.  See also <b>Recommendation 4 - Registration of how-to-vote cards</b> on page 37, in which the VEC recommends that the how-to-vote card registration process is removed, and provides alternative recommendations to streamline the registration process and improve participants' experience.
40 That the VEC further develop its relationship with the police to establish procedures to enable quick and effective responses to any intimidation, harassment, or violence at voting centres	The VEC <b>has actioned this recommendation</b> and an overview of this relationship is provided in <b>Chapter 2.4 - External service providers</b> and <b>Chapter 8.2 - Constructive compliance</b> . These sections of the report describe how the VEC developed fact sheets for Victoria Police to ensure police officers were equipped to deal with election issues and liaised closely with Victoria Police to develop an election response structure that alerted police to emerging issues and coordinated police responses.
41 That the Government seek to amend Section 158A of the Electoral Act to provide greater clarity around how many signs candidates and parties can set up at voting centres and what is permitted to be on those signs	The Electoral Act has been amended to provide greater clarity on the rules governing the exhibition of notices or signs by RPPs and candidates in proximity to a voting centre, which was operationalised for the 2022 State election.  The VEC provided guidance to RPPs and candidates about the new signage rules through information sessions, handbooks and newsletters.  See <b>Technical recommendation 14</b> and <b>Technical recommendation 15</b> in <b>Chapter 12 - Technical recommendations</b> , in which the VEC proposes minor amendments to improve the effectiveness of the new signage provisions.
42 That the VEC consider the concerns raised in this chapter about the training of election officials as part of its planned review of the effective management of the VEC workforce during an election	The VEC <b>has actioned this recommendation</b> by updating its election staff training program, increasing the online training allowing for election staff to revisit content, and providing additional training during the delivery of the event.  See the VEC's commitment on page 100 to increasing the focus in election management training on common areas of difficulty for election managers.
44 That, in selecting venues for future elections, the VEC factor in the needs of candidates and volunteers (such as toilets, shelter and appropriate spaces for campaigning) as far as possible	The VEC <b>has actioned this recommendation</b> in considering the needs of candidates and volunteers as a part of its Election Infrastructure Location Strategy.  See also <b>Recommendation 2 - Availability of early voting centres</b> on page 22, in which the VEC recommends legislative change to provide an appropriate mechanism to require suitable publicly-funded venues to be available for use as early voting centres. This change would improve the VEC's ability to source early voting locations with suitable facilities.

EMC Recommendation	VEC compliance with published response
<p>45 That the Electoral Act be amended to allow early votes to be processed, but not inspected, from 8 am on election day. Scrutineers should have the same access to observe this process as they have for current vote processing practices</p>	<p>The Electoral Act has been amended to now allow for early votes to be processed from 8 am on election day, and this was successfully operationalised for the 2022 State election.</p> <p>See <b>Technical recommendation 11</b> in <b>Chapter 12 - Technical recommendations</b>, in which the VEC recommends a minor amendment to include early votes from mobile voting centres in early processing from 8 am on election day.</p>
<p>46 That the Government amend the Electoral Act to prohibit any person or organisation other than the VEC from distributing postal vote applications</p>	<p>The Electoral Act has been amended to prohibit anyone other than the VEC from distributing postal vote applications, which has been operationalised for the 2022 State election.</p> <p>See also <b>Recommendation 11 - Privacy and data protection concerns</b> on page 92, in which the VEC recommends extending this offence to the distribution of General Postal Voter applications by anyone other than an electoral commission.</p>
<p>47 That the Government amend the Electoral Regulations 2012 to remove the requirement for applicants to separately declare that they understand that their name and address may be provided to registered political parties and non-party-aligned candidates</p>	<p>The Electoral Regulations no longer require a separate declaration on the postal vote application from the elector that they understand that their details may be passed on, which has been operationalised for the 2022 State election on the postal vote application form.</p>
<p>48 That the VEC consider improvements to the way it provides successful postal voter application data to political parties and non-party-aligned candidates at future elections, including providing the data sooner and clearly communicating set times for providing the data</p>	<p>The VEC <b>has actioned this recommendation</b> at the 2022 State election in providing data daily to registered political parties and independent candidates from 14 November 2022 subject to completion of a confidentiality agreement.</p>

**Table 2 – Recommendations in progress**

EMC Recommendation	VEC compliance with published response
<p>11 That the VEC ensure the research it sponsors into informal voting includes an investigation of:</p> <ul style="list-style-type: none"> <li>› the reasons for the continued increase in informal voting in Victorian Lower House elections</li> <li>› the consistently high rate of informal voting in Victorian Lower House elections compared to other Australian jurisdictions</li> <li>› the increase in apparently accidental informality at the 2018 election</li> <li>› the reasons for informality in Upper House elections</li> </ul>	<p>The VEC <b>will action this recommendation</b> by continuing its research partnership with the University of Adelaide and Flinders University as part of an Australian Research Council grant. The comprehensive analysis of every informal ballot paper from the 2022 State election has been shared with the research partners. The informal ballot papers from the upcoming 2024 Local Government elections will also be analysed and reported. The resulting report from the researchers will be provided in 2025.</p>
<p>15 That the VEC ensure its research program includes research into the relationship between age and formal voting at Victorian state elections</p>	<p>The VEC <b>will action this recommendation</b> in conducting a market research agency survey of intentional informal voters that may disclose some age-related patterns. For more information, see <b>Chapter 10.4 - Future research</b>.</p>
<p>34 That, in future election plans, the VEC include two new performance indicators with targets that relate to the proportion of electors who queue for more than 10 minutes at a) early voting centres and b) election-day voting centres</p>	<p>The VEC <b>will action this recommendation</b> through the deployment of queue management technology for operational purposes.</p>
<p>43 That the VEC engage an independent expert to evaluate the effectiveness of its training procedures at the 2022 election</p>	<p>The VEC <b>will action this recommendation</b> in undertaking a full post-event training evaluation for both election management teams and election casuals. The audit will be captured in the VEC's internal audit program.</p>

**Table 3 – Recommendations not supported/ no further action**

EMC Recommendation	VEC compliance with published response
29 That the VEC provide specific explanations on the results pages of its website for any significant adjustment to figures (e.g., more than 200 votes) made between the primary count or two-candidate-preferred count and the final results (recheck or recount results)	Upon investigation, the election timeline does not support this level of granular analysis.
39 That the VEC investigate the practicability of facilitating mental and emotional support services for candidates and their families and include a service in its 2022 election planning if appropriate	No further action required, the VEC has completed this action by performing a review of the feasibility of this program and come to the view that it is outside the remit of the VEC.

**Table 4 – The recommendation is not applicable to the VEC**

EMC Recommendation	VEC compliance with published response
49 That the Parliament refer an inquiry into possible reforms of the Upper House electoral system to the Electoral Matters Committee	The VEC supports this recommendation. See <b>Chapter 1.8 - Political environment</b> , and Policy matter 2 of the VEC's submission to the Electoral Matters Committee's inquiry into the conduct of the 2022 State election.

## Appendix 2: Summary of the outcomes of recommendations made by the VEC in its Report to Parliament on the conduct of the 2018 Victorian State election

No.	Recommendation	Outcome
1	It is recommended that section 3 of the <i>Electoral Act 2002</i> is amended to capture electronic means for wherever the law requires the VEC to 'publicly advertise' information or 'deliver' material, and that references to giving or receiving information or material are reviewed in accordance with these definitions.	<p><b>Partially addressed</b> by incidental amendment to the <i>Interpretation of Legislation Act 1984</i> (Vic).</p> <p>Section 38M provides that any legislation requiring a notice to be published in a print newspaper may be satisfied if the notice is published on an approved alternative publication internet site (which is now <a href="http://publicnotices.vic.gov.au">publicnotices.vic.gov.au</a>).</p> <p><b>Not yet addressed</b> in relation to the delivery of material. See <b>Technical recommendation 1</b> in <b>Chapter 12 - Technical recommendations</b>, in which the VEC once again recommends this amendment.</p>
2	It is recommended that section 23(3)(c) of the <i>Electoral Act 2002</i> is amended to allow authorised officials determined by the VEC to nominate their business address instead of their enrolled address when witnessing enrolment forms.	<p><b>Addressed</b> by the <i>Electoral Regulations 2022</i>.</p> <p>The prescribed enrolment form (Form A of Schedule 1) provides that the witness's address can be their enrolled address or another address.</p>
3	It is recommended that the prescribed class of eligible electors who can access electronic assisted voting be extended to include electors who are experiencing homelessness, those with mobility issues, Antarctic electors, and those affected by a declared emergency situation during the voting period.	<p><b>Partially addressed</b> by the <i>Electoral Regulations 2022</i>.</p> <p>Regulation 50(b) provides that electors who otherwise cannot vote without assistance because of a motor impairment are an eligible class.</p> <p>Regulation 52 provides that the VEC can make a determination specifying a class of electors eligible if that class of electors is affected by a declared emergency situation. See <b>Recommendation 7 - Responding to emergency situations</b> on page 68, in which the VEC recommends improvements to this change.</p> <p><b>Not yet addressed</b> in relation to electors who are experiencing homelessness or Antarctic electors. See <b>Recommendation 6 - Eligibility for electronic assisted voting</b> on page 65, in which the VEC once again recommends extending eligibility to these classes of electors.</p>
4	It is recommended that the <i>Electoral Act 2002</i> is amended to allow the Electoral Commissioner to make alternative arrangements to ensure the proper administration of an election in the event of a declared emergency situation. The change should remove the need for voting to be suspended or adjourned under sections 97 and 97A of the <i>Electoral Act 2002</i> , respectively, for declared emergency situations.	<p><b>Not yet addressed.</b> See <b>Recommendation 7 - Responding to emergency situations</b> on page 68, in which the VEC once again recommends this amendment, noting the difficulties that the VEC experienced with the definition of 'declared emergency situation' as prescribed by the <i>Electoral Regulations</i>.</p>

No.	Recommendation	Outcome
5	It is recommended the <i>Electoral Act 2002</i> is amended to allow the processing of early votes to commence at 8.00 am on election day in a manner determined by the VEC that does not include the inspection of the ballot papers. This would align with the early processing of postal votes under section 110J of the <i>Electoral Act 2002</i> .	<p><b>Addressed</b> by the <i>Regulatory Legislation Amendment (Reform) Act 2022</i> (Vic).</p> <p>Section 110J(6) of the <i>Electoral Act 2002</i> now provides that the authorised period in relation to early votes means the period of 10 hours immediately before the close of voting.</p>
6	It is recommended that section 61(4)(c) of the <i>Electoral Act 2002</i> is amended from 21 to 23 days.	<p><b>Not yet addressed.</b> See 'Available counting timeline' in <b>Recommendation 1 - The Electoral Act</b> on page 13, in which the VEC once again makes this recommendation as an immediate change to reduce the risk of election failure.</p>
7	It is recommended that section 158A of the <i>Electoral Act 2002</i> is amended to provide clarity around the liability and number of signs permitted to be displayed within 100 metres of a voting centre.	<p><b>Addressed</b> by the <i>Regulatory Legislation Amendment (Reform) Act 2022</i> (Vic).</p> <p>Sections 158A(3A) and (3B) of the <i>Electoral Act 2002</i> now provide an express limitation on the number of signs permitted to be displayed by a registered political party that has endorsed 2 or more Legislative Council candidates and by a registered political party on their own behalf.</p> <p>Sections 158A(7) and (8) of the <i>Electoral Act 2002</i> now require a designated contact person responsible for notices and signs.</p> <p>See <b>Technical recommendation 14</b> and <b>Technical recommendation 15</b> in <b>Chapter 12 - Technical recommendations</b>, in which the VEC recommends minor amendments to improve the effectiveness of the new signage provisions.</p>
8	It is recommended that the <i>Electoral Act 2002</i> is amended to include new provisions that equip the VEC to respond to online threats to the integrity of an election. This may include new offences for forgery, manipulation, interference, tampering or other misuse specific to online electoral systems or transactions, as well as expanding the existing authorisation requirements for electoral matter to specifically include electoral matter published using social media and instant messaging services (as distinct from the internet generally).	<p><b>Not yet addressed.</b> See 'Keeping pace with modern challenges and opportunities' in <b>Recommendation 1 - The Electoral Act</b> on page 13, and 'Authorisation requirements' in <b>Recommendation 9 - Regulation of electoral campaign material</b> on page 78, in which the VEC once again recommends legislative change in these areas.</p>
9	It is recommended that section 23A of the <i>Electoral Act 2002</i> is expanded to permit the VEC to initiate an update to an elector's enrolled address based on available information.	<p><b>Not yet addressed.</b> See <b>Technical recommendation 2</b> in <b>Chapter 12 - Technical recommendations</b>, in which the VEC once again recommends this amendment.</p>
10	It is recommended that the indexation requirement in Part 12 of the <i>Electoral Act 2002</i> is removed from political donation disclosure thresholds and donation caps.	<p><b>Not yet addressed.</b> See recommendation 9 of the VEC's submission to the Electoral Review Expert Panel, in which the VEC makes recommendations for amendments to the indexation requirement.</p>

# Appendix 3: 2022 State election Evaluation Report

## 3.1 Executive Summary

The purpose of the 2022 State election Evaluation Summary Report is to outline the performance of the VEC in its delivery of the 2022 State election against the key performance indicators set out in the 2022 State election Service Plan, in alignment with the broader evaluation framework of the election<sup>7</sup>. In response to the indicators, the VEC has identified primary operational considerations to better inform decision-making about the improvement of election delivery ahead of future elections.

The approach to the evaluation of the VEC’s performance was formed through the development of an evaluation framework comprising 6 core objectives and desired outcomes underpinned by the VEC’s Strategy 2023.

### Objectives

The SE2022 workforce is inclusive, and reflects the community the VEC serves

The SE2022 workforce is sustainable, trained, equipped and supported to deliver the election

SE2022 services are accessible and the VEC proactively supports the participation of all electors, particularly those under-represented in the electoral process

Stakeholders are engaged and supported through the electoral process

SE2022 election services and processes enable the efficient and timely delivery of election services and results

SE2022 systems and processes are delivered and maintained in a secure and compliant manner

### Impacts

#### Inspired people



#### Empowered electors



#### Smart solutions



<sup>7</sup> Recommendations from Parliament’s Electoral Matters Committee inquiry into the conduct of the 2022 State election will be assessed along with the key themes identified in this evaluation. They will also be considered in conjunction with the recommendations and commitments presented in the VEC’s Report to Parliament on the 2022 State election, and the VEC’s Strategy 2027.

Upon review of the strategic considerations identified by the evaluation process, the VEC identified 5 overarching themes that arose from the election program feedback. These are to be prioritised in future thinking.

The five key recommendations are:

### 1. Election workforce wellbeing and capability



It is recommended that the VEC prioritise embedding strong people-first initiatives across its service model via a comprehensive Workforce Strategy and Implementation Plan. These plans aim to increase the depth of election knowledge, and explore alternative staff recruitment, training, and management solutions for both temporary and ongoing staff.

### 2. Advocacy for legislative reform



It is recommended that the VEC prioritise advocacy for legislative change, particularly in the areas of how-to-vote cards, accessible voting and counting periods. This has significant flow-on impacts on workforce wellbeing.

### 3. Optimisation of the election service model



It is recommended that the VEC improve its strategic approach to further refine its footprint, better support its staff and minimise risk. Continued review of this approach must also consider staffing impacts, security and compliance in election delivery.

### 4. Early election preparation



It is recommended that the VEC continue to mature in the program management space by prioritising early, concise and purposeful preparations to support successful election delivery. In addition, adherence to election program roles is important to provide staff clear responsibilities and reduce risk.

### 5. External relationship management



It is recommended that the VEC reviews all aspects of its management and communication with external stakeholders, including third-party providers. This will ensure high levels of satisfaction and consistency in approach and messaging across all stakeholders.

#### 3.2 Context

The purpose of this evaluation process is to capture significant feedback and high-level trends identified following the delivery of the 2022 State election. The VEC aims to assess its success against performance measures in State election service delivery and provide scope for performance improvement opportunities.

The evaluation of the VEC's performance in delivering the 2022 State election was formed around the strategic pillars and objectives identified in the VEC's Strategy 2023 and 2022 State election Service Plan.

The report aims to improve the governance and strategy for planning and delivery of future election events. Identified themes will be funnelled through an established continuous improvement framework to further refine the program delivery model.

#### 3.3 Methodology

In late 2021, an Evaluation Working Group (EWG) was established. The EWG developed the evaluation strategy for the election and included representatives from branches across the organisation. The EWG recognised the importance of linking any election objectives with the VEC Strategy and its priority themes; inspired people, empowered electors and smart solutions.

The VEC's performance in delivering the 2022 State election was measured against an established evaluation framework, comprising 6 core objectives:

1. The 2022 State election workforce is inclusive, and reflects the community the VEC serves.
2. The 2022 State election workforce is sustainable, trained, equipped and supported to deliver the election.
3. 2022 State election services are accessible and the VEC proactively supports the participation of all electors, particularly those under-represented in the electoral process.
4. Stakeholders are engaged and supported through the electoral process.

5. 2022 State election services and processes enable the efficient and timely delivery of election services and results.
6. 2022 State election systems and processes are delivered and maintained in a secure and compliant manner.

The EWG was also tasked with the development of key performance indicators and targets for inclusion in the public-facing 2022 State election Service Plan. These indicators were designed in direct alignment with the established objectives and their desired outcomes. Further, the group determined 20 evaluation questions as the drivers for consistent and aligned collection of data and feedback, and to inform the success of each of the 6 election objectives. The evaluation framework and questions can be found in Figure 1 and Figure 2 below.

The collection of data and feedback across the election was significant. All internal work programs were required to produce closure reports for each of their work program's projects. The closure reports served as the primary data collection tools to capture information about milestones, costs, issues, deliverable completion and most significantly, lessons learned in line with the 20 evaluation questions linked to the evaluation logic.

Further, KANTAR Public was engaged as an independent researcher to survey electors, candidates and registered political parties (RPPs) and report on their findings. After extensive research, an independent report was produced consolidating the following areas:

- › evaluation of services at the 2022 State election – Voters
- › evaluation of services at the 2022 State election – Candidates and Parties

All analysis and synthesis of both internally and externally collected data and feedback informed the development of the strategic considerations and the identification of the priority themes.



Figure 1: 2022 State election Evaluation Logic infographic

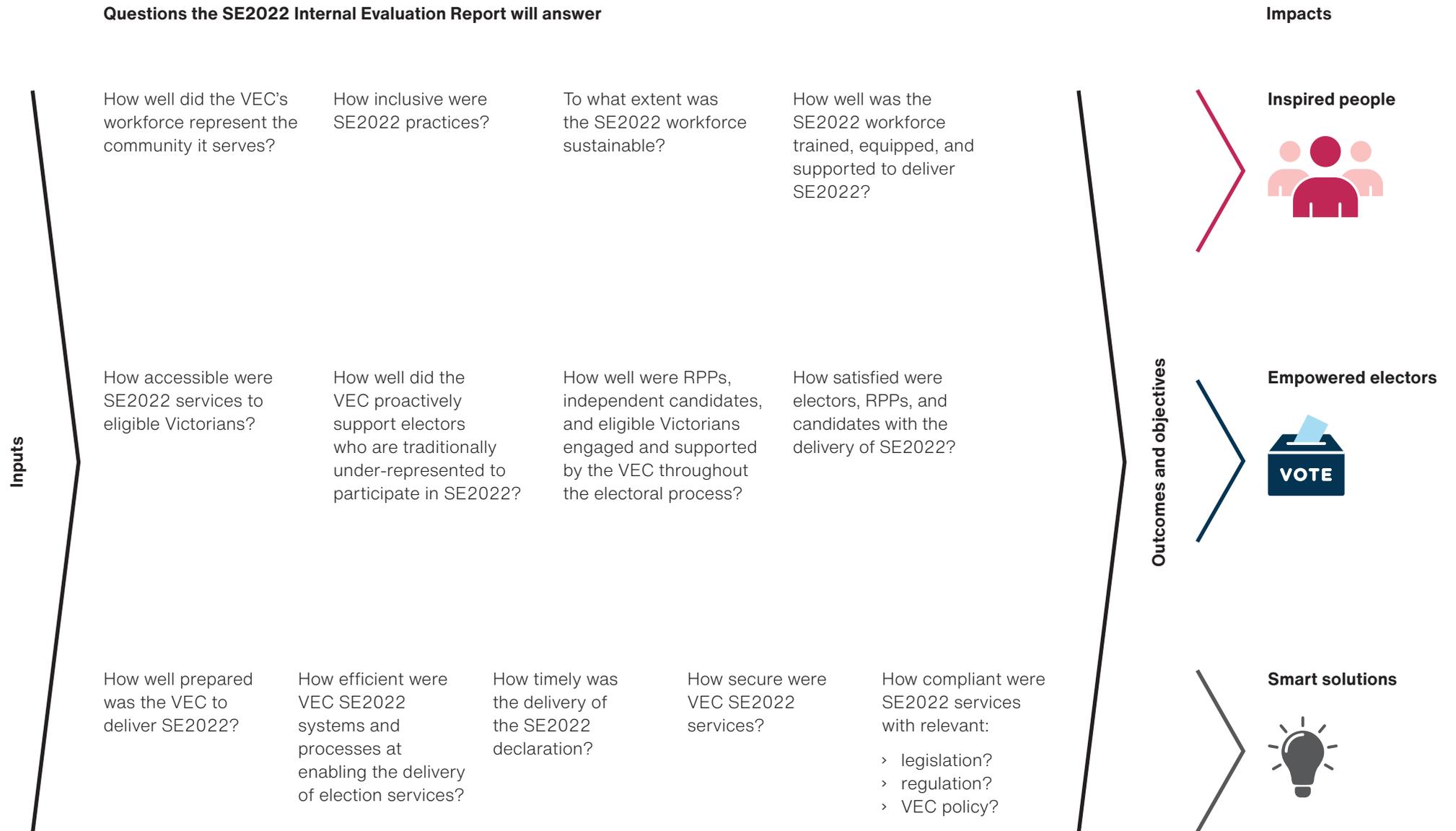


Figure 2: Project evaluation question schematic

### 3.4 Key findings – success indicators and strategic considerations

Below is an outline of the VEC's results in response to the key performance indicators outlined in the 2022 State election Service Plan. Each indicator aligns with one of the 6 core objectives. Through analysis of all data and feedback collected via the evaluation framework, also outlined are strategic considerations that the VEC will explore in future planning to support the continuous improvement of election services for all election events.

 Result met the target

Pillar	Objective	Indicator	Measure	Target	Result
Inspired people	Objective 1: Our organisation is inclusive, and reflects the community we serve	% of people that completed VEC core values training	% of training completed by assigned staff <sup>8</sup>	100% of assigned staff	<b>90%</b>
Inspired people	Objective 2: We have a sustainable workforce that is trained, equipped, and supported to deliver the election	Number of election officials completing online training	Proportion of total	100%	<b>88%</b>
Inspired people	Objective 2	Compliance with established parameters on workforce hours and welfare management.	Percentage of reported incidents resolved within 48 hours of report	90%	<b>83.8%</b>
Inspired people	Objective 2	Staff feel positive about working for the VEC and would re-engage	Percentage of casual and election day staff that would do future election work for VEC	80%	<b>88.9%<sup>9</sup></b>
Empowered electors	Objective 3: We provide accessible services and proactively support the participation of all electors, particularly those under-represented in the electoral process	Number of Assisted Wheelchair Accessible (AWA) venues <sup>10</sup>	Proportion of total for Early Voting Centres (EVC) and Election Day Voting Centres (VC)	80% (EVC) 40% (VC)	<b>81% (EVC)</b> <b>58% (VC)<sup>11</sup></b>

8 EMT – Election Management Team, CTL – Count Team Leader, EVCM – Early Voting Centre Manager, MVCM – Mobile Voting Centre Manager, TL – Team Leader

9 (8.0% unsure, 3.1% no) Net Promoter Score = 4.2, n = 7,050 respondents (4,752 election day, 2,298 election casuals)

10 Noting that accessibility criteria is sometimes out of control of the VEC as the VEC does not own election venues

11 AWA venue results include Independent Wheelchair Access venues = AWA or better

Pillar	Objective	Indicator	Measure	Target	Result
Empowered electors	Objective 3	Number of IWA venues	Proportion of total	25%	<b>32% (EVC) 21% (VC)</b>
Empowered electors	Objective 3	Website accessibility	% compliant with WCAG as per VEC accessibility statement	100%	<b>100%</b>
Empowered electors	Objective 3	Available voting methods	Total number of ways to vote	7	<b>8</b>
Empowered electors	Objective 3	People attending the Be Heard! Democracy Ambassador sessions	Number of participants (online and face-to-face)	8,000	<b>7,105</b>
Empowered electors	Objective 3	Participants know how to correctly fill out a ballot paper	Percentage of participants	80%	<b>87%</b>
Empowered electors	Objective 3	Participants know they can get assistance to vote	Percentage of participants	80%	<b>94%</b>
Empowered electors	Objective 4: We engage and support our stakeholders through the electoral process	All registered political party (RPP) briefings are successfully conducted by the issue of the Writs	% of RPPs briefed by issue of Writs	100%	<b>100%</b>
Empowered electors	Objective 4	Independent candidate briefing successfully delivered	Independent candidate briefing conducted prior to the issue of the Writs	100%	<b>100%</b>
Empowered electors	Objective 4	Proportion of enrolled voters that are subscribed to VoterAlert	Proportion of total enrolment subscribed to VoterAlert	55%	<b>56.70%<sup>12</sup></b>
Empowered electors	Objective 4	Visitors to the website	Number of unique visitors to VEC website from 30 Sept – 31 Dec	5% increase	<b>87% increase<sup>13</sup></b>
Empowered electors	Objective 4	Audience reach for social media posts	Increase audience reach <sup>14</sup> on Twitter, Facebook and Instagram	20% increase	<b>35.25% – 372.92% increase<sup>15</sup></b>

<sup>12</sup> 2,490,869 of 4,394,465 electors

<sup>13</sup> 3,732,661 visitors in 2022 compared with 1,996,814 visitors in 2018

<sup>14</sup> Social media reach is calculated by looking at: how many times @electionsvic was tagged on Twitter; increase in the number of followers on Twitter, Facebook and Instagram; and engagement on Twitter, Facebook and Instagram

<sup>15</sup> 34,872 Twitter engagements (no direct 2018 comparison available); Twitter followers: 7,425 (56.09% increase from 2018); Facebook followers: 10,671 (35.25% increase from 2018); Instagram followers: 1,310 (372.92% increase from 2018) 45,092 total engagements - no direct 2018 comparison available

Pillar	Objective	Indicator	Measure	Target	Result
Empowered electors	Objective 4	Elector recall rate of the election advertising campaign	The rate of overall recall in independent research with voters	88%	<b>75%</b>
Empowered electors	Objective 4	Overall level of voter satisfaction (aggregate across voter types – includes CALD, early, postal, overseas and ordinary/absent voters)	The level of overall satisfaction in independent research with voters	88%	<b>82%</b>
Empowered electors	Objective 4	Number of complainants challenging the outcome of their complaint	Percentage of total complaints	1% or less	<b>0.037%</b>
Empowered electors	Objective 4	Overall candidate satisfaction with election conduct	Percentage of candidates that report they are satisfied with how the election was conducted	70%	<b>68%</b>
Smart solutions	Objective 5: Our systems and processes enable efficient and timely delivery of election services and results	Number of voting centre venues booked and assessed by 1 August 2022	Proportion of total	95%	<b>100%</b>
Smart solutions	Objective 5	Number of VCs fully resourced within 48 hours of election	Proportion of total	99%	<b>99%</b>
Smart solutions	Objective 5	Number of early voting centres open and ready to operate from Monday 14 November 2022	Proportion of total	100%	<b>84%<sup>16</sup></b>
Smart solutions	Objective 5	Number of electoral district rolls produced within 8 days of roll close	Proportion of total	100%	<b>100%</b>

16 135 out of 155 EVCs: 21 metro stand-alone EVCs did not open due to delays in ballot paper printing and deliveries

Pillar	Objective	Indicator	Measure	Target	Result
Smart solutions	Objective 5	Postal vote application processing from Wed. following close of nominations	Proportion processed on day of receipt	90%	<b>88%</b>
Smart solutions	Objective 5	Legislative Assembly (LA) first pref. vote counts received from VCs within three hours of close of voting (by 9pm)	Percentage of VCs	85%	<b>73.97%<sup>17</sup></b>
Smart solutions	Objective 5	LA votes counted to first pref. on election weekend	Proportion of total votes	75%	<b>78.44%</b>
Smart solutions	Objective 5	Grade of Service for Public Enquiry Service	Proportion of calls answered	90% within 120 seconds	<b>95.30%</b>
Smart solutions	Objective 5	Response rates of complaints team	Proportion of total complaints responded or acknowledged within 5 working days	100%	<b>99.9%</b>
Smart solutions	Objective 5	% of social media queries responded to within agreed timeframes	Query response rate <sup>18</sup>	80%	<b>98.30%</b>
Smart solutions	Objective 5	Successful enactment of procedures for managing in-breach content on social media	Maximum time from notification to resolution <sup>19</sup>	48 hours	<b>48 hours</b>
Smart solutions	Objective 5	% of matters resolved successfully when VEC escalates take down requests	Proportion of total take down requests to platform within 48 hours	100%	<b>100%</b>
Smart solutions	Objective 5	Critical systems must be tested and hardened against cyber security threats	% remediation of Critical and High rated vulnerabilities (detected in security testing)	100%	<b>100%</b>

17 92.19% had their results entered by 10pm

18 Proportion of total simple queries responded to within 2 hours and complex queries within 5 hours=

19 'Resolution' being the point at which the user rectifies or takes down their content at the VEC's direct request, or once the VEC has reported the breach to the relevant social media platform

Pillar	Objective	Indicator	Measure	Target	Result
Smart solutions	Objective 6: Our systems and processes are secure and compliant	Number of legislated dates met	Proportion of total	100%	100%
Smart solutions	Objective 6	Return of writs	Date returned	17/12/2022	16/12/2022

Table 1: Success indicators and strategic considerations

## Supporting deliverables

The performance measures captured in Table 1 have prompted the development of strategic considerations grouped as key strategic themes. These considerations will support senior leaders with the governance and strategy for planning and delivery models in future elections. The strategic considerations are distinct from the granular activity-based recommendations in the project closure reports. A comprehensive 'lessons learned register' documents the localised matters identified in the project closure reports. The register will support project delivery in future events by offering election program and project leaders insight into the pivotal operational decision-making that shaped the VEC's execution of the 2022 State election.

### 3.5 Key conclusions and recommendations

The VEC will review the strategic considerations identified as a result of the above metrics to develop actionable outcomes that improve future delivery. This reflects the VEC's process of continuous improvement to refine its operational model and best inform the resourcing, planning, delivery and evaluation of future events.

Several key strategic themes have been identified and will form the VEC's priority recommendations:

#### Election workforce wellbeing and capability



Elections cannot be delivered without people. It was a considerable challenge to ensure sustainability of the workforce across the planning and delivery of the election, with a significant negative impact on staff health and wellbeing. The VEC faced challenges of staff shortages in many areas, and a lack of a cohesive approach to ensure sustainable workloads for critical election delivery staff, both resulting in some dangerous levels of work hours observed. It is recommended that the VEC prioritise strong people-first initiatives across

its service model via a comprehensive Workforce Strategy and Implementation Plan that increases the depth of election knowledge, and explores alternative staff recruitment, training, and management solutions for both temporary and ongoing staff.

#### Advocacy for legislative reform



The *Electoral Act 2002* is now over 20 years old, and the Victorian election timeline is the shortest in Australia. Given the changes to the electoral environment since 2002, a compliant and safe operational delivery of a State election within the current legislated timeframes is no longer feasible. It is recommended that the VEC prioritise advocacy for legislative change, particularly in the areas of how-to-vote cards, voting accessibility and counting periods. The timeline also has significant flow-on impacts for workforce wellbeing and capability.

#### Optimisation of election service model



The 2022 State election saw improvements through the centralisation of certain election services at the Centralised Activity Site and in the trial of Metropolitan Hubs. Both of these initiatives came from one-off improvement projects, rather than as part of a wider strategic approach to optimise election delivery. It is recommended that the VEC mature its strategic approach to election service optimisation and continue to look for opportunities to further refine its footprint, better support its staff, and minimise risk as part of a broader election delivery strategy. Continued review of this approach must also consider staffing impacts, security, and compliance in election delivery.

## Early election preparation



The VEC commenced program management preparations for the 2022 State election earlier than ever before and saw the implementation of its first election rehearsal. The election rehearsal aimed to provide staff a place to 'fail safe', however the limitation on timing meant it did not allow for any significant changes identified to be fully addressed prior to election delivery. The early implementation and communication of program management practices increased engagement with the program. This resulted in increased cross-program collaboration and a deeper level of granularity in project planning and testing than ever before. It is recommended that the VEC continue to mature its approach to program management and prioritise early, concise and purposeful preparations, proven to support successful election delivery. In addition, adherence to election program roles is important to provide staff clear responsibilities and reduce risk.

## External relationship management



The VEC relies heavily on its external stakeholders to actively participate in and provide services across the election. During the 2022 State election, strong relationships and service level agreements were critical in meeting election delivery milestones. It is recommended that the VEC reviews all aspects of its management and communication with external stakeholders, including third-party providers, to ensure high levels of satisfaction and consistency in approach and messaging across all stakeholders. A focus on monitoring of delivery and contractual compliance means third-party providers will be expected to deliver to the same standards as the VEC.

Recommendations from Parliament's Electoral Matters Committee inquiry into the conduct of the 2022 State election will be assessed along with the key themes identified in this evaluation. They will also be considered in conjunction with the recommendations and commitments presented in the VEC's Report to Parliament on the 2022 State election, and the VEC's Strategy 2027.

These considerations will be leveraged by the VEC's Election Planning Group and teams contributing to long-term election strategy, for incorporation into future election timelines. This will enrich the planning process, allowing the VEC to prioritise actions and develop a dynamic action plan for successful integration into service models.

In turn, the VEC's Election Delivery Group will be better supported to drive the successful management of future election events.

The VEC also commits to assessing the objectives upon which its performance is measured. Process improvement will be driven by aligning operational objectives to the VEC's Strategy 2027, coupled with the re-evaluation and refinement of the metrics that represent our key election deliverables.

## 3.6 Conclusion

The Evaluation Strategy project supports the VEC in measuring its performance to deliver the 2022 State election. It achieves this by:

1. collecting relevant data, information, and insights at a local (project) level across all Work Programs via a document library (Project Closure Reports)
2. analysing all data collected to identify emerging trends and themes that present operational considerations, grouped as Priority Recommendations
3. producing an evaluation report that summarises the VEC's delivery of the election against key performance indicators (KPIs) covering election preparation, election conduct, and election outcomes
4. supplementing this report with a 'Lessons Learned' register to capture valuable continuous improvement opportunities that sit outside the performance measures represented by election service delivery KPIs.

Actioning outcomes identified within this report will assist the VEC to uphold its ongoing commitment to service excellence.

## Appendix 4: Key election statistics

### 4.1 Key 2022 State Legislative Assembly election statistics by district

EVC – Early voting centre

VC – Voting centre

IWA - Independent wheelchair access

AWA - Assisted wheelchair access

LNWA - Limited to no wheelchair access

District	Enrolment	Turnout	Informality	Election manager	EVCs			Election day VCs			# of candidates	Elected candidate	
					IWA	AWA	LNWA	IWA	AWA	LNWA		Name	Party
<b>TOTAL</b>	<b>4,394,465</b>	<b>88.03%</b>	<b>5.54%</b>		<b>50</b>	<b>76</b>	<b>29</b>	<b>369</b>	<b>649</b>	<b>747</b>	<b>740</b>		
Albert Park District	48,788	83.02%	3.45%	Andrew Ransley	1	1	-	3	10	1	8	TAYLOR, Nina	Australian Labor Party - Victorian Branch
Ashwood District	51,209	90.36%	3.38%	Kerry-Anne Hoad	-	1	1	-	9	8	8	FREGON, Matt	Australian Labor Party - Victorian Branch
Bass District	49,984	89.11%	7.04%	David Wall	1	1	-	10	8	6	10	CRUGNALE, Jordan	Australian Labor Party - Victorian Branch
Bayswater District	49,707	90.75%	5.57%	William Kennedy	1	-	1	1	6	12	9	TAYLOR, Jackson	Australian Labor Party - Victorian Branch

District	Enrolment	Turnout	Informality	Election manager	EVCs			Election day VCs			# of candidates	Elected candidate	
					IWA	AWA	LNWA	IWA	AWA	LNWA		Name	Party
<b>TOTAL</b>	<b>4,394,465</b>	<b>88.03%</b>	<b>5.54%</b>		<b>50</b>	<b>76</b>	<b>29</b>	<b>369</b>	<b>649</b>	<b>747</b>	<b>740</b>		
Bellarine District	55,022	89.62%	4.37%	Noel McPhee	-	1	-	1	6	7	9	MARCHANT, Alison	Australian Labor Party - Victorian Branch
Benambra District	50,045	86.39%	4.85%	Trevor Deacon	-	1	-	6	6	12	8	TILLEY, Bill	Liberal
Bendigo East District	53,134	89.87%	4.57%	Clarissa Hyland	-	1	1	6	14	10	7	ALLAN, Jacinta	Australian Labor Party - Victorian Branch
Bendigo West District	47,808	89.21%	5.63%	Brenda Day	-	2	-	6	12	8	9	EDWARDS, Maree	Australian Labor Party - Victorian Branch
Bentleigh District	51,415	90.49%	3.03%	Craig Francis	2	-	-	4	10	2	6	STAIKOS, Nick	Australian Labor Party - Victorian Branch
Berwick District	51,910	88.93%	4.06%	Melissa Mair	-	1	-	5	5	3	6	BATTIN, Brad	Liberal
Box Hill District	50,799	90.54%	3.56%	Jo McCoy	-	1	-	1	7	13	9	HAMER, Paul	Australian Labor Party - Victorian Branch
Brighton District	48,260	89.06%	4.16%	Alan Graham	-	-	1	2	8	6	9	NEWBURY, James	Liberal
Broadmeadows District	48,414	80.51%	10.77%	Max Billi	1	-	-	1	3	14	9	MATTHEWS-WARD, Kathleen	Australian Labor Party - Victorian Branch

District	Enrolment	Turnout	Informality	Election manager	EVCs			Election day VCs			# of candidates	Elected candidate	
					IWA	AWA	LNWA	IWA	AWA	LNWA		Name	Party
<b>TOTAL</b>	<b>4,394,465</b>	<b>88.03%</b>	<b>5.54%</b>		<b>50</b>	<b>76</b>	<b>29</b>	<b>369</b>	<b>649</b>	<b>747</b>	<b>740</b>		
Brunswick District	52,263	86.44%	3.84%	Elise Scully	1	1	-	1	4	11	9	READ, Tim	Australian Greens
Bulleen District	50,496	89.68%	5.14%	Dee Cupitt	-	1	-	3	8	6	8	GUY, Matthew	Liberal
Bundoora District	47,319	89.91%	5.19%	Ken Seiler	1	1	-	8	3	6	7	BROOKS, Colin	Australian Labor Party - Victorian Branch
Carrum District	51,265	88.69%	4.77%	Chris Simpson	2	-	-	6	8	-	7	KILKENNY, Sonya	Australian Labor Party - Victorian Branch
Caulfield District	48,492	86.73%	3.27%	Donna McLean	-	1	1	-	5	10	7	SOUTHWICK, David	Liberal
Clarinda District	48,450	88.84%	5.75%	Robyn Farmer	-	1	-	7	11	2	8	TAK, Meng Heang	Australian Labor Party - Victorian Branch
Cranbourne District	51,173	86.09%	7.34%	Peter Lee	-	1	1	3	12	2	9	RICHARDS, Pauline	Australian Labor Party - Victorian Branch
Croydon District	52,544	90.77%	4.31%	Genevieve Hammerton	1	-	1	6	7	6	6	HODGETT, David	Liberal
Dandenong District	50,846	83.97%	7.47%	Bill Irvine	1	1	-	4	6	6	7	WILLIAMS, Gabrielle	Australian Labor Party - Victorian Branch

District	Enrolment	Turnout	Informality	Election manager	EVCs			Election day VCs			# of candidates	Elected candidate	
					IWA	AWA	LNWA	IWA	AWA	LNWA		Name	Party
<b>TOTAL</b>	<b>4,394,465</b>	<b>88.03%</b>	<b>5.54%</b>		<b>50</b>	<b>76</b>	<b>29</b>	<b>369</b>	<b>649</b>	<b>747</b>	<b>740</b>		
Eildon District	50,090	89.32%	5.24%	Anne Williams	-	1	1	3	12	25	8	McLEISH, Cindy	Liberal
Eltham District	48,931	92.68%	3.32%	Erin Wood	-	-	1	1	5	9	6	WARD, Vicki	Australian Labor Party - Victorian Branch
Essendon District	49,525	88.09%	4.04%	Melanie Bailey	2	-	-	3	4	7	8	PEARSON, Danny	Australian Labor Party - Victorian Branch
Eureka District	54,487	89.09%	6.79%	Noel Shillito	-	1	1	2	10	14	10	SETTLE, Michaela	Australian Labor Party - Victorian Branch
Euroa District	50,663	88.18%	5.44%	Chris Chadwick	-	2	-	1	13	23	7	CLEELAND, Annabelle	The Nationals
Evelyn District	50,210	91.45%	4.91%	Sarah Mitsilias	-	1	1	2	2	12	7	VALLENCE, Bridget	Liberal
Footscray District	48,860	85.95%	3.94%	Vanessa Wallace	-	1	1	4	4	8	7	HALL, Katie	Australian Labor Party - Victorian Branch
Frankston District	49,160	85.97%	5.50%	Andrew Tinkler	1	1	-	8	6	4	9	EDBROOKE, Paul	Australian Labor Party - Victorian Branch
Geelong District	52,376	89.12%	4.11%	Richard Shiells	2	1	-	12	6	8	7	COUZENS, Christine	Australian Labor Party - Victorian Branch

District	Enrolment	Turnout	Informality	Election manager	EVCs			Election day VCs			# of candidates	Elected candidate	
					IWA	AWA	LNWA	IWA	AWA	LNWA		Name	Party
<b>TOTAL</b>	<b>4,394,465</b>	<b>88.03%</b>	<b>5.54%</b>		<b>50</b>	<b>76</b>	<b>29</b>	<b>369</b>	<b>649</b>	<b>747</b>	<b>740</b>		
Gippsland East District	49,698	88.95%	4.51%	Sandra Wood	-	1	-	3	6	29	7	BULL, Tim	The Nationals
Gippsland South District	49,715	89.95%	5.26%	Janine Taylor	1	1	-	4	17	25	7	O'BRIEN, Danny	The Nationals
Glen Waverley District	50,818	90.90%	3.31%	Jenni Colgan	-	2	-	1	11	10	7	MULLAHY, John	Australian Labor Party - Victorian Branch
Greenvale District	49,854	83.52%	9.49%	John Massey	1	1	-	2	4	5	8	WALTERS, Iwan	Australian Labor Party - Victorian Branch
Hastings District	48,674	89.58%	5.43%	Ian Herron	1	-	1	4	5	5	8	MERCURIO, Paul	Australian Labor Party - Victorian Branch
Hawthorn District	50,080	90.83%	2.59%	Mark Hughson	-	1	1	1	2	17	8	PESUTTO, John	Liberal
Ivanhoe District	46,961	89.72%	3.65%	Karen Barfoot	-	1	1	1	10	4	6	CARBINES, Anthony	Australian Labor Party - Victorian Branch
Kalkallo District	52,205	83.28%	8.04%	Tamara Moravski	-	2	-	8	2	1	9	SPENCE, Ros	Australian Labor Party - Victorian Branch
Kew District	49,918	90.07%	3.04%	Neil Farmer	-	-	1	-	4	15	8	WILSON, Jess	Liberal

District	Enrolment	Turnout	Informality	Election manager	EVCs			Election day VCs			# of candidates	Elected candidate	
					IWA	AWA	LNWA	IWA	AWA	LNWA		Name	Party
<b>TOTAL</b>	<b>4,394,465</b>	<b>88.03%</b>	<b>5.54%</b>		<b>50</b>	<b>76</b>	<b>29</b>	<b>369</b>	<b>649</b>	<b>747</b>	<b>740</b>		
Kororoit District	51,060	86.28%	8.36%	Jeff Bradley	1	-	-	3	5	5	9	GRIGOROVITCH, Luba	Australian Labor Party - Victorian Branch
Lara District	48,920	86.24%	6.32%	Alan Dennis	2	-	-	8	6	3	8	GEORGE, Ella	Australian Labor Party - Victorian Branch
Laverton District	48,545	82.98%	7.81%	Neville Healey	1	1	-	5	3	4	10	CONNOLLY, Sarah	Australian Labor Party - Victorian Branch
Lowan District	51,182	89.70%	5.69%	Lynne Sargent	-	2	-	9	26	18	7	KEALY, Emma	The Nationals
Macedon District	48,019	90.72%	4.53%	Kate Daniel	1	1	-	3	6	18	8	THOMAS, Mary-Anne	Australian Labor Party - Victorian Branch
Malvern District	46,863	89.49%	2.71%	Sally Joy	1	-	-	5	4	6	6	O'BRIEN, Michael	Liberal
Melbourne District	54,533	80.69%	3.37%	Brenda Novak	-	3	-	1	2	8	9	SANDELL, Ellen	Australian Greens
Melton District	50,151	84.42%	11.14%	Priscilla Mayne	2	-	-	6	3	2	14	McGHIE, Steve	Australian Labor Party - Victorian Branch
Mildura District	47,941	86.01%	7.51%	Trevor Leighton	-	-	1	11	10	14	11	BENHAM, Jade	The Nationals

District	Enrolment	Turnout	Informality	Election manager	EVCs			Election day VCs			# of candidates	Elected candidate	
					IWA	AWA	LNWA	IWA	AWA	LNWA		Name	Party
<b>TOTAL</b>	<b>4,394,465</b>	<b>88.03%</b>	<b>5.54%</b>		<b>50</b>	<b>76</b>	<b>29</b>	<b>369</b>	<b>649</b>	<b>747</b>	<b>740</b>		
Mill Park District	45,937	87.75%	6.23%	Maureen Gee	1	-	-	7	5	2	6	D'AMBROSIO, Lily	Australian Labor Party - Victorian Branch
Monbulk District	48,547	90.35%	4.70%	Kenneth George	-	1	-	1	12	13	8	DE MARTINO, Daniela	Australian Labor Party - Victorian Branch
Mordialloc District	50,643	91.02%	4.41%	Ruth West	-	1	1	3	7	4	8	RICHARDSON, Tim	Australian Labor Party - Victorian Branch
Mornington District	48,048	91.34%	4.15%	Lynne Tickell	2	-	-	4	9	1	8	CREWETHER, Chris	Liberal
Morwell District	53,782	86.99%	7.54%	Janette Gibson	-	1	1	4	4	12	12	CAMERON, Martin	The Nationals
Mulgrave District	47,029	88.40%	8.67%	Bernard Mulholland	1	-	-	6	10	4	14	ANDREWS, Daniel	Australian Labor Party - Victorian Branch
Murray Plains District	48,622	88.08%	6.15%	Kate O'Connor	1	1	-	4	15	21	7	WALSH, Peter	The Nationals
Narracan District	Failed election			Graeme Patterson	1	1	-	9	20	7	-	Failed election	
Narre Warren North District	51,900	86.65%	8.01%	John Morgan	2	-	-	3	9	5	10	WILSON, Belinda	Australian Labor Party - Victorian Branch

District	Enrolment	Turnout	Informality	Election manager	EVCs			Election day VCs			# of candidates	Elected candidate	
					IWA	AWA	LNWA	IWA	AWA	LNWA		Name	Party
<b>TOTAL</b>	<b>4,394,465</b>	<b>88.03%</b>	<b>5.54%</b>		<b>50</b>	<b>76</b>	<b>29</b>	<b>369</b>	<b>649</b>	<b>747</b>	<b>740</b>		
Narre Warren South District	53,430	86.48%	7.25%	Amanda Golding	1	-	1	1	9	3	8	MAAS, Gary	Australian Labor Party - Victorian Branch
Nepean District	48,944	88.92%	6.33%	Julie Allan	1	-	1	5	3	10	11	GROTH, Sam	Liberal
Niddrie District	50,034	89.95%	6.14%	Graeme Simmonds	-	2	-	3	3	11	9	CARROLL, Ben	Australian Labor Party - Victorian Branch
Northcote District	50,369	89.51%	5.42%	Andrew Bond	-	2	-	6	4	5	11	THEOPHANOUS, Kat	Australian Labor Party - Victorian Branch
Oakleigh District	51,934	88.40%	4.36%	Mark Storie	-	-	2	4	6	9	8	DIMOPOULOS, Steve	Australian Labor Party - Victorian Branch
Ovens Valley District	48,125	88.29%	4.94%	Louise Byrne	-	1	1	8	10	15	7	McCURDY, Tim	The Nationals
Pakenham District	48,014	87.38%	7.36%	Suzanne Goodchild	1	-	-	8	2	2	11	VULIN, Emma	Australian Labor Party - Victorian Branch
Pascoe Vale District	48,584	87.52%	5.29%	Olivia Kipman	1	1	-	-	8	11	8	CIANFLONE, Anthony	Australian Labor Party - Victorian Branch

District	Enrolment	Turnout	Informality	Election manager	EVCs			Election day VCs			# of candidates	Elected candidate	
					IWA	AWA	LNWA	IWA	AWA	LNWA		Name	Party
<b>TOTAL</b>	<b>4,394,465</b>	<b>88.03%</b>	<b>5.54%</b>		<b>50</b>	<b>76</b>	<b>29</b>	<b>369</b>	<b>649</b>	<b>747</b>	<b>740</b>		
Point Cook District	49,788	87.46%	10.21%	Maree Fitzpatrick	1	-	-	9	3	1	15	HILAKARI, Mathew	Australian Labor Party - Victorian Branch
Polwarth District	53,064	90.36%	4.06%	Elizabeth Reeves	-	1	1	2	19	12	7	RIORDAN, Richard	Liberal
Prahran District	48,933	82.70%	3.02%	Rodney Van Cooten	-	2	-	1	6	8	6	HIBBINS, Sam	Australian Greens
Preston District	50,362	85.88%	7.84%	Frances Joy	-	1	-	2	9	9	9	LAMBERT, Nathan	Australian Labor Party - Victorian Branch
Richmond District	48,305	85.11%	3.36%	Michael Kelly	-	2	-	-	1	12	8	DE VIETRI, Gabrielle	Australian Greens
Ringwood District	52,040	91.14%	3.53%	Evelyn Rak	-	1	1	1	14	7	7	FOWLES, Will	Australian Labor Party - Victorian Branch
Ripon District	50,813	89.45%	6.84%	Angela Ang	1	1	-	9	11	21	9	HAYLETT, Martha	Australian Labor Party - Victorian Branch
Rowville District	49,738	91.36%	4.56%	Diane Agius	-	1	-	4	7	1	7	WELLS, Kim	Liberal
Sandringham District	46,308	91.15%	4.03%	Andrew Esplan	-	2	-	5	7	6	8	ROWSWELL, Brad	Liberal

District	Enrolment	Turnout	Informality	Election manager	EVCs			Election day VCs			# of candidates	Elected candidate	
					IWA	AWA	LNWA	IWA	AWA	LNWA		Name	Party
<b>TOTAL</b>	<b>4,394,465</b>	<b>88.03%</b>	<b>5.54%</b>		<b>50</b>	<b>76</b>	<b>29</b>	<b>369</b>	<b>649</b>	<b>747</b>	<b>740</b>		
Shepparton District	50,994	86.21%	6.06%	Victoria Parker	-	2	-	-	11	18	9	O'KEEFFE, Kim	The Nationals
South Barwon District	51,546	90.83%	3.50%	Michelle Visser	-	1	-	7	2	7	8	CHEESEMAN, Darren	Australian Labor Party - Victorian Branch
South-West Coast District	53,099	90.81%	5.65%	Ian Sadler	1	-	1	10	9	16	10	BRITNELL, Roma	Liberal
St Albans District	46,448	84.73%	9.24%	Gordon McFarlane	-	2	-	3	8	4	10	SULEYMAN, Natalie	Australian Labor Party - Victorian Branch
Sunbury District	45,582	88.47%	6.50%	Mandy-Lee Cooper	-	2	-	2	6	6	9	BULL, Josh	Australian Labor Party - Victorian Branch
Sydenham District	53,100	88.99%	7.60%	Richard Gordon	-	2	-	3	7	3	8	HUTCHINS, Natalie	Australian Labor Party - Victorian Branch
Tarneit District	48,792	85.92%	7.03%	Colleen Kopelke	1	1	-	6	3	4	9	WIGHT, Dylan	Australian Labor Party - Victorian Branch
Thomastown District	47,657	85.15%	7.65%	Vanessa Reynolds	2	-	-	6	7	3	6	HALFPENNY, Bronwyn	Australian Labor Party - Victorian Branch
Warrandyte District	50,951	91.57%	3.39%	Jeff Hughes	-	2	-	2	12	7	6	SMITH, Ryan	Liberal

District	Enrolment	Turnout	Informality	Election manager	EVCs			Election day VCs			# of candidates	Elected candidate	
					IWA	AWA	LNWA	IWA	AWA	LNWA		Name	Party
<b>TOTAL</b>	<b>4,394,465</b>	<b>88.03%</b>	<b>5.54%</b>		<b>50</b>	<b>76</b>	<b>29</b>	<b>369</b>	<b>649</b>	<b>747</b>	<b>740</b>		
Wendouree District	50,461	88.33%	5.38%	Lynne Josephs	2	-	-	7	6	5	7	ADDISON, Juliana	Australian Labor Party - Victorian Branch
Werribee District	49,962	85.58%	9.72%	Kym Ham	1	-	1	9	-	4	15	PALLAS, Tim	Australian Labor Party - Victorian Branch
Williamstown District	45,965	88.88%	4.60%	Sally Leung	1	1	-	5	5	6	8	HORNE, Melissa	Australian Labor Party - Victorian Branch
Yan Yean District	47,327	88.52%	5.91%	Nick Smith	-	-	1	5	4	2	9	KATHAGE, Lauren	Australian Labor Party - Victorian Branch

## 4.2 Key 2022 State Legislative Council election statistics by region

Region	Enrolment	Turnout	Informality	# of candidates	Elected candidates	
TOTAL	4,394,465	88.23%	3.22%	454	Name	Party
Eastern Victoria	546,122	89.41%	3.06%	56	HEATH, Renee	Liberal
					McINTOSH, Tom	Australian Labor Party - Victorian Branch
					BATH, Melina	The Nationals
					SHING, Harriet	Australian Labor Party - Victorian Branch
					BOURMAN, Jeff	Shooters, Fishers & Farmers Vic
North-Eastern Metropolitan	546,503	90.52%	2.79%	56	LEANE, Shaun	Australian Labor Party - Victorian Branch
					BACH, Matthew	Liberal
					TERPSTRA, Sonja	Australian Labor Party - Victorian Branch
					McGOWAN, Nick	Liberal
					PUGLIELLI, Aiv	Australian Greens
Northern Metropolitan	552,071	85.07%	3.67%	58	WATT, Sheena	Australian Labor Party - Victorian Branch
					MULHOLLAND, Evan	Liberal
					RATNAM, Samantha	Australian Greens
					ERDOGAN, Enver	Australian Labor Party - Victorian Branch
					SOMYUREK, Adem	Labour DLP

Region	Enrolment	Turnout	Informality	# of candidates	Elected candidates	
TOTAL	4,394,465	88.23%	3.22%	454	Name	Party
Northern Victoria	542,768	88.35%	3.07%	55	LOVELL, Wendy	Liberal
					SYMES, Jaclyn	Australian Labor Party - Victorian Branch
					BROAD, Gaelle	The Nationals
					PURCELL, Georgie	Animal Justice Party
					TYRRELL, Rikkie-Lee	Pauline Hanson's One Nation
South-Eastern Metropolitan	555,544	87.82%	3.71%	56	TARLAMIS, Lee	Australian Labor Party - Victorian Branch
					HERMANS, Ann-Marie	Liberal
					GALEA, Michael	Australian Labor Party - Victorian Branch
					PAYNE, Rachel	<i>Legalise Cannabis Victoria</i>
					LIMBRICK, David	<i>Liberal Democrats</i>
Southern Metropolitan	542,200	88.45%	2.02%	54	DAVIS, David	Liberal
					BERGER, John	Australian Labor Party - Victorian Branch
					CROZIER, Georgie	Liberal
					COPSEY, Katherine	Australian Greens
					BATCHELOR, Ryan	Australian Labor Party - Victorian Branch

Region	Enrolment	Turnout	Informality	# of candidates	Elected candidates	
TOTAL	4,394,465	88.23%	3.22%	454	Name	Party
Western Metropolitan	538,136	87.00%	4.06%	62	BLANDTHORN, Lizzie	Australian Labor Party - Victorian Branch
					DEEMING, Moira	Liberal
					STITT, Ingrid	Australian Labor Party - Victorian Branch
					ETTERS HANK, David	Legalise Cannabis Victoria
					LUU, Trung	Liberal
Western Victoria	571,121	89.20%	3.38%	57	ERMACORA, Jacinta	Australian Labor Party - Victorian Branch
					McARTHUR, Bev	Liberal
					TIERNEY, Gayle	Australian Labor Party - Victorian Branch
					MANSFIELD, Sarah	Australian Greens
					McCRACKEN, Joe	Liberal

## Appendix 5: Public funding entitlements and payments

### 5.1 2022 State election public funding and 2026 State election advanced public funding

Name	2022 State election public funding			2026 State election advance public funding	
	Maximum entitlement	Paid	Difference	Total entitlement	First instalment
<b>Registered Political Parties</b>					
Animal Justice Party	\$ 79,307.88	\$ 79,307.88	\$ —	\$ 79,307.88	\$ 31,723.15
Australian Labor Party - Victorian Branch	\$ 12,655,133.00	\$ 12,655,133.00	\$ —	\$ 12,655,133.00	\$ 5,062,053.20
Democratic Labour Party (DLP)	\$ 368,613.31	\$ 167,345.38	\$ 201,267.93	\$ 167,345.38	\$ 66,938.15
Family First Victoria	\$ 260,826.61	\$ 199,145.41	\$ 61,681.20	\$ 199,145.41	\$ 79,658.16
Fiona Patten's Reason Party	\$ 24,421.87	\$ 24,421.87	\$ —	\$ †	\$ —
Freedom Party of Victoria	\$ 112,439.25	\$ 112,439.25	\$ —	\$ 112,439.25	\$ 44,975.70
Legalise Cannabis Victoria	\$ 378,713.61	\$ 28,234.01	\$ 350,479.60	\$ 28,234.01	\$ 11,293.60
Liberal Democratic Party	\$ 149,371.95	\$ 149,371.95	\$ —	\$ 149,371.95	\$ 59,748.78
Liberal Party of Australia - Victorian Division	\$ 10,472,987.48	\$ 10,472,987.48	\$ —	\$ 10,472,987.48	\$ 4,189,194.99
National Party of Australia - Victoria	\$ 1,132,619.71	\$ 1,132,619.71	\$ —	\$ 1,132,619.71	\$ 453,047.88
Pauline Hanson's One Nation	\$ 89,414.89	\$ 87,430.44	\$ 1,984.45	\$ 87,430.44	\$ 34,972.18
Shooters, Fishers and Farmers Party Victoria	\$ 184,188.24	\$ 184,188.24	\$ —	\$ 184,188.24	\$ 73,675.30

Name	2022 State election public funding			2026 State election advance public funding	
	Maximum entitlement	Paid	Difference	Total entitlement	First instalment
The Australian Greens - Victoria	\$ 3,867,592.59	\$ 3,867,592.59	\$ —	\$ 3,867,592.59	\$ 1,547,037.04
Victorian Socialists	\$ 341,051.85	\$ 341,051.85	\$ —	\$ 341,051.85	\$ 136,420.74
<b>Independent candidates</b>					
ALTMANN, Carol	\$ 42,600.36	\$ 42,600.36	\$ —	\$ †	\$ —
BARTON, Huntly	\$ 14,602.50	\$ 9,112.89	\$ 5,489.61	\$ †	\$ —
BINGHAM, Jarrod James	\$ 14,187.14	\$ 14,187.14	\$ —	\$ †	\$ —
BIRCHALL, Ian	\$ 22,085.47	\$ 22,085.47	\$ —	\$ †	\$ —
BOLTON, Sue	\$ 10,961.61	\$ 10,961.61	\$ —	\$ †	\$ —
COOK, Ian	\$ 44,378.62	\$ 44,378.62	\$ —	\$ 44,378.62	\$ 17,751.45
CUPPER, Ali	\$ 83,805.37	\$ 83,805.37	\$ —	\$ 83,805.37	\$ 33,522.15
DOUKAS, Jim	\$ 12,103.85	\$ 12,103.85	\$ —	\$ †	\$ —
DRAGWIDGE, Georgie	\$ 14,888.06	\$ 14,888.06	\$ —	\$ †	\$ —
ERCIYAS, Fatma	\$ 15,679.84	\$ 15,679.84	\$ —	\$ †	\$ —
ESLER, Clay	\$ 15,666.86	\$ 15,666.86	\$ —	\$ 15,666.86	\$ 6,266.74
FREDERICO, Felicity	\$ 24,331.01	\$ 24,331.01	\$ —	\$ †	\$ —
GARRA, Joe	\$ 17,600.88	\$ 17,600.88	\$ —	\$ 17,600.88	\$ 7,040.35

Name	2022 State election public funding			2026 State election advance public funding	
	Maximum entitlement	Paid	Difference	Total entitlement	First instalment
GIBSON, Sharon	\$ 16,322.35	\$ 16,322.35	\$ —	\$ †	\$ —
GRECO, Gaetano	\$ 35,519.77	\$ 35,261.42	\$ 258.35	\$ 35,261.42	\$ 14,104.57
HAWKINS, Jacqui	\$ 84,616.62	\$ 68,973.35	\$ 15,643.27	\$ 68,973.35	\$ 27,589.34
HOPPER, Paul	\$ 14,784.22	\$ 14,784.22	\$ —	\$ †	\$ —
KALTMANN, Nomi	\$ 17,153.07	\$ 17,153.07	\$ —	\$ †	\$ —
LARDNER, Kate	\$ 61,213.68	\$ 61,213.68	\$ —	\$ †	\$ —
LOWE, Melissa	\$ 57,442.99	\$ 57,442.99	\$ —	\$ 57,442.99	\$ 22,977.20
MARTIN, Clarke	\$ 18,172.00	\$ 18,172.00	\$ —	\$ †	\$ —
MEAD, Amanda	\$ 15,472.16	\$ 15,472.16	\$ —	\$ †	\$ —
MILNE, Glenn	\$ 11,136.84	\$ 4,240.80	\$ 6,896.04	\$ †	\$ —
O'DONNELL, Sarah	\$ 21,027.60	\$ 21,027.60	\$ —	\$ †	\$ —
OWEN, Brett	\$ 20,488.93	\$ 14,661.07	\$ 5,827.86	\$ †	\$ —
PURCELL, James	\$ 17,763.13	\$ 17,763.13	\$ —	\$ †	\$ —
SEYMOUR, Nicole	\$ 33,949.19	\$ 30,961.95	\$ 2,987.24	\$ 30,961.95	\$ 12,384.78
SHEED, Suzanna	\$ 78,827.54	\$ 78,827.54	\$ —	\$ 78,827.54	\$ 31,531.02
SKELTON, Johanna	\$ 14,466.21	\$ 14,466.21	\$ —	\$ †	\$ —

Name	2022 State election public funding			2026 State election advance public funding	
	Maximum entitlement	Paid	Difference	Total entitlement	First instalment
TORNEY, Sophie	\$ 59,708.00	\$ 59,708.00	\$ —	\$ 59,708.00	\$ 23,883.20
WHITE, Caroline	\$ 20,553.83	\$ 20,553.83	\$ —	\$ 20,553.83	\$ 8,221.53
BORSOS, Denes C.	\$ 13,090.33	\$ *	\$ N/A	\$ N/A	
COLE, Craig	\$ 13,427.81	\$ *	\$ N/A	\$ N/A	
FENTON, Sarah	\$ 14,005.42	\$ *	\$ N/A	\$ N/A	
<b>TOTAL</b>	<b>\$ 31,088,715.50</b>	<b>\$ 30,395,676.39</b>	<b>\$ 652,515.55</b>	<b>\$ 29,990,028.00</b>	<b>\$ 11,996,011.20</b>

\* Did not apply to receive public funding in relation to the 2022 State election

† Opted not to receive advance public funding in relation to the 2026 State election

## 5.2 2023 Narracan District supplementary election public funding entitlements and payments

Name	2022 State election public funding		
	Maximum entitlement	Paid	Difference
<b>Registered Political Parties</b>			
The Australian Greens - Victoria	\$ 26,816.68	\$ 26,816.68	\$ —
Pauline Hanson's One Nation	\$ 14,576.54	\$ 971.88	\$ 13,604.66
Freedom Party of Victoria	\$ 14,628.46	\$ 9,851.00	\$ 4,777.46
Liberal Party of Australia - Victorian Division	\$ 108,649.09	\$ 108,649.09	\$ —
Democratic Labour Party (DLP)	\$ 17,140.09	\$ *	\$ N/A
<b>Independent candidates</b>			
WOLFE, Tony	\$ 26,673.90	\$ 26,673.90	\$ —
<b>TOTAL</b>	<b>\$ 208,484.76</b>	<b>\$ 172,962.55</b>	<b>\$ 18,382.12</b>

\*Did not apply to receive public funding in relation to the 2023 Narracan District supplementary election

N.B. Candidates at the 2023 Narracan District supplementary election were not eligible to receive advance public funding in relation to the 2026 State election.

## Appendix 6: Offences at voting centres posters

### 6.1 Rights and responsibilities in a voting centre poster

# Rights and responsibilities in a voting centre

#### You have the right to:

- Vote free from interference
- Not be subjected to violence, intimidation, or bribery
- Have your vote remain secret
- Not be approached by candidates or party workers within 6 metres of the entrance to or inside the voting centre
- Vote without material being broadcast near the voting centre which tries to affect the election
- Vote without nearby demonstrations about the election.

#### It is your responsibility to:

- Follow the lawful directions of election officials
- Respect the secrecy of the votes of other voters
- Behave in an orderly manner
- Not remain in a voting centre for longer than is needed to vote
- Not obstruct, delay, or interfere with voting or other voters
- Not tamper with ballot papers or other election materials

#### Election officials have authority to:

- Maintain order and keep the peace at a voting centre
- Ask someone to leave if they are not following the rules
- Request police assistance to remove a person whose behaviour is obstructive, disorderly, or causing a disturbance.

#### Important note:

Interfering with political liberty (including by violence or intimidation), bribery and tampering with ballot material are indictable offences and carry significant penalties, including up to 600 penalty units or 5 years imprisonment. There are also penalties for violating the secrecy of the vote and campaigning activities conducted within prescribed distances from or in a voting centre.

For more information, see the *Electoral Act 2002 (Vic)*.

## 6.2 'Ready reckoner' – responding to electoral offences poster

# Information for election staff: Responding to key election offences

### ELECTION BRIBERY

- Giving or offering a benefit to influence someone's vote
- Asking for or receiving a benefit to vote a certain way
- Otherwise offering/giving or requesting/receiving a bribe in relation to electoral conduct, including support of a party or candidate and voting preferences

**Escalate to Election Manager. If urgent police attendance is required, call 000.**

### PUBLIC ADDRESS SYSTEMS AND DEMONSTRATIONS WITHIN 400 METRES OF VOTING CENTRE

- Using a loudspeaker, amplifier, sound system or other public address system to broadcast or disseminate any matter intended or likely to affect the result of the election
- Making any public demonstration relating to the election

**Escalate to Election Manager. If urgent police attendance is required, call 000.**

### INTERFERENCE WITH POLITICAL LIBERTY

- Hindering or interfering with someone's free exercise or performance of any political right or duty
- Influencing a person's vote by violence or intimidation
- Subjecting a person within 100m of entrance to voting centre who is handing out HTVCs or supporting a candidate to violence or intimidation

**Escalate to Election Manager. If urgent police attendance is required, call 000.**

### PROHIBITED CONDUCT WITHIN 6 METRES OF OR INSIDE VOTING CENTRE

- Canvassing for votes or soliciting votes
- Inducing a voter not to vote for a particular candidate
- Inducing a voter not to vote at the election
- Displaying a notice or sign relating to the election
- Conducting an exit poll

**Remove notices or signs. If situation persists, escalate to Election Manager. If urgent police attendance is required, call 000.**

### DISTRIBUTING ELECTORAL MATERIAL WITHIN 400 METRES OF VOTING CENTRE

- Handing out or distributing printed material other than a registered how-to-vote card within 400m of voting centre (**on election day only**)

**EM/EO may request the person hand over all unregistered printed materials**

### TAMPERING AND SECRECY

- Opening a sealed envelope or parcel containing ballot papers other than permitted
- Dealing with any ballot material other than permitted
- Inducing or attempting to induce a person to show how they intend to vote
- Communicating or assisting a voter while voting or looking at their ballot paper, unless expressly appointed by the voter to do so

**Escalate to Election Manager. If urgent police attendance is required, call 000.**

## RESPONDING TO IMPROPER CONDUCT

**Police officers can assist election officials and election managers to remove any person if they:**

- Obstruct access to the voting centre
- Wilfully or unnecessarily obstruct or delay proceedings
- Behave in a disorderly manner or cause a disturbance
- Remain in the voting centre longer than is necessary to vote

**Victoria Police must aid and assist election officials and election managers in exercising these powers.**

**Police officers can remove a scrutineer if they:**

- Observe activities not appointed for
- Interfere with or attempt to influence a voter
- Communicate with anyone other than is necessary for the purpose of carrying out the functions of a scrutineer
- Handle any ballot papers
- Don't wear a badge to identify themselves as a scrutineer
- Fail to obey a lawful direction of an election manager or official
- Engage in misconduct

# Appendix 7.1: Analysis of informal votes conducted after the 2022 State election

## 7.1 Introduction

After each State election, the VEC analyses the rate and distribution of informal votes. The VEC also examines the informal ballot papers to determine the types of mistakes that informal voters made, and in particular whether voters appear to have deliberately spoilt their vote or have attempted to cast a formal vote. The VEC's work on informal votes contributes to public knowledge about Victorian elections and provides information assisting the VEC's voter information and education campaigns. The VEC's analysis of informal votes in the 2022 State election forms part of an Australian Research Council study into Understanding and Addressing Informal Voting in Victoria.

## 7.2 Legislative Assembly (Lower House)

The informal voting rate in the Lower House election was 5.53% of total votes – a slight decrease from 5.83% in 2018. The informal voting rate for electoral districts varied widely, from 2.59% in Hawthorn to 11.14% in Melton.

There was a clear geographic pattern in the incidence of informal voting. Informal voting was highest in the northern and western suburbs and the outer south-eastern suburbs. The informal vote was lowest in the inner and eastern suburbs. This distribution appears to relate to socio-economic factors, particularly proficiency in English and the number of residents speaking a language other than English, education and income. In regional Victoria there was no such clear pattern, with most districts falling fairly close to the State average.

### Findings – the Legislative Assembly

For the first time since 1996 the informal vote has decreased - a significant achievement.

It was highest in the northern, western, and outer south-eastern suburbs.

It was lowest in the inner and eastern suburbs.

This distribution is linked to socio-economic status, particularly English proficiency, speaking a language other than English, education, and income. This link does not appear to exist in regional Victoria, where most districts were close to the state average.

### Recommendation 1

Continuing to tailor outreach programs based on those socio-economic factors will likely have a higher impact in suburban Melbourne compared to regional Victoria and should therefore be continued where there are higher rates of informality.

As Figure 1 shows, the informal voting rate varied substantially according to the type of vote. For an explanation of these categories of votes and the proportions of the overall vote, refer to **Chapter 7.1 - Vote types**.

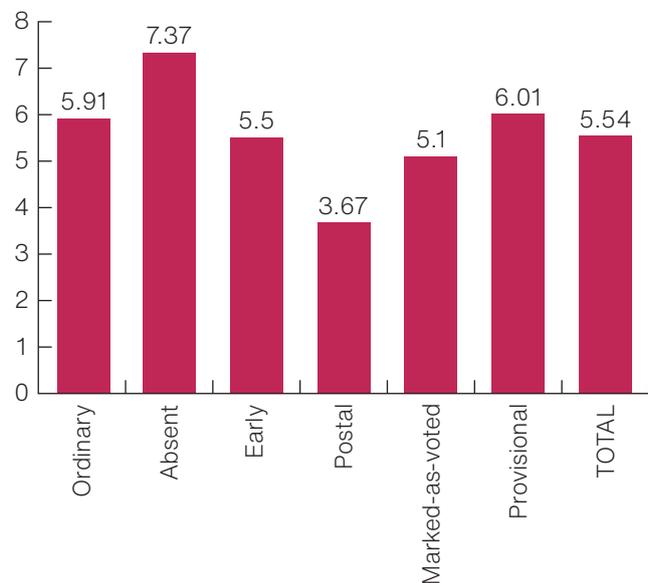


Figure 1: Lower House informal vote percentage by type of vote

The informal voting rates in the two largest categories, ordinary and early votes, were close to the total State figure, with ordinary votes slightly above the State average. Absent voters were far more likely to vote informal, possibly because they didn't have access to how-to-vote cards for their own districts. In contrast, the informal voting rate was much lower for postal voters, who had time to consider their votes. This pattern was consistent for the great majority of districts, regardless of the level of informal votes in each district.<sup>1</sup>

While the informal voting rate for Victoria as a whole barely budged from 2018 to 2022, there was considerable variation by individual districts. The informal voting rate increased in 31 of the 88 districts.

<sup>1</sup> The minor provisional and marked-as-voted categories varied more from district to district.

The largest increase was 4.85 percentage points, in Point Cook District, while the greatest decrease was 3.77 percentage points, in Thomastown District. The geographic distribution of changes to the informal voting rate was broadly similar to that for the informal voting rate itself, with the greatest increases in the western and parts of the northern suburbs and peri-urban areas, and reductions concentrated in inner Melbourne and the eastern side of the metropolitan area. The changes to the informal vote thus reinforced the existing dichotomy between the high informal vote western and northern suburbs and the low informal vote inner and eastern suburbs.

The 2022 State election saw a record number of candidates for the Legislative Assembly, increasing from 510 in 2018 to 740. The average number of candidates per district consequently increased from 5.8 to 8.4, with 16 districts having 10 or more candidates, and two districts (Point Cook and Werribee) having 15 candidates. Statistics from local government elections indicate that the informal voting rate increases in electorates with 10 or more candidates. There is evidence of this occurring in the 2022 State election. There was a fairly strong positive correlation of .660642346<sup>2</sup> between the number of candidates and the informal voting rate. The informal vote in districts such as Werribee (9.72%, 15 candidates) or Melton (11.14%, 14 candidates) indicate the effect of a high number of candidates.

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### **Finding – candidate numbers and informality**

There is a fairly strong positive correlation of 0.66 between the number of candidates and the informal voting rate.

There is a historical trend of ever-increasing candidate numbers. In 2022 a record 1,194 candidates contested the election, a significant increase on the 887 in 2018. The data below indicate that while there was a strong general trend towards a reduction in the informal vote, aided by VEC outreach activities, this trend was inhibited by the increasing number of candidates.

### **Recommendation 2**

While the VEC cannot limit legitimate nomination of candidates, knowledge of districts that have high number of candidates after the close of nomination may allow for changing prioritisation of information and education campaigns aimed at reducing informality where feasible.

Comparison of the 2018 and 2022 State elections provides further evidence of the effect of the number of candidates.<sup>3</sup> All but one of the 29 continuing districts where the informal vote increased also had more candidates than in 2018. The stand-out example was Altona/Point Cook, which had 10 more candidates than in 2018 and where the informal vote increased by 4.85 percentage points. Conversely, the informal vote decreased in all of the six districts that had fewer candidates than in 2018, with the most notable example being Thomastown (informal vote down 3.77 percentage points, three fewer candidates). In 40 districts there were more candidates in 2022 than in 2018, yet the informal vote declined, by up to 1.59 percentage points (Forest Hill/Glen Waverley). These figures suggest that there was a strong general trend to reduction in the informal vote, aided by the VEC's community outreach activities, but that this trend was inhibited by the increase in the number of candidates.

### **7.3 Types of informal votes**

Similar to the process at the 2018 election, in 2022 the VEC examined the informal votes from all districts, measuring the incidence of various types of informal votes. However, in 2022 this was conducted in collaboration with academics from the University of Adelaide and Flinders University, as part of an Australian Research Council study into informal voting. The academics suggested the introduction of additional categories of informal vote, to gain more detailed information about the motivations and behaviour of informal voters. The new categories relate mostly to written comments and drawings. Table 1 shows the detailed categories of informal votes for Victoria as a whole.

2 This measure, and all other correlations in this paper, use linear as opposed to a regression analysis which may indicate different relationships.

3 It is not possible to compare the completely new districts of Berwick, Greenvale and Laverton.

Category	Description	Number	%
Blank	Completely unmarked	46,117	21.64
Drawing – ballot paper crossed out	Typically slashes across the whole of the ballot paper	10,653	5
Drawing – offensive	The usual anatomical drawings	1,502	0.7
Drawing – other	Mostly vague scrawls, but includes ‘smiley faces’ and pictures of donkeys	1,959	0.92
Writing – against compulsory voting	Explicitly opposes compulsory voting	134	0.06
Writing – corruption	Accuses candidates or government of being corrupt or criminal	433	0.2
Writing – makes no difference	States voting is a waste of time or makes no difference	415	0.19
Writing – against the system	Statements denouncing the political system or the electoral system, including claims that the election is rigged	368	0.17
Writing – restricted choice	Complaints of being unable to vote for parties not on the ballot paper	191	0.09
Writing – none of the above	Statements rejecting all of the candidates, and sometimes adding a joke candidate such as ‘Me’ or Mickey Mouse	4,132	1.94
Writing – other protest	A wide variety of complaints, such as poor roads or high taxes, and demands for Free Palestine	1,615	0.76
Writing – other	Writing that does not fit into any of the categories above. Includes best wishes to electoral staff	5,762	2.7
Numbers – 1 only		37,154	17.44
Numbers – 1 and other symbols	Mostly 1 and a tick or cross	862	0.4
Numbers – no 1, but expresses preferences	Often starts with a 2 or other number	1,252	0.59
Numbers – insufficient	The voter has a correct sequence but has failed to number all the boxes (or all but one)	28,464	13.36
Numbers – sequence error	The voter has numbered all the boxes but has skipped or duplicated a number	31,201	14.64
Numbers – one box blank, one number missing	The voter has left one box blank and skipped a number	10,275	4.82
Numbers – Langer vote	The voter has started numbering correctly and then repeated numbers, such as 1, 2, 3, 3, 3. Named after Albert Langer, who advocated this method as a way of subverting preferential voting in the 1990s.	233	0.11
Numbers – includes 0	Ballot papers including a 0 in a sequence, plus ballot papers with all zeroes.	3,521	1.65

Category	Description	Number	%
Numbers – obscured	Ballot papers where the numbers have been obscured	1,203	0.56
Numbers – deliberate	Ballot papers with clearly deliberately informal numbers, such as 1, 2, 25, 300, or 20, 20, 20, 20	4,696	2.2
Numbers – other	Numbers that don't fit into any of the above categories	869	0.41
Ticks/crosses – preference	The ballot paper clearly indicates the desired candidate through a single tick or cross	11,528	5.41
Ticks/crosses - deliberate	Ticks or crosses in all boxes	5,878	2.76
Ticks/crosses - other	Ticks or crosses that don't fit into the above categories, including ones with, say, three ticks or crosses	1,661	0.78
Administrative error – really formal	Votes that on close examination are formal, including ones with the last box blank (which are formal under savings provisions in the Electoral Act). A small number were issued for the wrong district.	984	0.46
<b>TOTAL</b>		<b>213,062</b>	<b>100</b>

Table 1: Categories of Lower House informal votes

As in previous elections, blank ballot papers were the biggest category of informal votes (21.64% of the total). The second largest was Numbers – 1 only (17.44%), cast by voters who seem to have carried across the instructions for voting above the line for their region. Substantial proportions of informal voters made other accidental numbering errors – Insufficient (13.36%), sequence error (14.64%) and one box blank, one number missing (4.82%). Other large categories were ballot papers that had been crossed out (5%) and ballot papers indicating a preference through a tick or cross (5.41%).

The individual Writing categories were all very small in number, except for 'None of the above (1.94%) and 'Other' (2.7%). The number of explicit objections to compulsory voting was insignificant (134, 0.06% of the total). The 'None of the above' category included a fair number of statements by sovereign citizens along the lines of 'No candidate suitable to follow my will'. Denunciations of Daniel Andrews and COVID lockdowns were frequent. Conspiracy theories were more evident than in past elections, such as 'the election is fraudulent and unconstitutional treason' or 'it's pencil so you can erase'.

Figure 2 shows the results for Victoria in broader categories.

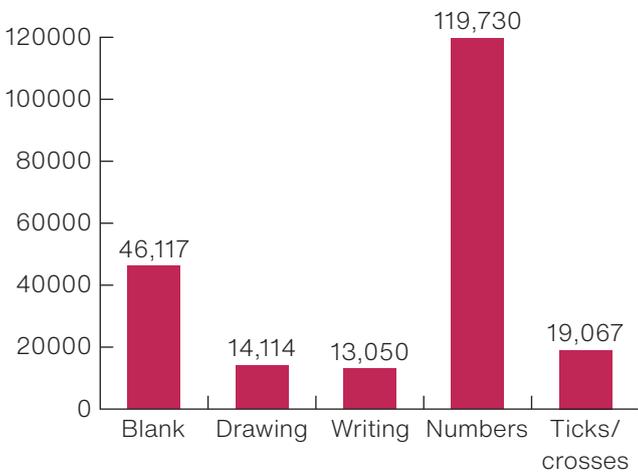


Figure 2: Broad categories of Lower House informal votes

Numbers were by far the largest category, comprising 56.19% of all informal votes.

A critical question in this study is how many informal voters deliberately spoiled their votes, and how many tried to vote for a candidate but got it wrong. It's impossible to tell exactly what was in voters' minds, but it's reasonable to make assumptions based on the markings on the ballot paper.

This study classes the following categories as deliberately informal:

- > Blank
- > Drawing
- > Writing
- > Numbers – includes 0
- > Numbers – deliberate
- > Ticks and crosses – deliberate.

The following categories are classed as showing a preference:

- > Numbers – 1 only
- > Numbers – 1 and other symbols
- > Numbers – insufficient
- > Numbers – sequence error
- > Numbers – one box blank, one number missing
- > Numbers – Langer vote
- > Ticks and crosses – preference.

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**Finding - deliberate and non-deliberate informality**

Most informal votes, 56%, showed a preference which indicates non-deliberate informality, while a strong minority, 41%, were apparently deliberate.

**Recommendation 3**

The VEC is most likely to have a direct impact on non-deliberate informality. In this regard, a future result where non-deliberate informality is a smaller proportion of all informality will be a marker of the success of VEC outreach programs. Deliberate informality may require more effort to reduce as it involves changing attitudes instead of providing information. The VEC should continue the primary focus on non-deliberate informality.

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Figure 3 shows the statistics for these categories. Most informal votes (119,717, or 56.19%) showed a preference, while a strong minority (87,376, or 41.01%) were apparently deliberately informal.

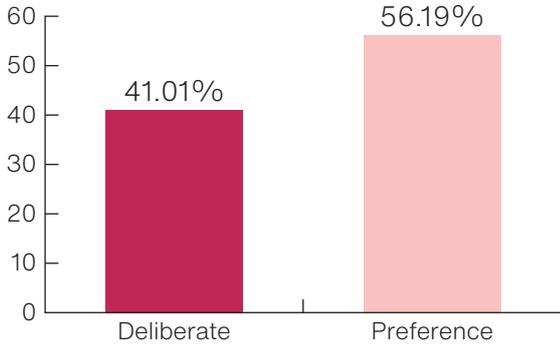


Figure 3: Deliberately informal and Preference (unintentional) Lower House informal votes

Figure 4 shows how informal voting at the 2022 State election compared with 2018.

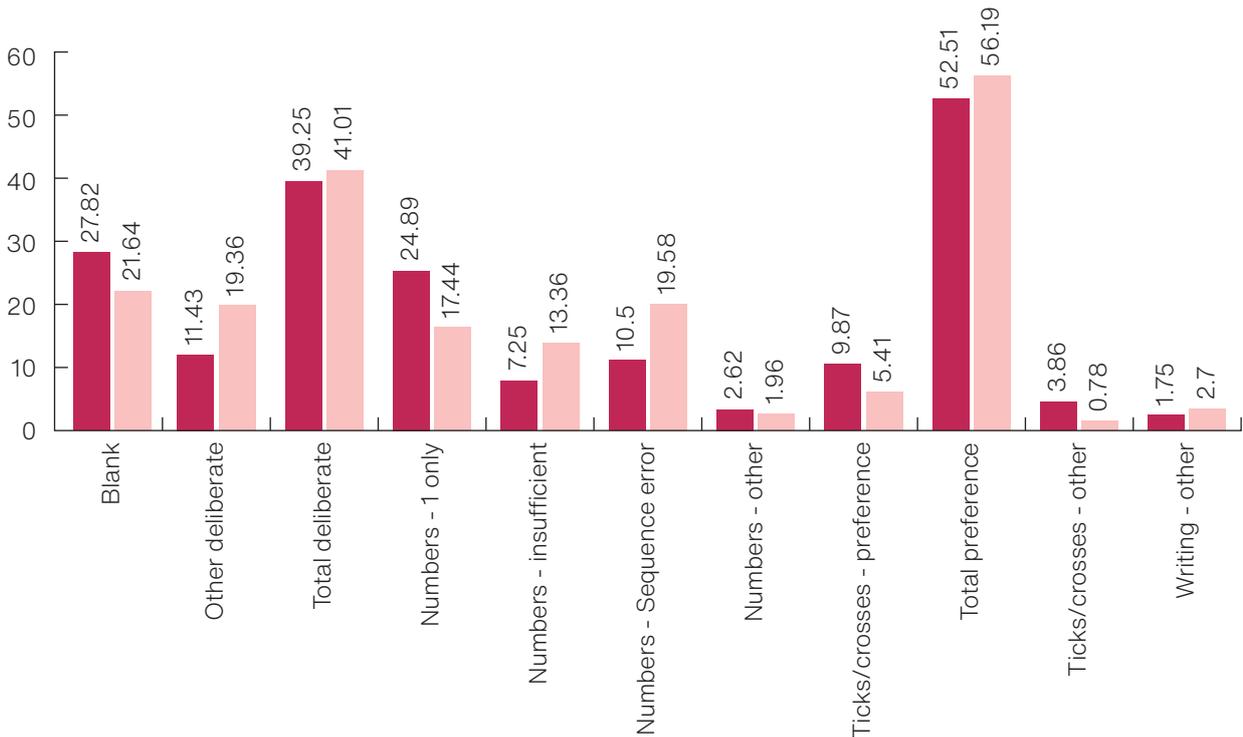


Figure 4: Lower House informal voting categories, 2018 and 2022

The proportion of blank votes declined substantially from 2018 to 2022, from 27.82% to 21.64%. However, other deliberately informal votes almost doubled (from 11.43% to 19.36%), so that total deliberately informal votes increased by 1.76 percentage points. Numbers – 1 only and ticks and crosses – preference votes decreased, possibly reflecting the impact of the VEC’s information campaign about numbers.

On the other hand, the proportion of other numbering errors increased dramatically – which may have been the result of the large number of candidates in many districts. Overall, the proportion of informal votes indicating a preference increased by 3.68 percentage points.

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### **Finding - changes in category of informality from 2018 to 2022**

Numbers 1 only and ticks and crosses have decreased. This is an indicator of success of the VEC's education campaigns about numbers.

This can be contrasted with the dramatic increase in number sequence errors, which approximately doubled. This trend is likely the result of the significantly higher number of candidates in districts.

There was a change in the ways voters deliberately voted informally; blank voting became less frequent while other types increased, resulting in a slight increase in the proportion of deliberately informal voting.

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### **7.4 District variations**

In most districts the incidence of blank ballot papers clustered around the State average of 21.64%. South Barwon had the highest proportion of blank ballot papers (32.25%) and Mulgrave had the lowest (12.23%). The districts with the greatest number of candidates tended to have the lowest proportions of blank votes. Possibly the sight of so many candidates impelled voters to at least put something on their ballot paper.

There was something of the same pattern for crossed out ballot papers. Again, most districts were close to the Statewide figure of 5%, and the districts with the most candidates tended to have lower proportions of crossed out ballot papers. Mulgrave's 2.7% (14 candidates) was the lowest in the State. The Narracan supplementary election had by far the highest proportion (9.09%) – perhaps reflecting some voters' exasperation at having to vote again after only two months.

Ballot papers featuring offensive drawings were few in number across all districts. The highest proportion was in Eltham (1.53%) and the lowest in Glen Waverley (0.2%). Proportions tended to be lower in working class areas such as Dandenong, Mulgrave and St Albans.

Numbers for the various protest writing categories were very low across all districts, and variations between districts appear to be random. A minor exception was the higher than average number of 'restricted choice' ballot papers for the Narracan supplementary election, where there was no ALP candidate. The 'none of the above' group was one of the larger Writing categories;

the percentage of ballot papers in this group ranged from 0.29% (Monbulk) to 4.58% (Bendigo East), with no real pattern evident.

There was a wide range in the incidence of '1 only' ballot papers, from 5.8% (Narracan) to 37.98% (Malvern). Narracan's numbers were much lower than any other district's, because it was a stand-alone election, without the presence of region ballot papers to confuse some voters into just voting '1'. Other districts with low percentages in this category had long ballot papers and a high overall informal vote, such as Point Cook and Werribee. Conversely, the districts with the highest proportions in this category, such as Malvern and Prahran, had low overall informal voting rates and relatively few candidates.

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### **Finding - Narracan and categories of informality**

The Narracan election was a noticeable outlier in many regards. It had a moderately high informality rate of 6.58% and by far the highest proportion of crossed out ballot papers at 9.09% of all informal votes ballot papers. This category of informality may reflect voters' exasperation at having to vote twice in such a short period of time.

The type of informality errors was also likely influenced by the Narracan district ballot not being accompanied by a region ballot. Narracan had the lowest number of '1 only' ballot papers, an error that is likely induced by region ballot papers instructing voters to vote 1 above the line.

### **Finding – correlation between candidate numbers and categories of error**

There were strong positive correlations between the number of candidates and the following categories of informal voting (which are all apparently unintentional informal categories):

Voters indicating a preference (unintentional informality) – 0.631

Insufficient numbering – 0.761

Sequence errors – 0.765

One box blank, one number missing – 0.726

Combined sequence problems – 0.886

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The insufficient numbering category also varied widely, from 1.99% (Eltham) to 21.91% (Point Cook). As might be expected, the districts with the longest lists of candidates were also the ones with the most voters who started numbering their ballot paper but failed to complete it.

There was a strong positive correlation of .7606908 between the number of candidates and the percentage of insufficient numbering.

The proportion of ballot papers with sequence errors ranged from 5.94% (Malvern) to 27.5% (Mulgrave). Districts with high proportions of sequence errors were a disparate group, including some of the most affluent areas in the State (Brighton, 22.96%), country districts such as Shepparton (17.89%) and outer suburban areas such as Melton (26.06%). What they had in common was a lot of candidates. As with insufficient numbering, there was a strong positive correlation of .765224 between the number of candidates and the percentage of sequence errors.

The 'one box blank, one number missing' category is effectively a subset of sequence errors. The incidence of this category varied enormously, from 0.45% (Thomastown) to 10.02% (Mornington). There is no apparent pattern in distribution of this category, and part of its randomness may be because the category is easy to miss when examining ballot papers. Despite the apparent randomness, this category also had a strong positive correlation (.726533) with the number of candidates.

Grouping the categories with sequence problems (Insufficient, sequence errors, one blank-one missing, Langer vote) reveals a very strong association between this combined group and the number of candidates. The correlation between this group and the number of candidates was .886447. In contrast, there was practically no association between the incidence of this group and the proportions of residents speaking languages other than English (.138638). There was a wide range in this group, from 9.94% (Malvern, 6 candidates) to 56.55% (Mulgrave, 14 candidates).

'Numbers – deliberate' was a small group, comprising only 2.2% of all informal votes. Its incidence by district ranged from 0.05% (Hastings) to 4.06% (Thomastown), with most districts clustering around the State average. Districts with the highest proportions in this category tended to be safe seats.

'Numbers including 0' is in effect subset of 'Numbers – deliberate' (though a few ballot papers with sequences such as '0, 1, 2, 3, 4, 5' may have been attempts at a formal vote). Only 1.65% of informal votes fell into this category, with proportions ranging from 0.6% (Point Cook) to 2.48% (Mill Park). Most districts were close to the Statewide figure. There was no apparent pattern in the variation between districts.

### **Finding - categories of informality and languages other than English or low proficiency**

Some categories had noticeably strong and weak correlations with speaking languages other than English or low English proficiency:

Sequence problems – weak at 0.139

Ticks and crosses – stronger at 0.679

This suggests that voters from some migrant backgrounds were not likely to be affected by sequence errors, but were more likely to vote in a way familiar to them which may be formal in other countries – such as using ticks and crosses.

### **Recommendation 4**

Identify countries which use ticks and crosses as formal votes that form large groups of the migrant population in Victoria. This will allow for more tailored information campaigns focused on the 'ticks and crosses' type of error.

'Ticks and crosses – preference' was one of the larger categories, comprising 5.41% of informal votes. Its incidence was greatest in districts containing high proportions of residents speaking languages other than English (though it was surprisingly low in the outer western suburban Melton, Point Cook and Werribee districts). Country districts had few votes in this category. There were positive correlations between this category and proportions speaking languages other than English (.679787236) and residents not proficient in English (.59884534). The pattern suggests that some migrants had a clear preference and voted as they did in their country of origin, by placing a tick or cross against their chosen candidate, unaware that this was an informal vote.

Votes indicating a preference made up more than half of Victoria's informal votes. Proportions in districts ranged from 41.84% (South Barwon) to 73.73% (Mulgrave), with most districts close to the statewide figure of 56.19%. As with most of the Number categories, the highest proportions were in districts with the most candidates, and there was a positive correlation (.631474) between the percentage expressing a preference and the number of candidates.

The distribution of deliberate informal voting was more or less a mirror image of informal votes showing preferences. Incidence ranged from 23% (Mulgrave) to 55.96% (South Barwon), with most districts fairly close to the statewide figure of 41.01%.

The 12 districts where deliberate informal voting was more than 20% above the average were a disparate group: eight were metropolitan and five regional; eight were won by the ALP and five by the Coalition; a few districts such as Thomastown and Mill Park had high CALD populations, while other such as Eltham and Gippsland South were just the opposite. What these districts had in common was a small number of candidates; all but three districts had seven or fewer candidates. (The exception, the Narracan supplementary election, had 11 candidates and a deliberate informal vote rate of 53.46%. The high deliberate rate there can be explained by the facts that some voters would have resented having to vote again only two months after the State election, that there was no ALP candidate, and that there was no concurrent region ballot paper inducing electors to vote 1 only.) Conversely, the eight districts whose deliberate informal vote rate was more than 20% below the State figure had the common feature of a large number of candidates: two of these districts had 15 candidates, two had 14 and one had 11. Again, the critical factor was the number of candidates. The more candidates there were, the higher the number of accidental numbering errors, and so the lower the proportion of deliberate informal votes.

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### **Finding - intentional informality outlier districts**

#### **High intentional informality**

There was very little in common for the 12 districts with the highest deliberate informal voting (20% above the average). They were a mix of metropolitan and regional, had mixed results electing ALP and Coalition candidates, some had high CALD populations while others had low CALD populations. The only common factor was the low number of candidates.

#### **Low intentional informality**

Conversely, for the 8 districts with the intentional informality rate 20% below the average there was one common factor – a large number of candidates, with the number of candidates as high as 15 in one instance. This reinforces earlier findings, that the biggest driver of non-intentional informality is the number of candidates.

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## **7.5 Variations within districts**

In most districts, ballot papers were amalgamated before the official distribution of preferences, which means that information on informal votes was available on a district-wide basis. However, in 21 districts votes were kept in separate parcels by voting centre and batch of declaration votes. These were the ten districts won by an absolute majority (so a preference distribution was not required to obtain a result), the seven districts where computer counts took place (so the physical ballot papers did not need to be amalgamated), and four other districts where the informal votes were not amalgamated. These 21 districts are not perfectly representative of the State as a whole; the ten districts won by absolute majorities were very safe seats, and Nationals seats were over-represented (six seats) and Liberal seats under-represented (three seats). Nevertheless, the informal votes from these districts provide valuable information about differences within districts.

Table 2 shows the proportions of each category of informal votes for ordinary votes (those cast on election day at voting centres within the elector's own district) and the four main types of declaration votes.

Category	Ordinary (%)	Absent (%)	Early (%)	Postal (%)	Provisional (%)	Total (%)
Blank	19.37	17.64	17.64	44.78	8.63	19.94
Drawing: crossed out	4.83	4.81	4.63	4.13	1.28	4.67
Drawing: offensive	0.76	0.98	0.52	0.03	-	0.61
Drawing: other	0.84	0.73	0.75	0.22	0.96	0.75
Writing: against compulsory voting	0.08	0.11	0.05	0.05	-	0.07
Writing: corruption	0.17	0.22	0.14	0.11	-	0.15
Writing: makes no difference	0.18	0.16	0.13	0.03	-	0.14
Writing: against system	0.2	0.22	0.22	0.05	-	0.2
Writing: restricted choice	0.14	0.27	0.06	-	-	0.1
Writing: none of the above	1.73	1.82	1.53	0.97	-	1.6
Writing: other protest	0.72	0.68	0.61	0.32	0.32	0.63
Writing: other	3.5	2.93	2.06	1.13	1.92	2.6
Numbers: 1 only	15.87	13.56	16.26	15.48	18.21	15.89
Numbers: 1 and other symbols	0.63	0.38	0.43	0.27	0.32	0.5
Numbers: no 1 but expresses preferences	0.52	0.6	0.5	0.19	0.64	0.48
Numbers: insufficient	14.33	21.33	15.21	9.6	22.68	14.93
Numbers: sequence error	15.46	14.81	18.82	13.08	19.17	16.99
Numbers: one box blank, one number missing	5.2	4.73	5.56	2.78	4.79	5.19
Numbers: Langer vote	0.1	0.05	0.11	0.11	-	0.11
Numbers: includes 0	1.54	1.71	1.48	0.73	2.24	1.47
Numbers: obscured	0.56	0.3	0.47	0.51	0.96	0.5
Numbers: deliberate	2.27	2.69	2.31	1.38	1.92	2.25

Category	Ordinary (%)	Absent (%)	Early (%)	Postal (%)	Provisional (%)	Total (%)
Numbers: other	0.2	0.11	0.4	0.03	0.32	0.28
Ticks/crosses: preference	6.35	5.43	5.77	2.1	10.86	5.77
Ticks/crosses: deliberate	3.16	2.66	3.06	1.4	2.24	2.96
Ticks/crosses: other	0.71	0.46	0.8	0.24	0.32	0.71
Admin error – really formal	0.57	0.6	0.48	0.27	0.96	0.51
<b>TOTAL (numbers)</b>	<b>22,899</b>	<b>3,680</b>	<b>29,217</b>	<b>3,707</b>	<b>313</b>	<b>59,925</b>

### Finding - modes of voting and links to categories of informality

The most important observation is that the mode of voting does not appear to influence the types of informality that occur. The prevalence of categories of informality by voting modes largely matches the district average. This is a positive sign as it indicates that the trend towards more varied methods of voting does not distort or increase the informality trends.

The only exception to this is **postal voting**. Postal votes accounted for a far larger portion of blank votes, more than double all other methods of voting at 44.78% of all blank votes. As such, other types of informality were much lower among postal votes.

The most striking feature of the table is how little variation there was. Nearly all categories of informal ordinary, absent and early votes were very similar to the proportions for the districts as a whole. The incidence of 'Numbers – 1 only' votes was slightly lower than average for absent votes (13.56% compared to 15.89% for the whole district), and the proportion of absent votes in the 'Numbers – insufficient' category was higher than average (21.33% compared to 14.93% for the district as a whole). Among early votes, the only category worth noting was 'Numbers – sequence error', which was about 2 percentage points higher than the average.

Postal votes stood out from the other types of votes. The proportion of blank votes was more than twice that for all votes (44.78% compared to 19.94%). Conversely, other categories of informal votes were much lower than the average – particularly those relating to sequence errors, and ticks and crosses. The various writing categories and offensive drawings were also much lower than average, perhaps reflecting a concern that a postal vote is not as anonymous as one placed in a ballot box.

For whatever reason, almost half of the electors who had gone to the trouble of obtaining a postal vote but who voted informal decided on the path of least resistance, by leaving their ballot paper blank.

The small number of provisional votes showed a contrasting pattern, with very few blank or other deliberate votes and a higher proportion of numbering errors and ticks and crosses indicating a preference.

## 7.6 Legislative Council (Upper House)

### Finding - comparing the Upper and Lower Houses

The Upper House has much lower informality rates – 3.22% compared to 5.53% in the Lower House. Upper house informality improved significantly from 2018, down from 3.96%.

The biggest driver of the lower informal voting rate for the Upper House is the legislative provisions in the Electoral Act. The ability to vote 1 above the line or at least 1 to 5 below the line mean that candidate numbers generally do not drive additional informality as voters do not have to number every box. However, in 2022 all regions had so many parties that there was a need for 'double-decker' ballot papers with two rows of parties above the line and two rows of candidates below the line. Some voters appear to have been confused, numbering 1–5 in both rows below the line, or writing 1 in both rows above the line.

The informal vote for the Upper House was much lower than for the Lower House, at 3.22% of all votes compared to 5.53%. The method of voting for the Upper House largely accounts for this difference. While voters have to number every box on a district ballot paper, they have a choice on a region ballot paper of either simply voting '1' above the line for the party or group they favour (as 90% of voters do) or voting at least 1 to 5 below the line.

A tick, a cross or another clear mark in a box above the line is accepted as a formal vote. If a voter who opts for below the line makes a mistake beyond '5', by skipping or duplicating a number, it is still a formal vote, and preferences can be counted up to the break in sequence.

These rules meant that the number of candidates (which in any case was very similar in all regions) had minimal effect on the Upper House informal vote. There was little scope for sequence errors, as these could only affect below-the-line voters, who just had to write numbers from 1 to 5. However, the increased number of parties in 2022 meant that all regions had to have 'double-decker' ballot papers, with two rows of parties above the line and two rows of candidates below the line.

Some voters appear to have been confused by this layout, typically numbering 1 to 5 in both rows below the line or writing 1 in both rows above the line.

On a district basis, the proportion of Upper House informal votes ranged from 1.28% (Hawthorn) to 6.71% (Dandenong). Its incidence broadly matched that for the Lower House, with higher informal votes in the northern and western suburbs and lower informal votes in the eastern suburbs.

Informal votes were lowest (less than 2%) in the inner urban areas and the inner eastern and south-eastern suburbs. Surrounding this area was a belt of moderately low informal votes (2-3%), including the inner western suburbs and the eastern suburbs extending out to the Dandenong Ranges and Upper Yarra Valley. In regional Victoria, the informal vote was moderately low in Bendigo, most of Geelong, the peri-urban areas east of Melbourne, and much of the North-East.

The informal voting rate was higher (more than 4%) in the northern and western suburbs and in the industrial south-eastern suburbs around Dandenong. The greatest concentrations (more than 6%) were in Dandenong, Thomastown and Broadmeadows. In regional Victoria, the largely working-class Lara, Melton and Morwell districts had moderately high informal voting rates.

There was a positive correlation (.55078519) between the informal voting rate and the proportion of residents who were not proficient in English, and also between the informal vote and the proportion of residents speaking a language other than English (.483618851). On the other hand, there was a strong negative correlation between the informal vote and the proportion of tertiary-educated residents (-.59286966).

The Upper House informal voting rate decreased substantially in 2022, from 3.96% in 2018 to 3.22%. Informal votes also fell in absolute numbers, from 147,313 to 124,726. Comparison within Victoria is complicated by electoral boundary changes. However, it is possible to make a broad comparison of the regions, as changes to most of the region boundaries were comparatively minor. The decline in informal voting occurred across all regions, ranging from 1.13 percentage points in Northern Metropolitan to 0.32 percentage points in North-Eastern Metropolitan. The smaller decline in North-Eastern Metropolitan may be the result of boundary changes, in which the region incorporated swathes of the northern suburbs. Northern Metropolitan was the only region that had a 'double-decker' ballot paper in 2018. The fact that it had the sharpest decline in informal votes in 2022 is no coincidence; it indicates that the change to a 'double-decker' ballot paper in the other regions in 2022 tended to handicap the decline in the informal vote in those regions, as some voters were confused by the two rows above and below the line. At district level, comparison of the eight districts whose boundaries were unchanged in 2022 also reveals a general decline in the informal vote, as shown below.

District	2018	2022	Change 2018-2022
Bendigo East	3.14%	2.54%	-0.6
Bendigo West	3.69%	2.84%	-0.85
Gippsland East	3.25%	3.1%	-0.15
Lara	4.46%	4.14%	-0.32
Mornington	2.87%	2.02%	-0.85
Murray Plains	4.62%	3.5%	-1.12
Northcote	2.99%	2.21%	-0.78
Shepparton	4.55%	3.51%	-1.04

Table 3: Upper house informal votes by districts 2018 and 2022

## 7.7 Types of Upper House informal votes

Table 4 shows the incidence of the categories of informal votes. There are more categories than for the Lower House, because above-the-line and below-the-line votes are treated separately. Some categories do not exist for votes above the line, because a single 1 or tick or cross is a formal vote.

Category	Description	Number	%
Blank	Completely unmarked	49,378	40.5
Drawing – ballot paper crossed out	Typically slashes across the whole of the ballot paper	6,831	5.61
Drawing - offensive	The usual anatomical drawings	1,329	1.09
Drawing – other	Mostly vague scrawls, but includes ‘smiley faces’ and pictures of donkeys	5,804	4.76
Writing – against compulsory voting	Explicitly opposes compulsory voting	229	0.19
Writing – corruption	Accuses candidates or government of being corrupt or criminal	399	0.33
Writing – makes no difference	States voting is a waste of time or makes no difference	536	0.44
Writing - against the system	Statements denouncing the political system or the electoral system, including claims that the election is rigged	299	0.25
Writing – restricted choice	Complaints of being unable to vote for parties not on the ballot paper	41	0.03
Writing – none of the above	Statements rejecting all of the candidates, and sometimes adding a joke candidate such as ‘Me’ or Mickey Mouse	3,393	2.78
Writing – other protest	A wide variety of complaints, such as poor roads or high taxes, and demands for Free Palestine	2,629	2.16
Writing – other	Writing that does not fit into any of the categories above. Includes best wishes to electoral staff	3,161	2.59
Fragments	Ballot papers that have been torn to pieces	22	0.02
ATL - Numbers – ALP/DLP and Liberal/LDP	Attempts to vote for both ‘Labor parties’ or both ‘Liberal parties’	1,604	1.32
ATL - Numbers – no 1, but expresses preferences	Often starts with a 2 or other number	302	0.25
ATL - Numbers – includes 0	Ballot papers including a 0 in a sequence, plus ballot papers with all zeroes.	717	0.59

Category	Description	Number	%
ATL - Numbers – deliberate	Ballot papers with clearly deliberately informal numbers, such as 1, 2, 25, 300, or 20, 20, 20, 20	1,250	1.03
ATL - Numbers – other	Numbers that don't fit into any of the above categories. Includes ballot paper with a 1 on each row above the line	7,396	6.07
ATL - Ticks/crosses - deliberate	Ticks or crosses in all boxes	810	0.66
ATL - Ticks/crosses - other	Ticks or crosses that don't fit into the above category, including ones with, say, three ticks or crosses	4,267	3.5
BTL - Numbers – 1 only		11,133	9.14
BTL - Numbers – 1 and other symbols	Mostly 1 and a tick or cross	106	0.09
BTL - Numbers – no 1, but expresses preferences	Often starts with a 2 or other number	224	0.18
BTL - Numbers – insufficient	The voter has a correct sequence but has failed to number 1 to 5	1,191	0.98
BTL - Numbers – sequence error	The voter has numbered 1 to 5 but has skipped or duplicated a number	1,412	1.16
BTL - Numbers – one box blank, one number missing	The voter has left one box blank and skipped a number	263	0.22
BTL - Numbers – Langer vote	The voter has started numbering correctly and then repeated numbers, such as 1, 2, 3, 3, 3. Named after Albert Langer, who advocated this method as a way of subverting preferential voting in the 1990s.	1	0.00
BTL - Numbers – includes 0	Ballot papers including a 0 in a sequence, plus ballot papers with all zeroes.	439	0.36
BTL - Numbers – obscured	Ballot papers where the numbers have been obscured	201	0.17
BTL - Numbers – deliberate	Ballot papers with clearly deliberately informal numbers, such as 1, 2, 25, 300, or 20, 20, 20, 20	847	0.7
BTL - Numbers – other	Numbers that don't fit into any of the above categories, including ones with separate sequences on each of the rows below the line	5,058	4.15
BTL - Ticks/crosses – preference	The ballot paper clearly indicates the desired candidate through a single tick or cross	1,429	1.17
BTL - Ticks/crosses - deliberate	Ticks or crosses in all boxes	551	0.45
BTL - Ticks/crosses - other	Ticks or crosses that don't fit into the above categories, including ones with, say, three ticks or crosses	3,596	2.95

Category	Description	Number	%
Administrative error – really formal	Votes that on close examination are formal, including ones with a sequence of numbers above the line, or more than 5 numbers below the line blank (which are formal under savings provisions in the Electoral Act). A number were issued for the wrong region/district.	4,848	3.98
<b>TOTAL</b>		<b>121,853</b>	<b>100</b>

Table 4: Frequency of different categories of upper house informal votes

### Finding - categories of informal votes in the Upper House

The most significant observations about categories of informal votes are:

Blank ballots are by far the most common type of informality, at 40.52%

Some voters misunderstand the instruction to vote 1 above the line, voting simply 1 below the line at 9.14%

Sequence errors are far less common than for the Lower House due to formality rules being more generous, occurring at 1.16% compared to 14.64%

### Recommendation 5

Continue to intensify training of region formality rules for election staff conducting recheck counts. While VEC training already focuses intensely on formality rules for counts, there is capacity to improve accuracy even further.

Blank ballot papers were by far the largest category, comprising more than two in five informal votes. Possibly, faced with such a large ballot paper, many voters decide to do as little as possible by leaving it blank.

All other categories were dwarfed by comparison. The second largest category, with 9.14% of the total, were those where voters placed a 1 below the line on the ballot paper, apparently misunderstanding the direction to vote 1 above the line. Significant proportions of informal voters crossed out the entire ballot paper (5.61%) or drew pictures (4.76%), perhaps finding that the size of the ballot paper offered scope to express their feelings or creativity. 'Numbers – other', combining above-the-line and below-the-line votes, made up a substantial 10.22% of the informal votes. A sizeable proportion of these were by voters who were apparently confused by the double decker ballot paper, either writing two sequences of numbers above or below the line or writing 1 in each vertical pair of parties above the line.

Insufficient numbers and sequence errors – so prominent in the Lower House informal votes – were insignificant for the Upper House. There was far less scope for these sorts of errors in the Upper House election, where sequences only apply for below-the-line votes, and voters simply have to number 1 to 5.

One category unique to the Upper House was ALP/DLP and Liberal/LDP votes. This category comprises votes where the voter wrote a 1 or tick in both the Australian Labor Party and Labour DLP boxes, or in both the Liberal and Liberal Democrats boxes. These appear to have been voters who were confused by the similar names of the parties, and who decided to hedge their bets by voting for both. A total of 1,604 voters (1.32% of all informal votes) voted in this way.

Votes that were actually formal or that were cast for the wrong region or district made up a substantial 3.98% (4,848 votes) of the votes examined. Election officials mistakenly classed these votes as informal, led astray by the size of the region ballot paper and the more complex voting rules. Examples included votes that were informal above or below the line but formal in the other section of the ballot paper, votes that included a sequence above the line, or votes that included a sequence error beyond 5 below the line. It should be noted that this level of errors was very unlikely to have affected any results, as these votes comprised only 0.13% of all votes and were scattered across the various parties and candidates.

Figure 5 shows informal votes grouped into broader categories.

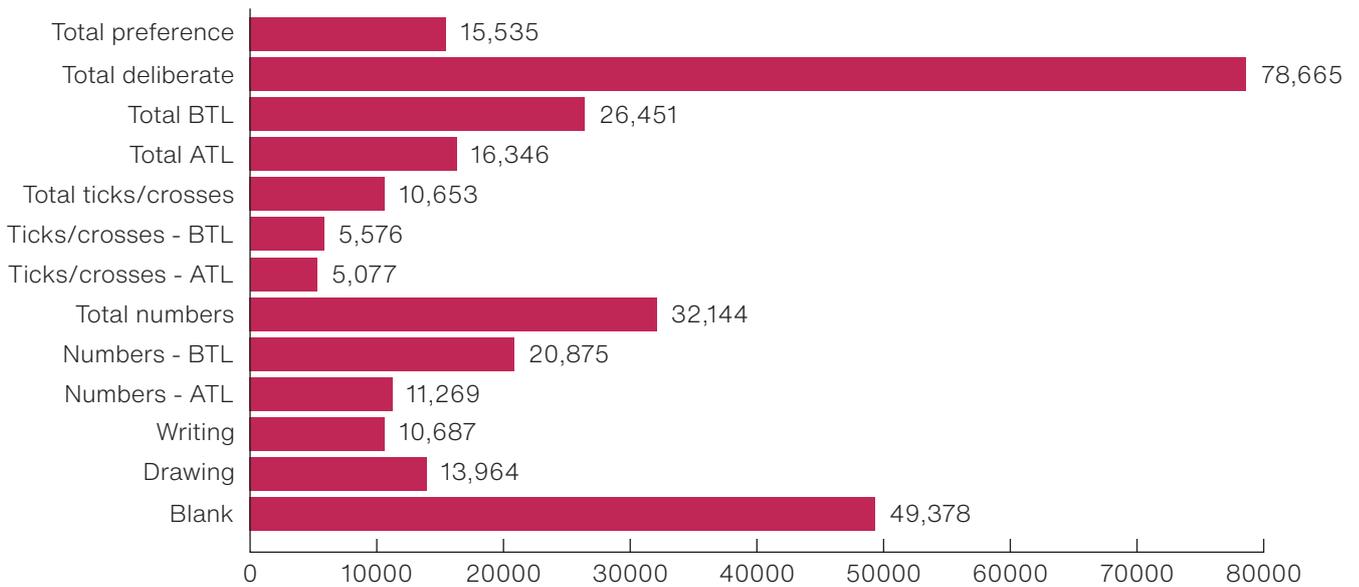


Figure 5: Upper House informal votes – broad categories and subtotals

Blank ballot papers were substantially larger than any of the combined categories. The combined ticks and crosses group were far fewer than the Numbers group. Above-the-line votes comprised some 90% of all Upper House votes, but only 13.54% of informal votes. Conversely, below-the-line votes made up 21.92% of informal votes. The remaining proportion of informal Upper House votes were neither above-the-line or below-the-line. In practice this typically meant that the ballot papers were blank or had other writing on them. The higher incidence of below-the-line votes reflects the fact that voting below the line is more complex and there is more scope for error. Below-the-line votes outnumbered above-the-line in all but one district (Narracan) and were more than twice as numerous as above-the-line votes in 18 districts. The proportions of below-the-line votes ranged from 11.53% (Gippsland East) to 32.83% (Laverton); they tended to be strongest in a scattering of metropolitan districts and weakest in country Victoria. The incidence of above-the-line votes varied from 8.57% (Benambra) to 23.54% (Hastings); they tended to be strongest in parts of the western and south-eastern suburbs and weakest in country districts and the inner suburbs.

It is very easy to vote for the Upper House, by placing 1 above the line. Few voters get it wrong and cast an accidental informal vote. The consequence is that almost two thirds (64.56%) of Upper House informal votes were deliberately informal. Conversely, only a small proportion (12.75%) were cast by voters who had a clear preference but whose vote was informal.

Table 5 compares categories of informal votes for the Upper House and Lower House.

Category	Lower House		Upper House	
	Number	Percentage	Number	Percentage
Blank	46,117	21.64%	49,378	40.52%
Drawing – crossed out	10,653	5%	6,831	5.61%
Drawing – offensive	1,502	0.7%	1,329	1.09%
Drawing – other	1,959	0.92%	5,804	4.76%
Writing – against compulsory voting	134	0.06%	229	0.19%
Writing – corruption	433	0.2%	399	0.33%
Writing – no difference	415	0.19%	536	0.44%
Writing – against system	368	0.17%	299	0.25%
Writing – restricted choice	191	0.09%	41	0.03%
Writing – none of the above	4,132	1.94%	3,393	2.78%
Writing – other protest	1,615	0.76%	2,629	2.16%
Writing – other	5,762	2.7%	3,161	2.59%
Numbers – 1 only	37,154	17.44%	11,133	9.14%
Numbers – 1 and other symbols	862	0.4%	106	0.09%
Numbers – no 1, but expresses preferences	1,252	0.59%	526	0.43%
Numbers – insufficient	28,464	13.36%	1,191	0.98%
Numbers – sequence error	31,201	14.64%	1,412	1.16%
Numbers – one box blank, one number missing	10,275	4.82%	263	0.22%
Numbers – Langer vote	233	0.11%	1	0.00%
Numbers – includes 0	3,521	1.65%	1,156	0.95%
Numbers – obscured	1,203	0.56%	201	0.16%
Numbers – deliberate	4,696	2.2%	2,097	1.72%
Numbers – other	869	0.41%	12,454	10.22%
Ticks/crosses – preference	11,528	5.41%	1,429	1.17%
Ticks/crosses – deliberate	5,878	2.76%	1,361	1.12%
Ticks/crosses – other	1,661	0.78%	7,863	6.45%

Category	Lower House		Upper House	
	Number	Percentage	Number	Percentage
Admin error – really formal	984	0.46%	4,848	3.98%
Total drawing	14,114	6.62%	13,964	11.46%
Total writing	13,050	6.12%	10,687	8.74%
Total numbers	119,730	56.19%	32,144	26.38%
Total ticks/crosses	19,067	8.95%	10,653	8.74%
<b>Total deliberate</b>	<b>87,376</b>	<b>41.01%</b>	<b>78,665</b>	<b>64.56%</b>
<b>Total preferences</b>	<b>119,717</b>	<b>56.19%</b>	<b>15,535</b>	<b>12.75%</b>

Table 5: Lower House and Upper House informal vote categories, by number and percentage

Although blank votes were proportionally much higher in the Upper House election, the absolute number of blank votes was very similar for both Houses. This suggests that the same people tended to leave their votes blank in both elections. Other categories with similar raw numbers were offensive drawing and total drawing and writing. Most of the writing categories were small in number in both elections, but were proportionally higher in the Upper House election. The region ballot paper provided more space for comments, some of which were conspiratorial in nature.

The Number categories were far smaller in the Upper House election, as were the Ticks and crosses categories (except for the 'Other' category for both numbers and ticks and crosses). Consequently, the number of Upper House votes indicating a preference was only one eighth that for the Lower House in raw numbers. Upper House deliberately informal votes were slightly fewer in number than for the Lower House, but were proportionally much higher.

## 7.8 Region and district variations

Although blank votes were by far the largest category of Upper House informal votes in every district, their incidence varied considerably, ranging from 30.47% (Kororoit) to 53.08% (Benambra). The highest proportions of blank votes were in country districts, especially in Northern Victoria Region. Proportions were lower in metropolitan districts, with seemingly random variations between districts. These variations were within a comparatively narrow band; the percentage blank vote was within 20% of the State figure in 79 of the 88 districts.

## Findings - correlations in both houses

Intentionally informal voting correlated strongly with a high proportion of Australian-born residents at 0.775. The inverse of this – the negative correlation of intentional informality with a higher proportion of non-Australian born residents was not as strong at -0.53.

This indicates that different communities will require different campaigns to reduce informality depending on their country of birth and the other factors discussed in this paper. The VEC currently conducts campaigns on this basis and should continue to do so.

The pattern of deliberately informal votes resembled that for blank votes. The rate ranged from 50.45% (Laverton) to 77.62% (Benambra). The deliberately informal vote rate was higher than average in country districts, and significantly lower than average in metropolitan districts. Regions tended to behave consistently. For example, all the districts in Northern Victoria region had deliberate informal rates well above the State average. Districts in Southern Metropolitan were slightly below the average, as were those in Northern Metropolitan. Most Western Metropolitan districts were significantly below the average (Point Cook, Sunbury and Werribee were exceptions). A major factor affecting the incidence of deliberately informal votes was the percentage of Australian-born residents, with a strong positive correlation of .77457861 between these two variables.

The distribution of informal votes showing preferences was an imperfect mirror image of the deliberate informal votes. The preferences group was weaker in country districts and regions, and stronger in metropolitan. There was a negative correlation between the percentages of preference informal votes and those of Australian-born residents. However, the picture was more complex than for the deliberate informal votes. The negative correlation with Australian-born residents, at  $-.53875898$ , was weaker than the positive correlation between deliberate informal votes and the Australian-born. The distribution of preference informal votes was more unequal, ranging from 6.87% (South-West Coast) to 23.82% (Prahran). The incidence of preference informal votes was more than 20% outside the State average in almost half of the districts. These districts did not always follow the general pattern. Three of the 20 districts with the lowest proportions of preference informals were metropolitan, and one of those metropolitan districts, Kalkallo, had a high proportion of residents born outside Australia. The 22 districts with the highest proportions of preference informals were all metropolitan, but were otherwise diverse, including mobile, young, inner urban Prahran, affluent districts such as Kew, and districts with high CALD populations such Dandenong and Kororoit.

## 7.9 Conclusions

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### Finding - a positive inflection point and meaningful impact

#### A positive inflection point.

The headline takeaway is that informal voting decreased in 2022. This is a significant inflection point after a long period of informality rising. The rate of accidental informal voting declined by 1.76 percentage points in the Lower House.

#### Meaningful impact

The lesson from the 2022 State Election is that the VEC's community outreach activities can have a positive impact. Despite the rising number of candidates, the VEC has managed to drive down informality and with sustained efforts this positive trend can continue.

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For the VEC, the story of informal voting in 2022 is largely positive. Compared with the 2018 State election, the rate of informal voting declined in both Houses. The decline occurred despite a record number of candidates, which led to larger ballot papers that were more difficult to complete. Concerning the Lower House election, 2022 marked a welcome turn around after informal voting rates had increased at every election since 1996.

As for the Upper House, a decrease of 0.74 percentage points put the informal voting rate lower than any other election under the current Upper House system, which commenced in 2006. In fact, the informal voting rate was the lowest since the 1999 election.

The nature of the informal vote in 2022 was also encouraging. The key divide in informal voters is between deliberate informal votes, in which the voter decides not to cast a formal vote, and accidental informal votes, in which the voter tries to vote correctly but fails. Deliberate informal votes are about motivation, while accidental ones are about information. While the VEC tries to reduce both types of informal vote, it particularly addresses accidental informal voting, through information campaigns about voting correctly that target both Victorians in general and sectors that have had an information deficit. The good news about 2022 is that the rate of accidental informal voting for the Lower House declined by 1.76 percentage points compared with 2018. In the Upper House election, less than a third of the informal votes were accidental.

Turning to the types of accidental informal vote, there were striking reductions in the proportions of '1 only' votes and ticks and crosses – preference votes in 2022, which may be a result of the VEC's information campaign. The marked increase in the number of sequence errors in 2018 was largely caused by the spurt in the number of candidates. Without these additional candidates, the informal voting rate would have been lower than it was.

The huge difference in the accidental informal voting rate between the Lower House and Upper House in 2022 illustrates how the voting system affects voters' behaviour. The obvious difference is the requirement to number all the boxes on a district ballot paper, contrasting with the ability to just vote 1 on a region ballot paper. Other differences are consequences of the mechanics of voting. '1 only' votes were the second largest Lower House category in 2022, and the great majority of these would have been cast by voters misapplying the instructions on the attached region ballot paper. Similarly, below-the-line '1 only' votes were the second largest Upper House category, and these were cast by the voter misapplying the instructions about how to vote above the line (though these were much fewer than the Lower House '1 only' votes). The 'double decker' region ballot papers also confused some voters.

Legislative change could reduce the informal vote. If optional preferential voting had applied in 2022, the 119,717 informal preference votes in that election would have been formal, halving the informal voting rate. A change to the Upper House voting system (either to a system like the Commonwealth Senate's or to Hare-Clark as in Tasmania) and tougher party registration rules could lead to a reduction in the number of parties and candidates, thereby reducing sequence errors on Lower House ballot papers and mistakes on Upper House ballot papers. The ability to vote 1 above the line on a region ballot paper has reduced informal voting for the Upper House but has increased informal voting for the Lower House, with more than 17% of informal votes being "1 only". Repeal of voting just 1 above the line for the Upper House should almost eradicate "1 only" votes for the Lower House. Such changes would affect Victoria's electoral system in a variety of ways, and are matters for Parliament to determine.

Without legislative change, the tasks for the VEC are to reinforce the training of temporary staff on the formality of Upper House ballot papers, to clarify ballot papers (within the constraints of the legislation), and above all continue to engage and inform all voters through a variety of channels. The lesson from the 2022 election is that the VEC's work can have a positive effect.

## Appendix 7.2: How-to-vote card research

### How-to-vote card conformity

The votes for seven districts were entered into the computer count program, enabling the VEC to measure the number of votes that conformed to registered how-to-vote cards. The seven districts selected for a computer count were expected to be close, and several of them had a large number of candidates. They included a range of inner and outer suburbs, along with contrasting socio economic areas and areas with high proportions of culturally and linguistically diverse (CALD) residents.

District	Candidates	Conforming votes	Total votes*	%
Brighton District	9	15,905	40,734	39
Hawthorn District	8	13,933	35,459	39.3
Melton District	14	9,910	36,737	27
Northcote District	11	12,355	42,044	29.4
Point Cook District	15	8,674	37,957	22.9
Preston District	10	9,850	39,587	24.9
Werribee District	15	9,521	37,274	25.5
<b>TOTAL</b>		<b>80,148</b>	<b>269,792</b>	<b>29.7</b>

Table 6: HTVC conformity for each district<sup>4</sup> and total votes for candidates with registered HTVCs showing preferences for all candidates

Less than a third of voters in these districts followed their chosen candidates' how-to-vote cards. How-to-vote card conformity was lowest in the districts that had the most candidates. It is suggested that the high number of candidates in these districts may have made it harder for voters to follow how-to-vote cards exactly. Anecdotally, the multitude of minor party candidates for these districts often did not have enough volunteers to distribute their how-to-vote cards everywhere, so in practice voters for these parties may have rarely seen their parties' how-to-vote cards.

<sup>4</sup> The statistics below are derived from analyses by Antony Green. See, for example, [VIC22 – Werribee – Analysis of Preferences – Antony Green's Election Blog](#)

Registered Political Party (or candidates)	Conforming votes	Total votes	%
Animal Justice Party	263	5,367	4.9
Australian Greens	6,864	36,412	18.9
Australian Labor Party	31,996	99,627	32.1
Family First Victoria	228	5,665	4
Fiona Patten's Reason Party	148	2,429	6.1
Freedom Party of Victoria	597	3,830	15.6
Labour DLP	253	4,119	6.1
Liberal	33,671	78,192	43.1
Liberal Democrats	75	1,113	6.7
New Democrats	67	919	7.3
Shooters, Fishers & Farmers Vic	37	1,682	2.2
Victorian Socialists	1,613	8,024	20.1
Other candidates	4,336	22,368	19.4

Table 7: HTVC conformity by party

Voters who voted Liberal were far more disposed than other voters to follow their party's how-to-vote cards. Their compliance was strongest in the Liberal seats of Brighton District (57%) and Hawthorn District (53.9%) and ranged down to 27.2% in Labor-held Point Cook District.

ALP voters came second in conformity, with 32.1% following the party's cards. Conformity was fairly consistent across the seven districts and was highest in Northcote District at 38.3%.

Australian Greens voters were less likely to follow their party's how-to-vote cards, with only 18.9% doing so. Conformity was most marked in districts where the Australian Greens had strong support, reaching a high point of 26% in Northcote District.

Conformity among voters for the Victorian Socialists at 20.1% was higher than it was for the Australian Greens. Victorian Socialists volunteers had a strong presence outside voting centres in the districts they contested, so it is likely that many voters for the Victorian Socialists received a how-to-vote card for the party. Similarly, the number of volunteers for the Freedom Party Victoria probably accounts for the party's moderately high conformity rate of 15.6%.

All the other parties had conformity rates of less than 10%, reaching a low of 2.2% for the Shooters, Fishers and Farmers Party Victoria. Few of the voters for these parties would have received a how-to-vote card for their party. They would have had to guess the order of their preferences, and with so many candidates for most of these districts, the voters' guesses rarely coincided with their parties' how-to-vote cards.

How-to-vote card conformity among voters for independent candidates was higher than anticipated at 19.4%. Some of these candidates, such as Felicity Frederico in Brighton District and Ian Birchall in Melton District, had substantial local support, including teams handing out how-to-vote cards for them.

Comparisons with previous elections are problematic because of the different electorates selected for analysis. In 2018 Melbourne District was the only district analysed for how-to-vote card conformity. Previous conformity surveys were in 2006 and 2010, when eight districts (four inner urban and four country) were selected. Nevertheless, comparison provides some indication of changes in voter behaviour.

Party/candidate	2006	2010	2018	2022
Animal Justice Party			2.9	4.9
Australian Greens	31	24.5	23.5	18.9
Australian Labor Party	49	41	25.9	32.1
Country Alliance		18.9		
Family First Victoria (Family First 2006–2018)	20.8	12.7		4
Fiona Patten's Reason Party (Sex Party 2010)		3.2	5.2	6.1
Labour DLP		15.9		6.1
Liberal	45.7	44.8	10.8	43.1
Liberal Democrats			0	6.7
The Nationals	47.8	44.8		
People Power	11.8			
Socialists	34.6	12.8		20.1
Independent candidates	32	26		19.4
<b>TOTAL</b>	<b>42.3</b>	<b>38.7</b>	<b>20.6</b>	<b>29.7</b>

Table 8: HTVC conformity by party, across the past four State elections

How-to-vote conformity was higher in 2022 than in Melbourne District in 2018. (from 10.8% to 43.1%). Taking a broader perspective, there has been a general decline in how-to-vote conformity since 2006. This decline has been particularly marked for the ALP and the Australian Greens. Liberal is an exception, with its voters following the party's how-to-vote cards at much the same rate in 2006, 2020 and 2022.

## Appendix 7.3: Donkey vote research

A donkey vote is a vote cast by a voter who numbers the squares down the ballot paper, without caring about the nature of the candidates on offer. Candidates may be pleased if they draw the top position on the ballot paper when the draw for position takes place, because they will have the advantage of the donkey vote.

It is possible to measure the donkey vote in the seven districts that were computer counted. To measure real donkey votes, it is necessary to distinguish them from votes following how-to-vote cards. None of the registered how-to-vote cards of candidates in the top position on the ballot paper were in donkey vote order. It is also necessary to allow for the effects of randomness. With two candidates, there are two possible orders of numbers (1, 2 and 2, 1). The number of possible combinations increases exponentially with the number of candidates, so that with eight candidates (the minimum number in the seven districts) there are 40,320 permutations. This translates into .002% of total votes. Thus, randomness would have no significant effect on the number of donkey votes in the seven districts.

Donkey votes made up an average of only 0.7% of the total formal votes in the seven districts. Their incidence ranged from 0.15% in Hawthorn District to 1.84% in Werribee District. In districts where the candidates in the top position on the ballot paper were from minor parties or were independent candidates, the donkey vote comprised a high proportion of the votes for that candidate (a median of 19.92%) but a lower proportion of the total vote (a median of 0.27%). In districts where the candidate in the top position on the ballot paper was from a major party (the ALP in Werribee District) or was a well-known independent candidate (Gaetano Greco in Preston District), the donkey vote made up a lower proportion of the votes for that candidate but a higher proportion of the total votes. Some of these may have been cast by voters who recognised and supported the party or candidate, but who failed to follow the how-to-vote card or consider the order of their remaining preferences.

The proportion of donkey votes in the seven districts was very similar to that for Melbourne District in 2018 (0.68%) and lower than the proportion of donkey votes in eight districts in 2010 (1.33%).

District and candidate in top position on ballot paper	Donkey votes	Candidate total	% of candidate votes	% of total votes
Brighton District TIMMS, Allan L.	93	211	43.6	0.23
Hawthorn District FUHER, Faith (Animal Justice Party)	65	660	9.85	0.15
Melton District BLACKBORROW, Paul (Shooters, Fishers & Farmers Vic)	293	1,682	17.42	0.78
Northcote District WHITEHEAD, Adrian	115	518	22.2	0.27
Point Cook District CRONKWRIGHT, Carolyn (Family First Victoria)	298	1,496	19.92	0.76
Preston District GRECO, Gaetano	418	5,473	7.64	1.05
Werribee District PALLAS, Tim (ALP)	712	17,512	4.07	1.84
<b>TOTAL</b>	<b>1,994</b>	<b>27,552</b>	<b>7.24</b>	<b>0.7</b>

Table 9: Donkey votes across all computer counted districts

## Appendix 7.4: Above the line preference research

The Victorian Parliament's Electoral Matters Committee, in its inquiry into the conduct of the 2018 Victorian state election, recommended:

That the VEC conduct an analysis of Upper House ballot papers that included multiple preferences above the line to understand how much confusion is being caused by having different systems at Commonwealth and State levels and to inform future information and education campaigns.

In both Victorian and Commonwealth Upper House elections, voters have the choice of either voting above the line on the ballot paper for their preferred party/s or group/s, or below the line for individual candidates. In both, the great majority of voters vote above the line. In Victorian Legislative Council elections, the instructions for voting above the line (ATL) are to "Place the number 1 in one, and one only of these squares to indicate your choice". Preferences are allocated according to the group voting ticket of the party chosen by the voter. If a voter indicates further preferences above the line, these are disregarded and have no effect on the result. In contrast, in Commonwealth Senate elections, voters who have decided to vote above the line are instructed to vote "By numbering at least **6** of these boxes in the order of your choice (with number 1 as your first choice)". Preferences are distributed to the parties in the order shown by the voter (though the parties determine the order of their own candidates). As the 2022 Federal election occurred only six months before the Victorian State election, it was conceivable that substantial numbers of voters in the State election would apply the same approach to voting above the line as they had in the Senate election, by writing multiple preferences.

Accordingly, the VEC has examined a total of 114,361 ATL votes in three districts – Berwick, Mildura and Thomastown Districts. These districts comprise a range of established suburbs, outer suburbs, a regional city and rural areas. Thomastown District has a strong concentration of CALD (culturally and linguistically diverse) populations, while the other districts have lower proportions of CALD residents.

The key finding of the survey is that only a very small proportion (3.66%) of ATL voters indicated multiple preferences. Thomastown District had a somewhat higher proportion of such votes (5.03%), which may relate to its greater numbers of residents who are not fluent in English.

The table below shows the number of preferences completed by these voters.

Number of preferences	Number of voters	%
2 preferences	351	8.39%
3 preferences	240	5.74%
4 preferences	161	3.85%
5 preferences	2,188	52.32%
6+ preferences	1,242	29.7%
Total voters completing more than one preference	4,182	

An absolute majority of these voters numbered five preferences, likely misapplying the instructions for voting below the line (where at least 5 preferences are required). A substantial minority numbered six or more preferences; from observation, these were roughly equally divided between those who numbered six preferences (as for the Senate), those who numbered every box, and those who completed a range of numbers in between. There were minor variations between the districts: Mildura District had a slightly higher than average proportion of 1–5 voters (59.62%) and a lower proportion of 6+ voters (23.34%), while Thomastown District was the reverse (47.32% were 1–5 and 33.61% were 6+).

The VEC also recorded the distribution of party support of the voters who numbered more than one preference above the line. The table below compares the party support of these voters with that of all ATL voters in the three districts.

Party	Multiple preference voters (%)	All ATL voters (%)
Angry Victorians Party	0.36	0.34
Animal Justice Party	1.03	1.16
Australian Greens	3.99	5.21
Australian Labor Party – Victorian Branch	26.59	32.6
Companions and Pets Party	0.7	0.43
Derryn Hinch's Justice Party	1.63	1.53
Family First Victoria	4.63	2.31
Fiona Pattens' Reason Party	0.48	0.33
Freedom Party of Victoria	1.44	1.15
Health Australia Party	2.64	0.77
Labour DLP	7.83	4.04
Legalise Cannabis Victoria	8.43	4.59
Liberal / Liberal/The Nationals	25.38	34.67
Liberal Democrats	2.76	2.08
New Democrats	0.65	0.24
Pauline Hanson's One Nation	2.74	2.42
Sack Dan Andrews Restore Democracy	1.3	0.96
Shooters, Fishers & Farmers Vic	2.69	2.12

Sustainable Australia Party – Stop Overdevelopment/Corruption	0.34	0.23
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Transport Matters	0.86	0.37
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United Australia Party	1.87	1.21
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Victorian Socialists	1.66	1.24
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The major parties – the Australian Labor Party, the Liberal-Nationals Coalition and the Australian Greens – were under-represented among multiple preference voters. Voters in this group were consistently more likely than ATL voters in general to vote for minor parties. Legalise Cannabis, Labour DLP and Family First Victoria each received approximately twice as many votes in this group as in ATL voters in general, and the Health Australia Party received proportionally even more (though from a very low base). This pattern may be a consequence of the number of party workers distributing how-to-vote cards: most supporters of the major parties would likely have received a how-to-vote card directing them just to vote 1 above the line, while supporters of minor parties may have been less likely to encounter a worker for their party. As well, those intending to vote for a minor party may have been less connected with the political system, and so less inclined to notice or follow directions on the ballot paper.

## Appendix 8: Apparent multiple votes by district

A total of 585 electors were recorded as potentially voting more than once at the 2022 State election, once all excuse and late return processing and roll scanning had been completed. It is important to note that integrity checks ensure that the number of apparent multiple voters in any one electorate does not impact on the final result. For more information, see **Chapter 8.6 – Compulsory Voting enforcement**.

District	Apparent multiple votes
Albert Park	5
Ashwood	4
Bass	6
Bayswater	8
Bellarine	6
Benambra	1
Bendigo East	3
Bendigo West	4
Bentleigh	6
Berwick	4
Box Hill	4
Brighton	7
Broadmeadows	7
Brunswick	2
Bulleen	5
Bundoora	4
Carrum	3
Caulfield	7
Clarinda	12
Cranbourne	3
Croydon	4
Dandenong	8
Eildon	11

Eltham	9
Essendon	4
Eureka	4
Euroa	6
Evelyn	16
Footscray	3
Frankston	8
Geelong	6
Gippsland East	8
Gippsland South	14
Glen Waverley	9
Greenvale	13
Hastings	6
Hawthorn	2
Ivanhoe	2
Kalkallo	17
Kew	9
Kororoit	4
Lara	7
Laverton	9
Lowan	6
Macedon	10
Malvern	6
Melbourne	4
Melton	5
Mildura	9
Mill Park	4
Monbulk	5
Mordialloc	11

District	Apparent multiple votes
Mornington	4
Morwell	4
Mulgrave	10
Murray Plains	8
Narracan	13
Narre Warren North	11
Narre Warren South	6
Nepean	1
Niddrie	6
Northcote	0
Oakleigh	5
Ovens Valley	4
Pakenham	8
Pascoe Vale	8
Point Cook	4
Polwarth	4
Prahran	1
Preston	4
Richmond	5
Ringwood	15
Ripon	11
Rowville	9
Sandringham	3
Shepparton	8
South Barwon	9
South-West Coast	7
St Albans	6
Sunbury	4
Sydenham	9

Tarneit	10
Thomastown	9
Warrandyte	13
Wendouree	9
Werribee	6
Williamstown	4
Yan Yean	7
<b>Total</b>	<b>585</b>

