

# DETERMINATION

## Instructions in relation to secrecy during the early processing of votes

*Electoral Act 2002*, section 110J

Determination 003/2026

### Keywords

*Candidates, early processing of votes, restricted area, scrutineers, secrecy*

### Preamble

Section 110J of the *Electoral Act 2002* (Vic) (Electoral Act) allows for early processing of:

- ballot papers from votes cast at early voting centres
- returned postal vote declarations accepted for further scrutiny.

Early processing can only occur under the conditions and within the timeframes stated in section 110J of the Electoral Act.

Offences relating to early processing and restricted areas are provided by sections 110J(4) and (5) of the Electoral Act.

Early processing is distinct from the counting and scrutiny of votes as detailed in sections 113, 114 and 114A of the Electoral Act, and does not include any sorting of ballot papers according to the preferences marked on them. Early processing is a preparatory activity that occurs before the close of voting and contributes to timely counting and reporting of election results after the close of voting.

This determination provides secrecy provisions that must be applied and clarifies the extent of activities included in the early processing of votes.

### Audience

The main audiences for this determination include:

- candidates
- registered political parties
- scrutineers.

## Determination

I, Sven Bluemmel, Electoral Commissioner for the State of Victoria, make the following determination in accordance with section 9(3) of the Electoral Act.

### 1. **Secrecy provisions**

- 1.1. Early processing may only occur where written notice has been given to each registered political party and each candidate whose name is printed on the ballot papers, in accordance with section 110J(3) of the Electoral Act.
- 1.2. Any scrutineer appointed must present a completed 'scrutineer appointment form' signed by the candidate they are representing.
- 1.3. The Victorian Electoral Commission (VEC) will appoint an election manager or election official in charge of each restricted area with authority to permit a person to enter, leave or re-enter that area.
- 1.4. Restricted areas must preclude (or be adapted to preclude) any person outside the area from seeing, hearing, or otherwise obtaining information about the early processing of ballot papers.
- 1.5. All persons entering restricted areas must be provided with information about electoral offences. All persons will be required to sign a declaration, witnessed by an election official, stating that they:
  - 1.5.1. will not disclose or otherwise use information obtained during the early processing of votes, and
  - 1.5.2. are aware that disclosing or using information from early processing is an offence.
- 1.6. All persons entering or re-entering the restricted area will be required to surrender all devices that could be used to convey or transmit information to any other person or device located outside the restricted area. This includes mobile devices, tablets, smart watches, cameras, and any similar electronic devices. Writing implements and materials will also be prohibited, except for items required by election officials to conduct early processing. All surrendered devices will be securely stored until the person leaves the restricted area.
- 1.7. A person may leave a restricted area for permitted reasons, such as during pauses in early processing or to accommodate bathroom breaks, meal breaks or prayer breaks. Surrendered devices will only be made available during these breaks for an essential purpose, such as for official VEC duties or in an emergency. Use of a surrendered device for an essential purpose must be supervised by an election manager or election official in charge. The person will be permitted to re-enter the restricted area after they surrender the device again. In all other circumstances, surrendered devices will not be made available during these breaks. If a person leaves for any other reason

or uses a device for a non-essential purpose, they will not be permitted to re-enter the restricted area.

- 1.8. As far as practicable, election officials must conduct early processing activities with ballot papers face down so that preference information is not visible.
- 1.9. The VEC may apply additional secrecy measures at its discretion.

## **2. Permitted activities**

- 2.1. Early processing is limited to the following list of activities:
  - 2.1.1. Opening of ballot boxes held under section 99(3) of the Electoral Act and removal of ballot papers and declarations.
  - 2.1.2. Opening of admitted postal envelopes received under section 106 of the Electoral Act and extraction of ballot papers.
  - 2.1.3. Unfolding, flattening, and batching of ballot papers.
  - 2.1.4. Determining batch sizes using electronic counting machines or manual tally.
  - 2.1.5. Reconciling number of ballot papers with election official records.
  - 2.1.6. Preparing those ballot papers and declarations for other districts and regions for forwarding in accordance with the regulations.

## **Revocation of previous instrument**

Determination 004/2022 ('Instructions in relation to secrecy during the early processing votes') made by the Electoral Commissioner on 6 October 2022 is revoked by the commencement of this determination.

## **Start date of this determination**

This determination comes into effect on 25 May 2026. It remains in effect until it is amended, revoked, superseded, or otherwise replaced.

Sven Bluemmel  
Electoral Commissioner  
Victorian Electoral Commission

25 May 2026

**Document details**

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— Version 2.0	004/2022	1 November 2022	005/2018	003/2026
— Version 3.0	003/2026	25 May 2026	004/2022	Not Applicable

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