



**District election**

# **Scrutineer Handbook**

© State of Victoria

(Victorian Electoral Commission)  
December 2022

---

This work, the District election Scrutineer Handbook, is licensed under a Creative Commons Attribution 4.0 licence [<http://creativecommons.org/licenses/by/4.0/>]. You are free to share this work under that licence, on the condition that you do not change any content and you credit the State of Victoria (Victorian Electoral Commission) as author and comply with the other licence terms. The licence does not apply to any branding, including Government logos.

---



Level 11, 530 Collins Street  
Melbourne Victoria 3000  
T 131 832  
[info@vec.vic.gov.au](mailto:info@vec.vic.gov.au)  
[vec.vic.gov.au](http://vec.vic.gov.au)

---

# **Scrutineer Handbook**

## District election

# Contents

<b>1. Introduction</b> .....	<b>1</b>
<b>2. Appointment of scrutineers</b> .....	<b>2</b>
Form of appointment.....	2
Declaration .....	2
<b>3. Scrutineer activities and expected behaviours</b> .....	<b>3</b>
Processes that can be observed and challenged by scrutineers.....	3
Processes that can be observed and not challenged by scrutineers .....	4
Designation of venues .....	5
Offences that relate to scrutineers .....	5
Expected scrutineer behaviour .....	6
Restriction of the use of devices .....	7
<b>4. Scrutineer management</b> .....	<b>8</b>
Scrutineer management.....	8
Scrutineer quota .....	8
Scrutineer sign-in.....	9
Scrutineer briefings.....	9
Relieving scrutineers.....	9
Authorised removal of scrutineers .....	10
Public access to facilities .....	10
<b>5. Conduct near voting centres</b> .....	<b>11</b>
Identifying the designated entrance.....	13
Canvassing-free zone (6 metre rule) .....	13
Limited sign zone (100 metre rule).....	14
Distribution of electoral campaign material (400 metre rule).....	17
Behaviour in relation to voting centres.....	17
Enforcement powers .....	18
<b>6. Voting methods</b> .....	<b>19</b>
Ordinary voting .....	19
Early voting.....	19
Telephone assisted voting.....	20
Mobile voting .....	20
Declaration voting.....	21
Voters requiring assistance.....	22
<b>7. Sorting and counting of ballot papers</b> .....	<b>23</b>
Scrutineering in the restricted area .....	24
Observing the counts .....	24
Counting process for district elections.....	25
<b>8. Recount of votes</b> .....	<b>27</b>
<b>9. Making a complaint as a scrutineer</b> .....	<b>28</b>
Making a formal complaint.....	29

<b>Appendix 1: Electoral offences</b> .....	<b>30</b>
Offences that apply at all times.....	30
Offences that apply between the issue of the writs and 6 pm on election day .....	34
Offences that apply at a voting centre.....	36
Offences that only apply on election day.....	38
Injunctions.....	38
<b>Appendix 2: Ballot paper formality</b> .....	<b>39</b>
District ballot papers .....	39
Damaged ballot papers .....	44
<b>Appendix 3: Glossary of terms</b> .....	<b>45</b>



# 1. Introduction

This handbook provides information for scrutineers at Legislative Assembly (district) elections for the Parliament of Victoria. It is not a substitute for electoral law and should be read in conjunction with the *Electoral Act 2002* (the Act), Electoral Regulations 2022 (the Regulations) and Determination 002/2022. Copies of the Act and the Regulations are available at [legislation.vic.gov.au](http://legislation.vic.gov.au) and Determination 002/2022 is available at the Victorian Electoral Commission's (VEC's) website [vec.vic.gov.au](http://vec.vic.gov.au).

The role of scrutineers is defined by electoral law and is distinct from the role of party/candidate workers or supporters whose activities are not so defined. Scrutineers are appointed by candidates to represent their interests at elections and ensure the integrity of the election process.

Scrutineers may observe ballot paper processes during the election. However, a distinction exists between activities a scrutineer can observe *and* challenge to those that can only be observed.

Scrutineers must co-operate with Election Managers and election officials and must refrain from making unreasonable requests or queries. Any misconduct or failure to obey the lawful directions of the Election Manager or an election official is an offence against the Act.

Where a scrutineer wishes to clarify procedures, question the activities of an election official, or make a complaint, they must discuss the matter with the Election Manager or the election official in charge of the activity or process they are observing, as appropriate.

## 2. Appointment of scrutineers

### Form of appointment

---

*Appointment and declaration of scrutineer P380* forms are available from the Election Manager and the VEC website, and in the *Candidate kit*. The form must be properly completed before a scrutineer is authorised to perform their role.

Candidates who are unable to sign an appointment form in person may sign the form using a digital signature by:

- pasting an image of their signature into the document
- signing a PDF on a tablet, smartphone or laptop using a stylus or finger
- physically signing a hardcopy document and scanning the document.

Appointment forms must be presented to the designated Election Manager or official at each venue and the declaration must be signed by the scrutineer in hard copy in the presence of the election official.

Once properly appointed, the scrutineer will be issued with identification which must be worn during the activity or process they have been appointed to observe. When in a voting centre during the hours of voting, scrutineers must not wear or display a badge, emblem, or political slogan of a candidate or political party.

A separate appointment form is required for each scrutineer, for each candidate, for each venue. If a scrutineer intends to perform scrutineer activities or processes for multiple candidates at a single venue, they must have an appointment form for each candidate.

If a scrutineer intends to perform scrutineer activities for a single candidate at multiple venues, they must have an appointment form for each venue with one exception: Scrutineers observing mobile voting may use one form for each day they observe mobile voting.

A scrutineer must produce their scrutineer identification if requested by an Election Manager, election official or any other authorised person. If a scrutineer fails to comply with this request, the scrutineer will be required to leave the venue.

### Declaration

---

Before representing a candidate, each scrutineer must sign a declaration that they will not attempt to ascertain the voting intention of any elector or divulge any knowledge acquired concerning the vote of any elector.

This declaration is included on the appointment form and must be signed in hard copy in the presence of an election official.



## 3. Scrutineer activities and expected behaviours

### Processes that can be observed and challenged by scrutineers

---

Scrutineers may observe ballot paper processes involving the scrutiny or counting of ballot papers ('challengeable activities'). This includes:

- opening and checking of sealed ballot boxes or sealed parcels containing ballot papers
- counting of ballot papers, namely counts to first preference, rechecks, and data entry of ballot papers during a computerised count
- a manual preference distribution required to determine a successful candidate
- recounts including data entry of ballot papers during a computerised recount
- the preliminary scrutiny of declaration votes in envelopes, being postal, early including mobile early votes, absent, provisional, and marked-as-voted votes in envelopes.

Scrutineers may challenge the following:

- the matching of seal numbers to paperwork
- the interpretation of voter preferences on an individual ballot paper
- the formality of an individual ballot paper
- the validity of a declaration vote in an envelope progressing to the count.

Scrutineers may also be present to see the issuing of votes to electors. They may object to the entitlement of a person to vote. Their objection will be recorded, but the issuing will not be affected where the requirements for issuing as detailed in the Act are met.

Challenges will be addressed by the Election Manager or election official in charge of the relevant activity or process.

Note that once challenges to ballot paper formality and interpretation of voter preferences on ballot papers have been ruled on by the Election Manager or election official in charge, they cannot be further challenged at the same count. They can, however, be challenged again at subsequent counts.

## Processes that can be observed and not challenged by scrutineers

---

Scrutineers may also observe additional ballot paper processes, and activities where envelopes are being handled. However, scrutineers are not able to challenge any decisions made by Election Managers or election officials during these processes ('observable-only activities'). These include:

- printing of ballot papers
- assembly and dispatch of postal ballot packs at the VEC's mail house (contractor sites), postal votes at the centralised processing centre via email, and braille ballot papers
- the exhibition and securing of an empty ballot box by an election official immediately before the commencement of voting
- observing the voting process of an elector who is incapable of voting without assistance, and who is being assisted by an election official
- sorting and processing of early and postal votes, including within the restricted area prior to the close of voting on election day
- packing of ballot papers for transportation
- exchange of ballot papers
- amalgamation processes prior to a preference distribution
- statistical counts for information purposes only such as a two-candidate-preferred count (2CP) and two-party-preferred count (2PP).

## Designation of venues

---

A scrutineer may attend any venue where observable activities are taking place. Venues where challengeable activities may be observed are the following:

Venue	Challengeable activity
Early voting centres	Yes
Mobile voting centres	No
Election day voting centres	Yes
Election offices	Yes
Metropolitan hubs	Yes
Telephone voting activities	No
Early processing and sorting of votes	No
Preliminary scrutiny of declaration envelopes	Yes
Extraction activities	No
Counting activities	Yes
Ballot paper printing and distribution sites, including VEC warehouse and contractor sites	No

## Offences that relate to scrutineers

---

During voting a scrutineer must not:

- interfere with or attempt to influence any elector within a voting centre
- communicate with any person in a voting centre except as is necessary in their functions as a scrutineer
- handle any ballot papers.

*These offences are subject to a penalty of 60 penalty units or 6 months imprisonment. Refer to section 76(5) of the Act.*

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

It is an offence:

- to hinder or interfere with another person's electoral rights and responsibilities. *This is an indictable offence and is subject to a penalty of 600 penalty units or up to 5 years imprisonment.* Refer to sections 152(1) and (1A) of the Act.
- to influence the vote of a person by violence or intimidation. *This is an indictable offence subject to a penalty of 600 penalty units or up to 5 years in prison.* Refer to sections 152(2) and (3) of the Act.
- to disclose knowledge acquired concerning the vote of any elector or to induce or attempt to induce an elector to disclose how they intended to vote. *This offence is subject to a penalty of 120 penalty units or one year imprisonment.* Refer to section 154 of the Act.

A list of electoral offences is included in Appendix 1.

## Expected scrutineer behaviour

---

Scrutineers are expected to behave consistently with obligations imposed on them while at venues they are entitled to attend. These obligations and prohibitions come from the Act, the Regulations, relevant determinations, conditions of entry and the scrutineer declaration.

Scrutineers must:

- wear scrutineer identification
- follow all compliance rules in place at the venue.

Scrutineers must not:

- observe activities that they are not appointed and signed-in for
- socialise with staff during breaks
- behave in a way that distracts election officials from performing their duties, such as talking loudly, including on mobile phones, or not providing officials with enough space to perform their duties
- wilfully or unnecessarily obstruct or delay the proceedings at a venue
- behave in a disorderly manner
- cause a disturbance at any election.

If a scrutineer fails to abide by any obligation or prohibition imposed on them, including the above, they may be removed from the activity or venue.

## **Restriction of the use of devices**

---

Scrutineers are directed to refrain from using any device to record or photograph a ballot paper, declaration, form, or any agent, appointee, contractor or employee of the VEC (including Election Managers and election officials) while performing their role as a scrutineer. A device in this context includes an item that can capture, record, save or transmit images, videos or other information. This includes but is not limited to a mobile phone, a smart watch, a tablet or laptop, a camera or video recorder.

## 4. Scrutineer management

### Scrutineer management

---

At each venue an election official will be in charge of checking in scrutineers and ensuring they have completed the correct paperwork.

The election official in charge of the activity will monitor the behaviour of scrutineers and deal with any issues.

A scrutineer must follow any direction given by any election official.

### Scrutineer quota

---

There are limits on the number of scrutineers that can observe an activity. This is known as the scrutineer quota.

*Issuing ballot papers:* The number of scrutineers observing the issuing of ballot papers for each candidate must not exceed the number of election officials issuing ballot papers.

*Scrutiny and counting of ballot papers:* The number of scrutineers observing the scrutiny and counting of ballot papers for each candidate must not exceed the number of electoral officials undertaking the activity being observed.

An electoral official includes those Election Managers and election officials engaged in the scrutiny and counting of ballot papers. An electoral official will be engaged in these processes where they are participating, overseeing, monitoring, or otherwise involved in them. Electoral officials remain engaged in these processes when they are temporarily absent (for example, when an electoral official takes a meal or prayer break).

Scrutineer quotas for issuing, scrutiny and counting activities are determined by the Act. For observable-only activities, scrutineer quotas are fixed by the VEC, and the VEC will advise the number of allowed scrutineers per candidate per venue to observe activities via candidate bulletins. In these circumstances, the scrutineer quota is fixed based on relevant considerations, such as the size of the venue and available staffing. In either case, the VEC or an Election Manager or election official in charge may vary the scrutineer quota in response to specific legal requirements, such as health and safety obligations.

## Scrutineer sign-in

---

In order to undertake scrutineering activities for a candidate at a venue, a scrutineer must be signed into the venue for their appointed candidate. Scrutineers will be issued identification to indicate the election that they have been appointed and signed in to observe.

Scrutineer quotas for each venue will be actively managed by the VEC based on allowable scrutineer levels determined by the activities being undertaken at the venue.

## Scrutineer briefings

---

Scrutineers will be provided with a briefing when entering a venue to cover site-specific information.

Before each activity begins, the election official in charge will also conduct a briefing to explain the activity. A scrutineer must be briefed before they begin scrutineering so scrutineers are strongly advised to arrive at a venue before the activity begins.

Scrutineers arriving late may be required to wait until a briefing can be arranged.

## Relieving scrutineers

---

A scrutineer may enter or leave a voting centre during voting or counting and may be replaced during any absence by another scrutineer. The relieving scrutineer must have an appointment form signed by the candidate.

Restrictions will apply to scrutineers attending the extraction and sorting of postal and early votes, prior to the close of voting, taking place within a restricted area. Election Managers or election officials will fully brief scrutineers prior to the commencement of the extraction and sort. Refer to the 'Scrutineering in the restricted area' section of **Chapter 7: Sorting and counting of ballot papers**.

## Authorised removal of scrutineers

---

Scrutineers have obligations in relation to their behaviour and conduct. These obligations come from the Act, the Regulations, relevant Determinations, a condition of entry and the scrutineer declaration. Additional obligations and prohibitions are included above.

It is a reasonable direction of an Election Manager or election official to require a scrutineer to leave an activity or venue where the scrutineer has, or is reasonably suspected of, failing to comply with an obligation or prohibition.

If a scrutineer refuses to leave the activity or venue, the VEC will seek to contact the candidate the scrutineer is representing to ask them to ask the scrutineer to leave the activity or venue. If the candidate or party cannot be reached, or the behaviour deteriorates, the Election Manager or election official in charge may request the police to remove the scrutineer.

The VEC may also commence enforcement action, including prosecution, against scrutineers who fail to meet their legal obligations.

## Public access to facilities

---

Election Managers and election officials are encouraged to develop cooperative relationships with scrutineers and party/candidate workers to enable access to facilities at voting and counting centres where possible.

However, the VEC does not own the buildings used for voting centres and counting centres and, in some cases, the building administration may place restrictions on access to parts of the building, including facilities, for security purposes. A restriction may include scrutineers being accompanied by VEC personnel. This may not always be possible during peak voting periods.



## 5. 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:

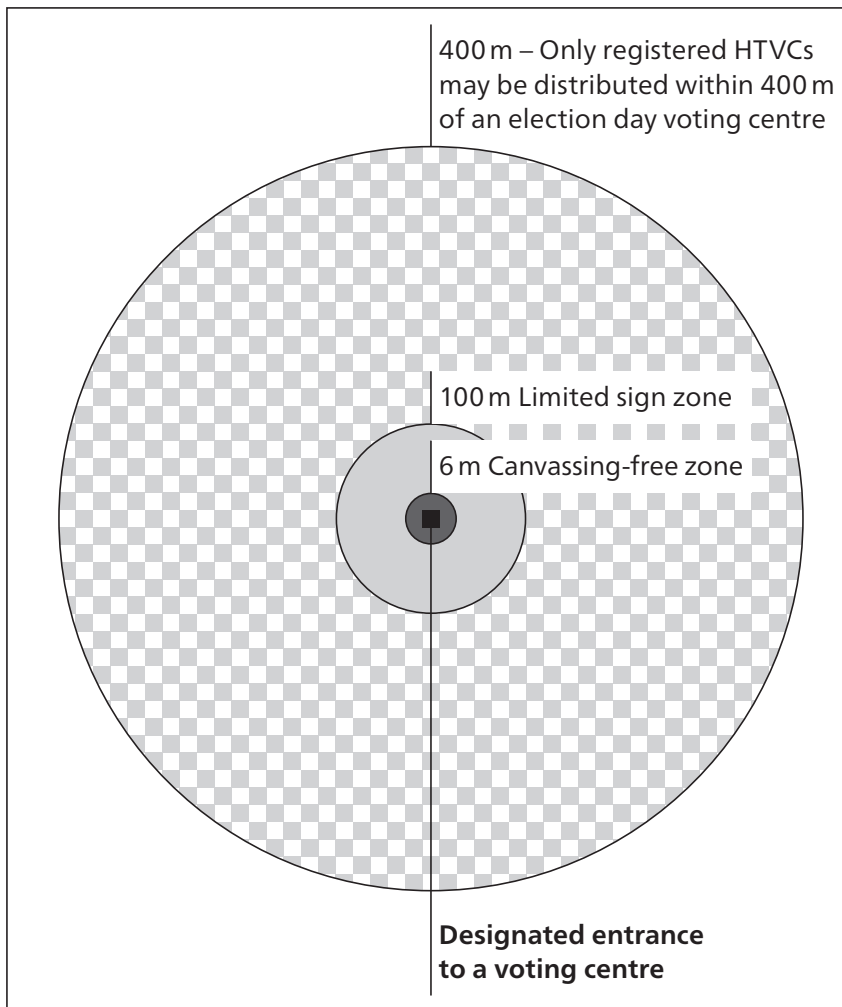
- canvassing outside a voting centre within 6 metres
- exhibiting notices or signs within 100 metres
- displaying a mobile billboard within 100 metres
- distributing printed electoral material on election day within 400 metres.

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.

Registered political parties and their endorsed candidates may display up to four signs in a limited sign zone. Registered political parties cannot display signage in a limited sign zone at an election that they have not endorsed a candidate for.

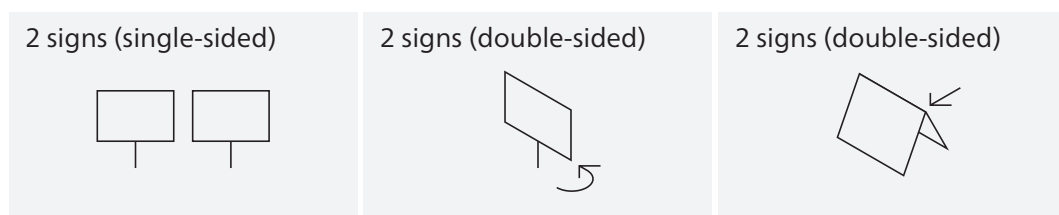
Any notice or sign must not exceed 600 mm x 900 mm in size. Voting centres will have a tape measure for voting centre staff to check the size of signs.

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.

## Identifying the responsible party/candidate

Signs or notices that promote a single candidate endorsed by a party will be identified to the candidate first.

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 four 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. The VEC 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 or 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.



## 6. Voting methods

During voting, various methods will be used by electors to record their votes and scrutineers should be aware of the differences.

### Ordinary voting

---

An ordinary vote is a vote recorded by an elector at an election day voting centre for the district and region for which they are enrolled.

When voting, the elector must state their full name and address (not required for silent or itinerant voters) and declare that they have not voted before in this election. If the election official is satisfied that the elector is entitled to vote, the roll is marked, ballot papers separated and initialled, and handed to the elector.

The elector must then proceed to a voting compartment, mark their vote on each ballot paper, fold them so that the votes are concealed, then place the ballot papers in the ballot boxes and leave the voting centre.

### Early voting

---

Any elector can vote before election day at an early voting centre.

Early voting centres will operate from the first working day after the close of nominations, until the day before election day. Details of all early voting centres and opening hours will be available on the VEC website.

How-to-vote cards that are distributed outside early voting centres do not have to be registered but must contain the name and street address of the person authorising the card and the name and place of business of the printer. How-to-vote cards distributed during this period that are not registered must not contain the endorsement 'Registered by the Victorian Electoral Commission'.

## 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
- electors who qualify for any other prescribed eligibility

A person applying to vote by telephone who cannot be found on the electoral roll will be required to attend a voting centre if they wish to complete a provisional vote.

## Mobile voting

---

Mobile voting centres are usually venues such as hospitals and nursing homes appointed by the Electoral Commissioner at which voting facilities are provided at set times within the two weeks prior to election day. A mobile voting team may set up a voting area within the venue or move around the venue issuing votes directly to patients and residents.

Candidates may appoint scrutineers to observe mobile voting. The itinerary for mobile voting activities will be communicated to candidates and registered political parties once it is finalised for the election. Scrutineers must not display election material or distribute how-to-vote cards while accompanying the mobile team.

Party/candidate workers are not permitted to canvass for votes or distribute election material, including how-to-vote cards, within 6 metres of the designated entrance to the mobile voting centre while voting is in progress. Additional restrictions apply regarding the display of notices or signs within 100 metres of the designated entrance to the mobile voting centre. Refer to **Chapter 5: Conduct near voting centres**.

Candidates, registered political parties, and others may provide copies of registered how-to-vote cards to Election Managers to be included in folders carried by mobile voting teams.

The registered how-to-vote cards carried by election officials will be enclosed in a folder in the order in which candidates' or group names appear on the ballot paper.

Mobile voting teams will advise electors that registered how-to-vote cards have been supplied and show electors the cards if so requested.

## Declaration voting

---

There are a number of situations where an elector will be required to complete a declaration vote. To make a declaration vote, an elector must complete and sign a declaration declaring that they are entitled to vote at the election.

Declaration votes include postal, absent, provisional, and marked as voted votes.

### Postal Voting

Postal vote applications must be made after the issue of the writ and must be received by the VEC no later than 6 pm on the Wednesday before election day. An application for a postal vote must contain a declaration by the applicant that they are an elector entitled to apply for a postal vote and be made after the issue of the writ for the election and be made in sufficient time for the VEC to arrange for postal voting material to be mailed to the elector.

Ballot material is mailed to the elector and the elector returns their completed ballot paper in the declaration envelope provided.

An elector enrolled as a general postal voter (GPV) does not have to apply for a postal vote as their ballot material is automatically mailed after the close of nominations.

Completed postal vote declarations must be posted before 6 pm on election day but have until six days after election day to reach the Election Manager to be included for further checking and counting.

### Provisional Voting

Provisional votes are issued to electors who are eligible to be enrolled but whose name cannot be found on the roll for the election.

If a person's name cannot be found on the roll after careful rechecking, an ordinary issuing officer will take the person to a declaration issuing officer. If the declaration issuing officer finds the person on the roll for another district, the elector will be issued with an absent vote (see above). If the person cannot be found on the roll, they will be issued with a provisional vote.

The declaration issuing officer will ensure the elector has read and understood the statement on the back of the *Enrolment/Provisional Vote envelope P941*.

The statement includes eligibility criteria for enrolment and the proof of identity requirements for completing an Enrolment/Provisional Vote. It also explains how their application will be processed and who will have access to their information. If after reading the statement the person claims to be entitled to be enrolled, a provisional vote will be given to that person.

The elector or the Declaration Issuing Officer will complete the elector's details on the front of the envelope. The elector will be asked to provide proof of identity. Acceptable proof of identity documents are listed on the back of the *Enrolment/ Provisional Vote envelope P941* envelope. If an elector cannot provide acceptable proof of identity, they can nominate a service provider listed on the back of the *P941* envelope to verify their identity. If the address of the elector is not in the district for which the election is being held, the elector is not eligible to vote in the specific election.

The elector returns their completed ballot papers to the declaration issuing officer who seals them in the elector's declaration envelope and places them in the declaration ballot box. The VEC will check these declarations after election day.

### **Elector whose name has been marked-as-voted**

An elector may vote as 'marked-as-voted' if the roll has been marked to show that a ballot paper has already been issued in that elector's name and the elector claims not to have voted.

The elector makes a declaration that they have not voted and their ballot papers are enclosed in the declaration envelope pending later investigation by the Election Manager.

## **Voters requiring assistance**

---

Electors may be assisted with voting by:

- an election official taking ballot material outside the voting centre when the elector is physically unable to enter the voting centre to vote; or
- an election official, scrutineer or other person marking an electors ballot material as nominated by the elector.

Strict procedures are in place to enable scrutineers, if present, to witness election officials helping electors with their vote. The voting centre manager will advise scrutineers of the procedures if an elector requests special assistance to vote.

## 7. Sorting and counting of ballot papers

Candidates and registered political parties will be advised of the count plan arrangements specific to their election after the close of nominations.

### Ordinary votes issued in election day voting centres

Ordinary district 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 the election office and published on the VEC website.

### Early votes

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

Counting of early votes will start at 6 pm. Most, if not all, early votes will be counted to first preference and 2CP on election night.

### Postal votes

Postal votes will be processed, verified and subsequently counted at the established centralised processing centre. You will be given a schedule of anticipated start times for activities that can be observed by scrutineers.

### 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 assessed by enrolment officers for eligibility.

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

### Other centralised support votes

The VEC will advise candidates and registered political parties regarding the extraction, sorting and count arrangements for other centralised votes including those taken by the TAV service. These will be counted in the week following election day.

## Scrutineering in the restricted area

---

Legislation allows for early processing of postal and early votes between 8am and 6pm on election day within designated restricted areas. Early processing involves extraction of ballot papers and sorting in preparation for counting. It does not involve any review of preferences on ballot papers, and ballot papers will be dealt with face down.

Scrutineers attending early processing must conform to strict security and secrecy requirements while in restricted areas.

Scrutineers cannot be admitted to restricted areas without a valid *Appointment and declaration of scrutineer P380* form. Scrutineers will also be asked to sign a declaration stating they understand that they are subject to secrecy provisions and aware of the penalties for breaching those provisions.

Any mobile telephones, smart watches, tablets or other device capable of transmitting information to any device or person outside of the restricted area must be surrendered prior to entering the restricted area. The only paper or writing implements allowed within the restricted area are those required by election officials to perform their work.

Surrendered items will be stored securely until the person leaves the restricted area permanently, or at 6pm when the restricted area ceases to be in effect. Surrendered items will not be returned during temporary breaks in activity. Election Managers or election officials will fully brief scrutineers prior to the commencement of the extraction and sort.

## Observing the counts

---

Scrutineers are entitled to observe all proceedings at any count, whether conducted at a voting centre, early voting centre, or the election office.

Scrutineers should report to the venue prior to the time advertised for the start of the activity to ensure they can be signed in and briefed before activities commence.

Scrutineers intending to be present at a voting centre for the count of ballot papers should report to the voting centre manager during the day and be inside the voting centre by 6 pm when the doors of the voting centre are locked.

Scrutineers may enter a venue once activities have commenced but will not be able to begin scrutineering duties until they have signed in and received a scrutineer briefing.

Scrutineers may challenge the formality of ballot papers at a voting centre by referring them to the voting centre manager for decision.

At other count venues, scrutineers may challenge the admission or rejection of voters' declarations and the formality of ballot papers by referring them to the election official in charge of the activity.

A decision on formality made by the voting centre manager or election official in charge cannot be further challenged at that same count, but can be at subsequent counts (e.g. a paper challenged during the count to first preferences can also be challenged again at recheck or preference distribution).

The count of ballot papers must proceed smoothly and efficiently, and scrutineers should not communicate unnecessarily with election officials.

Scrutineers must not handle:

- ballot papers
- declaration envelopes
- other election material.

Scrutineers are entitled to observe all the markings on ballot papers but they must not delay proceedings, except where it is necessary in the performance of their duties.

The Election Manager and the VEC will inform candidates of all preliminary scrutiny and counting activity including any adjournment in proceedings and advise the location and time the activity will be continued. Candidates are responsible for communicating timelines to their scrutineers.

## Counting process for district elections

---

### First preference primary counts

Election officials sort and count each individual ballot paper to first preference by hand. This is conducted at tables where there are 'sorting cards' for each candidate.

After an election official examines each ballot paper, they place it next to:

- the sorting card for the candidate who received the number '1' vote if the vote appears to be formal
- the 'informal' sorting card if the vote appears to be informal.

At the end of this sort, the election official in charge tallies and records the total first preference votes for each candidate, along with the total number of informal votes. These are then entered in the VEC's election management system directly or phoned into the election office for data entry.

Result information published on the VEC website is taken from the election management system.

Scrutineers are encouraged to read through **Appendix 2: Ballot paper formality** to ensure that they are familiar with what constitutes a formal and informal district ballot paper.

### Two-candidate-preferred count (2CP)

Following the count to first preferences, election officials sort all formal ballot papers to the 2 candidates considered 'most likely' to be in the lead after the distribution of preferences to give an early indication of the election result. Scrutineers will be told who the 2 candidates are before this count begins. These 2 pre-selected candidates are chosen by the Electoral Commissioner in advance of election day.

If the candidates selected for the 2CP count are not the 2 leading candidates on election night, the 2CP count will continue without adjustments. If the VEC determines that the 2CP results must be corrected, this will happen during the recheck process after election day. The decision to make a correction is at the discretion of the VEC.

Election officials assign ballot papers to each selected candidate according to who has the highest preference on the ballot paper. The highest preference is indicated by the lowest of the numbers the voter has entered on the ballot paper (the number closest to one).

As the two candidates selected for the 2CP count is a prediction only, this count is used for indicative purposes only and does not impact the flow of preferences if a preference distribution is required.

## **Rechecks**

Rechecking is an administrative process where, following a first preference sort, district ballot papers are checked again for formality, correct sorting to first preference, and correct reconciliation of totals.

Rechecked results are entered progressively into the VEC's election management system and are published 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.

## **Preference distribution**

If no candidate has more than 50% of the first preference votes (an 'absolute majority') after the recheck, a preference distribution will be conducted at the district election office to determine the result of the election.

Before a preference distribution takes place, the Election Manager will amalgamate all first preference ballot papers for each candidate from the rechecked parcels of votes.

The total ballot papers will be confirmed after amalgamation to ensure that it matches the total ballot papers from all rechecked voting centre/vote type parcels.

During a preference distribution, the candidate with the lowest number of first preference votes is excluded and their ballot papers distributed to the remaining candidates according to the next available preference on each ballot paper.

The process of excluding candidates with the lowest number of first preference votes and distributing their ballot papers to the remaining candidates continues until one candidate achieves an absolute majority and is elected.

Distributions in close seats may occur earlier and may be calculated via the VEC's computer count system following a computerised recheck process.



## 8. Recount of votes

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. A scrutineer may attend any recount conducted by the Election Manager.

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 Act for more information.

Under section 120(4) of the 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 19(2)(c) and 120(5) of the Act.

## 9. Making a complaint as a scrutineer

If an issue cannot be resolved, or if a complaint is about a possible breach of the Act, the complaint must be put in writing, see the information under 'Making a formal complaint'.

In most circumstances where the complaint is minor and does not relate to a possible breach of the Act, scrutineers should direct complaints to the election official in charge who will seek to resolve the issue in the first instance. Please note the election official may contact the Election Manager for confirmation on how to proceed to best address the matter raised.

The below table outlines the appropriate election official at each site:

<b>Venue</b>	<b>Point of escalation</b>
Early voting centres	Early Voting Centre Manager
Mobile voting centres	Mobile Voting Centre Manager
Election day voting centres	Voting Centre Manager
Election offices	Election Manager
Telephone voting activities	Senior VEC staff member
Preliminary scrutiny of declaration envelopes	Senior VEC staff member
Ballot paper printing and distribution sites, including VEC warehouse and contractor sites	Senior VEC staff member

## Making a formal complaint

---

The VEC has systems in place for complaint management.

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](http://vec.vic.gov.au/about-us/complaints)

### Email

[complaints@vec.vic.gov.au](mailto:complaints@vec.vic.gov.au)

### Post

Complaints

Victorian Electoral Commission

Level 11, 530 Collins Street

Melbourne VIC 3000

# Appendix 1: 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 disclose 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 be 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.

Political parties must not display more than 2 signs (in addition to those displayed by their candidates).

All signs and notices must not exceed 600 mm by 900 mm.

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 2: Ballot paper formality

### District ballot papers

---

#### District ballot paper formality rules

- 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.

One	Seven
<i>i</i>	<i>Vii</i>
<i>l</i>	<i>7</i>
<i>1</i>	<i>7</i>
<i>1</i>	<i>7</i>
<i>I</i>	<i>VII</i>

*Examples of recognisable numbers*

- 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.
- Numbers next to, or on the other side of, candidate names are acceptable if the voter's intention is clear.
- Amendments to the ballot paper are acceptable if the voter's intention is clear. All other marks must be ignored.
- Ballot papers must have a number 1 in, adjacent to, or level with, one box to be considered formal.

- Ballot papers must have all boxes numbered using the full sequence of numbers indicated on the ballot paper to be considered formal, unless there is one box left blank only and this would logically have contained the last number. For example, there are 6 candidates on the ballot paper and the number 6 is the only missing number.
- A number other than the last number in the sequence missing makes the ballot paper informal.
- More than one blank box makes the ballot paper informal.
- A duplicated number or a number missing from the sequence makes the ballot paper informal.
- If the voter has included the number '0' (zero), the ballot paper is informal.
- Ticks, crosses, letters or other marks in the boxes are not indicators of preference and must be ignored.

**Ballot Paper**  
**Sample District**

Election of the Legislative Assembly

Number the boxes **1 to 4** in the order of your choice.  
**Number every box to make your vote count.**

I	CANDIDATE, One Sample Party Name
II	CANDIDATE, Two Sample Party Name
III	CANDIDATE, Three Sample Party Name
IV	CANDIDATE, Four Sample Party Name

**Formal**  
Roman numerals are acceptable.

**Ballot Paper**  
**Sample District**

Election of the Legislative Assembly

Number the boxes **1 to 4** in the order of your choice.  
**Number every box to make your vote count.**



0	CANDIDATE, One Sample Party Name
2	CANDIDATE, Two Sample Party Name
1	CANDIDATE, Three Sample Party Name
3	CANDIDATE, Four Sample Party Name

**Informal**  
The number '0' makes it informal.

**Ballot Paper**  
**Sample District**

Election of the Legislative Assembly

Number the boxes **1 to 5** in the order of your choice.  
**Number every box to make your vote count.**

1		CANDIDATE, One Sample Party Name
	5	CANDIDATE, Two Sample Party Name
2		CANDIDATE, Three Sample Party Name
	3	CANDIDATE, Four Sample Party Name
	4	CANDIDATE, Five Sample Party Name

**Formal**  
The correction is clear.

**Ballot Paper**  
**Sample District**

Election of the Legislative Assembly

Number the boxes **1 to 8** in the order of your choice.  
**Number every box to make your vote count.**

6	CANDIDATE, One Sample Party Name
2	CANDIDATE, Two Sample Party Name
4	CANDIDATE, Three Sample Party Name
1	CANDIDATE, Four Sample Party Name
3	CANDIDATE, Five Sample Party Name
5	CANDIDATE, Six Sample Party Name
7	CANDIDATE, Seven Sample Party Name
8	CANDIDATE, Eight Sample Party Name

**Formal**  
The numbers are consecutive.

**Ballot Paper**  
**Sample District**

Election of the Legislative Assembly

Number the boxes **1 to 7** in the order of your choice.  
**Number every box to make your vote count.**

7	CANDIDATE, One Sample Party Name
✓	CANDIDATE, Two Sample Party Name
2	CANDIDATE, Three Sample Party Name
3	CANDIDATE, Four Sample Party Name
4	CANDIDATE, Five Sample Party Name
5	CANDIDATE, Six Sample Party Name
6	CANDIDATE, Seven Sample Party Name

**Informal**  
There is no number '1'.

**Ballot Paper**  
**Sample District**

Election of the Legislative Assembly

Number the boxes **1 to 5** in the order of your choice.  
**Number every box to make your vote count.**

2	CANDIDATE, One Sample Party Name
	CANDIDATE, Two Sample Party Name
1	CANDIDATE, Three Sample Party Name
	CANDIDATE, Four Sample Party Name
	CANDIDATE, Five Sample Party Name
	CANDIDATE, Six Sample Party Name

**Informal**  
More than one square has been left blank.

**Ballot Paper**  
**Sample District**

Election of the Legislative Assembly

Number the boxes **1 to 4** in the order of your choice.  
**Number every box to make your vote count.**

3	CANDIDATE, One Sample Party Name
2	CANDIDATE, Two Sample Party Name
1	CANDIDATE, Three Sample Party Name
4	CANDIDATE, Four Sample Party Name

**Formal**  
The correction is clear.

**Ballot Paper**  
**Sample District**

Election of the Legislative Assembly

Number the boxes **1 to 10** in the order of your choice.  
**Number every box to make your vote count.**

3	CANDIDATE, One Sample Party Name
5	CANDIDATE, Two Sample Party Name
1	CANDIDATE, Three Sample Party Name
8	CANDIDATE, Four Sample Party Name
7	CANDIDATE, Five Sample Party Name
9	CANDIDATE, Six Sample Party Name
2	CANDIDATE, Seven Sample Party Name
6	CANDIDATE, Eight Sample Party Name
10	CANDIDATE, Nine Sample Party Name
4	CANDIDATE, Ten Sample Party Name

**Formal**  
In the context of all the other numbers it is clearly the '4' that is in the last box.



**Ballot Paper**  
**Sample District**

Election of the Legislative Assembly

Number the boxes **1 to 5** in the order of your choice.  
**Number every box to make your vote count.**

1 ✓	<b>CANDIDATE, One</b> Sample Party Name
2	<b>CANDIDATE, Two</b> Sample Party Name
3	<b>CANDIDATE, Three</b> Sample Party Name
4	<b>CANDIDATE, Four</b> Sample Party Name
5	<b>CANDIDATE, Five</b> Sample Party Name

**Formal**

While there is a tick, the number '1' is clear.

**Ballot Paper**  
**Sample District**

Election of the Legislative Assembly

Number the boxes **1 to 5** in the order of your choice.  
**Number every box to make your vote count.**

3	<b>CANDIDATE, One</b> Sample Party Name
1	<b>CANDIDATE, Two</b> Sample Party Name
2	<b>CANDIDATE, Three</b> Sample Party Name
5	<b>CANDIDATE, Four</b> Sample Party Name
--	<b>CANDIDATE, Five</b> Sample Party Name

**Informal**

The sequence has been discontinued between '3' and '5' (there is no '4' indicated).

**Ballot Paper**  
**Sample District**

Election of the Legislative Assembly

Number the boxes **1 to 4** in the order of your choice.  
**Number every box to make your vote count.**

4	<b>CANDIDATE, One</b> Sample Party Name
3	<b>CANDIDATE, Two</b> Sample Party Name
2	<b>CANDIDATE, Three</b> Sample Party Name
1	<b>CANDIDATE, Four</b> Sample Party Name

**Formal**

The third number is '2' as the second is clearly a '3'.

**Ballot Paper**  
**Sample District**

Election of the Legislative Assembly

Number the boxes **1 to 4** in the order of your choice.  
**Number every box to make your vote count.**

4	<b>CANDIDATE, One</b> Sample Party Name
2	<b>CANDIDATE, Two</b> Sample Party Name
2	<b>CANDIDATE, Three</b> Sample Party Name
1	<b>CANDIDATE, Four</b> Sample Party Name

**Informal**

The second and third number cannot be distinguished.

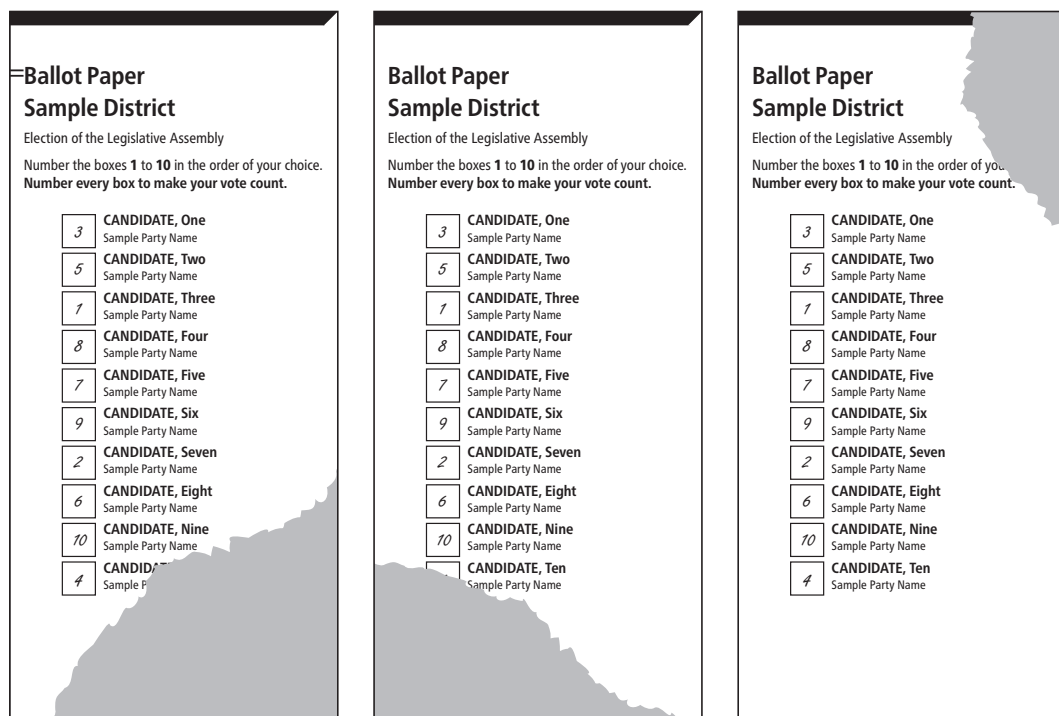
## Damaged ballot papers

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 examples of damaged ballot papers.

### Damaged district ballot papers



**Formal**

The official can discern all preferences.

**Informal**

The number 4 is missing and the official cannot be sure that it existed.

**Formal**

If the paper can be identified as being printed by the VEC the removal of the official's initials does not make the ballot paper informal.

## Appendix 3: Glossary of terms

Term	Meaning
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 <i>Electoral Act 2002</i> to stand for election to Parliament.</p> <p>For political donation disclosures and reporting under Part 12 of the <i>Electoral Act 2002</i>:</p> <ul style="list-style-type: none"> <li>• a person who has been selected by a registered political party to be a candidate in an election, or</li> <li>• a person other than a member of a registered political party, who has publicly announced an intention to be a candidate in an election.</li> </ul>
Canvassing	Campaigning for votes at an election for a candidate or political party.
Declaration issuing officer	An election official in an election day voting centre who issues declaration votes and votes to electors who are enrolled in districts other than the district the voting centre is located in.
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	A vote cast by an elector during the early voting period before election day.

Early voting centres	<p>Types of early voting centres:</p> <ul style="list-style-type: none"> <li>• 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)</li> <li>• 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.</li> </ul> <p>The Electoral Commissioner appoints early and mobile voting centres for each election.</p>
Election	<p>Means:</p> <ul style="list-style-type: none"> <li>• a general election; or</li> <li>• a by-election; or</li> <li>• a supplementary election, or</li> <li>• a re-election.</li> </ul>
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 a district.
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.
Elector	A person whose name appears on the electoral roll for the election.
Electoral Act	The <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, early voting centres and mobile voting centres.
Electoral Regulations	Electoral Regulations 2022 (the Regulations)
Electoral roll	A list of the names of all the people who are entitled to vote in a State election
General postal voter (GPV)	Is a person whose application to be a general postal voter is accepted under section 24 of the <i>Electoral Act 2002</i> . Ballot material is automatically forwarded to GPVs after the close of nominations without requiring a postal vote application.

How-to-vote card	<p>Any electoral material that:</p> <ul style="list-style-type: none"> <li>includes a representation of a ballot paper, including partial or purported partial representations of a ballot paper</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>lists the names of any or all of the candidates for an election with a number indicating an order of voting preference against the names of any or all of those candidates.</li> </ul>
Independent candidate	A candidate not endorsed by a registered political party.
Manager-in-charge	The manager who has responsibility for activities at a venue.
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 <i>Electoral Act 2002</i> .
Ordinary vote	A vote cast at a voting centre in the elector's own district on election day.
Ordinary issuing officer	An election official in an election day voting centre who issues votes to electors for the district the voting centre is located in.
Party/candidate worker	A person who assists a candidate by distributing 'how-to vote cards' or other electoral material to voters.
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. <a href="http://vec.vic.gov.au/candidates-and-parties/funding/funding-glossary#penalty-unit">vec.vic.gov.au/candidates-and-parties/funding/funding-glossary#penalty-unit</a>
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.
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.
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: <a href="http://vec.vic.gov.au/candidates-and-parties/register-a-party">vec.vic.gov.au/candidates-and-parties/register-a-party</a> .
Restricted zone	The area established under section 110J (6) of the <i>Electoral Act 2002</i> 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, counting and other election activities 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 <i>Electoral Act 2002</i> . 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 <i>Electoral Act 2002</i> .
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.
Voting centre Manager	A senior election official appointed by the Election Manager to manage voting at 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.



