



DETERMINATION

Electronic assisted voting

Electoral Act 2002, section 110F

Determination 009/2022

Keywords

Electronic assisted voting, electronic assisted voting centre, eligible class of electors, telephone assisted voting

Preamble

Division 2, Part 6A of the *Electoral Act 2002* (Vic) (Electoral Act) provides for eligible electors to make an electronic assisted vote in an election without requiring them to vote in person at a voting centre or apply for a postal vote. Eligibility to make an electronic assisted vote is restricted to the classes of electors set out in the Electoral Regulations 2022 (Regulations).

To make electronic assisted voting available to eligible electors, the Electoral Act requires the Victorian Electoral Commission (VEC) to:

- appoint necessary voting centres, including any centres that are to be designated as 'electronic assisted voting centres; and
- determine that electronic assisted voting is available at an election, and
- designate a voting centre or centres as an electronic assisted voting centre or centres.

The VEC must then set procedures to facilitate electronic assisted voting for an election in accordance with the Electoral Act.

This Determination provides for electronic assisted voting to be made available and for electronic assisted voting centres to be established at elections held under the Electoral Act.

Audience

The principal audience for this Determination includes:

- electors
- candidates and registered political parties
- VEC employees, election managers and election officials.

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.

This Determination is made under section 110F(1) of the Electoral Act.

1. Availability of electronically assisted voting

- 1.1. At all elections for the Parliament of Victoria conducted under the Electoral Act, including general elections, by-elections, supplementary elections and re-elections, the VEC will appoint an appropriate number of voting centres. These voting centres will include any centres that are to be designated as electronic assisted voting centres under section 65 of the Electoral Act.
- 1.2. For the avoidance of doubt, and provided by section 177B of the Electoral Act, a referendum is also considered an election.
- 1.3. Electronic assisted voting will be available at all elections.
- 1.4. The VEC will designate an electronic assisted voting centre or centres for an election and will publish a notice of its hours of operation on the VEC's Internet site.
- 1.5. A voting centre designated as an electronic assisted voting centre will only be accessible to the classes of electors prescribed as eligible for electronic assisted voting under section 110G of the Electoral Act (including the Regulations).

2. Eligibility to make an electronic assisted vote

- 2.1. A person is eligible make an electronic assisted vote if they are of an eligible class of electors prescribed by the Regulations for the purposes of electronic assisted voting.
- 2.2. An elector requesting to make an electronic assisted vote must make a declaration to an election official that they are an eligible elector at the point of registration.
- 2.3. It is an offence under section 148 of the Electoral Act to provide orally or in writing any false or misleading information, or to make a statement knowing that it is false or misleading in a material particular.

3. Form of electronic assisted voting

- 3.1. As permitted by Division 3, Part 6A of the Electoral Act, the VEC will facilitate voting at an electronic assisted voting centre through its telephone assisted voting service.
- 3.2. The VEC will establish operating procedures for its telephone assisted voting service that comply with the requirements of electronic assisted voting set out in the Electoral Act and the Regulations. These procedures may be varied from time to time, and must include reference to:
 - 3.2.1. the computer program or system for electronic assisted voting approved by the VEC (see section 110HB of the Electoral Act)
 - 3.2.2. relevant security arrangements (see section 110HC of the Electoral Act)
 - 3.2.3. ballot papers to be used in the election (see section 110HD of the Electoral Act)
 - 3.2.4. the appropriate form of the ballot papers and voting procedures to correctly facilitate an electronic assisted vote (see sections 110HD and 110HE of the Electoral Act).

4. *Votes made at an electronic assisted voting centre*

Before election day

- 4.1. Any vote made at an electronic assisted voting centre before the close of early voting for an election will be treated as a declaration vote for that election.

On election day

- 4.2. Any vote made at an electronic assisted voting centre during the hours of voting on election day will be treated as a declaration vote for that election.
- 4.3. For the purposes of section 89(2)(a) of the Electoral Act, an eligible elector who is in the telephone queue by 6 pm on election day is permitted to vote.
- 4.4. Further to Item 4.3 of this Determination:
- 4.4.1. an eligible elector who is connected with the telephone assisted voting service by 6 pm on election day and has remained in an uninterrupted call with the telephone assisted voting service is considered to be “in the telephone queue”.
- 4.4.2. an eligible elector who has entered the telephone queue by 6 pm on election day and has chosen to use a ‘call back’ function provided by the telephone assisted voting service (if available) is considered to be “in the telephone queue”.

5. *Scrutineers at an electronic assisted voting centre*

- 5.1. During the hours of operation of an electronic assisted voting centre, a scrutineer properly appointed by a candidate in the election may be present when an elector makes an electronic assisted vote.
- 5.2. The requirements of scrutineers at an electronic assisted voting centre apply as they would to scrutineers at any other voting centre.

Revocation of previous instrument

Not applicable.

Commencement of this Determination

This Determination commences on 14 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

2 November 2022

Document details

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