

## DETERMINATION

### Logos, emblems and insignias appearing on how-to-vote cards

*Electoral Act 2002*, sections 79(2)(b) and 80(4)(b)

Determination 008/2022

#### Keywords

*Electoral campaign material, emblem, how-to-vote card, insignia, logo, prescribed size, registration*

#### Preamble

Divisions 5 and 6, Part 5 of the *Electoral Act 2002* (Vic) (Electoral Act) provide for candidates, political parties and other participants in State elections to apply to register how-to-vote cards (HTVCs). HTVCs are electoral campaign material that include a representation of a ballot-paper or list the name of at least one candidate on the ballot-paper and suggest an order of voting for or against the candidate(s) listed.

Section 79(2) of the Electoral Act provides the matters to which the Victorian Electoral Commission (VEC) must have regard when determining whether to register a HTVC. Section 80(4) provides the matters to which the VEC must have regard when determining whether to register an amended version of a HTVC.

Sections 79(2)(b) and 80(4)(b) provide that in determining whether to register a HTVC, the VEC must have regard to whether the size of any logo, emblem or insignia belonging to the person, political party, organisation or group on whose behalf the card is to be distributed appears on the HTVC smaller than the relevant prescribed size.

The minimum size, as prescribed by regulation 20 of the *Electoral Regulations 2022* (Electoral Regulations), is four square centimetres (4 cm<sup>2</sup>).

#### Audience

The principal audience for this Determination includes:

- candidates
- registered political parties

#### Determination

I, Warwick Gately AM, Electoral Commissioner for the State of Victoria, by delegation of the Victorian Electoral Commission pursuant to section 16(1)(b) of the Electoral Act, make the following determination in accordance with section 9(3) of the Electoral Act.

##### **1. *Logos, emblems or insignias less than the relevant prescribed size***

- 1.1. In determining whether to register a HTVC, the VEC will consider a logo, emblem or insignia that appears on the HTVC and is smaller than the relevant prescribed size

to satisfy the matters to which the VEC must have regard under sections 79(2)(b) and 80(4)(b) of the Electoral Act, in circumstances where:

- 1.1.1. The logo, emblem or insignia belongs to a registered political party; and
  - 1.1.2. The logo, emblem or insignia is clearly identifiable and consistent with the logo provided to the VEC by the registered political party under sections 45(4) or 51(2A) of the Electoral Act and printed on the ballot-paper for the election; and
  - 1.1.3. The logo, emblem or insignia appears adjacent to the name of the party's endorsed candidate within a representation of a ballot-paper.
- 1.2. The VEC will not refuse registration to a HTVC on the grounds that a logo, emblem or insignia belonging to the registered political party on whose behalf the HTVC is to be distributed appears on the HTVC less than the relevant prescribed size if the HTVC satisfies the requirements of 1.1.1, 1.1.2 and 1.1.3.

### Revocation of previous instrument

Not applicable.

### Commencement of this Determination

This Determination commences on 4 November 2022 and remains in effect until such time as it is amended, revoked, superseded, or otherwise replaced.

Warwick Gately AM  
Electoral Commissioner  
Victorian Electoral Commission

31 October 2022

### Document details

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