



2022 State election

Region Candidate Handbook

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Contents

1. Introduction	1
Key checks for candidates and parties	1
Resources for candidates.....	2
2. Election writs	4
3. Timeline for the 2022 State election	5
4. Candidate eligibility and qualifications	6
5. How to nominate	8
When and where to nominate	8
Nomination process for endorsed candidates	8
Nomination process for independent candidates	9
Ballot paper name requirements.....	11
Contact information for candidates	13
Nomination deposit.....	14
Candidate retirement.....	15
Death of a candidate	15
Uncontested elections	15
6. Enrolment data for candidates	16
7. The ballot paper	18
8. Group registration and ballot draw	19
9. Group voting tickets	22
10. Electoral campaign material	25
Understanding the need for authorisation	25
Understanding authorisation requirements.....	25
Who needs to authorise electoral campaign material?.....	26
How to authorise electoral campaign material.....	27
What does not need to be authorised?.....	29
Electoral campaign material during the relevant period	29
Other laws	31
11. How-to-vote cards	32
Types of registered HTVCs	33
HTVC registration process.....	34
Requirements for HTVC registration	36
Decision on HTVC applications.....	37
12. Election day voting	39
13. Postal voting and postal voter data	40
14. Early voting centres	42

15. Mobile voting centres	43
16. Telephone Assisted Voting	44
17. Conduct near voting centres	45
Identifying the designated entrance.....	47
Canvassing-free zone (6 metre rule).....	47
Limited sign zone (100 metre rule).....	48
Distribution of electoral campaign material (400 metre rule).....	52
Behaviour in relation to voting centres.....	52
Enforcement powers	53
18. Count of ballot papers	54
19. Determining the election result	58
20. Scrutineers	59
21. Recounts, tied, and disputed elections	60
22. Parliamentary induction for successful candidates	62
23. Privacy	64
24. Complaining about a breach of the law during your campaign	65
25. Political donations	67
26. Funding	71
Administrative expenditure funding.....	71
Public funding	71
Funding returns.....	73
27. Annual returns	74
Appendix 1: HTVC applicant checklist	75
Appendix 2: How-to-vote card examples	76
Appendix 3: Region counting timetable	79
Appendix 4: Ballot paper formality	82
Region ballot papers	82
Damaged ballot papers	90
Appendix 5: Electoral offences	91
Offences that apply at all times.....	91
Offences that apply between the issue of the writs and 6 pm on election day	95
Offences that apply at a voting centre.....	97
Offences that only apply on election day.....	98
Injunctions	99
Appendix 6: Glossary of terms	100

1. Introduction

If you are a candidate, registered officer, or supporting a candidate for the State election, this handbook intends to help you understand aspects of electoral law that apply to region candidates. At the end of this handbook in Appendix 6 you will find a glossary that may assist you to understand specific election terms.

This document is not a substitute for the law. Victoria's electoral law is set out in several pieces of legislation, including the *Constitution Act 1975* (Constitution Act), *Electoral Act 2002* (Electoral Act), and *Electoral Regulations 2022* (the Regulations). Links to these are available from: vec.vic.gov.au/about-us/legislation

While the Victorian Electoral Commission (VEC) can give you information, it cannot provide legal advice. You are responsible for complying with electoral law and obtaining your own advice if you need it. You should also be aware of the responsibilities and obligations of donors and scrutineers.

Key checks for candidates and parties

Check:	Section
I am aware of the key dates for the election	3. Timeline for the 2022 State election
I have checked the eligibility and qualification requirements to stand as a candidate	4. Candidate eligibility and qualifications
I have lodged my nomination form and deposit by the required deadlines (endorsed candidates to nominate in bulk through their registered officer)	5. How to nominate
I have authorised my campaign advertising for print and online	10. Electoral campaign material
I have checked that my how-to-vote cards meet the requirements for registration	11. How-to-vote cards Appendix 1 HTVC checklist Appendix 2 HTVC examples
I have familiarised myself with the rules for conduct and behaviour near voting centres	17. Conduct near voting centres
I have created a State Campaign account for receiving donations and funding	25. Political donations
I have registered on VEC Disclosures	25. Political donations
I have familiarised myself with the process for appointing scrutineers (optional)	20. Scrutineering
I am aware of the circumstances and procedures that may lead to a recount of an election	21. Recounts, tied and disputed elections
I have familiarised myself with election offences	Appendix 5: Election Offences

Resources for candidates

Candidate kit

This handbook is part of a comprehensive *Candidate kit* produced by the VEC which will be available from late September 2022. If you do not have a copy already, you can request the full kit from an Election Manager within the region where you are standing as a candidate or the VEC once the election office is open. Many resources are also available on the VEC website. The kit also contains:

- a hard copy of the *Nomination of an independent candidate for the Legislative Council (by 50 electors) P303* form
- *Request for group registration* form P313
- *Lodgement of group voting ticket* form P314
- a *Postal vote application details confidentiality agreement P381*
- 2 *Single How-to-vote card declarations P305*
- a **Scrutineer handbook**
- 2 *Appointment of scrutineer P380* forms
- a list of voting centres in the region, including early voting centres
- contact details for the Election Manager responsible for the ballot draw and declaration for the region
- a map of the region.

Independent candidates can request extra copies of forms from each Election Manager within the region. The VEC will provide candidate kits to registered political parties.

Candidate Helper

If you are an independent candidate, you are strongly encouraged to make use of the VEC's Candidate Helper to generate your nomination form. This is accessible via the VEC website and using this tool will guide you through the nomination form and save you time at the election office.

Candidate Helper is an online tool which will guide you through drafting your nomination form and allow you to print the form to take into your nomination appointment. The Election Manager will then be able to use a barcode on the form to upload your details directly into the VEC's system.

Candidate Helper will be available from the VEC website from 2 weeks before the opening of nominations.

VEC website

The VEC website vec.vic.gov.au contains information about Victorian electoral processes, including profiles of electorates, funding and disclosure laws, information about authorising electoral campaign material and previous election results. Electors can also update their enrolment through the website. In particular, you are encouraged to explore the VEC's candidates and parties resources here: vec.vic.gov.au/candidates-and-parties

During the State election, the website will include important information about voting, the location of voting centres, and how interstate and overseas voters can vote. Online postal vote applications will also be available.

The contact details of the person you list as your contact person on your nomination form will be published on the VEC website after nomination. As soon as practicable after registration, copies of registered how-to-vote cards and group voting tickets will also be displayed on the VEC's website.

Election results will be posted on election night and over the weeks that follow.

Information session for independent candidates

The VEC will hold an online information session for independent candidates at **2 pm on Sunday 30 October 2022**. Additionally, a recorded video version will be made available on the VEC website. Further details are available on the VEC website.

2. Election writs

Issue of writs

A writ is an order to the Electoral Commissioner requiring an election to be held. The writ prescribes key election dates. At a State general election one writ is issued for the election of the Legislative Assembly and one for the election of the Legislative Council.

After the writs are issued, the Electoral Commissioner advises each Election Manager of the key election dates and directs them to make appropriate election arrangements.

For the 2022 State election, the writs specify the critical election dates for:

- close of rolls for the election, which is 8 pm, 7 days after the date of the issue of the writ (Tuesday 8 November 2022)
- close of nominations, which must be 10 days after the issue of the writ (nominations close for registered political party endorsed candidates at 12 noon on Thursday 10 November and for independent candidates at 12 noon on Friday 11 November 2022)
- election day (Saturday 26 November 2022).

Refer to sections 61 to 64 of the Electoral Act.

Declaration of the election and the return of the writs

As soon as practicable after the result of an election is known, each Election Manager publicly declares the result and announces the name of the candidate(s) elected. After the Electoral Commissioner receives this declaration statement, they indorse the name of each candidate declared elected on each of the writs and return it to the Governor. See section 121 of the Electoral Act.

The writs must be returned within 21 days after election day. See section 61(4) of the Electoral Act.

3. Timeline for the 2022 State election

		COUNTDOWN	
FRI	29 JUL		120 Final day for lodgement of applications to register a political party Final day for lodgement of applications to change the name or logo of an RPP
SUN	30 OCT		27 Information session (independent candidates) at VEC at 2 pm
MON	31 OCT		26
TUE	1 NOV		25 Election offices open to public ISSUE OF WRITS 6 pm CUP DAY
WED	2 NOV		24 Nominations open First day for submission of postal vote applications
THU	3 NOV		23
FRI	4 NOV		22
SAT	5 NOV		21
SUN	6 NOV		20
MON	7 NOV		19
TUE	8 NOV		18 Election offices open until 8 pm Close of rolls at 8 pm
WED	9 NOV		17
THU	10 NOV		16 Close of RPP nominations at 12 noon Close of group registration 12 noon
FRI	11 NOV		15 Close of independent nominations with EM at 12 noon Ballot draw commences at 1 pm
SAT	12 NOV		14
SUN	13 NOV		13 Close of group voting ticket lodgements at 12 noon
MON	14 NOV		12 First day for submission of HTVCs to Commission for registration Early voting commences at 9 am Mobile voting may commence from 9 am
TUE	15 NOV		11 Early voting open 8:30 am – 8 pm
WED	16 NOV		10
THU	17 NOV		9 Early voting open 8:30 am – 8 pm
FRI	18 NOV		8 Close of submission of HTVCs to Commission for registration at 12 noon
SAT	19 NOV		7 Early voting open 9 am - 5 pm
SUN	20 NOV		6
MON	21 NOV		5 Close of HTVC correction period at 12 noon
TUE	22 NOV		4
WED	23 NOV		3 Close of submission of postal vote applications at 6 pm
THU	24 NOV		2 Early voting open 8:30 am – 8 pm
FRI	25 NOV		1 Close of early voting at 6 pm
SAT	26 NOV		0 ELECTION DAY
FRI	2 DEC	DAYS PAST ELECTION DAY	6 Last day votes can be admitted to count (6 pm)
SAT	17 DEC		21 RETURN OF WRITS (on or before this day)

RPPs = Registered Political Parties; EM = Election Manager; HTVCs = How-to-vote Cards

4. Candidate eligibility and qualifications

Refer to sections 44 to 61A of the Constitution Act.

Eligibility to nominate

To nominate as a candidate for the Legislative Assembly (Lower House) or the Legislative Council (Upper House), you must be enrolled to vote in Victoria. Therefore, you must be:

- at least 18 years old
 - a Victorian resident
 - an Australian citizen
- or
- a British subject who was on either a Victorian or Commonwealth electoral roll any time between 26 October 1983 and 25 January 1984 inclusive. See sections 44(1) and 48(1) of the Constitution Act for more information.

You are strongly encouraged to check your enrolment and ensure your details are up to date by visiting: enrolment.vec.vic.gov.au You need to provide your enrolled address when completing your nomination form so it must be up to date.

Section 44 of the Constitution Act disqualifies you from election to the Victorian Parliament if:

- you are not enrolled to vote in Victoria
- you are a judge of a court of Victoria
- you have been convicted or found guilty of an indictable offence punishable by imprisonment for life, or a term of 5 years or more, on first conviction. The offence must have been committed when you were 18 years or over and be an offence under Victorian law or the law of any other part of the British Commonwealth of Nations
- you are an undischarged bankrupt. A person who has not been discharged from bankruptcy by order of the court or by operation of law.
- you are a member of either House of Parliament of the Commonwealth of Australia.

If you hold an office of profit under the Crown, including if you are an employee in the Victorian or Commonwealth public service, you can nominate as a candidate for election to State Parliament, but you will need to leave the office of profit if elected. See section 61 of the Constitution Act for more information.

If you are a local councillor, you can nominate as a candidate for the State election, but you will become ineligible to continue as a councillor if you are elected to the Victorian Parliament. See section 34(2) of the *Local Government Act 2020* (Vic) for more information.

Certain contractors with the Crown cannot sit in State Parliament. See sections 54 to 58 of the Constitution Act.

You cannot be elected to or sit as a member of both Houses simultaneously.
See sections 29 and 36 of the Constitution Act.

If you intend to stand for election, you must be enrolled as an elector in Victoria before the close of roll for the election.

Multiple nominations

You cannot nominate as a candidate for more than one election that will be held on the same day. If this occurs, all your nominations as a candidate will be void and any deposits you paid to nominate forfeited. See sections 69(6) and (7) of the Electoral Act for more information.

5. How to nominate

Refer to sections 68 and 69 of the Electoral Act.

When and where to nominate

Independent candidates

If you are an independent candidate, you will need to make an appointment to nominate with an Election Manager in the region you are nominating for. It is a good idea to make an appointment early in the nomination period to optimise your opportunity to discuss any questions you have and resolve any issues with your nomination or forms.

If you are unable to lodge your nomination in person, you should contact an Election Manager in your region to discuss other options. You may be able to authorise a person to lodge your nomination in person on your behalf or lodge your nomination by post. If you have a representative, they should carry evidence that you have authorised them to be your representative and that proof should contain your signature.

The nomination period will open at **9 am on Wednesday 2 November** and will close strictly at **12 noon on Friday 11 November 2022**. It is your responsibility to ensure that your nomination is received by the Election Manager before the deadline.

❗ Important: You cannot submit your nomination form by email. Late nominations cannot be accepted.

See section 69(3) of the Electoral Act for more information.

Endorsed candidates

If you are a candidate endorsed by a registered political party, the registered officer of the party must complete your nomination at VEC head office. The nomination period opens at 9 am on Wednesday 2 November and closes at **12 noon on Thursday 10 November 2022**. See section 69(2) of the Electoral Act for more information.

Nomination process for endorsed candidates

Registered political parties must submit their candidate nominations in bulk by appointment to VEC head office. The nomination period for registered political party candidates opens on **Wednesday 2 November** and closes strictly at **12 noon on Thursday 10 November 2022**. Please note that this is one day earlier than the close of nominations for independent candidates.

The VEC will provide a separate guide to registered officers to outline the bulk nomination process, however many sections in this chapter like ballot paper name requirements and candidate retirement also apply to endorsed candidates.

Nomination process for independent candidates

Eligibility	Nomination forms	Nominators
Check you are eligible to stand as a candidate by consulting the rules and using the VEC's "Check my enrolment".	Create your nomination forms via Candidate Helper and print them out.	Get your nominators to fill out and sign Part 1 of your nomination form.
Deposit	Nomination appointment	Nomination
Organise your \$350 deposit by cash or bank cheque.	Make an appointment to nominate.	Lodge your nomination forms and pay your deposit at the VEC election office.

If you are an independent candidate, the VEC strongly encourages you to use Candidate Helper to start your nomination. Candidate Helper is an online tool on the VEC website that guides you through each part of the nomination form.

Using Candidate Helper means your information can be loaded into the election system automatically at your nomination appointment and you will not have to wait for the Election Manager to manually enter the information.

Candidate Helper will be available 2 weeks before the opening of nominations and is accessible from candidatehelper.vec.vic.gov.au

❗ Important: You can save and make edits to your form on Candidate Helper – you do not need to complete it in one session. Please note that Candidate Helper does not check your enrolment or verify your eligibility to nominate. If you are a silent elector, you are still required to provide your enrolled address on your nomination form.

1. Visit candidatehelper.vec.vic.gov.au to start your nomination form. When you generate your nomination form on Candidate Helper you will be asked to input:
 - your full name, enrolled residential address and date of birth as they appear on the electoral roll
 - your postal address (if different to your residential address)
 - your name as you wish for it to appear on the ballot paper (refer to the next section of this chapter for ballot paper name requirements)
 - your contact details (for official use only)

- details of a public contact person on behalf of your campaign — these details will be published by the VEC for public use, and your contact person will also be your contact point for formal notification of a recount
- details of a designated contact for urgent contact regarding compliance with campaign signage issues that might arise during your election campaign (for official use only).

Once you have generated your form, you will be able to download and print Part 1 and Part 2 of your nomination form, ready to collect your nominators.

2. On Part 1 of your nomination form, you must collect the full name, signature, enrolment address and dates of birth of at least 50 people entitled to vote in the region for which you are nominating. There is space to collect more than 50 nominators in case any of your nominators are not found on the electoral roll during your nomination appointment.
3. Your nomination form will also require you to sign a declaration stating that you are qualified under the Constitution Act to be elected. See **Chapter 4: Candidate eligibility and qualifications** and sections 69(2) and (3) of the Electoral Act for more information.
4. Make an appointment to nominate. Take your completed nomination form to your nomination appointment with the Election Manager. You are encouraged to make an appointment for early in the nomination period and not leave your nomination to the last minute in case there are any issues with your nomination form or nominators.
5. At the election office, the Election Manager will receive your nomination form and check that your form complies with legislation. The VEC's head office will check the details of your nominators. Please be aware that this process takes time and you will be asked to wait while your nominators are checked against the electoral roll.
6. When your nominators are confirmed, the Election Manager will process your nomination in the election management system (EMS) and will ask you to check and approve your details to ensure all your personal and contact information is captured correctly.
7. You will pay your \$350 nomination deposit (refer to the nomination deposit section of this chapter).

Once these steps are completed and your nomination has been finalised by the VEC, you will become a candidate for the election. The VEC website will be regularly updated during the nomination period, and your ballot paper name and public contact information will be made available on the VEC website.

Hard copy nomination forms

If you do not use Candidate Helper and instead complete a hard copy nomination form entirely by hand, you will need to wait for the Election Manager to enter all your details into EMS at your nomination appointment. You will also need to carefully check and approve the information once it has been entered into the system. This can be time consuming, especially at the close of nominations.

If you do want to complete the form by hand, you can download and print a hard copy version from the VEC website. The form will also be included in your *Candidate kit*.

If you do not have a *Candidate kit*, you will be able to get one from VEC head office before the nomination period or from any Election Manager in your region after the election offices open to the public.

The information that you will need to provide on your hard copy nomination form is the same as outlined in Step 1 of the nomination process. Once you have a copy of the nomination form and have filled out your personal details, the process for nominating is the same as in Steps 2 – 7.

Ballot paper name requirements

As part of completing your nomination form you will be asked to provide the format for how your name should appear on the ballot paper. It is important to make sure that your ballot paper name on your nomination form meets the requirements. The VEC may ask you to amend your ballot paper name if it does not meet the requirements. This may delay the processing of your nomination or your endorsed candidates' nomination.

Ballot paper names must appear in the following format, with the family name in capitals and the given name in sentence case:

FAMILY NAME, First name(s)

For example:

ATKIN, Tim

NGUYEN, Van Nam

HOPKINS-WELLS, Anna

Middle names, second given names and initials

Including your middle name or a second given name as part of your ballot paper name is optional. Additionally, you may use initials in place of your given names. Initials must be set out as the letter followed by a full stop and a space between each letter.

Refer to section 69(5)(a) of the Electoral Act.

For example, a person whose name is listed on the roll as Tara Jane Grecco may choose for their ballot paper name to be either:

GRECCO, Tara

GRECCO, Tara Jane

GRECCO, T. J.

GRECCO, Tara J.

Accents in ballot paper names

Ensure that you type or clearly write any accents that should appear on your ballot paper name as part of completing your nomination form. You should confirm with the Election Manager as part of your nomination appointment that any accents have been recorded correctly. Registered Officers submitting nomination forms to VEC head office staff should alert staff to candidates with accents in their ballot paper name and check this carefully during the quality assurance steps.

Lower case letters in family names

If your family name contains specific lower-case letters, you must ensure that these are specified on your nomination form. For example, a person whose name is Evelyn McDonnell on the roll may write their ballot paper name as:

McDONNELL, Evelyn

And a person whose name is Anthony van Etten may write their ballot paper name as:

van ETTEN, Anthony

Abbreviations of first names

You may use an abbreviation of your given name on the ballot paper. For example: Alexander abbreviated to Alex, Jessica abbreviated to Jess. Refer to section 69(5)(b) of the Electoral Act.

Variations to first names

If you wish to use a different given name to your enrolled name, you must provide evidence that this is a name you are known by. This evidence could take the form of a birth or marriage certificate, utility bill, license or other identity card. It is at the VEC's discretion to determine if the evidence provided is satisfactory. You are encouraged to ensure that your name is up to date on the roll to avoid any discrepancies with your ballot paper name. Refer to section 69(5)(c) of the Electoral Act.

You may not vary your family name.

Designations or titles

You may not include affiliations or titles beside your name on the ballot paper. For example: Mr, Mrs, Ms, Dr, Prof or MP.

Locality

As a region candidate, you will provide the suburb or locality where you are enrolled on your nomination form. This will appear on the ballot paper with your ballot paper name. The locality must match the suburb of your enrolled address. This is a requirement for all region candidates, including silent electors.

Contact information for candidates

Independent candidate contact information

If you are nominating as an independent candidate, you must provide contact information for each of the following purposes through your nomination form. You may use the same contact details across these purposes. Please ensure you familiarise yourself with these requirements as the VEC will rely on these details to contact you during the election and your public contact person's details will also be published for the media and public to use.

<p>Candidate contact details</p>	<p>You must provide a method of contact for yourself as a candidate. This will be used by the VEC to contact you regarding your nomination, for sending you updates during the election, electoral roll data and funding and disclosure matters during and after the election. You should provide a phone number and email address that you will use even after the election has concluded.</p> <p>These details will only be used for official purposes – they will not be publicly available, but they will be passed on to the Department of Parliamentary Services to contact you to arrange your on-boarding as a Member of Parliament if you are elected.</p>
<p>Public contact details and recount contact details. Refer to section 69(3)(bb) of the Electoral Act.</p>	<p>You must provide a name and email address for publication on the VEC website. You may optionally provide a phone number. As this information will be available on the VEC website and used by the public, please ensure that your contact person for this purpose is aware and ready to receive enquiries after your nomination is finalised. The VEC will use these details to notify you by email should a recount be conducted in the election where you are a candidate.</p>
<p>Designated contact for electoral signage. Refer to section 158A(7) of the Electoral Act.</p>	<p>You must provide a contact person for the VEC to reach regarding enquiries or complaints about your electoral signage. This contact person must be available and ready to respond to issues during the busy periods of the election, including at short notice and outside business hours.</p>

Endorsed candidate contact information

Contact information for each candidate endorsed by a registered political party must also be provided. This includes the candidate's own contact details for official purposes (these will not be made publicly available) and the details of a public contact person who can receive media and public enquiries.

In the event of a recount in a district or region, the VEC will formally notify the registered officer of each registered political party which has endorsed a candidate for the district or region.

Separately, registered political parties will be required to designate a person for enquiries or complaints about the electoral signs displayed by the party or its endorsed candidates. These details will be required during the bulk nomination process for registered political parties.

List of nominations on display

A summary of nominations will be displayed on the VEC website. This summary will be updated each day during the nomination period and will include each candidate's ballot paper name and their public contact person's details. See section 68 of the Electoral Act for more information.

Nomination deposit

Each nomination must be accompanied by a nomination deposit of \$350.

The nomination deposit must be paid by cash or bank cheque made payable to 'Victorian Electoral Commission'. See section 69(4) of the Electoral Act for more information. **Personal cheques and money orders cannot be accepted.**

The nomination deposit will be refunded for candidates who:

- are elected
- receive at least 4% of the first preference votes in the electorate
- retire before the close of nominations
- die before 6 pm on election day
- are candidates in a failed election.

In all other circumstances, nomination deposits are not refunded. See section 180 of the Electoral Act for more information.

Candidate retirement

If you are an independent candidate and wish to retire, you may withdraw your nomination by lodging a notice of retirement with an Election Manager in your region at any time before the close of nominations at **12 noon on Friday 11 November**.

If you are endorsed by a registered political party and wish to retire, the party may withdraw your nomination by lodging a notice of retirement with the Electoral Commissioner any time before **12 noon** on the day of the close of registered political party nominations, **Thursday 10 November**.

If a notice of retirement is received by the deadline, the nomination will be cancelled and the VEC will refund the nomination deposit. See section 71 of the Electoral Act for more information.

Changes to endorsed candidates after the close of nominations

After the close of nominations for registered political party candidates, there is no provision in the Electoral Act for an endorsed candidate to be “dis-endorsed” by the party. A registered political party can only withdraw an endorsed candidate’s nomination by lodging a notice of retirement with the Electoral Commissioner at any time **before 12 noon** on the day of the close of registered political party nominations (**Thursday 10 November**).

The VEC cannot change a candidate’s nomination details once the nominations are finalised.

At the close of nominations, any candidates who have been successfully nominated by a registered political party are final and will appear on the ballot paper with the name of the party that endorsed them.

Death of a candidate

If a nominated candidate dies **before the close of nominations**, the nomination deadline is extended to the next day. See section 63(6) of the Electoral Act.

If a candidate dies **between the close of nominations and 6 pm on election day (Saturday 26 November)**, or if a successful candidate dies after 6 pm on election day and before being declared elected, the election continues. A vote marked on the ballot paper for a deceased candidate will be counted to the next candidate in order of the voter’s preference and the subsequent preference will be altered accordingly. See section 93A(4) and 114A(27) of the Electoral Act for more information.

Uncontested elections

If only five candidates have nominated by the close of nominations for a region election, the Election Manager will declare those candidates elected on nomination day. See section 121(1) of the Electoral Act for more information.

6. Enrolment data for candidates

If you are an independent candidate, you are entitled to receive enrolment information for each of the 11 districts in the region you have nominated for after you have nominated for election. This will be made available to you only via the VEC's secure data exchange portal: dex.vec.vic.gov.au (DEx)

The data file provided contains the name and address of electors entitled to vote in each of the district elections for your region. Pursuant to sections 33(6) and (7) of the Electoral Act the file will not contain any silent electors, elector contact details or the address details of itinerant or overseas electors.

Using the roll

The VEC takes its custodianship of the enrolment information of Victorians very seriously. As a candidate you must treat the enrolment data provided to you with the greatest care as it contains electors' personal information. Enrolment data may only be used for purposes related to your election campaign for the election for which it was provided and must not be shared or distributed with any person for any other purpose. Strict penalties apply for the misuse of enrolment information, which could also jeopardise public trust in the election process. The VEC also has obligations to protect elector information under the *Privacy and Data Protection Act 2014* (Vic).

Some of the permitted uses of enrolment information are:

- to send electors campaign material
- for door-knocking campaigns
- to provide a mail house with the details of electors so that it may directly mail out your campaign material. If the mail house misuses the information, you will be responsible.

Refer to sections 36 and 37 of the Electoral Act.

Accessing the roll

The VEC uses a secure data exchange portal called DEx (dex.vec.vic.gov.au) to provide enrolment information to registered political parties and candidates.

Roll products will be uploaded to DEx as soon as possible after the close of nominations. Registered political parties and independent candidates will receive an email notification when the roll products are available.

Registered political parties will receive a file containing electors' enrolment information for each district. Registered political parties already receive data files as part of the VEC's scheduled roll products program pursuant to section 33 of the Electoral Act, and already have access to DEx.

If you are an independent candidate, you will be provided with only the roll data for each of the 11 districts in the region that you are contesting. Before you can access the roll data in DEx, you must complete the declaration in the portal stating you will only use the data for the purposes of your election campaign pursuant to section 36 of the Electoral Act.

The VEC will provide one data file per district in the region in comma separated format. You can open this file in Microsoft Excel. The VEC will not provide technical assistance on how to use roll data, or Microsoft Excel.

Candidates and political parties are only permitted to use the roll data in connection with the election or monitoring the accuracy of information contained on the roll. As misuse of the roll data is a serious offence, you are strongly encouraged to delete the roll data once the election is over.

7. The ballot paper

The ballot paper for a Legislative Council election allows for electors to choose to vote either *above-the-line* (by marking a single preference for a group) or *below-the-line* (by marking preferences for at least 5 individual candidates).

Groups are printed from the left to right along the ballot paper in the order they were drawn in the ballot draw for the region election. Groups are printed first on the ballot paper followed by ungrouped candidates. A square will appear above-the-line for each group and a letter of the alphabet is assigned to each group. Groups must submit at least one group voting ticket which outlines the flow of preference for votes cast for the group above-the-line. See Schedules 1A and 1B of the Electoral Act.

Directions

For your vote to count, you must vote in either one of the two ways described below.

Either

Place the number 1 in one, and one only of these squares to indicate your choice.

Ballot Paper Sample Metropolitan Region Election of 5 members of the Leg

A OR B OR C OR D

Sample Group Name One Sample Group Name Two Sample Group Name Three

Or

Place the numbers 1 to at least 5 in these squares to indicate your choice.

A B C D UNGROUPED

CANDIDATE, One
Registered party name
Locality

CANDIDATE, Two
Registered party name
Locality

1. 2. ↓ 3.

- 1.** Registered political party candidates **in a group** on the ballot paper.
- 2.** Independent candidates **in a group** on the ballot paper.
- 3.** These independent candidates are not in a group and are listed under the heading “ungrouped” on the ballot paper.

D

CANDIDATE, One
Registered party name
Locality

CANDIDATE, Two
Registered party name
Locality

Zoom-in detail

Locality name

The suburb or locality (for which the candidate is **enrolled** on the roll), will also be printed under each candidate’s name on the ballot paper.

Additional descriptions

If 2 or more candidates have similar names that are likely to cause confusion, the VEC may include additional descriptions to distinguish them from one another. See section 74(2) of the Electoral Act.

8. Group registration and ballot draw

Refer to section 69A of the Electoral Act.

Group registration

Two or more candidates nominating as region candidates may request that their names be grouped together on the ballot paper. They may also request that their names appear in a specific order. Both independent candidates and candidates endorsed by a registered political party can form groups on the ballot paper.

- ❗ **Important: Groups must then provide at least one group voting ticket. Refer to Chapter 9: Group voting tickets.**

How to request a group on the ballot paper

To create a group on the ballot paper you must submit a Request for group registration form. This is available in the *Candidate kit* or on the VEC website.

- ❗ **Important: Requests must be lodged with the VEC before 12 noon on Thursday 10 November 2022.**

A group may amend, withdraw, or replace its request up to **12 noon on Thursday 10 November 2022**. Any one candidate may not be included in more than one group.

All candidates wishing to be included in a group, must first have completed the nomination process.

For independent candidates, the Election Manager will provide you with details on how to submit a group registration form to the VEC as part of your nomination appointment. The Request for group registration form must be signed by each independent candidate in the group. The group will also need to appoint an agent using the form.

Groups for registered political party endorsed candidates

When registering a group, registered political parties can request that the name of the party or an abbreviation be printed on the ballot paper above-the-line and next to each candidate name below-the-line. The form of the party's name is specified by the party, when filling in Part 1 of the Nomination form.

Where there is a joint group request by more than one registered party, a composite name formed from the parties registered names or abbreviations can be printed on the ballot paper above-the-line.

Where a group is registered by one (or more than one) registered political party both the logo of the party (or logos of each party) will appear above the line on the ballot paper.

Parties that are not registered with the VEC are not entitled to have a party name, abbreviation or logo printed on ballot papers, no matter how the party is constituted.

Requests for group registration forms for endorsed candidates must be signed by the registered officer of the party, or the registered officer of each party in the event that more than one party is making a joint request.

Registered political parties are encouraged to submit their group registration forms as part of their nomination appointments with VEC Head Office.

Ballot draw

Candidates' names will appear on the ballot paper in the form specified on the Nomination form. Grouped candidates who have specified their order within their group will appear in this order. The order of groups on the ballot paper (from left to right) is determined by a random computerised draw.

The ballot draw button will be pressed once to initiate the following three draws:

- First draw - to determine the order of groups (from left to right on the ballot paper)
 - Second draw - to determine the order of candidates in a group (where this has not been specified by the group)
- and
- Third draw - to determine the order of ungrouped candidates.

This will take place at the election office of the district Election Manager responsible for the region ballot draw, as soon as practicable, after the close of nominations on **Friday 11 November 2022**. You will be advised of the exact time so that you may attend. Ballot draws for each region will be conducted in the following district election offices:

Region	District election office for conducting the ballot draw
Eastern Victoria	Morwell
North-Eastern Metropolitan	Ringwood
Northern Metropolitan	Melbourne
Northern Victoria	Shepparton
South-Eastern Metropolitan	Dandenong
Southern Metropolitan	Hawthorn
Western Metropolitan	St Albans
Western Victoria	Geelong

As soon as practicable following the ballot draw the VEC website will reflect candidate names in ballot paper order. You must pay close attention to the order, spelling, and format of candidate names on the ballot paper as errors on your how-to-vote cards may result in your how-to-vote card being refused. See **Chapter 11: How-to-vote cards** for more information.

If a group lodges three group voting tickets for a group, the formal votes for that group will be split in thirds and follow each of the three tickets.

Where the number of formal votes is not divisible by two or three (depending on the number of group voting tickets registered), one of the group's tickets will be drawn by lot and the remaining ballot paper(s) are deemed to be marked in accordance with that ticket. See section 11B(2) and (3) of the Electoral Act.

If a group registers two or three voting tickets, the group must indicate the order in which the tickets are to be displayed within the group voting ticket booklet (i.e. 1, 2, or 3 must be written at the top of the ticket).

How to lodge your group voting tickets

Following the conduct of the ballot draw, the VEC will make available group voting ticket templates which set out the candidates in ballot paper order for each region. These templates will be sent by email to registered political parties and independent candidates for each region.

You must use these templates to build your group voting tickets.

You must lodge your group voting tickets by **12 noon on Sunday 13 November 2022**. To do this, you must complete the Lodgement of group voting ticket form and supply your group voting ticket(s). These can be supplied by appointment to VEC Head Office over the weekend of **Saturday 12 and Sunday 13 November 2022**.

Group voting tickets cannot be lodged with a district Election Manager.

The application must be signed by:

- The registered officer (in the case where all candidates are from the same party)
- The registered officers of each of the parties (in the case where the candidates in the groups are from more than one political party), or
- in the case of independent candidates, the application must be signed by the candidate whose name appears first in the group on the ballot paper. Alternatively, a person authorised in writing by all the members of the group can sign the statement on the group's behalf.

Make an appointment with the VEC

Due to the short time frame between the close of nominations and the close of lodgement of group voting tickets, you are encouraged to make an appointment at the VEC to lodge your group voting tickets. For independent candidates wishing to form a group, the Election Manager will provide you with details on how to contact VEC head office to make an appointment to submit your group voting tickets.

Amended, withdrawn or replaced tickets

A group voting ticket can be amended, withdrawn or replaced before **12 noon on Sunday 13 November 2022**. An application to amend, withdraw or replace a group voting ticket must be signed by either a registered officer or independent candidate in line with the directions provided in the “How to lodge your group voting ticket” section.

Display of group voting tickets

Group voting ticket booklets will be available at all voting centres and on the VEC website.

10. Electoral campaign material

Refer to the VEC's Determination on authorisation of electoral campaign material (Determination 001/2022) available on the VEC website and to sections 3, 4 and 83 to 86 of the Electoral Act.

Understanding the need for authorisation

Why is there an authorisation requirement?

The VEC encourages authorisation to ensure members of the public are aware of the origins of electoral campaign material. Authorisation ensures transparency and allows someone to decide for themselves how much they value or trust electoral campaign material.

Section 83 of the Electoral Act sets out the requirements for authorisation.
The penalty for failing to authorise electoral campaign material is 10 penalty units for an individual and 50 penalty units for a body corporate.

Material that needs to be authorised

Electoral campaign material requires 'authorisation'. 'Authorising' material means including a person's name and address on electoral campaign material. The name and address form an 'authorisation statement'.

Electoral campaign material may appear online, in digital or electronic format, or in print.

The VEC does not require the spoken or written words of a person to have an authorisation statement unless the words are represented as or in electoral campaign material.

Understanding authorisation requirements

What is electoral campaign material?

Electoral campaign material is the VEC's term for an advertisement, handbill, pamphlet, or notice that contains 'electoral matter'.

What is an advertisement?

An 'advertisement' is anything that is made or intended to draw the attention of the public, or a section of the public, to a particular person, thing, event or movement.

An advertisement can appear in many forms, including online, by spoken, written or printed words, pictorial representation, light or sound, or by exhibition to the public.

What is a handbill?

A 'handbill' is printed material delivered by hand, usually not more than a few pages.

What is a pamphlet?

A 'pamphlet' is a printed document, which would ordinarily be available publicly, whether or not upon payment of a fee.

What is a notice?

A 'notice' is an item that conveys a brief piece of information to the public or a section of the public, by written or printed word. A notice may be accompanied by an image. A notice does not include audio or a moving visual image, such as a video or a digital media file.

What is electoral matter?

'Electoral matter' is defined under section 4 of the Electoral Act. The VEC regulates electoral matter that is **intended or likely to affect voting in an election**.

Material made expressly for academic, artistic, educational or satirical purposes that is not intended or likely to affect voting in an election is not regulated by the VEC.

What 'contains' electoral matter?

For electoral campaign material to 'contain' electoral matter, the electoral matter must have a sufficiently strong connection to an election. Proximity to an election day is relevant to whether the material has a sufficiently strong connection to the election.

Who needs to authorise electoral campaign material?

The person printing, publishing or distributing the electoral campaign material, or causing the same, should include the relevant authorisation on the material.

The VEC considers that a person is 'printing, publishing or distributing' electoral campaign material (or causing the same) if they:

- cause electoral campaign material to appear on an electronic billboard, electric road sign or other similar device; or
- post electoral campaign material on a website or social media platform accessible by the public or a section of the public; or
- send electoral campaign material to a group (or groups) of strangers by electronic transmission, such as an email, text message, messaging or social media.

How to authorise electoral campaign material

Electoral campaign material should include the name and address of the person who authorised the material. This person can be a natural person or a body corporate (e.g. a political party, company, organisation).

Where electoral campaign material is printed, published or distributed other than in a newspaper, the name and place of the business of the printer should also appear. This requirement only applies to printed material.

In the case of electoral campaign material that is published or distributed online, the authorisation statement must be easily located. For example, a website may contain an authorisation statement as a footer or on an 'About' page, or posts on social media can be authorised by a post pinned to the top of the person's social media feed or appearing on the 'About' section of the author or author's page. Posts can also link to a website which has an authorisation statement.

What name should be used?

The full name of the person or body corporate who authorised and, where applicable, printed the electoral campaign material is required. A person or body corporate may use a name they are generally known by, provided they can be easily identified by the public.

An abbreviated name or alias, account name, username or social media handle is not a name, unless it is clearly attributable to the full name of a person. An initial and last name is accepted as clearly attributable to the full name of a person.

You cannot use a position name as an authorisation name, i.e. Authorised by the Chief Executive Officer, Organisation.

Examples

Acceptable?	Birth name	Name appearing in authorisation
Yes	John Citizen	John Citizen
Yes	Joanne Victoria Citizen	Jo Citizen
Yes	John Citizen	J. Citizen
No	John Citizen	Voter123 (i.e. an account name or username that is not the individual's real name)

What address should be used?

The geographical address of the person (typically a street address and suburb) should be visible in the authorisation statement.

While the address should be the person's usual address, it does not need to be a residential address. It can include the address of an office, such as a company or business address, or the address of an election campaign office.

For example:

John Citizen, 1 Democracy Way, Melbourne Victoria.

Democracy Matters Corporation, Level 2, 100 Voters St, Melbourne, Victoria.

A post office box is not an acceptable address under the Electoral Act. An address cannot be an email address, domain name, URL or the like.

The person authorising the material needs to have more than sporadic or ad hoc access to the address.

Who is responsible when it's printed?

In some cases, the printer and authoriser of electoral material may be the same person. In this case, the statement may be written as

Authorised and printed by: {Name} {Full street address}

For a printer (who is not also the authoriser), the geographical place of business must be provided in the authorisation statement.

In the case of where the material is copied for distribution by a machine or an algorithm, the person with responsibility for the machine or the algorithm will be regarded as the person who is publishing and printing the material. The person should include an authorisation statement in the material.

In the case of a news alert with automatically generated content, the authorisation requirement will be satisfied by the news alert stating the name of the distributor of the news alert.

If a person prints online electoral campaign material to a physical form to distribute it, that person is the printer.

What about other languages?

An authorisation statement must be in accordance with the following language requirements:

- If the material is only in English – the authorisation statement must be in English.
- If the material is in a language other than English – the authorisation statement must be in English and the language used in the material.
- If the material is in 2 or more languages – the authorisation statement must be in English and all other languages used in the material.

What does not need to be authorised?

Advertisements, handbills, pamphlets or notices that **do not include** electoral matter do not need to be authorised as these items are not regulated by the Electoral Act.

If the electoral matter is contained in something **which is not** an advertisement, handbill, pamphlet or notice, or newspaper, it does not need to be authorised.

Exemptions under the Electoral Act

Authorisation requirements do not apply to car stickers, clothing, lapel buttons and badges, fridge magnets, pens, pencils or balloons. They don't apply to letters or cards which bear the name and address of the sender, provided they don't include a representation of a ballot paper for an election (refer to section 83(3) of the Electoral Act).

Does electoral campaign material need to be authorised if it is published or distributed privately?

No, communications made privately between persons who have an existing social relationship do not need to be authorised. The exception to this is where the message is part of a bulk message to multiple recipients.

If in doubt – authorise

If you are unsure if your content or material needs to be authorised, you are encouraged to seek independent advice. The VEC's general advice is: "When in doubt, authorise."

Electoral campaign material during the relevant period

The Electoral Act identifies as the 'relevant period' the time that starts on the day a writ is issued for the election and ends at 6 pm on election day. It will run from **Tuesday 1 November to 6 pm on Saturday 26 November 2022.**

Regulatory approach during relevant period

Where a candidate in the election or a Registered Political Party under the Act holds a social media account in their full name, any electoral campaign material which appears on or is a product of the account is taken by the VEC to be authorised by the candidate.

Where a candidate in the election or a Registered Political Party under the Act sends an electronic communication in their full name, any electoral campaign material which appears within or comprises the communication is taken by the VEC to be authorised by the candidate.

Provisions only in effect during the relevant period

Misleading or deceptive material

During the relevant period it is illegal to print, publish, distribute, permit, or authorise:

- anything that is likely to mislead or deceive an elector in relation to the casting of their vote; or
- electoral material containing a representation of a ballot paper that is likely to induce an elector to vote otherwise than in accordance with the directions on the ballot paper.

A penalty of 60 penalty units or six months imprisonment for an individual and 300 penalty units for a body corporate applies.

Refer to Appendix 5: Electoral offences and section 84(1) and (2) of the Electoral Act for more information on the definition of misleading and deceptive material.

Identification of authors

During the relevant period, all articles, reports, or letters containing electoral matter which are printed, published, or distributed in a newspaper, circular, or pamphlet must include the name and address of the author at the end ('Address' does not include a PO box).

However, letters in a newspaper simply must include the author's name and the suburb or locality in which the author's address is located.

The identification requirement does not apply to a newspaper leading article or an article that is solely a report of a meeting.

Failure to comply attracts a penalty of 5 penalty units for an individual or 25 units for a body corporate. Refer to section 86 of the Electoral Act.

Other laws

Candidates should be aware that they have rights and responsibilities under other laws beyond those outlined in this handbook.

❗ Important: Candidates must not defame, threaten or harass any person.

Local laws

Candidates should check with their local council to see if there are any local laws that may apply to the distribution and display of advertising material within the local area and with the Department of Transport for provisions covering the display of material on highways and public transport facilities.

Broadcast or televised matter

The broadcast on radio or television of all political and election matter (including election advertisements), must comply with the requirements set out in Schedule 2 of the *Broadcasting Services Act 1992* (Cth).

The VEC is not able to offer any advice regarding the operation of Commonwealth legislation. Any enquiries concerning the operation of Schedule 2 of the *Broadcasting Services Act 1992* (Cth) should be directed to:

Australian Communications and Media Authority
PO Box 13112 Law Courts, Melbourne Vic 8010
Tel: (03) 9963 6800
acma.gov.au

11. How-to-vote cards

A how-to-vote card (HTVC) is any electoral material that

- includes a representation of a ballot paper, including partial or purported partial representations of a ballot paper; or
- 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. Refer to section 3 of the Electoral Act.

HTVCs at election day voting centres

Registered HTVCs are the only form of printed electoral material that can be distributed within 400 metres of a voting centre on election day. *A penalty of 60 penalty units or 6 months imprisonment applies.* Refer to section 156(1) of the Electoral Act.

This restriction does not apply to posters, bunting and similar material that are attached to a structure or vehicle, material in campaign offices, or the normal distribution of newspapers. Refer to section 156(4) of the Electoral Act.

On election day an Election Manager or election official can ask a person they reasonably suspect to be distributing unregistered HTVCs to produce their HTVCs for inspection and hand over all unregistered cards. *Failure to comply with this request is an offence that attracts a penalty of 10 penalty units.* Refer to section 157 of the Electoral Act.

HTVCs at early voting centres

HTVCs distributed at early voting centres do not need to be registered. However, they must contain the name and street address of the person authorising the card and the name and place of business of the printer. *The penalty for failing to authorise electoral material is 10 penalty units for an individual and 50 penalty units for a body corporate.* Refer to section 83(1) of the Electoral Act.

HTVCs distributed at early voting centres that are not registered must not contain the endorsement "Registered by the Victorian Electoral Commission".

HTVCs at mobile voting centres

HTVCs at mobile voting centres must be registered. If you would like your HTVC to be available to electors at mobile voting centres, you must have it registered with the VEC and provide printed copies of the registered HTVC to the relevant district Election Managers to supply to their mobile voting teams.

When supplied, each Election Manager will enclose the registered HTVCs in folders for the mobile voting teams in the same order as candidates or group names appear on the ballot paper. Mobile voting teams will advise electors that they can view the folder of HTVCs. Refer to section 65(4) of the Electoral Act.

Types of registered HTVCs

Single HTVC

A single HTVC is one that relates to one electoral district or electoral region only. Any person or group may submit a single how-to-vote card. This includes interest groups and individuals who are not candidates. See section 78(3)(a) of the Electoral Act.

Combined HTVC

Registered political parties may submit a combined HTVC to the VEC for registration. A combined HTVC is submitted for one or more electoral districts or regions for which the registered political party has endorsed a candidate. See section 78(3)(c) of the Electoral Act.

Multiple HTVC

Registered political parties may submit a multiple HTVC to the VEC for registration. A multiple HTVC is submitted for no less than every district or region for which the registered political party has endorsed a candidate. See section 78(3)(b) of the Electoral Act.

HTVC registration process

Read the rules

There are requirements that your HTVC must meet to be eligible for registration.



Prepare your HTVC

HTVCs must be final versions and submitted digitally (PDF) and hard copy.



Check your HTVC carefully

Simple errors like misspelling candidate names or informal voting instructions will cause your HTVC to be refused.

Use the VEC's HTVC checklist as a guide.



Independent candidates or others

Submit your HTVC and declaration form to the Election Manager.

Registered political parties

Submit your HTVC and declaration form by appointment at VEC head office.



Await your application outcome

The VEC will provide an outcome to your HTVC application by noon of the day following your application.



Application refused

Your HTVC application has been refused as it does not meet the legislative requirements.

You can submit a new HTVC application with a corrected version of your HTVC until the close of the HTVC period.

HTVC registered

Your HTVC is registered and will be made available on the VEC website.

You may now use your HTVC at voting centres on election day. You can provide printed copies to the relevant Election Manager for use at mobile voting centres.

Only the VEC can register a HTVC. Any person, including independent candidates, may lodge a single HTVC for registration with the Election Manager for the electorate the card relates to. In the case of a region HTVC, it may be lodged with any of the 11 Election Managers in the region. Registered political parties must lodge HTVCs with the VEC head office for registration. Registered political parties will be provided information on how to submit the soft copy and hard copy versions of their HTVCs in their briefing and in writing.

Applications to register a HTVC must be submitted from **Monday 14 November to 12 noon on Friday 18 November 2022**.

Once a HTVC is submitted for registration, the VEC will advise the applicant of its decision by 12 noon on the next day. If a HTVC does not meet the criteria for registration, it will be refused and will need to be corrected and re-submitted using a new HTVC application, including a new declaration.

To submit a HTVC, ensure that you email an electronic copy in PDF format. This copy must be in a finalised 'print ready' format and must not introduce any changes during the formatting and printing process. You must also provide 2 hard copies of the card in its finalised format at the time of lodging it.

Registered HTVCs must include the following endorsement in the footer of the card:

*Authorised by [name and street address of authoriser, not a PO Box]
Printed by [name and place of business]
Registered by the Victorian Electoral Commission*

If a HTVC goes over more than one page, the "Registered by" part of this endorsement must appear only on page(s) that contain how-to-vote instructions.

If your HTVC contains multiple languages, the authorisation and endorsement statements must appear in all languages represented on the HTVC. HTVCs must contain authorisation and endorsement statements in English, even if the HTVC is not written in English. For example: A HTVC written in Vietnamese and Italian must contain authorisation and endorsement statements in Vietnamese, Italian and English.

A HTVC which purports to be registered by the VEC must not be handed out until the VEC confirms it is registered. **Do not print** HTVCs until you have received confirmation that it is registered.

This handbook contains a 'How-to-vote card checklist' in Appendix 1 and example HTVCs in Appendix 2. Check each item on the checklist as it applies to your HTVC, paying attention to the spelling of candidates' names. The Election Manager and the VEC will also check each item when you submit the HTVC.

The HTVC declaration form

Your HTVC must be accompanied by a 'How-to-vote card declaration' form. This form is included in the *Candidate kit* and available on the VEC website.

A HTVC declaration form is also required to accompany the submission of combined and multiple HTVCs by registered political parties.

If the HTVC includes any language other than English, it must be submitted for registration with a translation of that section, including a signed declaration that the translation is fair. Refer to section 148 of the Electoral Act.

Requirements for HTVC registration

To be registered:

- a HTVC must clearly identify the person, registered political party, organisation, or group on whose behalf the card is to be distributed
- a region HTVC must contain either a voting preference for one group above-the-line OR a voting preference for all candidates below-the-line OR an instruction to number the boxes in order of preference from 1-5 for candidates below-the-line
- any logos, emblems or insignias on the card must be not less than 4 square centimetres (4cm²). Remember this if you print a card at a smaller size to when it was registered
- the HTVC must contain the name and street address (not a post office box) of the person authorising the card and the name and place of business of the printer on any side that contains voting instructions
- the HTVC must not deceive or mislead an elector about how to vote. Voters must complete their ballot paper in line with the instructions on the ballot paper provided by the VEC. If, for example, an HTVC for a district election contains empty boxes, the voter following it might complete their ballot paper the same way, leading to an informal vote. For this reason, the HTVC application would be refused. This requirement also applies to unregistered HTVCs distributed at Early Voting Centres. *The penalty for non-compliance is 60 penalty units or 6 months imprisonment for an individual and 300 penalty units for a body corporate.* Refer to section 84 of the Electoral Act.
- any representations of a ballot paper must contain the correct spelling of any listed candidate names, party names and district or region names.
- any representations of a ballot paper must contain candidates listed in correct ballot paper order
- the HTVC must not contain offensive or obscene material
- the HTVC must contain the endorsement 'Registered by the Victorian Electoral Commission' in the footer of the card. However, this endorsement **must not** appear on unregistered HTVCs.

Refer to **Appendix 1: 'How-to-vote card checklist'** as your guide to ensure that your HTVC meets the requirements for registration. Refer to section 79 of the Electoral Act and regulation 18 in the Regulations for further information on HTVC registration requirements.

Use of photographs and quotes on HTVCs

You are strongly advised to gain permission from the people or organisations concerned if your HTVC includes:

- photographs of people other than the candidate
- photographs that clearly identify members of a particular organisation
- quotes from people other than the applicant.

There have been instances where people or organisations have objected to the use of photographs or quotes on HTVCs without their permission because it has suggested that the person or organisation supported that candidate.

While the use of photographs or quotes in most cases would not prevent HTVC registration, the VEC recommends that you seek permission from others where relevant to avoid time consuming disputes, including civil action.

The VEC is not responsible for advising you on potentially contentious photographs or quotes and has limited authority to regulate the use of photographs or quotes unless they are offensive or obscene or likely to mislead or deceive an elector in casting their vote.

Decision on HTVC applications

The VEC will inform you before 12 noon the day after receiving a HTVC for registration that:

- your HTVC is **registered**
- or
- your HTVC application is **refused** as your HTVC fails to meet a requirement for registration. The ground for refusal will be provided.

Last day submissions

You are advised to submit HTVC(s) for registration well before the deadline. If you submit your HTVC on the last day of registration and your application is refused, you may not have time to submit a new HTVC. Consequently, your HTVC will not be able to be distributed within 400 metres of voting centres on election day and will not appear on the VEC website.

Review of HTVC decision

Any person may apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of the VEC's decision to register or to refuse to register a HTVC no later than 12 noon on the next working day after the VEC has advised the applicant of that decision.

VCAT must make a decision before 5 pm the next working day after receiving the application. Refer to section 82A of the Electoral Act. For more information, or to make an application for a review of a HTVC decision, contact VCAT's review and regulation list.

Inspection of registered HTVCs

As soon as possible after registration, registered HTVCs will be displayed on the VEC website. Any person has the right to inspect a registered HTVC card at the VEC's head office once it has been registered. Registered HTVCs will also be made available for inspection as soon as possible at the relevant election offices. Refer to section 82 of the Electoral Act.

Correcting errors on registered HTVCs

If you need to correct an error on your HTVC, you must submit an amended version to the VEC for registration no later than **12 noon on Monday 21 November 2022**.

Before 12 noon on the next day after receiving the amended card, the VEC will inform the applicant that they are:

- registering the amended HTVC
- or
- refusing to register the amended HTVC.

Printing more than one registered HTVC on a leaflet

If you have separately registered single HTVCs for more than one district and/or region election or wish to distribute your HTVC at a joint voting centre, you may wish to print more than one registered single HTVC on the same leaflet.

More than one single registered HTVC can be printed on the same leaflet. In such cases, each single registered HTVC must be reproduced exactly as it was registered and must include its own authorisation and registration statement. No changes can be made to the registered single HTVCs and no additional material can be introduced. This should not be confused with the combined HTVCs application process available to registered political parties.

12. Election day voting

Voting takes place between 8 am and 6 pm on election day at voting centres in each electorate.

Joint voting centres

Some electorates will have joint voting centres if a voting centre is close to a district boundary. Electors from each corresponding district can complete an ordinary vote at the joint voting centre. After the close of nominations, you will be supplied by email with the estimated number of electors per voting centre to help you estimate how many HTVCs you will need.

Ordinary votes

Electors who attend an election day voting centre in their own electorate complete an ordinary vote. An ordinary vote is issued to an elector in their enrolled electorate. An election official at the voting centre marks the elector's name off the roll, and issues them with their ballot papers. The elector completes their ballot papers and places them into the ballot boxes available at the voting centre. Counting for ordinary votes begins in voting centres after 6 pm on election day.

Absent votes

Electors who go to a voting centre outside their own district on election day can complete an absent vote, unless the voting centre is a joint voting centre with the elector's enrolled district. If the voting centre has electronic roll marking available, and the elector can be found on the roll, they can complete their ballot papers and put them in a ballot box. These ballots will be sorted and counted in the week following election day.

If the voting centre does not have electronic roll marking available, or the elector cannot be found on the electoral roll, they will be asked to complete a declaration envelope stating their enrolled address. Votes in declaration envelopes will be checked against the electoral roll and, if admitted, will be counted during the week following election day.

Provisional votes

Eligible electors whose name cannot be found on the electoral roll for any Victorian electorate can enrol and complete a provisional vote for the district they live in. These electors must show proof of identity as prescribed by the Regulations.

If the elector does not have a proof of identity document with them, they can ask the VEC to verify their identity with the Department of Transport, their local council, or their utilities provider after election day. The elector must complete and enclose their ballot papers in a declaration envelope. The VEC will check these applications after election day.

13. Postal voting and postal voter data

During the State election, the VEC will conduct postal voting activities through a centralised operation as part of the Centralised Activity Site (CAS). This centralised processing location will minimise delays to postal vote mailouts and will process and count completed postal vote declarations.

Postal vote applications are available at any post office from Wednesday 2 November 2022, at election offices or by calling the VEC election hotline number on **131 832**.

Electors can also complete a postal vote application online via the VEC website. Online applications do not have to be witnessed. However, the voter must provide a verification question from a drop-down menu and the answer on their application. The voter must write the answer to their verification question on their return declaration envelope when completing their ballot material.

ⓘ Important: It is an offence for a person other than the VEC to distribute postal vote applications. *This offence is subject to a penalty unit of one penalty per occurrence.* Refer to sections 101(3A) and (3B) of the Electoral Act.

Postal vote applications must be made after the issue of the writ at **6 pm on Tuesday 1 November** and must be received by the VEC no later than **6 pm** on the Wednesday before election day, **Wednesday 23 November 2022**.

As a candidate, you can appoint scrutineers to observe postal vote verification for returned postal vote declarations at the CAS. You can also appoint scrutineers to observe the opening and counting of postal votes. The VEC will provide you or your registered political party with venue details for these activities, including operation times.

Access to postal voter data

Independent candidates and registered political parties may request an electronic copy of the details of voters wishing to vote by post. This will be provided via DEx at dex.vec.vic.gov.au Both independent candidates and registered officers on behalf of their registered political party must complete a *Postal vote application confidentiality agreement P381* to access the data. By completing this agreement, you are agreeing that you take full personal responsibility for the confidentiality of the data. As part of the process, you will need to provide an email address to receive the data.

Once the agreement is completed, and when data is available, you will be sent an email containing instructions on how to create an account in DEx (if you do not already have one) and download electronic copies of the postal voting application details as they become available from the secure data exchange portal.

The postal voting application details will contain the name and address of voters who applied to vote via post in the election. The information will not contain any silent electors nor address details of itinerant electors. Refer to section 104A(3) of the Electoral Act.

The information will be presented as one comma separated file. This can be opened in Excel, and then used to look up names, for a mail merge, or as a basis for street walks (street order).

- ❗ **Important: You must not use the information provided for any purpose other than in connection with the election. You also must not disclose the information provided unless the disclosure is for a purpose in connection with the election. A penalty of 600 penalty units for an individual and 3000 penalty units for a body corporate or registered political party applies. Refer to sections 104A(4) and (5) of the Electoral Act.**

Independent candidates

As an independent region candidate, you will only receive the data for the region where you are a candidate. The *Postal vote confidentiality agreement P381* must be signed by you, it cannot be signed by your representative on your behalf. Lodge this form with the Election Manager when you nominate.

Registered political parties

Registered political parties can receive data for all electorates and can make this available to their endorsed candidates. Registered officers can lodge the *Postal vote confidentiality agreement P381* when they submit their nominations at VEC head office.

14. Early voting centres

The VEC establishes early voting centres to support electors who wish to vote in person in advance of election day.

As a candidate, you may appoint scrutineers to view early voting activities. Refer to **Chapter 20: Scrutineers** and the **Scrutineer handbook**.

Additionally, you must be aware of the canvassing rules that apply at early voting centres. You can find more information on this in **Chapter 11: How-to-vote cards** and **Chapter 17: Conduct near voting centres**.

Early voting centres will open on the first working day after the close of nominations, which is **Monday 14 November 2022**. Details of all early voting centres and operating hours will be available on the VEC website.

Any elector can vote at any early voting centre and electors no longer need a reason to vote early.

15. Mobile voting centres

Mobile voting centres are venues that a mobile voting team attends before election day to help people vote. A mobile voting team may move around a venue issuing early votes to patients and residents or create a temporary voting area within the venue.

An itinerary for mobile voting activities will be displayed at the election office on the day before the activity, listing the location of mobile voting centres and the dates and times of the activity. If the timetable is varied, you will be advised.

As explained in **Chapter 11: How-to-vote cards**, you may provide printed copies of registered HTVCs to Election Managers to be included in folders carried by mobile voting teams. Mobile voting teams will advise electors that they may view a folder of registered HTVCs. Refer to section 65(4) of the Electoral Act.

You may appoint scrutineers to attend sites with the mobile voting team. You will be advised of the mobile voting arrangements and size of the mobile voting teams in your region via email.

❗ Important: Scrutineers must not display election material or distribute HTVCs while accompanying the mobile team.

Party and candidate workers are not allowed to canvass for votes or distribute election material – including HTVCs – within 6 metres (or other distance as determined by the mobile voting centre manager) of the designated entrance to the voting centre while voting is in progress. Additional restrictions apply to the display of notices or signs within 100 metres of the designated entrance to the voting centre. Refer to **Chapter 17: Conduct near voting centres**.

The VEC is committed to running a COVID-Safe election and will operate all mobile voting centres in line with public health directives that apply at the time of the activities.

16. Telephone Assisted Voting

The VEC's telephone assisted voting service enables eligible electors to cast their vote by telephone. The VEC will establish a call centre to manage this voting process.

Telephone assisted voting will be available to the following groups and any other electors prescribed by the Regulations:

- electors who are blind or have low vision
- electors who have a motor impairment.
- electors who are unable to travel to a voting centre due to a declared emergency
- from the Saturday before election day, electors who are unable to vote at an election day voting centre because they are required to isolate or are in quarantine due to COVID-19.

You may appoint scrutineers to view the operation of the VEC's Telephone Assisted Voting Centre. These scrutineers must be appointed using the same procedures as outlined in the **Scrutineer handbook**.

17. Conduct near voting centres

Refer to sections 156 to 158A and 174 of the Electoral Act.

The Electoral Act sets out conduct within certain distances from the entrance of a voting centre during the hours of voting, including:

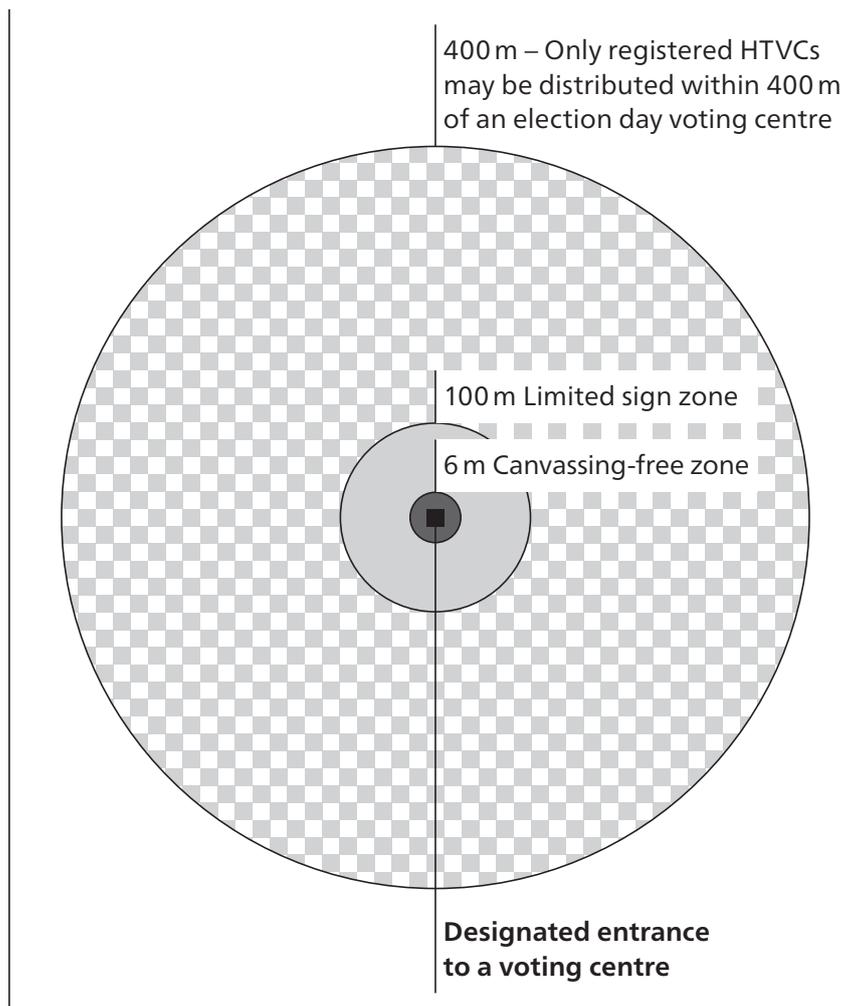
- canvassing outside a voting centre within 6 metres
- exhibiting notices or signs within 100 metres
- displaying a mobile billboard within 100 metres
- distributing printed electoral material on election day within 400 metres.

The penalties that apply for not complying and the powers of election staff to respond to alleged offences are also outlined.

Anyone canvassing near a voting centre needs to be aware of the rules that apply at early, mobile and election day voting centres.

ⓘ Important: You should ensure that your campaign workers are aware of the legislative requirements.

Conduct near voting centres



6 m Canvassing-free zone
 No canvassing, exit polling or campaigning may occur within 6 m of a designated entrance to a voting centre (or a lesser distance, if fixed by the VEC).

No signs may be exhibited other than official VEC signs.

100 m Limited sign zone
 There are limits on the number and size of signs that each candidate and registered political party is permitted to display between 6 m and 100 m from a designated entrance to a voting centre.

Mobile billboards are not permitted within 100 m of a designated entrance to a voting centre.

Beyond 100 m
 Beyond 100 m of a designated entrance to a voting centre, the limits on the number and size of signs do not apply. Local laws may apply to the display of signs on public land.

400 m – On election day HTVCs must be registered
 Only registered HTVCs can be handed out within 400 m of a designated entrance to an election day voting centre, but not in the 6 m canvassing-free zone.

Beyond 400 m
 Beyond 400 m of a designated entrance to an election day voting centre, electoral campaign material may be distributed – not limited to registered HTVCs.

Identifying the designated entrance

Distances apply as a radius from the voting centre's designated entrance. A radius is a straight line that extends from a point out to the edge of a circle. The circle makes a zone. Voting centre staff will be able to provide guidance to candidate and party workers about the distances and zones at a voting centre. Information about designated entrances will also be made available to candidates and registered political parties so they can estimate the distances and zones in advance. Note, however, that definitive distances and zones will be determined by the Voting Centre Manager, Early Voting Centre Manager or Mobile Voting Centre Manager (as applicable).

Primary designated entrance

A designated entrance will be identified for each voting centre.

An official VEC sign denoting the designated entrance will be displayed at each voting centre during the hours of voting.

Secondary designated entrance

Sometimes it is necessary to designate a secondary entrance. For example, if there are several main entrances to the grounds in which the voting centre is situated, one of those entrances may also need to be designated.

If a secondary designated entrance is required, it will also be identified by an official 'designated entrance' sign. The canvassing and signage rules that apply to the primary designated entrance also apply to any secondary designated entrances.

Canvassing-free zone (6 metre rule)

Refer to section 158 of the Electoral Act.

During the hours of voting, within 6 metres of the voting centre's designated entrance, or within the building used as a voting centre (**the canvassing-free zone**), a person must not:

- canvass for votes, including hand out how-to-vote cards or registered how-to-vote cards
- ask for the vote of any elector
- induce an elector not to vote for a particular candidate
- induce an elector not to vote at the election
- exhibit a notice or sign (other than official VEC signs)
- conduct an exit poll

Scrutineers are also prohibited from wearing or displaying any badge, emblem or political slogan of a candidate or political party within those 6 metres. See section 158(2)(g) of the Electoral Act.

Any person distributing registered how-to-vote cards **must** be outside the canvassing-free zone. *The penalty for non-compliance is 5 penalty units.*

If it is practically necessary for reasons such as poor weather or for safety reasons, an election official, on behalf of the VEC and in consultation with the Election Manager, can reduce the canvassing-free zone to less than 6 metres. A notice must be posted at the designated entrance stating the new canvassing-free zone that applies to that voting centre and the reason for the reduction from 6 metres. The canvassing-free zone cannot be extended beyond 6 metres.

Where a voting centre has any secondary designated entrances, the canvassing-free zone also applies to those entrances.

Limited sign zone (100 metre rule)

Section 158A of the Electoral Act provides limits to the number and size of signs that can be displayed within 100 metres of a designated entrance to a voting centre during the hours of voting for that voting centre (**the limited sign zone**).

The only signs that are permitted to be displayed within the limited sign zone during the hours of voting are official signs of the VEC, or signs displayed by a candidate or political party for the election that comply with the following:

- Each candidate can display up to 2 signs. If you are an independent candidate, you may only have 2 signs in a limited sign zone.
- Each registered political party may display up to 2 signs.
- Where a registered political party has endorsed 2 or more candidates for the Legislative Council, these candidates may have up to 2 signs in total between them.

Candidates cannot display signage in a limited sign zone in a district or region that they have not nominated for. Likewise, registered political parties cannot display signage in a limited sign zone in a district or region that they have not endorsed a candidate for.

Any notice or sign must not exceed 600 mm x 900 mm in size. Voting centres will have a tape measure for voting centre staff to check the size of signs.

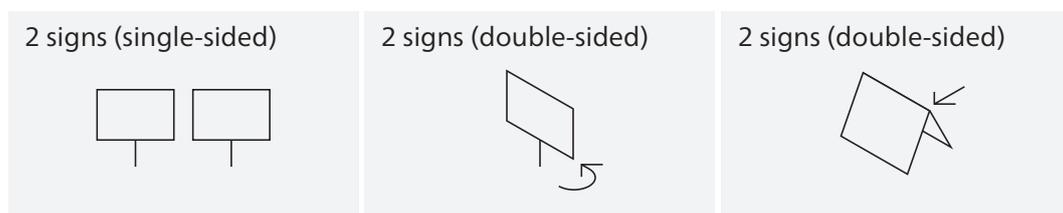
At joint voting centres (where one venue is hosting 2 or more voting centres for different districts), the rules apply to each voting centre within the one venue separately.

Where a voting centre or its grounds has more than one designated entrance, a **limited sign zone** will also apply within 100 metres of any secondary designated entrance(s).

What counts as one sign?

For the purposes of counting signs, one sign consists of a single visible side. Any sign or notice that has 2 visible sides counts as 2 signs. For example, an A-frame sign would be considered 2 signs, or if 2 sides of a notice are visible on a window or fence.

- Flags, balloons, bunting or posters connected to a candidate or party are signs.
- Signs or notices printed on marquees or other fixtures, or affixed or attached to persons or other structures, are signs.
- Items of clothing worn by pets are not considered as signs or notices.
- Images or text printed on clothing worn by candidate/party workers or voters are not considered as signs or notices.



Mobile billboards

Mobile billboards are prohibited within the limited sign zone. A mobile billboard is any billboard capable of being displayed while being transported by any means. This includes billboards attached to vehicles such as bicycles or cars, vehicles that are painted or vinyl wrapped, as well as billboards that can be worn by a person or animal. It does not include stickers on vehicles which are permitted under section 158(4)(a) of the Electoral Act.

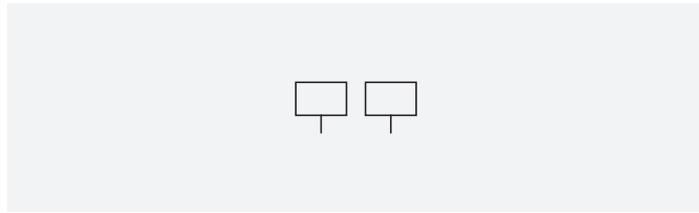
Signage combinations for candidates endorsed by registered political parties

The following diagrams outline the signage entitlements for registered political parties based on the candidates they endorse.

Signage entitlements for registered political parties and their endorsed candidates

Registered political party (RPP)

RPP is allocated 2 signs in the limited-sign zone where the RPP is endorsing at least one candidate for that district or region.



Party endorsed candidates

Allocated signs in the limited sign zone

District

RPP endorsed district candidate is allocated 2 signs.

Region

RPP endorsed region candidates can have a maximum of 2 signs between them.

Where all conditions are met, an RPP and its candidates cannot display more than six signs in total.

No candidate or allocated sign

Party endorsed candidate

Allocated sign

Identifying the responsible party/candidate

Signs or notices that promote a single candidate endorsed by a party will be identified to the candidate first. This means that any sign or notice that promotes a candidate for the Legislative Council will count towards the 2 signs permitted for Legislative Council candidates of the same political party. This includes where a registered officer's name or the party address might appear in the authorisation statement on the sign.

A party can decide on the content of the 2 signs permitted in their name. For example, the signs of a party may include reference to all, some or none of their endorsed candidates for that election.

If a party sign does not refer to any of the candidates endorsed by the party in respect to that election, it will be counted for the party first.

If the party has more than 2 signs that do not promote a candidate or candidates in the election, the excess signs will be counted for an endorsed candidate if they don't already have 2 signs. Where all conditions are met, a party and its candidates cannot display more than six signs in total.

Voting centre staff may need to ask party or candidate workers at the voting centre who is responsible for signs which have been exhibited. VEC staff may contact designated signage contacts which were provided as part of the nomination process.

An election manager or election official is authorised to remove, or have removed, a notice or sign that they consider does not comply with the rules.

Removal of signs

During the hours of voting, an election manager or election official is allowed to remove a notice or sign if it doesn't comply with the requirements for the canvassing-free zone or the limited sign zone.

Campaign offices

Where a campaign office or other location operated by a candidate or party is located within 100 metres of the designated entrance of a voting centre (including an early voting centre, mobile voting centre, and election day voting centre), the signage requirements apply during the hours of voting. This means that any signs displayed at the location count towards a party's or candidate's allocated number of signs and no sign may exceed 600 mm x 900 mm.

Signs at private residences

Signs displayed at private residences are **not subject** to the rules regarding signs within 100 metres of a designated entrance. Private residences include buildings, grounds and any perimeter fencing that belongs to a private residence within the 100 metre zone. This includes premises used as a private residence, including above a commercial property which may be the designated entrance of a voting centre.

Distribution of electoral campaign material (400 metre rule)

Refer to section 156 of the Electoral Act.

The only electoral material that may be distributed or made available during the hours of voting within 400 metres of a voting centre on election day are **registered how-to-vote cards**. The canvassing-free zone means that registered how-to-vote cards aren't allowed within 6 metres of the voting centre's designated entrance.

A penalty of 60 penalty units applies.

How-to-vote cards distributed outside early voting centres do not need to be registered as this rule applies on election day only, but any unregistered how-to-vote cards must not purport to be registered how-to-vote cards.

An Election Manager (including a Voting Centre Manager) or election official may request a person reasonably suspected of contravening these rules to show them any how-to-vote card in their possession and/or hand them all over. *Anyone who fails to comply with this request is guilty of an offence. The associated penalty is 10 penalty units.* Refer to section 157(1) and (2) of the Electoral Act.

Behaviour in relation to voting centres

Voting Centre Managers, Early Voting Centre Managers and Mobile Voting Managers will engage with party and candidate workers throughout the day to establish rapport and encourage cooperation outside voting centres. All workers have an equal entitlement to convey their message.

❗ Important: The VEC asks all stakeholders (election officials, candidates, scrutineers, party/candidate workers and the public) to ensure a respectful environment exists outside each voting centre so that electors are not obstructed or intimidated as they enter the venue.

Conduct when handing out how-to-vote cards

On election day, only registered how-to-vote cards are allowed to be distributed within 400 metres from the designated entrance. Individuals may assist electors by handing out how-to-vote cards. They must always remain at least six metres from the designated entrance of a voting centre when canvassing for votes.

Individuals canvassing at a voting centre may only enter the voting centre to cast their vote and must exit the voting centre once they have voted. They can continue to hand out how-to-vote cards outside the authorised limits if they wish to do so.

Within 100 metres of the designated entrance of a voting centre, a person **must not** subject any person who is handing out how-to-vote cards or supporting a candidate in an election, to violence or intimidation (see section 152(4) of the Electoral Act). A person who contravenes this section of the Act is guilty of an indictable offence. *The penalty for which is 600 penalty units or imprisonment for up to 5 years.*

Consideration of venues

Venues used as voting centres are not the property of the VEC and the VEC relies on goodwill to retain venues for future elections. All people canvassing at voting centres need to:

- be attentive to any local restrictions requested by venue owners and the VEC regarding the placement of personnel, notices or signs to ensure that canvassing does not interfere with any other activities at the venue
- ensure workers and materials do not impede or intimidate people moving in and out of the venue, or neighbouring properties
- ensure the complete removal of any notices or signs (including ties), how-to-vote cards and equipment before leaving the venue at the end of each day, unless otherwise instructed by voting centre staff.

Enforcement powers

Section 174 of the Act outlines the enforcement powers of Election Managers and election officials to maintain order and keep the peace at voting centres. An election manager or election official has the power and authority to request the removal of any person who:

- obstructs the approaches (pathways and entrances) to a voting centre
- wilfully or unnecessarily obstructs or delays the proceedings at a voting centre
- behaves in a disorderly manner
- remains in a voting centre for a longer time than is reasonably necessary for the purpose of voting
- causes a disturbance at any election.

Voting Centre Managers will request cooperation from all parties in the first instance, but if unsuccessful, the VEC will escalate the matter to the relevant party/candidate contact to resolve. If necessary, voting centre staff will request Victoria Police to assist them in maintaining order. Police officers must assist in the removal of any person.

An election manager (including a Voting Centre Manager) or election official is authorised to remove, or have removed, a notice or sign that they consider does not comply with the Electoral Act.

On election day, if an election manager (including a Voting Centre Manager) or election official suspects that a person is handing out or distributing printed electoral material which is not a registered how-to-vote cards within 400 metres of the entrance to a voting centre, the election manager or election official may request that person show them any how-to-vote cards in their possession, and hand over any how-to-vote cards that are not registered. *Anyone who fails to comply with this request is guilty of an offence. The associated penalty is 10 penalty units.* Refer to sections 157(1) and (2) of the Electoral Act.

18. Count of ballot papers

The proposed timetable for region counts is included in Appendix 3. Please refer to the timeline for detailed information on the conduct of activities on and after election day.

Ordinary votes issued in election day voting centres

Ordinary district and region votes will be counted in voting centres from 6 pm on election day.

First preference and 2-candidate-preferred (2CP) district results will be phoned through to election offices and posted on the VEC website, followed by region counts to first preference (by grouped or ungrouped candidates).

District ordinary votes will be rechecked in election offices from Monday 28 November. Region ordinary votes will be rechecked in election offices (country regions) or metropolitan hubs (metro regions) from Tuesday 29 November.

Early votes

Own district early votes, including those cast at mobile early voting centres, will be counted in early voting centres on election night. Election officials will start extracting and sorting own district and region early votes from 8 am on election day. Strict rules apply to scrutineers between 8 am and 6 pm.

Counting of own district early votes will start at 6 pm. Most, if not all, own district early votes will be counted to first preference and 2CP on election night. All own region early and mobile votes will be counted to first preference on Monday 28 November at early voting centres.

Own district early votes will be rechecked in election offices from Monday 28 November. Own region early votes will be rechecked in election offices (country regions) or metropolitan hubs (metro regions) from Wednesday 30 November.

Early votes cast outside of their district, including those cast through mobile voting, will be packaged and sent to the Centralised Activity Site (CAS) for processing and counting.

For Melbourne District only: Votes cast at early voting centres in Melbourne District will be extracted and counted at the CAS from election day onwards as the early voting centre locations will be used as voting centres on election day. This includes mobile votes taken within Melbourne District.

Centralised Activity Site

Various processing and counting activities will be conducted by the VEC across multiple buildings at the Centralised Activity Site (CAS) in Ascot Vale.

The following votes will be counted to first preference (district and region) and 2CP (district) at the CAS:

- all postal votes
- all early votes cast outside of their electorate
- all election day votes cast outside of their electorate (absent votes)
- all marked-as-voted (MAV) and provisional votes
- all other centralised support votes – votes from overseas or interstate, votes from Antarctica, braille ballot papers, and ballot papers from the Telephone Assisted Voting (TAV) centre

The rechecks for these counts will also be conducted at the CAS. Scrutineers will be supported at the CAS by a dedicated scrutineer manager who will facilitate the check in of scrutineers.

Postal votes

Postal votes will be processed, verified and subsequently counted at CAS. You will be given a schedule of anticipated start times for activities that can be observed by scrutineers. Strict rules will apply for scrutineers attending these activities. This table shows the anticipated dates and times for postal vote verification and counting:

Activity	Starting from:
Postal vote declaration verification	Monday before election day
Postal vote ballot paper extraction	8 am on election day
District postal vote ballot paper count	6 pm on election day
Region postal vote ballot paper count	After election day

On election night, the VEC will count all district ballot papers extracted from postal vote envelopes that pass the verification process before 6 pm on the Friday before election day. Region counts will commence from Sunday 27 November.

Further postal vote verification, extraction, and counting will take place at the CAS after election day.

Early votes cast outside of their electorate

Early votes cast outside of their electorate, including those cast through mobile voting, will be packaged and sent to the CAS where they will be sorted into their respective districts and regions and will be counted from Tuesday 29 November. This is known as the vote exchange.

Votes cast outside of their electorate on election day

Election day votes cast outside of their electorate will be packaged and sent to the CAS where they will be sorted into their respective districts and regions and will be counted from Wednesday 30 November. This is also part of the process known as the vote exchange.

Provisional and marked-as-voted (MAV) votes

All provisional and MAV votes received as part of early and mobile voting or election day voting will be packaged and sent to the CAS. All provisional votes will be assessed by enrolment officers at the CAS for eligibility.

Accepted provisional and MAV votes will be counted at CAS in the week after election day.

Other centralised support votes

The extraction and sorting of all other centralised support votes, including those taken by the TAV service, will be conducted at the CAS and will be counted from Monday 28 November. The same strict scrutineering rules apply to these votes as for all other early votes.

Counting process for region elections

The primary counts for region ballot papers involve election officials sorting and counting each individual ballot paper to first preference by hand.

Two types of first preference results for region ballot papers are recorded:

- the number of first preference votes for each group marked above the line; and
- the number of first preference votes for each group and ungrouped candidate marked below the line.

At the end of this sort, the Election Manager tallies and enters the total first preference votes for each group and ungrouped candidate, along with the total number of informal votes, in the VEC's election management system.

You are encouraged to read through **Appendix 4: Ballot paper formality** to ensure that you are familiar with what constitutes a formal and informal ballot paper. This guide is also available to scrutineers in the **Scrutineer handbook**.

Recheck

Rechecking is an administrative process where, following a first preference sort, region ballot papers are checked again for formality, correct sorting to first preference, and correct reconciliation of totals. Region ordinary votes and own region early votes (including own region mobile early votes) will be rechecked in election offices (country regions) or metropolitan hubs (metro regions). All other region votes will be rechecked at the CAS.

The region recheck process is summarised as follows:

- Above-the-line and informal votes are checked again for formality, correct sorting and correct counting. Any below-the-line ballot papers found in above-the-line or informal parcels may be added to the below-the-line papers at this stage.
- Below-the-line votes are checked again for correct counting. These are then transferred to the CAS for data entry, which will check the formality of each below-the-line vote.

Rechecked figures are recorded in the VEC's election management system. These results will be progressively posted on the VEC's website. It is not uncommon for minor variations in sorting and counting to be identified during the rechecking process. Election Managers can provide scrutineers with consolidated reports of rechecked results.

Data entry of below-the-line votes

Data entry of below-the-line votes will take place at the CAS. Data entry operators will enter preferences recorded on ballot papers that were sorted as formal below-the-line into the VEC's computer count system. Papers identified as informal by the data entry process will be examined and anything deemed to be formal below-the-line will be added back into the count. Any ballot papers found to be informal below-the-line but formal above-the-line will also be added back into the count by adjusting the rechecked above-the-line figures. Any ballot papers found to be informal will also be added to the rechecked informal ballot paper totals.

A second data entry process will take place to verify the first data entry process. The proposed timeline for data entry is included in **Appendix 3**.

During data entry, reports will be generated and displayed which show the progressive first preference results for each candidate.

Preference distribution

Once data entry of all below-the-line ballot papers is completed for each region, the final reconciliation and calculation of the result using the VEC's computer count application will take place at the CAS. The VEC expects that all region results will be calculated on **Tuesday 13 December 2022**.

Declarations

The declaration for each region will be conducted by the delegated region Election Manager at the CAS.

Registered officers and region candidates will receive information through VEC head office. Additionally, information on the count schedule will be available from the VEC website from election day.

19. Determining the election result

Refer to section 114A of the Electoral Act.

How does the VEC determine the result of a region election?

For the Legislative Council of State Parliament, the proportional representation system is used to count votes. The principle of proportional representation is that candidates are elected in proportion to their support from voters.

To be elected, a candidate needs to get a proportion of the votes, called the “quota”. The quota varies according to the number of first preference votes cast and the number of candidates to be elected.

The quota is calculated by dividing the number of formal votes by 1 more than the number of vacancies and then adding 1 more vote.

For example, if 60,000 formal votes are cast and there are 5 candidates to be elected, the quota is 10,001.

Once a candidate achieves the quota, they are elected and any surplus votes greater than the quota are distributed to other candidates according to voters’ preferences. This is done by distributing all of the candidate’s ballot papers at a reduced value so that the candidate’s total value is reduced back to match the quota.

When there are no further candidates that have reached the quota, and therefore no more surpluses to distribute, the candidate with the fewest votes is excluded and their votes are distributed, at the value at which they were received, according to the voters’ preferences.

This process continues until all the vacancies for the region are filled.

How are the results calculated?

The VEC calculates the result of elections that use the proportional representation counting system via the VEC’s computer count application. Please see **Chapter 18: Count of ballot papers** for further information about this process. Following the calculation, a report is produced which shows the distribution of ballot papers and the successful candidates in order of election.

20. Scrutineers

Scrutineers play an important role in the election process to ensure that our democratic values of transparency are maintained.

Resources for scrutineering

The **Scrutineer handbook** is available on the VEC website and in the Candidate kit. The **Scrutineer handbook** outlines the rights, responsibilities and procedures associated with scrutineering at an election.

❗ Important: Ensure that you and your scrutineers are familiar with the Scrutineer handbook.

Additionally, refer to section 76 of the Electoral Act.

You and your scrutineers are encouraged to read **Appendix 4: Ballot paper formality** to ensure that you are familiar with the rules for formal and informal ballot papers.

Appointing your scrutineers

As a candidate, you can appoint scrutineers to observe electoral processes where election officials handle ballot material. Scrutineers can observe both voting and counting processes, please refer to the **Scrutineer handbook** for further detail on the specific activities where scrutineering applies. The **Scrutineer handbook** also contains details on the number of scrutineers that you may appoint to observe an activity. The extraction and sorting of postal and early votes, which commences at 8 am on election day, before the close of voting, takes place in a restricted zone. There are specific rules relating to the appointment and conduct of scrutineers in restricted zones which can be found in the **Scrutineer handbook**.

To appoint a scrutineer, you must use the Appointment of scrutineer P380 form to specify the name and address of a scrutineer. This form is available in the *Candidate kit*, from Election Managers, and on the VEC website.

You must sign the form and your scrutineer must bring the form with them when they observe any electoral activity. Under section 76(4) of the Electoral Act, Election Managers or election officials can ask to see this form.

Handwritten and digital signatures are acceptable on the form, however typed signatures are not accepted.

Your scrutineers must present a new P380 form for each venue they attend. However, when they are visiting the same venue and representing the same candidate over several days, your scrutineer can use the same form. For the purposes of the P380 form, the VEC's Centralised Activity Site (CAS) is considered one venue. Scrutineers will not need multiple P380 forms to visit different buildings at the CAS where the scrutineer is representing the same candidate.

21. Recounts, tied, and disputed elections

Recounts

Refer to section 120 of the Electoral Act.

Recounts usually occur if the result of an election is extremely close. Recounts can only occur before an election result is declared.

In a recount, parcels of ballot papers are opened, and each ballot paper is re-examined. A recount can be conducted on all ballot papers for an election (known as a full recount) or only some of the ballot papers for an election (known as partial recount). The type of recount to be conducted is determined by the Election Manager and Electoral Commissioner.

There are 3 circumstances that can lead to a recount. A recount may occur:

- when an Election Manager believes there are sufficient grounds, they can seek the permission of the Electoral Commissioner to conduct a recount
- when the Electoral Commissioner independently directs an Election Manager to conduct a recount
- because a candidate has written to an Election Manager to request a recount. The letter must detail the reasons for the request and the Election Manager will consult with the Electoral Commissioner, who will decide if the recount will go ahead.

The Election Manager does not have to conduct a recount just because a candidate requests one. In deciding whether to go ahead, the Election Manager and Electoral Commissioner will consider:

- the occurrence of close margins at critical points during the distribution of preferences.
- any procedural or system error that may have interfered with the counting process
- if scrutineers were given the opportunity to access the counting process to perform their duties.

Where a decision is made to conduct a recount, the Election Manager must provide all candidates and specified contact persons with written notice a minimum of 4 hours prior to the commencement of the recount.

The Election Manager conducting a recount has the same powers as if the recount were the original count and may reverse any decision to admit or reject a ballot paper. See section 120(3) of the Electoral Act for more information.

Under section 120(4) of the Electoral Act, the Election Manager can set any ballot paper aside for the Electoral Commissioner to rule on. A scrutineer can also request that any ballot paper be set aside if they disagree with the decision of the Election Manager.

However, the Electoral Commissioner is only required to rule on ballot papers where the number reserved could change the outcome of the recount. Refer to section 120(5) of the Electoral Act.

You are encouraged to appoint scrutineers to represent you at any recount, particularly if you have requested the recount or your success or defeat at the election will likely be determined as a result of the recount.

Tied elections

If during the calculation of the results, 2 or more candidates have an equal number of votes on the final count or transfer, the result is determined by lot. Refer to section 114A(25) of the Electoral Act.

Disputed elections

Under section 133 of the Electoral Act, the validity of any election can only be disputed by a petition to the Court of Disputed Returns.

Candidates, electors, or the VEC can petition the Court of Disputed Returns. The petition must be filed with the Prothonotary of the Supreme Court of Victoria within 40 days after the return of the writ.

Procedures for disputing an election appear in Division 2 of Part 8 of the Electoral Act. If you are considering a petition to the Court of Disputed Returns, you should seek independent advice.

22. Parliamentary induction for successful candidates

Recognition of successful candidates

Candidates (including current Members) will not be recognised by the Parliament of Victoria as a successful candidate for their electorate until the result has been formally declared by the VEC and communicated to the Clerk of the Legislative Council.

Service provision

Provision of services to Members of Parliament will not commence until the official VEC advice for each electorate is received by the Clerk of the Legislative Council and communicated to the Election Coordinator, an officer of the Department of Parliamentary Services.

Following receipt of official advice, the Parliament of Victoria will provide successful candidates with information on scheduling time for a formal induction program and beginning the process of allocating resources (including electorate office, motor vehicle and salary).

The VEC will provide the Department of Parliamentary Services with contact details for all candidates as provided on Nomination Forms for this purpose. Personal information will be maintained by the Parliament of Victoria in accordance with the Information Privacy Principles as derived from the *Privacy and Data Protection Act 2014* (Vic).

Electorate office allocation

Following the declared result of the State election, Members of Parliament who retain their seats will continue to occupy their existing electorate office.

Members of Parliament who are defeated at the State election will vacate their electorate office. This also applies to Members who retire and choose not to contest the state election.

New incoming Members of the Legislative Council will be able to choose from the available vacated electorate offices in their region. The order in which new Members choose their electorate office will be based on the number of votes they received through proportional counting in the state election, using the following methodology:

- The first choice of a vacant electorate office is allocated to the new incoming Member who received the highest proportion of votes within their region at the state election;
- The second choice of a vacant electorate office is allocated to the new incoming Member who received the second-highest proportion of votes within their region at the state election;

- The subsequent choices of vacant electorate offices continues until the new incoming Member with the smallest proportion of votes has been allocated the last remaining vacant electorate office.

Members will need to notify the Department of Parliamentary Services of their final selection of their electorate office within 48 hours of being notified of the available vacant electorate offices in their region.

23. Privacy

The VEC is subject to the *Privacy and Data Protection Act 2014* (Vic) and handles all of the personal information it collects and holds in accordance with the information privacy principles.

Although your nomination form will not be available for public inspection, the VEC is required to disclose some of your personal information. By nominating for an election, you are taken to understand this. These disclosures, which are governed by legislation, are as follows:

- during the nomination period and once nominations for an election close, the VEC will make each candidate's name and contact details publicly available by publishing these details on the VEC's website and by making them available for inspection at election offices. See sections 68 and 73 of the Electoral Act and **Chapter 5: How to nominate** and
- candidate's names will appear on ballot papers and how-to-vote cards and, where appropriate, will appear together with the name and logo on the ballot paper, of the registered political party that has endorsed the candidate. See sections 74 and 82 of the Electoral Act, **Chapter 7: The ballot paper** and **Chapter 11: How-to-vote cards**.

All candidate names, postal addresses, phone, and email details will also be provided to the Department of Parliamentary Services to enable contact with successful candidates regarding their introduction into Parliament.

All internal uses of your personal information by the VEC are either required by or necessary to implement the VEC's requirements under the Electoral Act. These requirements include processing applications to:

- nominate for an election
- register a HTVC
- pay for election expenses
- monitor the distribution of electoral campaign material at or near voting centres on election day.

Under the *Freedom of Information Act 1982* (FOI Act), you have the right to access and correct any of your personal information held by the VEC. These rights are subject to the FOI Act. Further information on the VEC's privacy policy, including how to make a privacy enquiry or complaint can be found at: vec.vic.gov.au/privacy

24. Complaining about a breach of the law during your campaign

Complaint management is an important component of conducting an election.

Feedback and complaints must be submitted in writing, either through the online submission form or by email or post.

The VEC also provides accessible options to assist customers to capture their complaint, including over the phone or via an interpreting service. Easy English guides are available to assist customers to make their submission.

Online

vec.vic.gov.au/about-us/complaints

Email

complaints@vec.vic.gov.au

Post

Complaints
Victorian Electoral Commission
Level 11, 530 Collins Street
Melbourne VIC 3000

Any complaints lodged with Election Managers that require escalation will be forwarded to the VEC head office for consideration and response.

Feedback and complaint processing

Any feedback or complaint made in writing will be reviewed by the VEC.

If the feedback or complaint:

- relates to the administration of the election, including the actions and behaviour of Election Managers or election staff, it will be referred to the Electoral Commissioner or another authorised person for investigation and response.
- alleges an offence against the Electoral Act and provides appropriate evidence, it will be referred for investigation (for more information what offences are covered under the Electoral Act, see **Appendix 5: Electoral offences**)
- alleges a breach of local laws, the complaint will be directed to the Chief Executive Officer of the relevant local council
- alleges a criminal offence under other legislation, the complaint will be directed to Victoria Police or the appropriate regulator.

A person can raise their complaint directly with a local council or Victoria Police.

If the VEC does refer the matter to another regulator, the VEC will advise the person who lodged the feedback or complaint that the matter has been referred to another

regulator and the regulator to which it has been referred. In some cases, it may also be appropriate for the VEC to notify the subject of the feedback or complaint that a matter has been raised, particularly if further information is necessary.

The VEC will not discuss individual complaints with members of the media under any circumstances, not even to confirm or deny that a complaint has been received. The VEC acts to minimise situations where a complaint may be submitted for an alternative purpose.

Existing complainants may enquire about the progress of their complaint by contacting the Customer Feedback and Complaints Team on 131 832 or (03) 8620 1100.

Reporting to the VEC

Elections in Australia allow for robust debate and expression of opinion. Candidates are free to rebut opinions expressed by others in the public domain during the campaign.

- ❗ **Important: The VEC is not in a position to regulate candidate behaviour outside of the scope of the Electoral Act.** There are also civil and criminal mechanisms which can be used to regulate candidate behaviour, including injunctive action through the Supreme Court.

Consider the **Allegations Checklist** before raising an allegation with the VEC.

Allegations Checklist	
1. Appropriate to receive complaint	✓
The VEC is Victoria's electoral regulator. The VEC administers the Electoral Act and other electoral legislation. The VEC can also receive feedback about its staff and procedures.	
It might be appropriate for another regulator to receive a complaint or feedback, for example Victoria Police, IBAC, ACMA, or local council.	
2. The matter concerns an electoral offence under the Electoral Act	✓
Become familiar with the offences that exist for state elections, outlined in Appendix 5: Electoral offences	
Seek independent legal advice if unsure if a complaint can or should be made.	
3. Reporting a breach of the Electoral Act through the complaints process	✓
Any relevant evidence must be included with the complaint.	
Complaints must be made in writing to the 'Feedback and Complaints' page on the VEC website or emailed to complaints@vec.vic.gov.au	
4. Outcome after submitting a complaint	✓
The VEC will confirm by email that a complaint has been received and advise if an investigation will be conducted or the matter referred.	
If an investigation does take place, the person making the complaint will be advised of its outcome at the conclusion of the investigation.	

25. Political donations

Refer to sections 206 to 222I of the Electoral Act.

People who make and receive political donations have responsibilities to disclose them to the VEC if the donation meets certain thresholds. There are also caps on the amounts any one person can donate within the 4-year period between general elections, and certain donations are banned, see the Prohibited donations section below. People making and receiving political donations must be aware of these rules and ensure that they comply with their disclosure requirements, which exist throughout the year — not just during an election timeline.

As a candidate at a Victorian State election, you are considered a recipient if you receive donations towards your campaign. Registered political parties as well as groups of region candidates can also be recipients if they receive donations as a party or a group, respectively.

The disclosure rules apply to you from the time you make a public announcement that you intend to run as a candidate for election. This includes if you start campaigning and collecting donations, even if you do not ultimately nominate to be a candidate.

State campaign account

If you are nominating as an independent candidate, you must have a 'State campaign account' with an authorised deposit-taking institution on the Australian Prudential Regulation Authority (APRA) register at apra.gov.au/register-of-authorised-deposit-taking-institutions. You must deposit all political donations and any public funding you receive into your State campaign account. See **Chapter 26: Funding** for more information on public funding. Additionally, you **must** pay for your political expenditure from the State campaign account.

Registered political parties and groups must also have a State campaign account to manage political donations and public funding for their candidates.

Political donation caps

You cannot receive political donations equal to or more than the general cap from any single donor within the 4-year period between two State general elections. Note that the general cap applies regardless of if the amount is from an individual donation or multiple donations from a single donor in aggregate over the period.

The general cap is subject to indexation each financial year. The general cap for the 2022-2023 financial year is \$4,320.

For further indexation details please see:

vec.vic.gov.au/candidates-and-parties/political-donations/indexation

How to register for VEC Disclosures

Before you can disclose a political donation, you need to register as a user on VEC Disclosures, the VEC's political donation and annual return reporting tool.

Register for access to VEC Disclosures at: disclosures.vec.vic.gov.au

How to register: Endorsed candidates

If you are an endorsed candidate, your political party's registered officer has the obligation to register you and should already have registered you on VEC Disclosures. The registered officer is responsible for disclosing any political donations you receive and you do not have an individual annual return obligation. You must still disclose any disclosable donations that you make to another recipient. Refer to 'Disclosing a political donation' for details on how to make a disclosure.

How to register: Independent candidates

If you are an independent candidate, you must register on VEC Disclosures. Once registered you can administer your political donation and annual return obligations yourself or you may nominate an agent to do so on your behalf. More information, including user guides for VEC Disclosures, is available here: vec.vic.gov.au/candidates-and-parties/political-donations/information-for-recipients

How to register: Independent groups

You and your group members must first nominate to be independent candidates at an election before you can register to form a group. For more information about registering a group, refer to **Chapter 8: Group registration and ballot draw**.

To register your group on VEC Disclosures, all group members must have individually registered on VEC Disclosures as independent candidates.

Once your group is registered with the VEC and all group members have registered on VEC Disclosures, VEC officers will register the group on VEC Disclosures.

Each group must have an agent. The agent can be, but is not required to be, a group member. To jointly appoint an agent, group members must complete the agent attestation portion of the group registration forms included in the *Candidate kit*.

Disclosing a political donation

If you make or receive a political donation of \$1,080 or more you must disclose it on VEC Disclosures. If you are endorsed by a registered political party, you must ensure your registered officer is notified of any donations you receive as they are responsible for disclosing to the VEC donations received by endorsed candidates, endorsed elected members and the party's nominated entity. Note that the disclosure threshold is indexed each financial year.

Disclose a political donation through VEC Disclosures:

Access VEC Disclosures at: disclosures.vec.vic.gov.au/public-donations

When you disclose a political donation, you will be asked to provide details about the donor and recipient, the amount of the donation, and the date that the donation was given or received (as applicable). Donation disclosures must be made **within 21 days** of giving or receiving a donation.

Further information on disclosure rules, including the definition of what counts as a donation, can be found here: vec.vic.gov.au/candidates-and-parties/political-donations

Small contributions (under \$54) do not count towards the \$4,320 general donation cap (over a 4-year period). However, it is an offence to deliberately avoid your disclosure obligations by making or receiving multiple small donations.

You do not need to disclose political donations received under the disclosure threshold. There are no rules against disclosing these donations if you wish to do so, but the VEC will only publish on its website donations that are required to be disclosed.

Prohibited donations

You **must not** accept a political donation:

- from a donor that is not an Australian Citizen, Australian resident or an Australian business with a relevant Australian business number
- Or when you should reasonably know that the donor has exceeded the general cap
- Or from an anonymous donor

❗ Important: It is unlawful to accept a prohibited donation. Any prohibited donations must be forfeited to the VEC and further penalties may apply. See Division 3A of Part 12 of the Electoral Act.

Information you must provide to donors

If you receive a political donation, you must notify the donor of their obligation to disclose the donation when:

- the individual donation is **equal to or more than the disclosure threshold of \$1,080**
- the donation makes the total value of their donations made to you (including registered political party endorsed candidates) within one financial year meet or exceed the disclosure threshold of \$1,080
- they make further donations after the disclosure threshold of \$1,080 has been reached or exceeded within one financial year (each donation must be disclosed).

The VEC may require you to show evidence that you took reasonable steps to notify donors.

- ❗ **Important: To help you meet your reporting obligations we strongly recommend you provide donors with a receipt that clearly states the donation amount and prompts them to register the donation. If it applies, the receipt should also show the donation-cost split, such as when a donor pays for an event or purchase.**

More information for donors is available on the VEC website at vec.vic.gov.au/candidates-and-parties/political-donations/information-for-donors

Offences that apply to political donations

Offence	Prescribed penalty
Failing to disclose a donation equal to or more than the disclosure threshold via VEC Disclosures within 21 days of receiving the donation. Section 218A(1) of the Electoral Act	<i>200 penalty units.</i>
Knowingly accepting a donation above the general cap, a foreign donation or an anonymous donation equal to or more than the disclosure threshold. Section 218(5A) of the Electoral Act	<i>You must forfeit any of these donations to the State. A fine of 300 penalty units or up to 2 years imprisonment.</i>
Entering or carrying out a scheme to avoid a ban or requirement under the funding and disclosure provisions of the Act. Section 218B(1) of the Electoral Act	<i>Up to 10 years imprisonment.</i>
Giving false or misleading information in a political donation disclosure return or an annual return. Sections 218(2) and 218A(2) of the Electoral Act	<i>300 penalty units and/or 2 years imprisonment.</i>

26. Funding

There are three funding streams potentially available to eligible candidates, elected members or registered political parties under the Electoral Act: (1) Administrative expenditure funding, (2) Public funding, and (3) Policy development funding. Policy development funding is only available to registered political parties.

Administrative expenditure funding

If you are elected, you will be eligible to receive administrative expenditure funding for administrative expenses, including expenses related to meeting your funding and disclosure obligations. This funding cannot be used for political expenditure or electoral expenditure.

Independent elected members are eligible to receive up to \$216,210 per year. Registered political parties can receive a tiered amount based on the number of elected members they have, capped at 45 members.

Payments for registered political parties start at \$216,210 per year for the first elected member, \$75,660 per year for the second elected member, and \$37,850 per year for the third to forty-fifth elected members.

Elected independent members and registered officers on behalf of their elected candidates must apply through the VEC to receive administrative expenditure funding. Administrative expenditure funding is paid quarterly and in advance.

Administrative expenditure cannot be paid into a State campaign account.

Further information can be found at: vec.vic.gov.au/candidates-and-parties/funding
Refer to section 207GA of the Electoral Act for more information.

Public funding

The purpose of public funding is to cover costs associated with running a State election campaign. For endorsed candidates, your Registered Officer will make the application on behalf of the registered political party, including any claim associated with your election results.

Independent candidates are eligible to make a public funding application if they receive 4% of the first preference vote in the district/region they contest or they are elected.

The application process for public funding involves providing an audited statement of expenditure. This is a report that shows the costs you or your party incurred during the election.

If your eligibility and entitlement is properly met, within 30 days of receiving your properly completed and audited statement of expenditure, you will be paid whichever is the lesser of:

- the result of the number of first preference votes you receive multiplied by the payment rate for the house of parliament you are contesting, or
- the total amount of audited political and electoral expenditure on your statement of expenditure.

❗ Important: Public funding must be paid into a State campaign account.

Public funding is payable in Retrospective and Advanced payments.

Retrospective payments are made after the declaration of districts and region elections has occurred. To receive retrospective payments of public funding you must:

- have achieved 4% of the first preference votes (FPV) in the district or region you contest, or
- have achieved election in the district or region you contest, and
- have submitted a completed and independently audited statement of expenditure form to the VEC within 20 weeks after the election day.

Advance payments are paid annually between State general elections. For recipients of advance public funding, a 40% instalment will be paid in the first year and then in 20% instalments for each of the following three years within the 4-year election period.

To receive advanced payments of public funding you must:

- have been entitled to a retrospective payment of public funding, and
- acknowledge that if:
 - you do not contest the next state general election, or
 - you contest the next state general election and don't achieve 4% FPV in the district or region you contest, or
 - you contest the next state general election and do achieve 4% FPV and/or are elected but your FPV is less than your FPV in the previous State general election, then
 - you are liable to repay some or all of the advance public funding received over the 4-year election period, and
 - request advanced public funding in writing **at the same time** you submit your application for retrospective public funding.

❗ Important: The Statement of expenditure form acts as both part of the application form and the funding return and must be submitted with an audit certificate from an independent auditor confirming the expenditure outlined.

Further information on funding, including forms for applying for public funding can be found at: vec.vic.gov.au/candidates-and-parties/funding

Funding returns

If you receive **any** funding available to you through the Electoral Act, you have a reporting obligation in respect to the funding paid to you. The reportable elements, the timelines and the process depend on the type of funding. For endorsed candidates, your registered officer will submit the funding returns. Independent candidates and independent elected members have the following obligations:

For **Administrative expenditure funding**, the funding return is due to be submitted to the VEC within 16 weeks of the end of the calendar year (typically 22 April each year). The return must be:

- audited by an independent auditor, and
- contain a statement from you or your nominated agent that states the amount of funding spent and contains a declaration that the information contained in the return is true and correct.

For **Public funding**, the audited statement of expenditure required as part of the application process acts as the return. If you have received advance public funding payments since the last State general election, you must:

- contest the next State general election, and
- meet the conditions outlined above to receive retrospective payments of public funding.

If you have received advance public funding since the last State general election and you do not ultimately nominate as a candidate in the next State general election, or if you do not achieve 4% of the FPV's in the district or region you contest, **you will be required to re-pay the entire amount of advance public funding paid to you**. You will also be required to re-pay advance public funding if you fail to submit an audited statement of expenditure showing you incurred political expenditure that meets or exceeds your entitlement within 20 weeks after the election.

Further information on funding returns can be found at:
vec.vic.gov.au/candidates-and-parties/funding

27. Annual returns

Annual returns must be submitted to the VEC by reporting entities each year. Annual returns report on the transactions involving the state campaign account kept by each reporting entity. The VEC uses annual returns to check that entities are complying with their funding and disclosure obligations, including the disclosure of political donations.

For endorsed candidates the Registered Officer of your registered political party will complete the annual return. Annual returns by registered political parties must be accompanied by an audit certificate from a registered company auditor.

Independent candidates, groups of independent candidates, and independent elected members are only required to lodge an annual return if they have received political donations that met or exceeded the disclosure threshold for the reporting year. These reporting entities must submit their annual return through VEC Disclosures at disclosures.vec.vic.gov.au accompanied by an audit certificate from an independent auditor.

❗ Important: Annual returns for the 2021-22 and 2022-23 financial years are due by 20 October following the end of each financial year.

Further information regarding annual returns for independent candidates can be found here: vec.vic.gov.au/candidates-and-parties/annual-returns/independent-candidates

Appendix 1: HTVC applicant checklist

Do not mass produce HTVCs until the VEC confirms the HTVC is registered	Check
Is the HTVC for a single district or region only? (For applicants other than registered political parties)	
Have you submitted an electronic PDF copy version of the how-to-vote-card in “final print ready format” ?	
Have you submitted 2 hard copies of the how-to-vote-card in final print ready format ?	
Have you completed the how-to-vote-card declaration form?	
If the how-to-vote-card includes text in a language other than English, have you attached a translation? Have you included the authorisation and endorsement statement in all languages including English?	
Does the how-to-vote-card clearly identify the person, Registered Political Party, organisation, or group it is being distributed for?	
<p>For district HTVCs: Is the order of voting preference included on the how-to-vote-card for all candidates listed? No number can be used more than once and no boxes can be blank. Or the how-to-vote-card must include a statement to instruct the voter to number all the boxes.</p>	
<p>For region HTVCs: Have you indicated a voting preference for one group above the line? OR A voting preference for all candidates below the line? OR A statement included that the number 1 must be placed above the line for the preferred candidate or at least the numbers 1-5 in order of preference below the line.</p>	
Are any candidates listed on the HTVC in ballot paper order, with correct spelling of their name?	
Have you made sure that no “titles” (e.g. Mr, Mrs, Ms, Dr. or MP), or other designations are included against the names of candidates?	
Have you checked that the Logo/emblem/insignia is at least the prescribed size (4cm ²)?	
Have you made sure that the how-to-vote-card is not misleading, deceptive, offensive, or obscene?	
<p>Has the name and street address of the authoriser been included on the how-to-vote card? Authorisation statement must be printed in all languages and English. <i>E.g. Authorised by Jane Smith, 123 Sample Street, Melbourne</i></p>	
<p>Have the details of the Printer been included on the how-to-vote card? <i>E.g. Printed by: Sample Printers, 11A Example Street, Melbourne</i></p>	
<p>Have you included the endorsement ‘Registered by the Victorian Electoral Commission’ on the footer of your print-ready how-to-vote card? It cannot appear on cards distributed at early voting centres until it has been registered.</p>	

Appendix 2: How-to-vote card examples

Region HTVC example

1. Candidate party

2. Region name

3. LOGO
Min 4cm²

Either Vote 1 above the line
GROUP LETTER

4. 1

PARTY ABBREVIATION

Or Vote below the line by
numbering 1 to at least 5

GROUP LETTER **GROUP LETTER**

3	Candidate Seventeen Locality	5. 1	Candidate Twenty Two Locality
4	Candidate Eighteen Locality	2	Candidate Twenty Three Locality
5	Candidate Nineteen Locality		
	Candidate Twenty Locality		
	Candidate Twenty One Locality		

7. 1

6. Authorised by Joe Citizen, 104 Smith Street, Smithton
Printed by Special Printers, 87 Top Street, Smithton South
Registered by the Victorian Electoral Commission

1. Identify

Clearly identify the person, political party, organisation, or group – on whose behalf the card is to be distributed.

2. Region name

Check that the Region Name is spelt correctly. And it is for the correct region.

3. Logo

Make sure that the size of any logo, emblem, or insignia belonging to the person, or group – is at least 4 cm².

4. Voting above the line (Option 1)

Indicate a voting preference for one group in a square above the line.

5. Voting below the line (Option 2)

Place at least the numbers 1 to 5 opposite the names of candidates in order of preference.

6. Authorisation

The HTVC must be authorised with the name and full street address of the person authorising the card. Make sure “Authorised” is spelt correctly.

7. Footer

Make sure to have:

- Full street address and place of business of printer
- VEC Endorsement (required for registered HTVCs).

District HTVC example

1. Candidate party

2. District name

3. LOGO
Min 4cm²

SMALL BALLOT PAPER
Number all the boxes from **1** to **6**

5. DISTRICT OF
DISTRICT NAME

4. CANDIDATE, One

1. CANDIDATE, Two

2. CANDIDATE, Three

3. CANDIDATE, Four

5. CANDIDATE, Five

6. CANDIDATE, Six

4. Remember to **number every box** to make your vote count

8. Authorised by Joe Citizen, 104 Smith Street, Smithton
Printed by Special Printers, 87 Top Street, Smithton South
Registered by the Victorian Electoral Commission

7.

1. Identify

Clearly identify the person, political party, organisation, or group – on whose behalf the card is to be distributed.

2. District name

Check that the District Name is spelt correctly. And it is for the correct district.

3. Logo

Make sure that the size of any logo, emblem, or insignia belonging to the person, or group – is at least 4 cm².

4. Candidates

Candidates must be listed, in ballot paper order, and with the exact same spelling as the ballot paper, including any punctuation or capitalisations.

Do not include designations, e.g. Dr., Prof. or MP.

5. Voting

If the HTVC contains a representation of the ballot paper, then every box must be numbered, and no number can be used more than once.

6. Numbering every box

Ensure to instruct people to number every box.

7. Authorisation

The HTVC must be authorised with the name and full street address of the person authorising the card. Make sure “Authorised” is spelt correctly.

8. Footer

Make sure to have:

- Full street address and place of business of printer
- VEC Endorsement (required for registered HTVCs).

You may wish to produce a how-to-vote-card which instructs electors on where to direct their first preference for a district election but does not contain preference instructions for the remainder of the ballot. In this case, you must ensure that your HTVC contains the instruction that voters must number every box to ensure they cast a formal vote. Here is an example:

Open district HTVC example

The image shows a template for an Open district HTVC card. It features several numbered callouts (1-6) pointing to specific elements:

- 1.** Points to the text: "How to put Candidate / Party first in DISTRICT X".
- 2.** Points to the same text as 1.
- 3.** Points to a grey box labeled "LOGO Min 4cm²".
- 4.** Points to the instruction: "Remember to **number every box** to make your vote count".
- 5.** Points to the footer text: "Authorised by Joe Citizen, 104 Smith Street, Smithton Printed by Special Printers, 87 Top Street, Smithton South Registered by the Victorian Electoral Commission".
- 6.** Points to the footer text.

The card content includes:

How to put Candidate / Party first in DISTRICT X

On your ballot paper **number every box** in order of your preference

Put _____ first
CANDIDATE NAME

1 CANDIDATE NAME

Remember to **number every box** to make your vote count

Authorised by Joe Citizen, 104 Smith Street, Smithton
Printed by Special Printers, 87 Top Street, Smithton South
Registered by the Victorian Electoral Commission

1. Identify

Clearly identify the person, political party, organisation, or group – on whose behalf the card is to be distributed.

2. District name

Check that the District Name is spelt correctly. And it is for the correct district.

3. Logo

Make sure that the size of any logo, emblem, or insignia belonging to the person, or group – is at least 4 cm².

4. Numbering every box

Ensure to instruct people to number every box.

5. Authorisation

The HTVC must be authorised with the name and full street address of the person authorising the card. Make sure "Authorised" is spelt correctly.

6. Footer

Make sure to have:

- Full street address and place of business of printer
- VEC Endorsement (required for registered HTVCs).

Appendix 3: Region counting timetable

Date	Early Votes Primary and Recheck	Ordinary Votes Primary and Recheck	Absent Votes Primary and Recheck	Postal Votes Primary and Recheck	Marked as Voted and Provisional Votes Primary and Recheck	BTL Data Entry and loading of ATL votes – all Regions
Saturday 26 November (Election Day)	From 8am: Commence sort in EVCs	6pm: Primary count in voting centres	6 pm: Voting centres reconcile and package absent votes	8 am: Extract, sort and reconcile all postal votes returned to-date (that are to be admitted) at CAS	Package votes for vote exchange	
Sunday 27 November	Package out-of-District Region early votes for vote exchange <u>Metro regions:</u> Vote exchange collected from EVCs and delivered to CAS for processing		Absent votes prepared for vote exchange in hubs (metro regions) and EOs (country regions)	Complete primary count of all extracted papers (from election day) at CAS. Extraction for close seats only at CAS	Package votes for vote exchange	
Monday 28 November	Primary count of own (District) Region papers in EVCs <u>Metro Regions:</u> Commence processing vote exchange at CAS		Preparation of absent vote exchange completed (hubs and EOs). Metro regions delivered to CAS.	Complete recheck of all extracted papers (from election day) at CAS. Extraction for District close seats only at CAS.	Provisional vote checking and extraction commences at CAS	
Tuesday 29 November	<u>Metro regions:</u> Complete processing vote exchange at CAS <u>Country regions:</u> Vote exchange collected from EVCs and delivered to CAS for processing.	Recheck commences in metro hubs and country EOs	<u>Country Regions:</u> Vote exchange delivered to CAS <u>All Regions:</u> Commence processing vote exchange at CAS	Extraction for all Districts at CAS	Continue provisional vote checking and extraction at CAS	

Wednesday 30 November	Complete processing vote exchange at CAS Commence rechecks in metro hubs and country EOs	Rechecks continue	Complete processing vote exchange at CAS	Extraction for all Districts at CAS	Continue provisional vote checking and extraction at CAS	
Thursday 1 December	Rechecks completed in metro hubs and continue in country EOs	Rechecks completed		Extraction for all Districts at CAS	Continue provisional vote checking and extraction at CAS	
Friday 2 December (Last day to accept postal votes into count (6pm))	<u>Metro Regions:</u> BTLs are dispatched from hubs to CAS <u>Country regions:</u> Rechecks completed in EOs	<u>Metro Regions:</u> BTLs are dispatched from hubs to CAS		Extraction for all Districts at CAS	Complete provisional vote checking and extraction at CAS	Receive and reconcile BTL votes from metro region hubs at CAS
Saturday 3 December	Commence vote exchange primary and recheck counts at CAS			Complete extraction for all Districts at CAS		Batch creation at CAS for BTL votes commences. Progressive batching of other BTL votes counted at CAS
Sunday 4 December	Complete vote exchange primary and recheck counts at CAS		Commence vote exchange primary and recheck counts at CAS			Progressive batching of other BTL votes counted at CAS
Monday 5 December	<u>Country Regions:</u> BTLs are dispatched from EOs to CAS	<u>Country Regions:</u> BTLs are dispatched from EOs to CAS	Complete vote exchange primary and recheck counts at CAS	Primary and recheck counts all extracted papers		Receive and reconcile BTL votes from country EOs and commence batching. Progressive batching of other BTL votes counted at CAS
Tuesday 6 December	Primary and recheck counts of ISOS votes at CAS and other centralised support votes.					Commence first round of BTL data entry. Complete batching of country EO BTLs. Progressive batching of all other BTL votes. Continue first round of BTL data entry.

Wednesday 7 December	Complete batching of all other BTL votes. Continue first round of BTL data entry.						
Thursday 8 December	Continue first round of BTL data entry						
Friday 9 December	Complete first round of BTL data entry						
Saturday 10 December	Commence second round of BTL data entry						
Sunday 11 December	Continue second round of BTL data entry						
Monday 12 December	Complete second round of BTL data entry.						
Tuesday 13 December	Entry of ATL votes and final reconciliation checks. Calculate results at CAS.						
Wednesday 14 December	Commence declarations at CAS. Any recounts are commenced at CAS						
Thursday 15 December	Any recounts continue						
Friday 16 December	Any recounts are completed and declarations occur at CAS						
Saturday 17 December (Last Day for Return of Writs)							

This is a proposed timeline only. Timings are subject to change.

EO = election office
 EVC = early voting centre
 CAS – centralised activity site
 ISOS = interstate and overseas venues
 MAV = marked as voted

BTL = below-the-line
 ATL = above-the-line

Where time allows in the District counting schedule, Region counts may commence earlier than shown in this timeline (counting activities will be communicated to RPPs and independent candidates on a daily basis).

Where Region papers are not progressing straight to count after sorting/processing/extraction, they will be securely stored until counting commences.

Appendix 4: Ballot paper formality

Region ballot papers

There are 2 ways for voters to cast a region vote:

- by writing their preference in one of the squares above the line on the ballot paper
- by writing a number 1 and up to at least a number 5 next to candidates' names below the line on the ballot paper.

General formality rules for region votes:

- Amendments to the ballot paper are acceptable if the voter's intention is clear. All other marks must be ignored.
- Preferences placed outside boxes are acceptable if the voter's intention is clear.
- Any poorly formed numbers must be considered in the context of the whole ballot paper and are acceptable if they can reasonably be construed as numbers in the sequence.
- Unconventional-but-recognisable numbers, such as continental 1s and 7s, are acceptable. Roman numerals are also acceptable if all numbers are clearly written in this format. Other 'non-English' characters are not acceptable. Numbers may be spelled out, but only in English. Examples of recognisable numbers:

ONE	SEVEN
<i>i</i>	<i>vii</i>
1	7
<u>1</u>	7
1	7
I	VII

- Ballot papers without an initial by an election official must not be excluded for that reason alone if the ballot paper is printed on official VEC security paper.
- Unlike for district votes, ticks, crosses and other marks are acceptable in some cases on a region ballot paper marked above the line (see below).

Above-the-line votes

Formal above-the-line votes

Above-the-line votes are formal if a clear preference appears **above** the line on the ballot paper. This includes if:

- the number one ('1') appears by itself in a single square
- a single tick, cross, non-numeric mark of any kind, or the word 'yes' appears in a single box and the voter's intention is clear

- more than one preference, starting with the number 1, appears. Other preferences can be ignored
- more than one preference appears, but one is the number 1, and the others are crossed out as mistakes.

Informal above-the-line votes

Above-the-line votes are informal if:

- the number 1 appears more than once above the line
- the number 1 and a tick, the number 1 and a cross, or the number 1 and a mark appear above the line in different boxes
- a tick, a cross or a mark appear above the line in different boxes
- there is more than one tick, cross or mark above the line in different boxes
- a single number other than the number 1 appears above the line
- the voter's intention to record a single preference above the line is unclear for any reason.

Below-the-line votes

Formal below-the-line votes

Below-the-line votes are formal if at least the numbers 1 to 5 appear in sequential order below the line.

Informal below-the-line votes

Below-the-line votes are informal if:

- the number 1 does not appear against any candidate's name
- any of the numbers 1 to 5 appear more than once against more than one candidate's name
- any of the numbers between 1 and 5 are missing. Mistakes in numbering outside of 1 to 5 are acceptable and can be ignored.

When ballot papers are marked both above and below the line

If a voter has marked a region ballot paper both above and below the line:

- and both parts of the ballot paper are formal, the preferences marked below the line will be used for counting
- and only one part of the ballot paper is formal, the formal part will be used for counting
- and both parts of the ballot paper are informal, the vote is informal.

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
Ungrouped								
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>			<input type="checkbox"/>
<input type="checkbox"/>				<input type="checkbox"/>				<input type="checkbox"/>

Formal: The voter has marked one box above the line.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>					
Ungrouped								
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>			<input type="checkbox"/>
<input type="checkbox"/>				<input type="checkbox"/>				<input type="checkbox"/>

Formal: A number 1, a tick, or a cross appears by itself above the line.

2								

Formal: A first preference appears above the line. The numbers after 1 are ignored.

					✓			
								Ungrouped
					1			
					2			4
					3			
								5

Formal: Both above- and below-the-line marks are formal. The below-the-line numbers will be used for the count.

□	□	1	□	□	✓	□	□	
□	□	□	□	□	1	□	□	Ungrouped
□	□	□	□	□	2	□	□	□
□	□	□	□	□	3	□	□	□
□	□	□	□	□	4	□	□	□
□	□	□	□	□	5	□	□	□

Formal: The above-the-line section is informal and the below-the-line section is formal as the numbers 1 to 5 appear. The below-the-line numbers will be used for the count.

□	□	1	□	□	□	□	□	
1	6	8	11	□	13	□	□	Ungrouped
2	7	9	□	12	14	18	□	□
3	□	10	□	□	15	19	□	20
4	□	□	□	□	16	□	□	□
5	□	□	□	□	17	□	□	□

Formal: The above- and below-the-line sections are formal. In the below-the-line section both a 1 and a cross appear. However, a cross is not an indicator of preference below the line and can be ignored. The below-the-line numbers will be used for the count.

☺								
								Ungrouped
☐	☐	☐	☐	☐	☐	☐	☐	☐
☐	☐	☐	☐	☐	☐	☐	☐	☐
☐		☐	☐		☐	☐	☐	☐
☐			☐		☐			☐
☐					☐			☐

Formal: The voter has marked a single box above the line.

☐								
								Ungrouped
1	6	☐	1	2	1	☐	3	☐
2	7	☐	2	1	3	☐	2	☐
3		☐	3		4	☐	1	☐
4			4		2			☐
5					5			☐

Informal: The numbers 1 to 5 appear more than once below the line.

<input type="checkbox"/> 2	<input type="checkbox"/>	<input type="checkbox"/>						
								Ungrouped
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						
<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>					<input type="checkbox"/>		<input type="checkbox"/>	

Informal: A single number other than 1 appears above the line – the voter’s intention is unclear.

<input type="checkbox"/> 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 1	<input type="checkbox"/>	<input type="checkbox"/> 2	<input type="checkbox"/>	
								Ungrouped
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>					<input type="checkbox"/>		<input type="checkbox"/>	

Formal: The voter’s intention is clear.

Damaged ballot papers

Election officials may come across torn or cut ballot papers. If a ballot paper is cut or torn during processing by an election official, and there is no doubt that the different parts belong to the same ballot paper, they can be taped together and counted as one ballot paper.

If an election official is sure a voter had access to all candidate and party information on the ballot paper when recording their preferences, the ballot paper can be ruled 'formal' if it meets all other formality requirements.

If a ballot paper is torn across one of the boxes next to a candidate's name, but the preference in the box can still be understood, the ballot paper may still be deemed formal. See below for an example of a damaged ballot paper.

Damaged region ballot papers

<input type="checkbox"/>	<input type="checkbox"/>	1	<input type="checkbox"/>					
								Ungrouped
1	6	8	11	<input type="checkbox"/>	13	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	7	9	<input type="checkbox"/>	12	14	18	<input type="checkbox"/>	<input type="checkbox"/>
3		10	<input type="checkbox"/>		15	19	<input type="checkbox"/>	20
4			<input type="checkbox"/>		16		<input type="checkbox"/>	<input type="checkbox"/>
5					17		<input type="checkbox"/>	<input type="checkbox"/>

Formal: Both above- and below-the-line marks are formal. The ballot paper is formal below the line because all squares below the line are visible, even though the paper is damaged.

Appendix 5: Electoral offences

Refer to the *Electoral Act 2002 (Vic)* for electoral offences.

Offences that apply at all times

False information

It is an offence to provide orally or in writing any false or misleading information under the Electoral Act, or to make a declaration, application or claim which is false or misleading. Refer to section 148 of the Electoral Act.

A separate offence applies if the false or misleading information is provided for Part 12 of the Electoral Act.

This includes, but is not limited to:

- Making a false statement in a candidate nomination declaration
- Making a false statement when applying to register a how-to-vote card
- Making a false declaration as to your identity
- Providing false information when completing a vote declaration
- Providing false enrolment information
- Providing false information about the electors supporting a nomination, for example false addresses.

Indictable Offence

PENALTY: 600 penalty units or 5 years imprisonment

It is an offence for a registered officer of a registered political party or a candidate to give a statement under Part 12 of the Act that contains information that the registered officer or candidate knows to be false or misleading. Refer to sections 218(1) and 218(2) of the Electoral Act.

PENALTY: 300 penalty units or 2 years imprisonment

It is an offence for a person to provide false or misleading information to a person required to give a statement under section 218(5) of the Electoral Act.

PENALTY: 300 penalty units or 2 years imprisonment

Forging

A person must not make or use a false electoral paper knowing it to be false, or forge the signature of any person on any electoral paper. Refer to section 149 of the Electoral Act.

An electoral paper includes a form prescribed by the Electoral Regulations 2022, or an application or declaration made under the Act.

Indictable Offence

PENALTY: 600 penalty units or 5 years imprisonment

Bribery

A person must not give, or promise or offer to give, a benefit of any kind, including property, to a person in order to influence or affect that person's or any other person's election conduct. Refer to section 151(2) of the Electoral Act.

Conversely, a person must not ask for, receive or obtain (or offer or agree to do these things) a benefit of any kind, including property, from another person on an understanding that the person's election conduct will be influenced or affected. Refer to section 151(1) of the Electoral Act.

Indictable Offence

PENALTY: 600 penalty units or 5 years imprisonment

Enter into or carry out a scheme

A person must not enter into or carry out a scheme with the intention of circumventing a prohibition or requirement under Part 12 of the Electoral Act. Refer to section 218B of the Electoral Act.

Indictable Offence

PENALTY: 10 years imprisonment

Interference with political liberty

A person must not hinder or interfere with the free exercise or performance of any other person's political right or duty relevant to an election. Refer to section 152(1) of the Electoral Act.

Indictable Offence

PENALTY: 600 penalty units or up to 5 years imprisonment

A person must not, by violence or intimidation, influence the vote of a person at an election. Refer to section 152(2) of the Electoral Act.

Indictable Offence

PENALTY: 600 penalty units or up to 5 years imprisonment

Impersonation

A person must not pretend to be a VEC employee, Election Manager or election official in the performance of duties or the exercise of powers under the Electoral Act. Refer to section 160 of the Electoral Act.

PENALTY: 10 penalty units

Misuse of enrolment and postal voter information

A person, party or organisation must not use enrolment information that is provided by the Commission (including copies of the electoral roll given to candidates) except for the purpose for which it was provided. Refer to section 36(1) of the Electoral Act.

For candidates, this purpose must be in connection with the election or monitoring the accuracy of the information on the electoral roll.

PENALTY: 600 penalty units or six months imprisonment for an individual and 3000 penalty units for a body corporate

It is also an offence to disclose enrolment information except for the purpose for which it was provided. Refer to section 37(2) of the Electoral Act.

A person must not use enrolment information for a commercial purpose. Refer to 37(3) of the Electoral Act.

PENALTY: 600 penalty units or six months imprisonment for an individual and 3000 penalty units for a body corporate

A person must not use or disclosure postal voter information that is provided by the Commission under section 104A unless it is for a purpose in connection with the election. Refer to section 104A(4).

PENALTY: 600 penalty units or six months imprisonment for an individual and 3000 penalty units for a body corporate

Authorisation of electoral material

A person must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, an electoral advertisement, handbill, pamphlet or notice unless:

- a. the name and address of the person who authorised the electoral advertisement, handbill, pamphlet or notice appears; and
- b. in the case of an electoral advertisement, handbill, pamphlet or notice that is printed or published otherwise than in a newspaper, the name and place of business of the printer or publisher appears. Refer to section 83(1) of the Electoral Act.

PENALTY: 10 penalty units for an individual or 50 penalty units for a body corporate

Authorisation of how-to-vote cards

A person must not print, publish or distribute or cause to be printed, published or distributed a how-to-vote card unless it contains the name and address of the person who authorised it and the name and place of business of the printer or publisher. Refer to section 83A(1) of the Electoral Act.

PENALTY: 10 penalty units for an individual and 50 penalty units for a body corporate

Headings of electoral advertisements

Newspaper proprietors must ensure that all paid paragraphs or articles containing electoral matter that appear in their newspapers are headed by the word 'Advertisement'. Refer to section 85 of the Electoral Act.

PENALTY: 5 penalty units for an individual and 25 penalty units for a body corporate

Misuse of election information

Parties and independent elected members can receive election information about electors who voted, whether they voted personally or by post, and which voting centre they voted at (where applicable). This information contains the names and addresses of the voters, unless they are a silent or itinerant voter. Refer to section 123(2) of the Electoral Act.

A person must not use or permit the use of electoral information for any purpose other than in connection with an election. Refer to section 123(4) of the Electoral Act.

PENALTY: 600 penalty units for an individual and 3000 penalty units for a body corporate

Unlawful donations

A person must not knowingly make or accept a political donation that is unlawful under the Electoral Act. Refer to section 218(5A) of the Electoral Act.

A donation may be unlawful if:

- the donor is not an Australian citizen, Australian resident or does not have a relevant business number (if not a natural person)
- the donation is equal to or above the disclosure threshold and made anonymously
- the donation exceeds the general cap and the recipient knows or should have reasonably known that the donation exceeds the general cap.

PENALTY: 300 penalty units or 2 years imprisonment

Donation disclosure offences

A person who receives a political donation equal to or more than the disclosure threshold and fails to disclose that donation via the VEC's online disclosure system within 21 days of receiving the donation is guilty of an offence. Refer to section 218A(1) of the Electoral Act.

PENALTY: 200 penalty units

A person who provides or discloses a donation via the VEC's online disclosure system that contains information that the person knows is false or misleading is guilty of an offence. Refer to section 218A(2) of the Electoral Act.

PENALTY: 300 penalty units or 2 years imprisonment

It is an offence for a person to provide false or misleading information to a person required to provide a donation disclosure or annual return. Refer to section 218A(3) of the Electoral Act.

PENALTY: 300 penalty units or 2 years imprisonment

A person who makes or obtains a record that includes details which are, or could be, required to be disclosed in a donation disclosure or an annual return must retain the record for at least 4 years after the disclosure or annual return is provided to the Commission. This does not apply where records are transferred in the normal course of business administration. Refer to section 218A(4) of the Electoral Act.

PENALTY: 200 penalty units

Offences that apply between the issue of the writs and 6 pm on election day

Misleading or deceptive matter

A person must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any matter or thing that is likely to mislead or deceive an elector in relation to the casting of the vote of the elector. Refer to section 84(1) of the Electoral Act.

The Courts have interpreted this section to concern misleading or deceptive conduct which might affect the process of casting a vote rather than the formation of the political judgment about how the vote will be cast. That is, the section concerns conduct that is likely, for example, to lead a voter to make an invalid vote or to record a valid vote but not for the candidate or candidates of the voter's choice.

The Electoral Act does not regulate the truthfulness of political messages or claims in election material, except where it is likely that the message or claim misleads or deceives voters in relation to casting their vote.

If you are unsure, seek independent legal advice.

Examples of a thing which is likely to mislead or deceive an elector includes:

- a statement that a person who wishes to support a particular party should vote for a particular candidate, when that candidate in fact does not belong to that party. For example: "Vote for Candidate A and you'll get Party B" where Candidate A is not endorsed by or in coalition with Party B.
- representing a candidate endorsed by a political party as an independent
- representing an independent as being endorsed by a political party
- a sign which instructs that the only way to cast a valid vote is to vote for a particular party
- providing incorrect information about the hours and place of a voting centre.

In contrast, statements like “Vote 1 for Candidate A, your true local candidate” where Candidate A does not live or work locally, is unlikely to fall within the narrow definition of misleading under section 84 of the Electoral Act.

A person must also not print, publish or distribute or cause, permit or authorise to published or distributed any electoral advertisement, handbill, pamphlet or notice that contains an image or representation of a ballot paper for the election which is likely to make a voter mark their ballot paper in a different way to the ballot paper instructions which may result in the vote made being informal.

Examples of where material may be in breach of section 84(2) include:

- giving misleading or incomplete instructions for how to correctly complete the ballot-paper
- telling voters to tick boxes or indicate their preferences using letters of the alphabet
- leaving boxes blank on a representation of a district ballot paper.

PENALTY: 600 penalty units or up to 5 years imprisonment

Tampering

A person must not open any sealed envelope containing a ballot-paper or deal with ballot material, unless authorised by or under the Act. Refer to section 153 of the Electoral Act.

This includes a person opening posted ballot material which is not addressed to that person.

PENALTY: 600 penalty units or up to 5 years imprisonment

Secrecy of vote

Except as authorised under the Act, a person who is present when an elector votes must not ascertain or disclose the elector’s vote, attempt to induce the elector to show how the elector intends to vote, communicate with the elector during voting, or look at the elector’s vote. Refer to section 154 of the Electoral Act.

PENALTY: 120 penalty units or one year imprisonment

Distribution of printed electoral material (how-to-vote card)

It is an offence to print, publish, or distribute a how-to-vote card which has not been registered and which suggests that it has been registered with the Victorian Electoral Commission. Refer to section 156(2) of the Electoral Act.

PENALTY: 60 penalty units or six months imprisonment

Compulsory voting

Voting is compulsory for all electors, including candidates, for the electorate for which they are enrolled. Refer to section of 166 and 170 of the Electoral Act.

An elector may have a valid and sufficient excuse for not voting.

PENALTY: Half a penalty unit if paid as an infringement penalty, otherwise one penalty unit.

Voting offences

A person must not vote in the name of another person (including a dead or fictitious person), vote more than once, or apply for a ballot paper in the name of another person. Refer to section 150 of the Electoral Act.

Indictable Offence

PENALTY: 600 penalty units or 5 years imprisonment

Offences that apply at a voting centre

These offences may apply in respect to early voting centres, mobile voting centres and election day voting centres.

Interference with political liberty

A person must not subject any person, who within 100 metres of the entrance of a building used as a voting centre is handing out how-to-vote cards or supporting a candidate at an election, to violence or intimidation. Refer to section 152(4)(5) of the Electoral Act.

Indictable Offence

PENALTY: 600 penalty units or up to 5 years imprisonment

Conduct near voting centres

The following acts are prohibited within 6 metres of the designated entrance of, or within, the building used as a voting centre during voting hours:

- canvassing for votes
- asking for the vote of any elector
- inducing any elector not to vote for any particular candidate, or not to vote at the election
- exhibiting any notice or sign (other than an official notice) relating to the election
- conducting an exit poll

- if the person is a scrutineer, or is employed or appointed by the VEC, wearing any badge, emblem or slogan of a candidate or political party. Refer to section 158 of the Electoral Act.

PENALTY: 5 penalty units

Exhibition of notice or sign

A person must not exhibit any notice or sign in relation to the election within 100 metres of the designated entrance of a voting centre except as provided by the Electoral Act. Refer to section 158A(2) of the Electoral Act.

- Each candidate – whether they are an endorsed candidate or independent – must not display more than 2 signs.
- Where there are 2 or more candidates endorsed by the same registered political party for the Legislative Council, these candidates must not display more than 2 signs in total between them.
- Political parties must not display more than 2 signs (in addition to those displayed by their candidates).
- All signs and notices must not exceed 600mm by 900mm.
- These rules do not apply to official notices or signs, such as those of the VEC.

PENALTY: 5 penalty units

Prohibition of use of public address system

A person must not, during the hours of voting, use any loudspeaker, public address system, amplifier or other device to disseminate something to affect the result of the election, or make any public demonstration about an election, within 400 metres of the entrance of, or within the building used as, a voting centre. Refer to section 159 of the Electoral Act.

PENALTY: One penalty unit

Offences that only apply on election day

Distribution of printed electoral material (within 400 metres)

A person may not distribute printed electoral material other than registered how-to-vote cards within 400 metres of the entrance of, or within the building used as, a voting centre on election day. Refer to section 156(1) of the Electoral Act.

PENALTY: 60 penalty units or six months imprisonment

Prohibition of public dissemination of exit poll results

A person may not, during the hours of voting, publicly disseminate (or cause, permit or authorise the public dissemination) of the results of an exit poll carried out at an election day voting centre. Refer to section 155 of the Electoral Act.

PENALTY: 60 penalty units or 6 months imprisonment

Injunctions

If a person has engaged, is engaging, or is proposing to engage in any conduct that would constitute a contravention of the Act (or any other law of Victoria in its application to elections), the Supreme Court may, on the application of a candidate or the VEC, grant an injunction restraining the person from engaging in the conduct.

Similarly, if a person has refused or failed, is refusing or failing, or is proposing to refuse or fail to do an act or thing and the refusal or failure was, is, or would be, a failure to comply with the Act (or any other law of Victoria in its application of elections), the Supreme Court may, on the application of a candidate or the VEC, grant an injunction requiring the person to do that act or thing. Refer to section 176 of the Electoral Act.

Appendix 6: Glossary of terms

Term	Meaning
Absent vote	A vote cast at a voting centre by an elector who is outside of their district on election day.
Authorised period	The period on election day prior to the close of voting that allows for the extraction and sorting of votes. This is 10 hours prior to the close of voting.
Candidate	<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:</p> <ul style="list-style-type: none"> • a person who has been selected by a registered political party to be a candidate in an election, or • a person other than a member of a registered political party, who has publicly announced an intention to be a candidate in an election.
Canvassing	Campaigning for votes at an election for a candidate or political party.
Central activities site (CAS)	Central location where multiple activities will take place, including postal vote processing, telephone assisted voting and extraction and counting activities.
Close of roll	The last day to enrol or update enrolment details prior to an election. The roll closes at 8 pm, 7 days after the date of the issue of the writ.
Declaration vote	Votes that require a written declaration by the voter. There are several types of declaration vote: postal vote, absent vote, provisional vote and a vote by an elector whose name on the roll has already been marked.
Designated entrance to voting centre	The nominated entry point to a voting centre as specified by the VEC. A voting centre can have more than one designated entrance.
District	An electorate for the Legislative Assembly. There are 88 districts, each electing one member. There are 11 districts in a region.
Early vote	Electors can vote before election day at an early voting centre.

Early voting centres	<p>Types of early voting centres:</p> <ul style="list-style-type: none"> static early voting centres where an eligible elector can vote up to 6 pm on the day before election day (either in Victoria, interstate, or overseas) mobile voting facilities to assist electors to cast a vote. The voting is mobile because election officials move around the premises and issue votes directly to patients or residents. Mobile voting centres operate for a scheduled period. <p>The Electoral Commissioner appoints early and mobile voting centres for each election.</p>
Election	Means a general election, a by-election, a supplementary election, or a re-election.
Election day	The day named as the election day on the Writ for an election.
Election Manager	A senior election official appointed by the Electoral Commissioner to conduct an election for an electorate.
Election office	The location from where the Election Manager conducts the election for a district.
Election official	A person appointed by the Election Manager to assist the voting centre manager with voting and counting at an election day voting centre.
Election period	In relation to election expenditure and political donations, means the period commencing on the day after election day of a general election and ending on election day of the subsequent general election.
Elector	A person whose name appears on the electoral roll for the election.
Electoral Act	<i>Electoral Act 2002 (Vic)</i>
Electoral Commissioner	A person appointed by the Governor-in-Council to be responsible for the administration of electoral law in Victoria. The Electoral Commissioner is the Chief Executive Officer of the VEC with the power to appoint Election Managers, voting centres, and early voting centres.
Electoral expenditure	Electoral expenditure [as defined in section 206 of the Electoral Act] incurred in relation to an election within the period of 12 months immediately before election day.
How-to-vote card	<p>Any electoral material that:</p> <ul style="list-style-type: none"> includes a representation of a ballot paper, including partial or purported partial representations of a ballot paper or 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.

Independent candidate	A candidate not endorsed by a registered political party
Mobile billboard	Any billboard that is capable of being displayed while being transported by any means. This includes billboards attached to vehicles such as bicycles or cars, vehicles that are painted or vinyl wrapped, as well as billboards that can be worn by a person or animal. It does not include stickers on vehicles which are permitted under 158(4)(a) of the Electoral Act.
Ordinary vote	A vote cast at a voting centre in the elector's own district on election day.
Party / candidate worker	A person who assists a candidate by distributing how-to-vote cards or other electoral material outside a voting centre.
Penalty unit	A unit used to define the amount payable for fines for many offences recorded in Victoria's Acts and Regulations. The dollar amount of a penalty unit is released on 1 July every year. vec.vic.gov.au/candidates-and-parties/funding/funding-glossary#penalty-unit
Political expenditure	Expenditure for the dominant purpose of directing how a person should vote, by promoting or opposing the election of any candidate, registered political party or elected member.
Provisional vote	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.
Publish	To publish by any means, including by publication on the internet.
Recheck	The standard procedure undertaken by an Election Manager when ballot papers are re-examined for formality and correct sorting. Should not be confused with the term 'recount'.
Recount	A re-examination and count of all formal and informal ballot papers before the declaration of an election.
Region	An electorate for the Legislative Council. There are 8 regions, each electing 5 members comprising 11 districts.
Registered officer	The person whose name appears on the Register of Political Parties for a party
Registered political party	A political party that is registered with the VEC on the 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 district ballot paper(s) or above the group name above the line on region ballot paper(s). Further information can be found at: vec.vic.gov.au/candidates-and-parties/register-a-party
Relevant period	In relation to an election, means the period that starts on the day on which the writ is issued for the election and ends at 6 pm on election day.

Restricted zone	The area established under section 110J (6) of the Electoral Act that allows early and postal vote extraction and sorting to take place prior to the close of voting to ensure the security and secrecy of the process.
Scrutineer	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.
Silent elector	A silent elector's address details are not included on the roll because of a request made under section 31 of the Electoral Act. The elector's address is listed on the roll as 'address suppressed' because they have declared that having their address details on the roll would place their safety, or their family's safety, at risk.
Telephone assisted voting	A secure voting facility provided by the VEC for electors prescribed by the regulations to use this service.
Victorian Electoral Commission (VEC)	The VEC is responsible for the conduct of state Parliamentary elections. In addition, it is responsible for the conduct of local government elections. The VEC is established under section 6 of the Electoral Act.
Voting centre	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.
Writ for election	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.

