

**Submission  
No 59**

**INQUIRY INTO THE CONDUCT OF THE 2022 VICTORIAN STATE  
ELECTION**

**Organisation:** Victorian Electoral Commission

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# Submission to the Electoral Matters Committee inquiry into the conduct of the 2022 Victorian State election

June 2023



## Acknowledgement of Country

The Victorian Electoral Commission pays respect to Victoria's traditional owners and their elders past, present and emerging, who have been custodians of this country for many thousands of years. Their living culture and their role in the life of Victoria is acknowledged by the VEC.

## Version history

This document was prepared for submission to the Parliament of Victoria's Electoral Matters Committee in June 2023.

The following minor corrections were made on 10 July 2023 in consultation with the Electoral Matters Committee secretariat:

- Table 5 on page 59 showing complaints by sub-category: The frequency of complaints regarding the conduct of campaign workers, candidates or political parties at Item 1 should read 278.
- Appendix 5.1 on page 91, updated cross-references within Appendix 5 for Item 5 (Question from Mr Fowles).

## Foreword

On 26 November 2022, about 4.4 million Victorians were required to cast their vote for the 60<sup>th</sup> Parliament of Victoria. The election was the largest ever State election, with many new and more complex challenges.

Since 2018, the Victorian Electoral Commission (**VEC**) has observed a shift in elector expectations and behaviours, an increase in the numbers of political parties and candidates, greater restrictions in the availability of suitable election offices and early voting centres, and significant turnover among the pool of senior election officials and casual staff that fill the 20,000 election delivery roles critical for the event.

For the 2022 State election, these observations were compounded by the expiration of public health orders in the month before the election and widespread flooding across large parts of Victoria during the week before early voting commenced.

The delivery of Victorian State elections is governed by the *Electoral Act 2002 (Vic)* (**Electoral Act**). The Electoral Act is over 20 years old and contains provisions that have not kept pace with significant shifts in Victoria's electoral landscape, including significant population growth and changes to modern election campaigning.

Most prominent is the short timelines required by the Electoral Act. Victoria's timeline from issue of the writ to its return is the shortest in Australia. This is despite the State having the second highest overall population and the highest metropolitan population. The ability to administer Victorian elections to the scale needed within the timelines prescribed is now a risk to the delivery of these elections.

This submission intends to provide the Electoral Matters Committee (**Committee**) with an overview of the administration and conduct of the 2022 State election, which will be further detailed in the VEC's election report to be tabled in Parliament in October 2023. The submission intends to demonstrate how compounding challenges increasingly stress election service delivery and, without reform and more flexibility within the provided timelines, create significant risk to the delivery and integrity of future Victorian State elections.

The VEC submits that reform is needed to the Electoral Act in order for the State's independent electoral commission to continue to deliver high quality elections on behalf of all Victorians. The priority matters for reform are included as policy observations and detailed recommendations in this submission, and will also be highlighted in the election report later this year.

The VEC welcomes the Committee's inquiry and looks forward to contributing and informing the Committee's findings and recommendations.

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## List of abbreviations

Abbreviation	Long version
2CP	Two candidate-preferred
2PP	Two party-preferred
AEC	Australian Electoral Commission
ATL	Above-the-line
AWA	Assisted wheelchair access
BTL	Below-the-line
CALD	Culturally and linguistically diverse
CAS	Centralised Activity Site
Committee	Electoral Matters Committee
DA	Democracy Ambassador
EBC	Electoral Boundaries Commission
Electoral Act	<i>Electoral Act 2002 (Vic)</i>
Electoral Regulations	<i>Electoral Regulations 2022 (Vic)</i>
EVC	Early voting centre
GPV	General postal voter
HTVC	How-to-vote card
IBAC	Independent Broad-based Anti-corruption Commission
IWA	Independent wheelchair access
LNWA	Limited or no wheelchair access
NSW	New South Wales

Abbreviation	Long version
PES	Public enquiry service
TAV	Telephone assisted voting
VC	Voting centre
VCAT	Victorian Civil and Administrative Tribunal
VEC	Victorian Electoral Commission
Victorian register of electors	The register



# Glossary

Term	Definition
Absent vote	A vote cast at a voting centre on election day by an elector who is outside of the district for which they are enrolled.
Candidate	<p>A person who is nominated under section 69 of the Electoral Act to stand for election to Parliament.</p> <p>For political donation disclosures and reporting under Part 12 of the Electoral Act:</p> <ul style="list-style-type: none"> <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>
Centralised Activity Site	Central location where multiple activities will take place, including postal vote processing, TAV and extraction and counting activities.
Democracy Ambassador	Community members who are employed by the VEC to deliver electoral information and enrolment services to priority communities.
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.
Directly enrolled	A person who is added to the register of electors by the VEC based on government data that identifies that person as being eligible for enrolment.
Disinformation	Inaccurate information that is intended to mislead or deceive.
Distribution of preferences	If no candidate in a district election has an absolute majority of first preferences during the count, or in a region election, if fewer candidates obtain the quota required to be elected than the number of vacancies to be filled, a preference distribution is conducted. In a district election, the candidate with fewest votes is excluded and their votes are passed on to other candidates according to voters' preferences. In a region election, the votes in surplus of the quota from the candidate or candidates declared elected are distributed or the candidate with fewest votes is excluded and their votes are passed on to other candidates according to voters' preferences. This process is repeated until the vacancy or vacancies are filled.

Term	Definition
Donkey voting	Where an elector orders their preference of candidates on the ballot paper in the sequential order the candidates appear on the ballot paper.
Early voting	Electors can vote before election day at an EVC.
Election manager	A senior election official appointed by the Electoral Commissioner to conduct an election for an electorate.
General postal voter	A general postal voter is a person who is automatically mailed a ballot pack for all elections in their area for reasons such as illness, age, remote location or being a registered overseas elector.
How-to-vote card	Any electoral material that: <ul style="list-style-type: none"> <li>• includes a representation of a ballot paper, including partial or purported partial representations of a ballot paper or</li> <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>
Informal vote	A ballot paper that is cast but cannot be included in the count because the voter's intention is not clear or the ballot paper has been completed incorrectly.
Misinformation	False or inaccurate information that is spread regardless of intent to mislead or deceive.
Mobile voting	A voting centre temporarily set up at a site, such as a prison or aged care home to assist harder to reach electors to vote.
Ordinary vote	A vote cast by an elector on election day at a voting centre that is located in the electorate for which they are enrolled.
Party/candidate worker	A person who assists a candidate by distributing HTVCs or other electoral material outside a voting centre.
Postal vote	Electors can apply to have their ballot papers mailed to them. Electors are provided with an envelope to securely return their ballot papers to be included in the count.
Priority community	A community that is underrepresented in elections in terms of enrolment or turnout or overrepresented in terms of informality.
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.

Term	Definition
Recount	A re-examination and count of all formal and/or informal ballot papers before the declaration of an election, conducted under section 120 of the Electoral Act.
Registered political party	A political party that is on the VEC's 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).
Scrutineer	A person appointed by a candidate to observe certain procedures on the candidate's behalf at an election. Scrutineers are permitted to observe voting, scrutiny and counting procedures during an election.
Self-enrolled	A person who enrolls themselves when they are eligible.
Senior election official	An election official with advanced training to managed electoral operations.
Telephone assisted voting	A secure voting facility provided by the VEC for electors prescribed by the regulations to use this service. Use of this service involves casting a secret vote over a telephone service.
Turnout	The proportion of electors on the register of electors who voted in an election. Turnout can be measured by the number of electors marked off the roll and by the number of votes cast in an election. As not all electors who attend a voting centre end up submitting ballot papers, these measures can produce different turnout figures.
Voting centre	A venue appointed by the VEC for voting at an election as an EVC, a mobile voting centre, or an election day voting centre.
VEC Disclosures	The VEC's online public-facing political donation disclosure system for donors and recipients of political donations in Victoria.
Writ	The writ is 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. Writ-to-writ refers to the time between the creation of this writ and its formal return to the Governor or Speaker.

# 1 Introduction

The responsibility to run Victorian State elections is a primary function of the VEC enshrined in the Electoral Act. The model adopted to deliver the 2022 State election is well established and underpinned by the legislative framework.

The VEC refines its delivery model for each election in response to lessons learned from previous elections, changes led by others within the community of Australia's electoral commissions, new and emerging opportunities and challenges, and changing expectations and feedback from electors, candidates, political parties, and other participants. The VEC's organisational commitment to the successful administration and conduct of elections is shared by the ongoing and temporary election workforce as well as suppliers within the service delivery chain.

The 2022 State election provided new challenges to the successful delivery of the election. This submission to the Committee's inquiry into the conduct of the election will report on those challenges and the operational response provided. Where relevant, recommendations for the Committee to consider key matters of concern or changes to the legislative framework have been made.

## 1.1 Narracan failed election

The 2022 State election saw the first failed district election since 1999 following the death of a candidate for Narracan District during the early voting period. The district election was formally declared failed and votes already cast were set aside and subsequently destroyed. Electors enrolled in Narracan District were still required to vote in the Legislative Council election for Eastern Victoria Region, which has led to some inconsistencies in participation and turnout figures within this submission.

A report on the supplementary election will be tabled with each House of Parliament, as required by law, as an appendix to the VEC's report on the 2022 State election. Recommendations for administrative and technical changes to the provisions governing failed elections will be included in this report and do not form part of this submission.

## 1.2 Redivision of electoral boundaries

Changes to Victoria's electoral boundaries made by the EBC came into effect at the 2022 State election. The changes resulted in approximately 910,000 electors, or 21% of the electoral roll for the election, voting for a new or different district.

Roll products updated to the new districts were provided to registered political parties and independent members of Parliament prior to the election, in accordance with the requirements of the Electoral Act. The EBC's final report was also used to inform the identification and appointment of VCs for each district. The VEC's election advertising and key messaging was also updated to alert electors that they may be voting in a different electorate than previous years.

## 1.3 Election fatigue

In May 2022, Victorians were required to vote in the Australian Federal election. While there was a decline in participation at both elections, participation and turnout figures show election fatigue appears to have tracked through to the 2022 State election and led to a further decrease in these key measures.

## 1.4 Legislative changes

### 1.4.1 Electoral Act 2002

Several changes to the Electoral Act were made by the *Regulatory Legislation Amendment (Reform) Act 2022 (Vic)* and came into effect on 1 June 2022. These

changes were incorporated into the VEC's planning for the 2022 State election.

### Limits on political signage

The number of notices and signs that may be exhibited within 100 metres of a designated entrance to a is now prescribed.

Candidates and registered political parties are may display a maximum of 2 notices or signs outside a VC. Where a registered political party has endorsed 2 or more candidates for the Legislative Council, these candidates may display a maximum of 2 signs among them. The changes effectively permit a registered political party that has endorsed a candidate in a district election and more than one candidate in the corresponding region election to a maximum of 6 signs outside VCs within that district.

### Mobile billboards

The display of mobile billboards was prohibited within 100 metres of a designated entrance to the grounds in which a VC is situated.

A mobile billboard is defined as any billboard that is capable of being displayed while being transported by any means, including by a motor vehicle, utility vehicle, motorcycle or a person.

### Designated person for signage near voting centres

Each registered political party and independent candidate is required to designate a person responsible for any notices or signs displayed by the party or the candidate at a designated entrance to a VC (including an EVC). The designated person's details must be registered with the VEC.

### Contact person for recounts

Candidates and registered political parties must provide the VEC with a contact person for recounts. The VEC must give at least 4 hours written notice of a recount to the contacts for candidates and parties affected by the recount.

### Early processing of votes

The times for beginning to process early and postal votes were aligned to commence from 8 am on election day. Processing of these votes is still required to occur within a restricted area and counting the votes cannot commence until voting has closed.

### Postal vote applications

It is now an offence for anyone other than the VEC to distribute an application to vote by post. It is still permitted for the VEC to make postal vote applications available at post offices. This change did not extend to GPV applications.

### 1.4.2 Electoral Regulations 2022

The *Electoral Regulations 2012* (Vic) were replaced by the *Electoral Regulations 2022* (Vic) (**Electoral Regulations**) on 30 August 2022.

While the Electoral Regulations included temporary provisions permitting electors who could not vote because they were required to isolate or quarantine because of COVID-19 to access electronic assisted voting, delivered through the VEC's TAV service, the public health orders triggering those temporary provisions in Victoria were withdrawn prior to the election.

In response to widespread flooding across Victoria, the Electoral Regulations were amended on 1 November 2022 to extend eligibility to access electronic assisted voting for electors impacted by a declared emergency situation, including the floods.

## 2 Recommendations

In addition to the detailed policy matters and legislative changes recommended below, the VEC recommends a full review of Victoria's electoral laws.

Despite various amendments over time, the Electoral Act is now 21 years old and no longer offers a cohesive legislative framework from which to successfully deliver Victorian State elections. Elections have grown in complexity and scale since the Electoral Act was introduced and a holistic review will assist to ensure currency and fitness for future elections. Figure 1 shows the changes in key election measures between the 2002 and 2022 State elections.

The VEC submits that a holistic review of the Electoral Act must consider the sustainability of the prescribed timelines for the conduct of future State elections. As enrolment grows in Victoria and the State's elections are increasingly more complex, the absence of any contingency in many parts of the legislated timeline increases the risk of election failure. Table 1, which directly compares the 2022 State election timeline with the timeline for the 2023 NSW State election, highlights the significant constraints of Victoria's electoral laws for each stage of the election. As shown in Figure 1, since commencement, the current Electoral Act has overseen an increase of broadly 1 million voters. Given NSW's population is approximately 1 million<sup>1</sup> greater than Victoria, it provides an informative picture of a working model for a potential future timeline for Victoria.

<sup>1</sup> Australian Electoral Commission, *Size of the electoral roll and enrolment rate 2023*, accessed 15 June 2023. [https://aec.gov.au/Enrolling\\_to\\_vote/Enrolment\\_stats/national/2023.htm](https://aec.gov.au/Enrolling_to_vote/Enrolment_stats/national/2023.htm)

### 2.1 Policy matters

A key theme that emerged for the 2022 State election was the rise in matters that present a risk to the confidence of participants in the integrity of the electoral process. These have been collected here for consideration by the Committee.

1. The confusion and data privacy concerns in the community due to inconsistencies between the requirements for GPV and postal vote applications, and considers appropriate changes to resolve these concerns. [See page 24]
2. The significant concern within the community about the voting system used for Legislative Council elections and identifies opportunities to restore the community's confidence in Legislative Council elections. [See page 29]
3. The requirements for how-to-vote card (**HTVC**) registration have not kept pace with modern election campaigns and considers the ongoing utility of HTVC registration for future elections. [See page 35]
4. The increase in disinformation and misinformation published to social media regarding electoral matters and considers this issue alongside the Committee's findings from its previous inquiries into the impact of social media on elections and election administration. [See page 37]
5. The vulnerability of enrolment information held by candidates, members of parliament and registered political parties, and considers the legal requirement for the VEC to provide this information regardless of the recipient's information protection or cyber security sophistication as well as the heightened



concerns in the community regarding the privacy of their information. [See page 42]

6. The limited voting channels available for overseas electors, as well as other groups who face barriers to voting in elections, and considers the opportunity to extend eligibility to use electronic assisted voting to provide an accessible voting channel. [See page 48]

7. The challenges of applying and enforcing the requirements for electoral campaign material to be properly authorised, as currently defined and prescribed, in the context of modern election campaigns. [See page 63]

8. The requirements for HTVC registration are reviewed in light of recent decisions by the Victorian Civil and Administrative Tribunal (**VCAT**) to ensure requirements can be applied consistently across all electorates. [See page 66]

## 2.2 Recommendations

Options to alleviate immediate risks to the successful delivery of future elections at specific points in the timeline have been collected here for consideration by the Committee. All, bar one, relate to the potential risk of failure of an election activity due to a now unsustainable timeline. Of themselves, they cannot be considered a substitute for comprehensive reform of Victoria's State election timeline to ensure sustainable elections from 2026 and beyond.

The VEC recommends the following changes to the Electoral Act:

1. Amending section 67 of the Electoral Act to include an appropriate mechanism to require suitable publicly-funded venues to be available for use as EVCs, such as community facilities owned and operated by local councils. [See page 15]

2. Amending section 63(3) of the Electoral Act to appoint a day "as soon as practicable" after the writs are issued for a general election as the day for the close of the roll for the election. [See page 22]

3. Amending sections 45(2) and 46 of the Electoral Act to set a 120-day deadline before a general election for it to decide on an application for registration of a political party. [See page 26]

4. Amending sections 63(5)(a) and 69(2) of the Electoral Act to harmonise the final nomination day for all nominations in a general election to occur 9 days after the expiration of the Legislative Assembly. [See page 32]

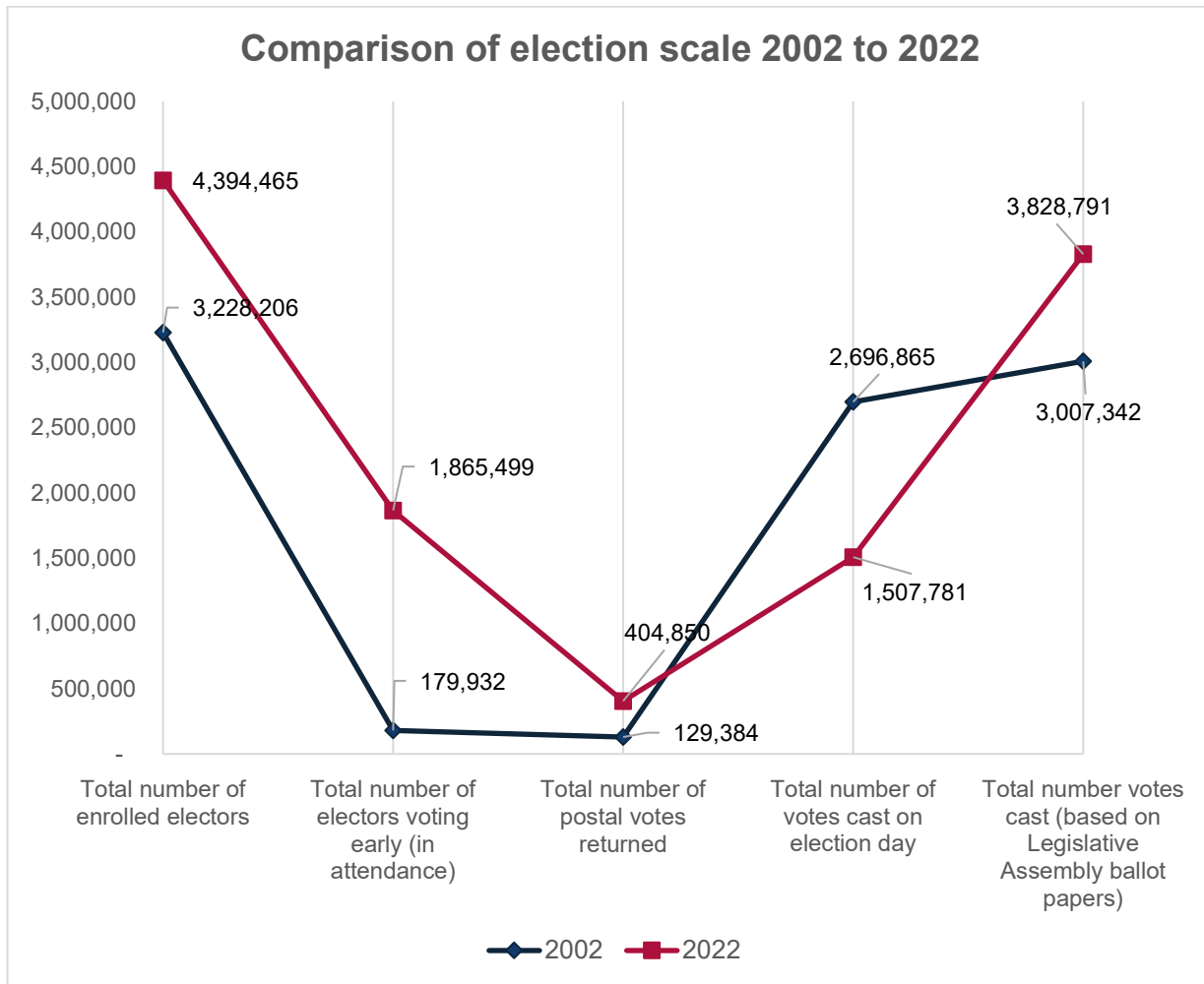
5. Amending the timelines for lodging and deciding applications to register HTVCs in Division 5 of Part 5 of the Electoral Act to include at least one clear business day between receiving an application and the requirement to inform the applicant of the decision under section 79(1) of the Electoral Act. [See page 35]

6. Amending section 61(4)(c) of the Electoral Act to require the writ for elections to be returnable on a day within 23 days after election day or, alternatively, to allow for the writ for a Legislative Council election to be returnable on a day within 28 days after election day providing an additional 7-day contingency to conduct this aspect of the count. [See page 56]

7. Repeals section 19(2)(c) of the Electoral Act to allow the Commission to delegate the prescribed power and avoid the current single point of dependency. [See page 57]

Note that the VEC's Report to Parliament on the 2022 State election will contain further recommendations for administrative and technical reform.

Figure 1 Comparison of scale of key election statistics between 2002 and 2022





### 3 Election timeline

This submission is structured to align as closely as possible to the timeline for the 2022 State election. As noted, Victoria's timeline is the shortest in Australia. The most comparable state in terms of size and complexity to Victoria is NSW. With a voting population about 1 million greater than Victoria<sup>2</sup>, it can reliably inform our

view of a sustainable future timeline for Victoria. Accordingly, a direct comparison of the 2023 NSW State election and the 2022 Victorian State election is shown at Table 1.

Chapter references have been provided in the first column, which correspond to the chapter the milestone is discussed.

Table 1 Comparison between the timeline for the 2022 Victorian State election and the 2023 NSW State election

2022 Victoria State election				For comparison: 2023 NSW State election		
Ref.	Activity	Date	Days from writ (Duration)	Date	Days from writ (Duration)	Activity
5	Close of registration of political parties (last day to submit application)	Fri 29 July	-95 (120 before election day)	Sat 26 March	-346 (365 before election day)	Last day to become a registered political party (application must be processed and accepted by this day)
1	Issue of writs (6 pm)	Tue 1 Nov	0	Mon 16 Jan	-49	* Open of postal vote applications
5	Open of nominations	Wed 2 Nov	1	Mon 27 Feb	-7	Open of nominations
7	Open of postal vote applications	Wed 2 Nov	1	Mon 6 Mar	0	Issue of writs
5	Close of roll (8 pm)	Tue 8 Nov	7 (7 days)	Mon 6 Mar	0	* Close of roll
5	Close of nominations (for independents only. Thur 10 Nov for registered political parties)	Fri 11 Nov	10 (9 days)	Wed 8 Mar	2 (9 days)	Close of nominations
5	Open of registration of electoral material	Mon 14 Nov	13	Wed 8 Mar	2	Open of registration of electoral material
6	Open of early voting and mobile voting	Mon 14 Nov	13	Fri 17 Mar	11 (7 days)	Close of registration of electoral material
5	Close of registration of electoral material	Fri 18 Nov	17 (4 to 5 days)	Sat 18 Mar	12	Open of early voting
7	Close of postal vote applications	Wed 23 Nov	22 (21 days)	Mon 20 Mar	14 (63 days)	Close of postal vote applications
6	Close of early voting	Fri 25 Nov	24 (11 days)	Fri 24 Mar	18 (6 days)	Close of early voting
7	Election day	Sat 26 Nov	25	Sat 25 Mar	19	Election day
8	Last day for votes to be admitted to count (6 pm)	Fri 2 Dec	31	Thur 6 April	31	Last day for votes to be admitted to count
8	Return of writs	Fri 16 Dec	46 (21 days from election day)	Fri 5 May	60 (41 days from election day)	Return of writs
				* At the discretion of the Electoral Commissioner		

<sup>2</sup> Australian Electoral Commission, *Size of the electoral roll and enrolment rate 2023*, accessed 15 June 2023. [https://aec.gov.au/Enrolling\\_to\\_vote/Enrolment\\_stats/national/2023.htm](https://aec.gov.au/Enrolling_to_vote/Enrolment_stats/national/2023.htm)

## 4 Pre-writ period

Planning for State elections intensifies about 2 years before election day.

### 4.1 Venues and resourcing

The VEC sourced nearly 2,000 venues across Victoria to deliver the 2022 State election. This includes election offices, EVCs, election day VCs, mobile VCs and counting hubs.

Once venues were identified for the election, venues began to be booked in October 2021. Section 67 of the Electoral Act allows for the VEC to require any room or hall in a prescribed premises<sup>3</sup> to be available to be used as an election day VC.

No similar provision exists to permit the VEC to require sites to be made available for early voting. As a result, the VEC is limited to market availability at the time of sourcing and booking (leasing) suitable premises for EVCs.

For the 2022 State election, the VEC experienced unprecedented challenges with sourcing suitable venues for election offices and EVCs due to:

- a decline in market availability for commercial properties
- an increased reluctance by owners and agents to have short-term leases.

The number of early and election day VCs in each district was determined based on a range of factors including the number of suitable venues within the district, population distribution, parking and public transport links, a detailed accessibility audit, the location of neighbouring VCs, the experience from previous elections (including by the AEC), any feedback from

<sup>3</sup> 'Prescribed premises' means a school or building that is not used exclusively for religious services and is supported wholly or in part by public funds.

### Availability of EVCs

Section 67 of the Electoral Act gives the VEC access to 'prescribed premises' for use on election day. No similar provision exists for EVCs.

The challenges experienced with securing suitable early voting venues for the 2022 State election means the traditional model of co-locating EVCs with election offices is no longer sustainable. More EVCs will be standalone for future elections, and the availability of suitable venues through the commercial market continues to diminish, while the popularity of early voting is increasing.

Although community facilities owned and operated by local councils are ideal for the placement of EVCs, there is no compulsion for local councils to make these venues available to the VEC for the early voting period.

#### Recommendation 1

The VEC recommends amending section 67 of the Electoral Act to include an appropriate mechanism to require suitable publicly-funded venues to be available for use as EVCs, such as community facilities owned and operated by local councils.

candidates, electors or election officials from previous elections, as well as any changed locations of district boundaries.

The selection of venues is also informed by the VEC's pool of senior election officials, which provides valuable local insight, and all potential sites audited by the VEC's accessibility framework that aligns with the requirements of the *Disability Discrimination Act 1992* (Cth).

#### 4.1.1 Early voting centres

In response to the increase in early voting, the VEC established 155 EVCs across 153 venues. This compares with 103 EVCs at the 2018 State election.

The decline in market availability for commercial properties delayed the ability to secure EVC sites in line with the VEC's original timeframe. For particularly difficult areas, the VEC engaged a commercial property partner to assist with the search for suitable venues, including off-market properties, and engaged with local councils and community organisations.

In a small number of circumstances, the VEC needed to shift from its traditional model of co-locating election offices and EVCs and needed to lease a venue separately from EVC. This split occurred for 22 districts, when it was only needed for 2 districts at the 2018 State election. This separation results in increased costs running parallel leases and duplicates logistical effort, resourcing and staffing.

Given the increasing difficulty securing suitable 'full service' venues for election offices and EVCs, it is unlikely the traditional co-location model will be sustainable for future elections.

Despite these challenges, the VEC met its service commitment to provide an EVC in every district and, for districts with an anticipated high number of early votes, 2 or more EVCs were appointed.

The VEC also exceeded its target for EVC wheelchair accessibility and increased the overall number of accessible EVCs compared to the 2018 State election. This included modifying properties and fitting temporary ramps to improve accessibility where viable.

#### 4.1.2 Election day voting centres

A total of 1,765 election day VCs were appointed for the 2022 State election. While the focus remained on sourcing

accessible sites that were conveniently located, the VEC reviewed all voting centres across the State that were used for the 2018 State election to consider population changes, account for areas of significant growth in enrolment and the impact of boundary redivisions, allow for an increase in early voting, and to also respond to elector expectations and feedback from previous elections.

The VEC reduced the number of voting centres appointed for the election compared to the 2018 State election (1,794) in response to continued decline in the number of electors voting on election day.

With 62% of voting centres located in education facilities, the VEC maintained a strong relationship with the Department of Education and Training, Catholic Education Commission of Victoria, and Catholic Archdioceses to secure sites familiar to local communities, including schools and places of worship. Local councils were also an important partner, providing 32% of voting centres through community halls and sporting pavilions. The balance of voting centres (6%) were places of worship and other venues sourced through local providers.

The VEC met its service commitment to provide sufficient voting centres to facilitate the opportunity to vote on election day and exceeded its target for voting centre wheelchair accessibility. For further detail see Table 3 Comparison of accessibility of EVCs between the 2018 and 2022.

#### 4.1.3 Logistics hubs

To better support the VEC's field operations, logistical staging hubs were established across Greater Melbourne in mid-2022 to support multiple districts.

These hubs supported the distribution and return of resources and ballot papers for assigned districts and provided a central

location for various 'back office' activities and, after election day, selected counting activities. This relieved pressure on election offices and reduced distance for transporting bulk materials. Country Victorian districts encounter different challenges and are less suited to logistics hubs.

#### 4.1.4 VEC Warehouse

The VEC's state-wide operation continued to be supported by its warehouse located at Melbourne Airport Business Park. The VEC Warehouse was the main distribution site for all election resourcing and was supported by logistics hubs within Greater Melbourne. The addition of the hubs allowed freight and delivery routes to be decentralised, providing clearer journeys for key suppliers and more agility to respond to local needs.

#### 4.1.5 Centralised Activity Site

The CAS for the 2022 State election was located at the Melbourne Showgrounds in Ascot Vale. The CAS operated all computer counting as well as processing and counting for all declaration votes, including postal votes, absent votes, telephone assisted votes, and the vote exchange.<sup>4</sup> At its peak, the CAS operated multiple shifts between 6 am and 3 am each day and a workforce of 1,800 election staff were involved in processing and counting more than 3,800,000 ballot papers.

## 4.2 Staffing the election

The VEC maintains a pool of about 300 trained senior election officials who serve in election management roles and a database of people who have registered with the VEC for election work. For large operations, like the CAS, labour hire providers are also used to fill bulk roles.

The pool of senior election officials is topped up through a recruitment program prior to each major election event, and new senior election officials are provided with foundation election management training. Senior election officials selected for election management teams at the 2022 State election were provided additional intensive pre-election training before they were eligible to be appointed and deployed to field locations.

#### 4.2.1 Senior election official recruitment

Following a review of the availability and locations of suitable election managers and assistant election managers from the existing senior election official pool, comprehensive recruitment programs were deployed in November 2021 and June 2022 to fill gaps and boost the number of senior election officials. Both programs comprised an initial advertising campaign, interviews, and an extensive assessment and training centre. More than 100 new senior election officials were added to the pool as a result of the recruitment programs.

88 election managers, 98 assistant election managers and approximately 50 reserve managers were appointed from the senior election official pool for the 2022 State election. Due to the challenging labour market, there were a number of first-time appointees. All election managers and assistant election managers were supported by a team of head office-based election support officers, all experienced senior election officials themselves, who were available to provide efficient and timely advice on election processes and office management matters.

<sup>4</sup> The vote exchange is the process of collecting and forwarding all absent votes (votes cast out-of-district on election day) to the correct district.

### 4.2.2 Staffing challenges

Following the AEC's experience at the Federal election earlier in 2022, the VEC anticipated a range of staffing challenges and invested heavily into building its database of election staff as well as its planned senior election officer recruitment program. This included advertising for new registrations through social media, rural and regional newspapers, radio, placing brochures and posters, and reaching out through bulk communications with those already registered for election work for both State and Federal elections.

As a result of these efforts, the database of potential election staff grew from 49,000 in June 2022 to over 75,000 by the end of the 2022 State election.<sup>5</sup>

Despite the boosted senior election official pool and growth in the number of Victorians registered for election work, the VEC still encountered significant difficulty recruiting and retaining election staff. Many areas of the State found it difficult to secure enough staff for critical election delivery roles, and all areas experienced high drop-out rates due to COVID-19.

### 4.2.3 Other staffing methods

To help counter the anticipated workforce gaps, the VEC engaged a range of other methods retain suitably qualified staff for critical roles. This included:

- liaising with the Victorian Public Sector Commission for short-term placements from within the public service.
- running a secondment program with electoral commissions from other states and territories.

These additional efforts yielded significant results, and a number of head office and field roles were able to be filled.

The VEC extends its appreciation to the Victorian Public Sector Commission, the Victorian Secretaries Board, and electoral commissioners and their staff from around Australia for their assistance and support.

### 4.2.4 Training, manuals and handbooks

Senior election officials appointed to election management roles undertook 20 hours of online learning, 4 days of face-to-face training, and 3 days of in-office systems training.

Across the rest of the election workforce, the VEC adopted a mixed training model depending on the role, which involved a combination of face-to-face training, online training, and hybrid training with both face-to-face and online components.

Overall, the VEC assigned a total of 153,603 online training modules to 20,664 temporary election staff. The modules had a completion rate of 88% representing a total of 61,992 hours of online training for the VEC's election workforce.

Election management and election official roles were supported by updated manuals and handbooks that contained policy and procedural instructions relevant to the role. The election manual is used by election managers and assistant managers in their election offices and was re-engineered for the 2022 State election to better reflect the sum of operations occurring during the election.

### 4.2.5 Integrity measures

The VEC adopts several integrity measures to ensure staff are politically impartial and suitable for work in elections.

Section 17A of the Electoral Act allows for the VEC to refuse to employ or appoint a person because of their political activity or beliefs. This protects the impartiality and

<sup>5</sup> Further work is required to identify inactive or out-of-date records within the database of registrations, and not all new registrations indicated availability to be engaged for the 2022 State election.



independence of elections, and the VEC requires all employees to complete a disclosure of political activities prior to commencing their employment.

For the 2022 State election, the VEC reviewed and updated its policy and guidelines for disclosures of political activity, including a benchmark exercise using similar policies in other State and Territory electoral commissions.

Key changes to the VEC's policy included:

- reducing the exclusion timeframe for people who have been candidates for a state, territory or federal parliament or a local council, or holding one of those elected positions, from 15 years to 10 years
- reducing the exclusion timeframe for people who have been members of a political party from 15 years to 5 years.
- reducing the disclosure timeframe for other political activities, such as publicly supporting a party or candidate or being a member of a political group from 15 years to 5 years.
- reducing the number of automatic exclusions, and assessing disclosures on discretionary grounds more closely against the requirements, risks and visibility of the role being applied for.
- improved guidance material, including clearer examples of the types of political activities required to be disclosed.

These changes aligned the VEC's requirements with contemporary criteria while retaining the strictest impartiality and independence requirements for electoral commissions in Australia.

All senior election officials appointed to election management roles were required to undergo both a National Police Records

Check and a Working with Children Check. The VEC is committed to expanding these checks to additional roles for future elections.

For all election staff, the VEC required a positive disclosure of disclosable or pending criminal convictions. This was the first election that the VEC adopted an active criminal conviction disclosure requirement across its entire election workforce. All 109 positive disclosures were individually assessed by the VEC's human resources team and resulted in either the withdrawal of an appointment or no offer being made.

The VEC notes that the global security environment for elections is changing, and election events for major national, state and provincial economies are becoming more likely targets for foreign interference.

Using guidance from Australia's Electoral Integrity and Assurance Taskforce and National Counter Foreign Interference Coordination Centre, the VEC assessed its workforce in March 2022 to identify individuals and roles that may be exposed to higher levels of risk from foreign interference and targeted credential theft, known as spear fishing. Assessment criteria included levels of authority and decision-making, access to sensitive information, and privileged system access. A high-value target employee list was established and mandatory Counter Foreign Interference training and additional cyber awareness training was delivered to relevant employees.

In addition to baseline controls that apply to all users, those VEC staff identified as high-value targets are also subject to additional controls:

- annual conflicts of interest declarations
- mandatory annual refresher training, and the complete training suite for new additions to the list of high-value targets

- higher levels of multi-factor authentication to access the VEC's IT systems compared with the baseline.

## 5 Pre-voting period: Close of roll and nominations

### 5.1 Close of roll

The register lists the names and addresses of all enrolled Victorians at any point in time. The VEC continuously updates the register with enrolment information received from electors themselves, as well as information from other partners and the AEC.

For the 2022 State election, the electoral roll closed at 8 pm on 8 November 2022 in accordance with section 63(3) of the Electoral Act. The electoral roll is a 'snapshot' of the register as at the close of roll and forms the roll of electors enrolled for an election. An extensive advertising and marketing campaign was deployed in the months leading up to the close of roll to encourage eligible Victorians to enrol or update their enrolment using the channels available.

At the close of the roll, 4,394,465 Victorians were enrolled on the register, reflecting an estimated enrolment rate of 97.8% of the eligible population based on the AEC's estimate at 31 December 2022. On 31 December 2018, following the 2018 State election, the estimated enrolment rate in Victoria was 96.6%.

The VEC continued its partnership with the AEC to exchange information and jointly administer enrolment processes for the register and the Commonwealth electoral roll for Victoria. The AEC provided enrolment updates within 24 hours of the close of roll and the VEC's enrolment officers quality checked this data and applied updates to the register within 15 hours, working through the night to meet roll production timelines.

Electoral rolls for State elections continue to grow and will soon approach 1.5 million more electors than the number enrolled for the 2002 State election, the first election using the timelines currently prescribed. Closing the roll during the nomination period and so close to the start of early voting continues to create a risk to the conduct of State elections, including the timely production of roll products and the validation of enrolment details for those candidates who nominate earlier in the nomination period. While the register was generally in good shape because of the Federal election only 6 months earlier,<sup>6</sup> the roll production timeline for the 2022 State election left no contingency for quality assurance issues, processing disruptions or system failure.

<sup>6</sup> 209,192 enrolment transactions were processed in the month before the close of roll for the 2022 State election compared with 272,775 in the same period before the 2018 State election.



## Close of roll

The 7-day timeframe between the issue of the writs and close of roll required by section 63(3) of the Electoral Act creates challenges for the VEC, particularly for general elections.

Many election operations depend on the timely and accurate production of the electoral roll, including processing postal vote applications, and preparing roll products for candidates, registered political parties, early voting and election day voting centres, as well as validating the eligibility of candidates who have nominated for election.

The current deadline requires the VEC to complete enrolment processing, quality assurance and generate key roll products within 48 hours after the roll closes. As the number of enrolments continues to grow, it is increasingly difficult for the VEC to meet this timeline for general elections and leaves no contingency for unforeseen disruptions or failures.

Victoria's fixed parliamentary terms and the ability for eligible Victorians who cannot be found on the electoral roll to apply for a provisional vote means this pressure at such a critical point within the election timeline is unnecessary for general elections.

For comparison, the roll for NSW general elections closes as soon as practicable after the election writs have been issued.

### Recommendation 2

The VEC recommends amending section 63(3) of the Electoral Act to appoint a day "as soon as practicable" after the writs are issued for a general election as the day for the close of roll for the election.

### 5.1.1 General postal voter applications

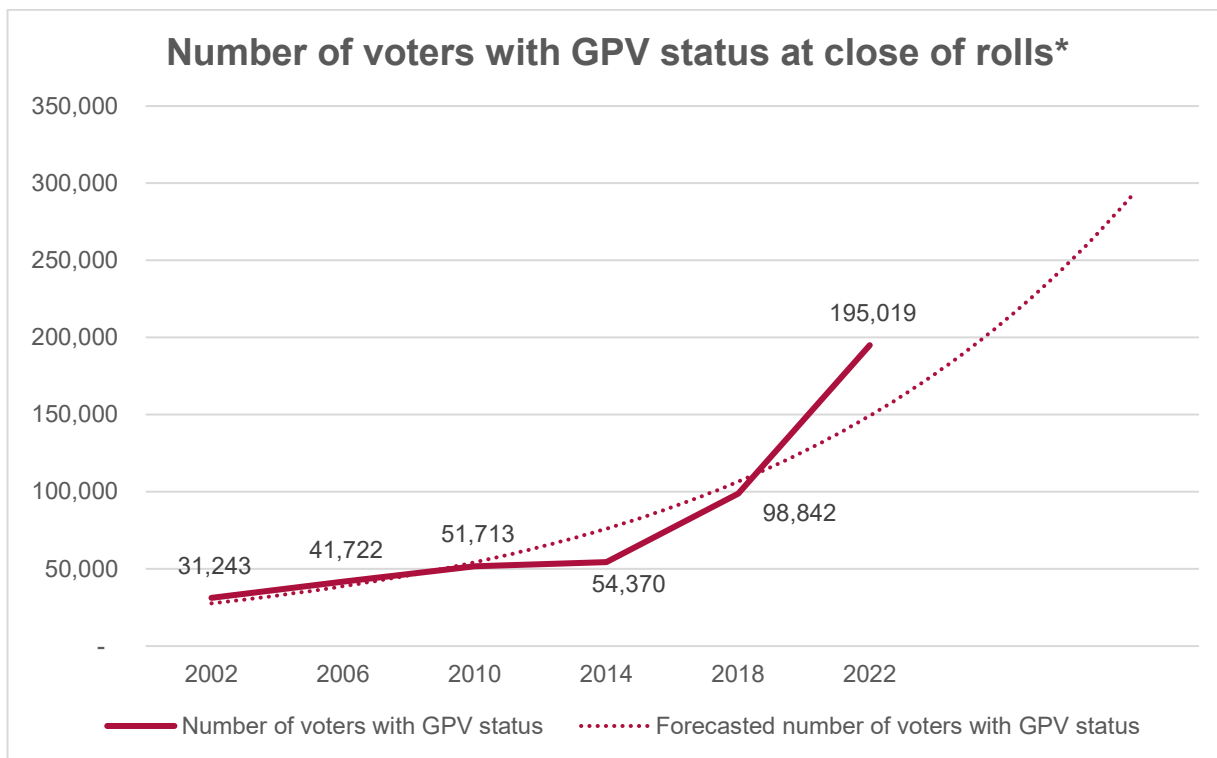
Prior to the close of roll, there was a surge in the number of GPV applications received, especially from electors aged over 70 years old. This was also observed in 2018. The total number of GPVs more than doubled from 98,842 in 2018 to 195,019 in 2022. Figure 2 shows the increase of the number of GPVs from 2002 to 2022. GPV entitlement for over-70s is a key contributor to divergence between State and Federal enrolment as it is only valid for State elections.

Between September and November 2018, 17,733 electors were updated to include an over-70 GPV status. During the same period before the 2022 State election, this number was 65,986, now representing 11.24% of the total number of electors aged 70 years or older who are enrolled on the register.

### 5.1.2 Boundary re-code

Changes to Victoria's electoral boundaries by the EBC came into effect on 1 November 2022. The new boundaries were applied to all applications, products and systems for the 2022 State election, including internal roll look-ups as well as the online 'Check my enrolment' and 'Voting centre locator' tools.

Figure 2 Number of voters with GPV status at the close of rolls and a forecasted growth trendline for the next 2 elections



\* This date will vary election to election, in 2022 it was Tuesday 8 November

## General postal voters

The number of GPVs grew from 102,777 on 1 June 2022 to 201,441 on 1 January 2023. Like the 2018 State election, the surge in GPV applications occurred in the 2 months before the close of roll for the 2022 State election and coincided with targeted campaigns by registered political parties, members of parliament and candidates.

During a time of increased sensitivity about privacy, the VEC was contacted by multiple electors expressing concern about receiving their personal information pre-filled on a GPV application. On several occasions, the letter that accompanied the GPV application contained inaccurate enrolment advice. The VEC contacted the registered political party responsible for the relevant mail-out to alert them to relevant electoral offences and requested that they cease the mail-out.

Further frustration occurs for voters when an application is received by the VEC after the close of roll deadline, when it is too late to process for the State election, who must then be alerted to apply for a postal vote or vote in person and the need to reapply for GPV status for future elections.

This situation is of particular concern to the VEC because it increases pressure on enrolment processes during an already pressured critical pre-election period.

Reforms to the Electoral Act following the Committee's findings after the 2014 and 2018 State election, to prohibit anyone other than the VEC from distributing postal vote applications did not extend to GPV applications. Subject to similar controls applying to GPV applications during the period before an election, the VEC notes the opportunity to reduce elector confusion by amending the Electoral Act to allow GPV applications that miss the close of roll deadline for an election to be processed for future elections and also treated as a postal vote application for the current election when it was received before the deadline for postal vote applications.

### Policy matter 1

The VEC recommends that the Committee notes the confusion and data privacy concerns in the community due to inconsistencies between the requirements for GPV and postal vote applications, and considers appropriate changes to resolve these concerns.

## 5.2 Registered political parties

Following changes to the Electoral Act in 2018, the last day for applying to register a political party in time for the 2022 State election was on 29 July 2022. The same deadline also applied for registered political parties to apply to change their registered name or logo.

There was an unprecedented pre-election surge in the number of applications to

register new political parties across June and July 2022. In total, 18 applications to register a political party were received between January and the July 2022 deadline, 16 of which were received during June and July alone. Figure 3 shows the number of active political party registration applications across 2022.

Subsequently, 9 political parties were added to the register of political parties prior to election. During the same period,

13 applications were made by existing registered political parties to amend various particulars of their registration.

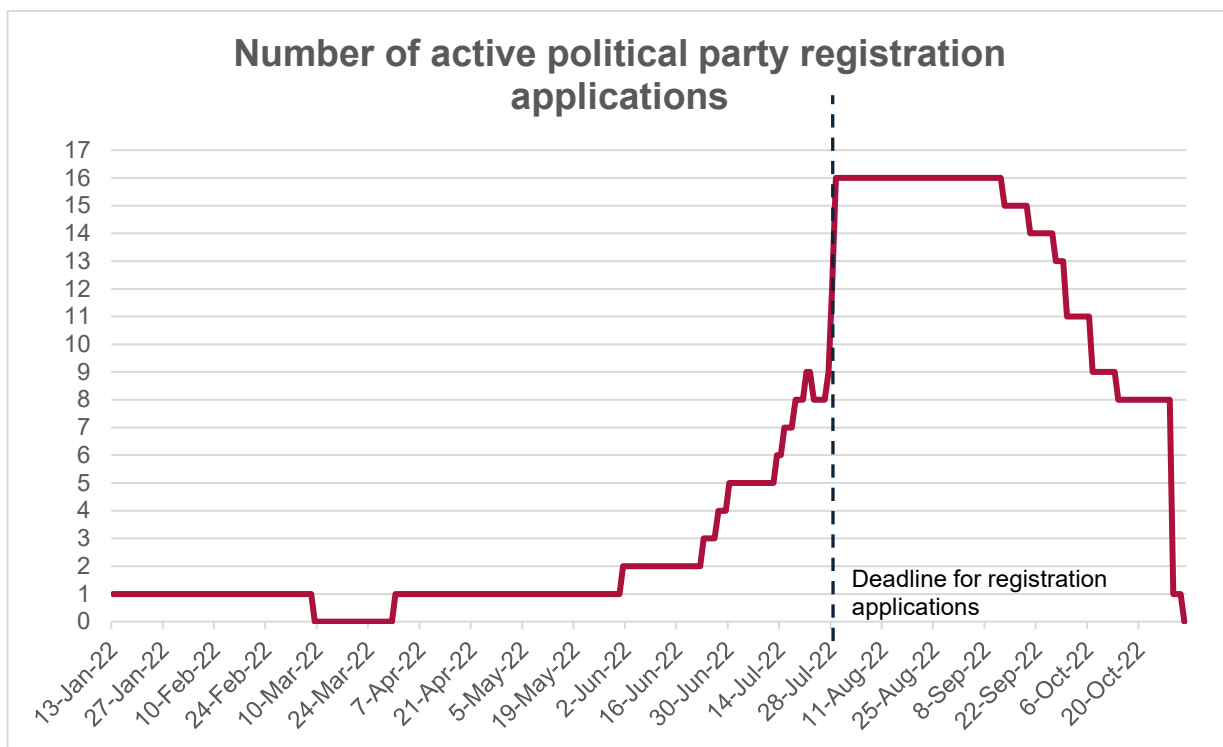
The VEC notes that the party registration process ordinarily takes several months, and any issues with the paperwork lodged by applicants inevitably extends the process. The critical period for processing applications ahead of the 2022 State election was also complicated by widespread flooding across Victoria, which delayed the receipt of membership confirmation forms through the post.

As a result, several applications could not be decided until late October, which was just short of the mandated freeze on the register of political parties from 1 November for the duration of the election. As the VEC’s decision on an application is a reviewable decision on

application to the VCAT, the VEC wrote to VCAT and alerted it to the possibility of urgent, last minute applications. Indeed, one application was made to VCAT during the month before election, as well as one application for judicial review to the Supreme Court, which was heard urgently for the injunctive relief sought. All applications were subsequently withdrawn or the VEC’s decision on the application was affirmed.

Nonetheless the VEC notes that the deadline for applying to register political parties before a State election does not provide sufficient time for last minute applications to be properly heard and determined. The VEC notes that the deadline for applications to register a new political party for an upcoming State election in NSW is 12 months before the issue of the writs for that election.

Figure 3 Number of active political party registration applications in the lead up to the 2022 State election



## Party registration timelines

The *Electoral Legislation Amendment Act 2018 (Vic)* amended section 45 of the Electoral Act to set a blackout period for making an application to register a political party that commences 120 days before election day for a general election.

The blackout period for the 2022 State election meant a number of applications for registration were made shortly before the deadline on 29 July 2022. Several applications were lodged with incomplete or inaccurate membership lists, which delayed the VEC's ability to process these applications.

Once an application has been lodged, the process for registration includes public notification and membership checks and often takes 3–4 months, even for high quality applications. As there is no fixed timeframe for deciding an application for registration, the delays encountered for processing applications before the 2022 State election meant decisions for some applications were made just days before the writs were issued for the election.

This removed any realistic opportunity for applicants to meaningfully dispute the decision, especially for those refused registration. It also meant the number of registered political parties contesting the election, a key variable for the VEC's election planning, could not be finalised until the day before the writs were issued.

The VEC notes that NSW has a 12-month period before an election for registering a political party.

### Recommendation 3

The VEC recommends amending sections 45(2) and 46 of the Electoral Act to set a 120-day deadline before a general election for it to decide on an application for registration.

## 5.3 Political party and candidate engagement and support

The VEC held a series of briefings for registered political parties and an independent candidate briefing to alert parties and candidates to matters important for their election preparation. The briefings summarised relevant legislation and recent legislative changes, the VEC's active regulatory role, and information about the election timeline, changes to the VEC's footprint for early and election day voting as well as various election services and counting activities, and the channels available for support.

All registered officers of registered political parties were invited to meet with the VEC for the first round of briefings in March 2022 and a second round of briefings, also capturing any newly registered political parties, in September to November 2022. All registered political parties attended at least one briefing, including those parties registered shortly before the election writs were issued.

An online information session for independent candidates was broadcast on Sunday 30 October 2022 and attracted 106 attendees. The information session was recorded and later made available via the VEC's website receiving 342 views.

An online information session was also held on 2 November 2022 specifically focusing on cyber security matters. While the VEC hosted the session, the presentation was led by representatives from the Australian Cyber Security Centre. Despite advertising the event to all candidates and registered political parties, as well as posting information about the event on the VEC website, the dedicated cyber security briefing received very low levels of attendance.

From the opening of the election office, the central point of contact for

independent candidates with the VEC was through their local election manager where they could seek support and updates on the election process. Each election manager sent candidate bulletins containing updates to all candidates in their district to ensure the provision of timely messages on voting and counting.

Similarly, registered political parties had access to a dedicated candidate helpdesk for guidance on lodging nominations, applying to register HTVCs, and other enquiries during the election.

The VEC issued 15 bulletins to independent, registered political parties and Legislative Council election candidates at regular intervals to provide updates on salient matters, including the voting and counting timeline.

## 5.4 Handbooks

Candidate and scrutineer handbooks were published with information about the election timeline, legal requirements and key election processes.

These handbooks, along with all relevant forms, were available to registered political parties and candidates in candidate information kits and via election offices. Scrutineer handbooks were also available for scrutineers at all counting locations. The handbooks and all necessary forms were also published on the VEC website.

## 5.5 Nominations

Nominations for the 2022 State election opened on Wednesday 2 November and closed at 12 noon on the final nomination day (Friday 11 November 2022). Registered political parties were required to lodge nominations for their endorsed candidates at least 1 day earlier than the final nomination day, by 12 noon on Thursday 10 November 2022.

Registered political parties were required to lodge nominations for their endorsed

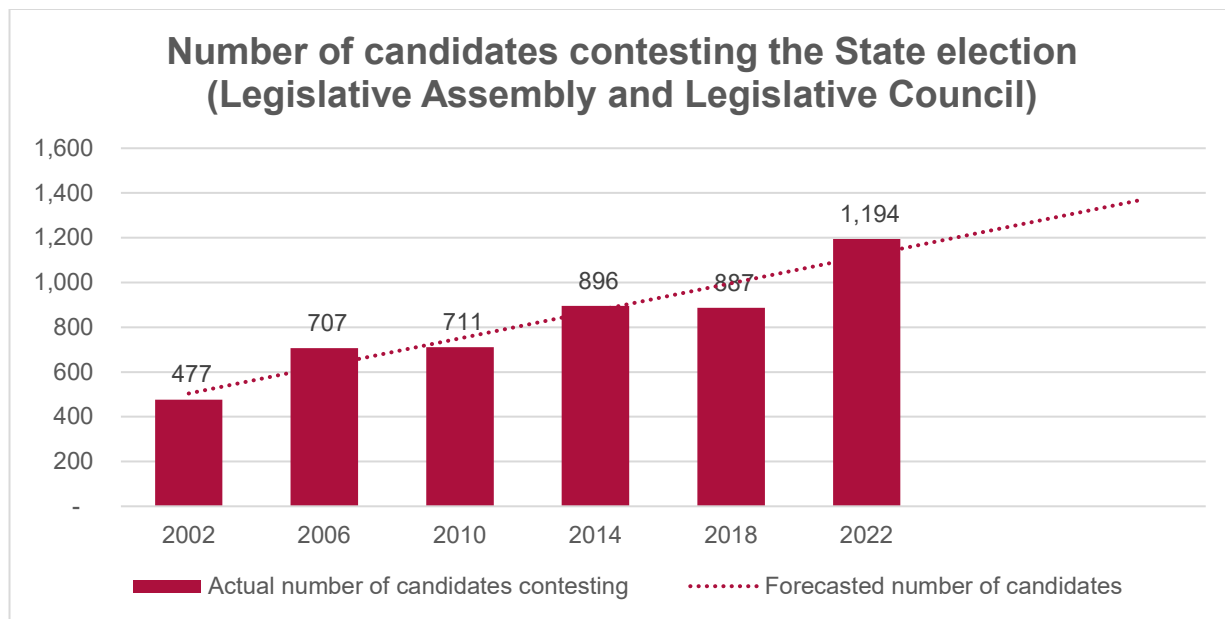
candidates in bulk and pay the required nomination deposit in person at the VEC's head office. Candidates not endorsed by a registered political party were required to lodge their nominations, supported by the details and signatures of 6 nominators for Legislative Assembly elections or 50 nominators for Legislative Council elections, with their local election manager. The VEC's report on the election will consider the opportunity to change the Electoral Act and allow for nomination deposits to be paid electronically which will remove the final barrier to lodging nominations online.

Following the close of nominations for the 2022 State election, the VEC received 1,194 nominations—a 35% increase from the 887 candidates who nominated at the 2018 State election. Figure 4 shows the steady increase in the number of candidates contesting the State election from 2002.

There were 740 candidates for the 88 Legislative Assembly district elections (507 in 2018) and 454 candidates for the 8 Legislative Council region elections (380 in 2018).

A total of 1,065 candidates were endorsed by registered political parties, and 129 candidates ran as independents.

Figure 4 Total number of candidates contesting State elections since 2002 (includes candidates for Legislative Assembly and Legislative Council) with linear forecast for the next 2 elections



**5.5.1 Group registration and group voting tickets**

Two or more candidates nominating for the same Legislative Council region election can request that their names be grouped on the ballot paper in a specified order. All registered groups must lodge at least one group voting ticket, which sets out the preference flow for votes received by the group.

Group registration for the 2022 State election closed at 12 noon on Thursday 10 November—the same time as the close of nominations for registered political parties. A total of 178 groups were registered across the 8 regions, compared with 146 groups at the 2018 State election. There were 176 groups formed by registered political parties, including 3 composite groups for the Eastern Victoria, Northern Victoria and Western Victoria Regions for the Liberal Party of Australia – Victorian Division and the

National Party of Australia – Victoria, and 2 groups formed by candidates not endorsed by registered political parties. A total of 5 candidates remained ungrouped in their respective regions.

In accordance with legislation, all registered groups lodged group voting tickets by the deadline of noon on Sunday 13 November 2022. 5 groups lodged more than one group voting ticket. The other 173 groups only lodged 1 group voting ticket each.



## Legislative Council voting system

The VEC continues to receive a considerable number of contacts from Victorians expressing their concern about the voting system used for Legislative Council elections. Many of these customers have been dissatisfied with the VEC's response advising that the voting system is prescribed by law and can only be changed by the Parliament of Victoria. During the voting period for the election, the VEC's responses to these customers also sought to remind them that it is entirely for each elector to decide how they wish to vote on the ballot paper — above the line or below the line — for their Legislative Council election.

Specific concerns relate to the ability for the preferences in group voting tickets to distort the genuine interests of electors. During the 2022 State election, these concerns were prompted by news outlets and media commentators reporting on the issue as well as a leaked video showing the behaviour of a political operative consulting on preferences.

The VEC observes that the Committee for the 59<sup>th</sup> Parliament of Victoria sought an inquiry into possible reforms of the Legislative Council voting system in its report on the conduct of the 2018 State election (see recommendation 49). The VEC notes the issue is listed in the extended terms of reference for the Committee's current inquiry into the conduct of the 2022 State election. The VEC supports this examination and will continue to be available to advise and inform the Committee's consideration of possible alternative models.

If the current system is to apply for the 2026 State election, the VEC recommends that the timeline for group voting tickets to be lodged is considered as part of reviewing the broader election timeline. The mandatory requirement for groups to lodge at least one group voting ticket is necessary for the effectiveness of current scheme, but the increase in the number of groups means the window for lodging group voting tickets is no longer sustainable.

The lodgement period for group voting tickets currently puts considerable pressure on all groups, registered political parties and relevant candidates, and creates significant risk on ballot paper production for Legislative Council elections in the event that any group fails to lodge a ticket — despite a related offence carrying a penalty of 10 penalty units. This is because a group that does not lodge a group voting ticket before the deadline is no longer eligible to have a box above-the-line on the ballot paper and ballot papers for the relevant Legislative Council election would need to be amended (and re-printed) accordingly.

Addressing the compressed timeline for lodging group voting tickets requires detailed consideration of the election timeline, including adjusting nomination timeline such as proposed by recommendation 3 in this submission (see page 26).

### Policy matter 2

The VEC recommends that the Committee notes the significant concern within the community about the voting system used for Legislative Council elections and identifies opportunities to restore the community's confidence in Legislative Council elections.



## 5.6 Funding and disclosure

The 2022 State election was the first election for Victoria’s political funding and donation disclosure scheme, which was introduced to the Electoral Act in 2018 and commenced the day after election day in 2018.

An independent expert panel has recently been appointed to conduct a statutory review of the effectiveness of Victoria’s funding and disclosure laws and must complete its review by 25 November 2023.

### 5.6.1 Stakeholder engagement and annual returns

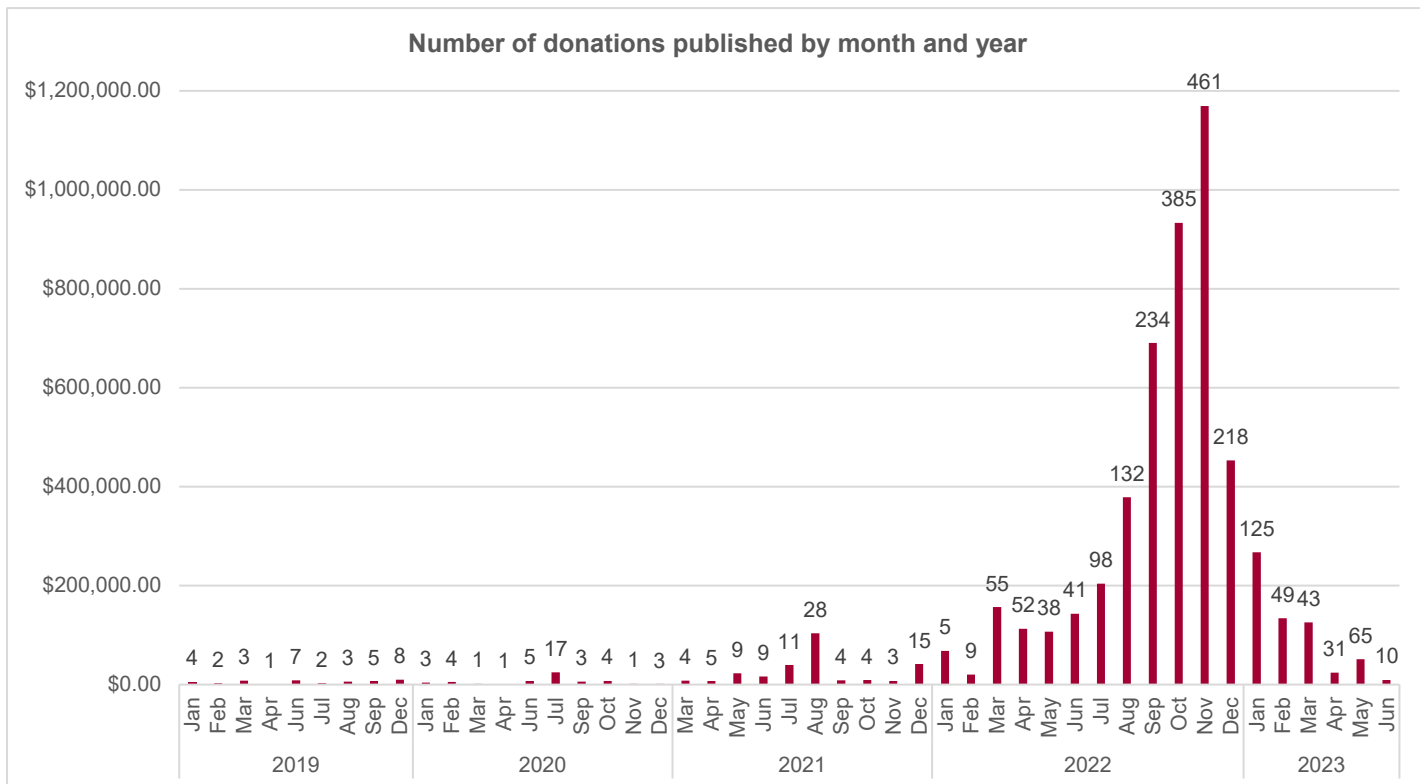
Interactions with funding and disclosure stakeholders increased substantially during the 2022 State election. During the period 1 October to 17 November 2022, the VEC received 1031 contacts in relation to a wide range of funding and disclosure matters, including registration and use queries for VEC Disclosures, donation rules, public funding, State campaign accounts and annual return obligations.

### 5.6.2 Disclosure delays and unreconciled donations

The Electoral Act requires donors and recipients of donations above the disclosure threshold (\$1,080 in financial year 2022-23) to disclose the donation within 21 days of making or receiving it.

Of the 1,297 donations disclosed in VEC Disclosures between 1 July 2022 and 28 February 2023, 331 were disclosed after the 21-day deadline. As it was the first election with live donation disclosure obligations, VEC officers engaged closely with donors and recipients to support them to reconcile their disclosure returns and meet their legal requirements. This is consistent with the VEC’s regulatory approach, which seeks to educate and guide people about their obligations wherever appropriate, rather than pursuing, in this case, an offence against section 218A(1) of the Electoral Act that carries a penalty of 300 penalty units, 2 years imprisonment or both.

Figure 5 Number of donations published by month between 2019 and June 2023



## 6 Commencement of voting

### 6.1 Ballot paper preparation and distribution

Ballot papers cannot be prepared and printed until nominations have closed and the ballot draw has been conducted. The VEC needs to know the final number, order and details of the candidates for each election before that content can be printed onto ballot papers.

The Electoral Act requires nominations to close 10 days after the date the writs for the election are issued, and that the ballot draw occurs immediately after.

The Electoral Act also provides for early voting to commence from 9 am on the Monday immediately after the final nomination day.

This means the VEC has just 67 hours, including only 5 standard business hours, to generate, quality check, print and distribute ballot papers across the State in time to commence early voting.

Ballot paper templates are prepared during the months leading up to the election in order to maximise printing time. Candidate information is inserted into the ballot paper artwork immediately after the ballot draw and quality assurance quickly follows.

For the 2022 State election, this process meant printing was able to commence within 6 hours after nominations closed, even with the increase in ballot paper size required by the greater number of candidates. Ballot paper production was split into multiple print runs planned using supply requirements and enrolment estimates, and printing occurred across 2 sites (located Victoria and NSW) to optimise production capacity.

Despite operational disruptions at both print locations, over 2.7 million ballot papers were able to be produced for initial supply within 49 hours of production commencing, consisting of:

- 1,770,000 ballot papers for early voting, TAV and interstate voting services
- 914,000 ballot papers for postal ballot pack preparation
- Additional 88,000 contingency ballot papers

Print production of the balance of ballot papers for the remainder of the early voting period and all election day VCs was completed on 19 November. All printing, including additional contingency ballot papers, was completed by 21 November, with a total of 10,089,895 ballot papers printed.

VEC staff were located at both print sites for the duration of production to ensure standards were met, and to escalate and respond to issues as they emerged.

Initial deliveries of ballot papers for the commencement of early voting were made directly from the print sites to EVCs. These deliveries are intended to give sufficient ballot paper stock for the first week of early voting at each location, with EVCs planned to open at 9 am on Monday 14 November. Delays caused by operational disruptions at each print location as well as wet weather on the morning of the deliveries meant that the delivery of ballot papers to 21 EVCs was not received in time, and these locations were unable to open as planned. With extraordinary effort by VEC staff and third-party suppliers, these locations received their ballot paper supply and were able to commence early voting at approximately 12 noon on 14 November 2022.

Importantly, at least one EVC opened in every district at 9 am.

## Printing ballot papers in time to commence early voting

The short time frame between close of nominations and commencement of early voting – 67 hours – increases the challenge of delivering sufficient ballot papers to meet the demand of electors.

In particular, distant districts require significant print runs to have been completed before deliveries can commence, meaning at best ballot paper deliveries cannot begin until 24 hours prior to the opening of early voting.

Electors expect more convenient access to EVCs and a larger choice of EVCs. Accordingly, the need to print and distribute those ballot papers has increased while the timeframe to do so remains the same.

This challenge is compounded for new EVCs where there is no historical data showing early voting demand. A longer period of time between the final nomination day and commencement of early voting would reduce the strain on the VEC's printing and delivery activities to better guarantee every EVC has the ballot paper supply it needs to open on time.

Additional time in the timeline for printing would reduce unnecessary stress at the beginning of early voting. It would also reduce requirements for further top-ups which increase administrative and logistic costs. Without changes to the timeline, the VEC will be less able to respond to voter demand for more EVCs, and would need to look at decreasing the services available from the beginning of the early voting period in order to reduce the risks of not being able to adequately provide EVCs with sufficient ballot paper stock in time.

### Recommendation 4

The VEC recommends amending sections 63(5)(a) and 69(2) of the Electoral Act to harmonise the final nomination day for all nominations in a general election to occur 9 days after the expiration of the Legislative Assembly, which would provide one additional business day for the printing and distribution of ballot material in readiness for early voting.

## 6.2 How-to-vote card registration

Only registered HTVCs may be distributed within 400 metres of a VC on election day. HTVCs are not required to be registered for distribution outside EVCs.

Applications to register HTVCs opened at 9 am on Monday 14 November and closed at 12 noon on Friday 18 November. This is the earliest possible opening time given the ballot draws occur on the preceding business day.

Registered political parties applying to register HTVCs were required to do so through the VEC's head office. All other applicants could apply to register HTVCs at the relevant election office. All HTVC applications were subject to a 2-step quality assurance process to ensure compliance with the requirements for HTVCs and be approved for registration.

2,097 applications to register HTVCs were lodged during the application period, driven by the increase in candidates in 2022 and representing an increase of 64% from the 1280 HTVCs lodged in 2018. Nearly half of applications were received

during the last 1½ days of the application period, with a total of 1,034 applications lodged on Thursday 17 or before the 12 noon deadline on Friday 18 November. Table 2 shows the breakdown of the HTVC registration applications each day during the registration period.

Applications were assessed against a checklist that was available in the candidate handbook and could be used as a self-assessment tool.

Of the applications lodged, 571 were refused registration for failing to comply with the HTVC requirements, whereas 1,526 HTVCs were approved for registration. In accordance with the Electoral Act, applicants whose HTVC had been refused registration were notified by phone prior to 12 noon on the day following their application, and they were given the reason(s) that the application had been refused. For first time, refusal

letters were also sent to these applicants to formally provide the reason(s) that their application had been refused and give advice about available next steps.

Applicants whose HTVCs had been refused registration could then choose to submit another application, provided it was within the HTVC registration period. Alternatively, they could apply to the VCAT for a review of the decision.

A total of 4 HTVCs which had been refused registration by the VEC were subsequently ordered by VCAT to be registered. These matters are outlined at 'Legal disputes' later in this submission.

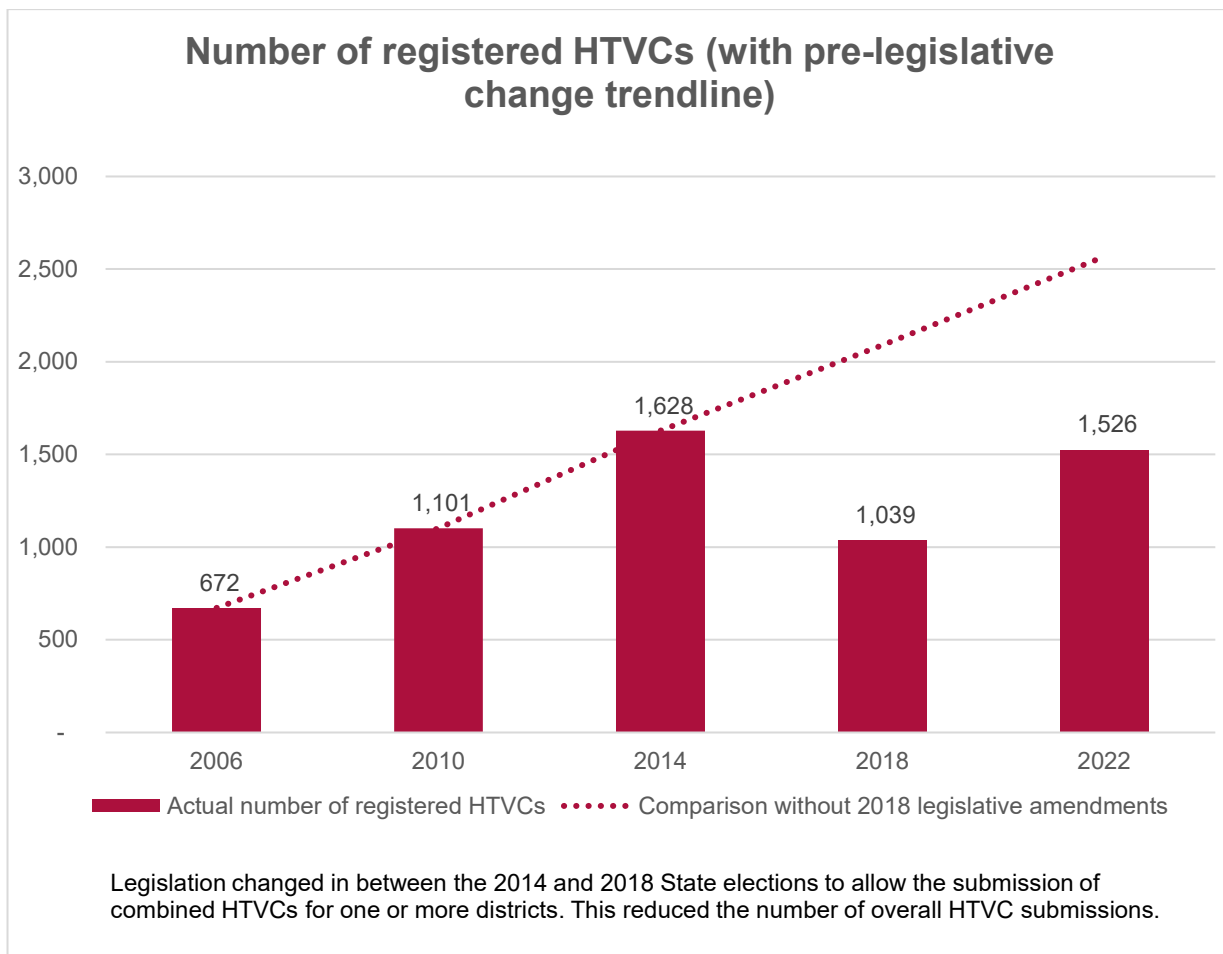
Figure 5 compares the number of registered HTVCs for State elections from 2006 to 2022 and general rise in HTVC registration applications despite legislative change in 2018.

Table 2 Number of HTVCs lodged for the 2022 State election by lodgement date

Date lodged	Registered	Refused	Total
Mon 14 Nov	176	228	404
Tue 15 Nov	158	157	315
Wed 16 Nov	304*	117	421
Thu 17 Nov	470	49	519
Fri 18 Nov	418*	20	438
<b>Total</b>	<b>1,526</b>	<b>571</b>	<b>2,097</b>

\* Includes 22 HTVCs registered after deadline due to a subsequent VCAT decision.

Figure 6 Total number of registered HTVCs registered from 2006 to 2022 with forecast line based on pre-2018 data



## How-to-vote card registration

The registration of HTVCs is a complex and time-consuming process, for those applying for registration and the VEC alike.

HTVCs must be registered by the VEC if they are to be handed out or otherwise made available within 400 metres of a voting centre on election day. Any candidate, person or organisation can apply to register a HTVC. Decisions on applications for registration must be advised to the applicant by noon the next day regardless of the time the application was lodged. This creates significant pressure to process an ever-increasing number of applications in the time provided by the Electoral Act.

The relevance of HTVC registration must be reviewed in the changing electoral landscape. At the 2002 State election, over 80% of electors cast their vote on election day, compared with less than 40% at the 2022 State election. Yet the number of HTVC applications received by the VEC continues to grow each election diverting critical election resources to administer the application process.

The current scheme is also confusing for electors. Electors contacted the VEC to query why they received HTVCs outside an early voting centre that were not on the list of registered HTVCs published on the VEC website or to complain that they could not find the HTVC for their preferred candidate during the early voting period on the VEC website.

At the 2022 State election, 571 HTVC applications were refused registration because they did not meet the requirements for registration prescribed by the Electoral Act and communicated by the VEC through the candidate handbook and the application checklist. Almost all refusals result in a new application, with the issue corrected, creating downstream workload for applicants and the VEC.

Feedback from candidates and parties indicates that they repeatedly find the process to be burdensome and confusing, and that it necessarily delayed them printing their HTVCs.

### Policy matter 3

The VEC recommends the Committee notes the requirements for HTVC registration have not kept pace with modern election campaigns and considers the ongoing utility of HTVC registration for future elections.

### Recommendation 5

The VEC recommends that the timelines for lodging and deciding applications to register HTVCs in Division 5 of Part 5 of the Electoral Act are amended to include at least one clear business day between receiving an application and the requirement to inform the applicant of the decision under section 79(1) of the Electoral Act.

## 6.3 Media and communication

The VEC's media and communications footprint during a major election is critical

to supporting democratic participation. The VEC recognises its important role to communicate election information and facilitate participation.

The VEC's media and communications strategy during a State election is multi-pronged and involves campaigns across:

- television and radio
- newspapers
- online, social media and the VEC website
- outdoor
- VoterAlert emails and text messages
- in-person community education sessions
- newsletters
- targeted communications to under-represented community groups in partnership with leading community organisations
- targeted communications to state-wide and local media.

These campaigns run across the election timeline, with a focus on key election information and reminders about critical dates.

### 6.3.1 Advertising

The VEC's state-wide advertising campaign for the 2022 State election emphasised the importance of every single vote with the tagline 'Your vote will help shape Victoria'. The campaigns highlighted the VEC's COVIDsafe measures and the variety of voting options available to electors. After testing through market research, the campaign featured a refresh of the animated campaign, the Paper People, used at the 2018 State election. Animations included the voting process (paper ballots) and VEC branded furniture, forms and paperwork, while the 'Paper People' animations were also updated to better reflect Victoria's diversity.

Although the campaign was designed to engage all eligible voters, several sub-campaigns were developed to address specific messages or engage targeted audiences. In line with research findings, messaging was kept simple and straightforward. The sub-campaigns were:

- VoterAlert registration campaign
- *Sorting fact from fiction*, a media literacy campaign
- *DemGraphics*, a digital campaign targeting young and directly-enrolled voters campaign
- *Mythbusting and Voting Matters* campaigns aimed at increasing participation of people experiencing homelessness.

The main state-wide campaign was divided into 3 basic phases: enrolment; early voting; and voting correctly/voting assistance. Each phase was supported by advertisements through multiple channels including TV, radio, outdoor, digital media, social media, and newspapers (press) and were translated for CALD platforms, to have the maximum impact with identified audiences, while ensuring the VEC received value for money.

A media literacy campaign, *Sorting fact from fiction*, was developed and implemented to increase awareness of electoral-related mis/disinformation and provide tips on how to critically consume information during the election period. The campaign encouraged people to visit the VEC's website for further information and note a specific misinformation register, which was progressively updated to list and debunk mis/disinformation circulating about the election process. This campaign was also supported by communication activities, including website content, an Easy English flyer, an animated video, and social media and media activities.

A VoterAlert registration campaign encouraged Victorian voters who were not subscribed for the VEC's VoterAlert



notification service to sign up to ensure they received voting reminders for future elections, as well as the digital EasyVote Guide for the election.

The *DemGraphics* campaign aimed at young and directly-enrolled voters built on a pilot run by the VEC during the 2020 local council elections. The original concept and material was co-designed with young people and the campaign for the 2022 State election adapted the creative executions to ensure their relevance to the State election. They were tested with young people aged 18-29 years old on the VEC's online research panel with the strongest concepts chosen for roll-out. The campaign primarily appeared on social media as well as through digital partnerships.

*Mythbusting* and *Voting Matters* were 2 outdoor campaigns aimed at encouraging people experiencing homelessness to enrol and vote, targeting inner city, suburban and regional postcodes with high rates of homelessness. *Mythbusting*, was aimed at overcoming common concerns or 'myths' associated with enrolling and voting that people experiencing homelessness might have. The artwork provided accurate information to correct the 'myths'. *Voting Matters* involved a partnership with the Big Issue and aimed to speak to people experiencing homelessness through the voices of those with lived experience and highlight the relevance and importance of being an active citizen and part of the democratic process.

## Rise of social media and misinformation

The Electoral Act is over 20 years old and was originally drafted before the rise of the internet and social media. Therefore, the original intent of the legislation does not contemplate operating elections including an online environment. Given that actors are using these environments to spread disinformation about elections and undermine electoral integrity, it is important that the legislation is more responsive to the risks inherent in these electronic environments.

### Policy matter 4

The VEC recommends that the Committee notes the increase in disinformation and misinformation published to social media regarding electoral matters and considers this issue alongside the Committee's findings from its previous inquiries into the impact of social media on elections and election administration.

### 6.3.2 VoterAlert

From 17–28 October 2022, the VEC's free VoterAlert SMS and email reminder service was used to send a reminder to over 2.4 million electors to remind them to check or update their enrolment details before the close of roll on Tuesday 8 November. This was the first of the VEC's major VoterAlert sends for the State election (see below for information about the EasyVote Guide and election day VoterAlert sends). This enrolment reminder triggered over 480,000 visits to the VEC website.

The VEC also used VoterAlert to specifically target almost 50,000 directly-enrolled electors to advise them that they were on the roll. The messaging here was more nuanced given the traditionally low



participation rate for this cohort, and detailed the importance of their vote at the upcoming election. The engagement material used for this purpose was co-designed with young people, who form the majority of directly-enrolled electors.

VoterAlert was also used to contact new citizens who joined the electoral roll post the Federal election in May 2022 and had subscribed to VoterAlert. The message welcomed recipients to their first time voting in Victoria/Australia and provided links to translated videos, text and interpreter support lines with information on how to enrol and how to vote correctly.

VoterAlert is also being used for compulsory voting enforcement purposes, to notify recipients of an Apparent Failure to Vote Notice or Infringement Notice about their need to take action and respond to those notices. This has reached non-voters subscribed to VoterAlert, or just over 50% of recipients.

For the first time, a digital EasyVote Guide was sent directly to the mobile phone or email address of voters subscribed for VoterAlert (which tends to be a younger demographic). The EasyVote Guide was delivered to more than 2.4 million voters and detailed all voting options available, where to find a list of candidates, a link to check their enrolment and to see if they were affected by electoral boundary changes, links to videos showing how to correctly complete ballot papers (in English and in 25 different languages) and a link to search for their nearest VC with directions and accessibility information. The move to digital delivery of the EasyVote Guide saved the VEC approximately \$3 million, some of which was directed into a stronger advertising campaign. More than 250,000 recipients arrived at the website from links included in the Guide.

A final VoterAlert was sent on election day (excluding those who had already voted up to Wednesday 23 November) linking to

the VC locator and encouraging people to vote by 6 pm. The website had over 120,000 visits.

### 6.3.3 Victorian floods

Widespread flooding affecting Victoria occurred in October and left voters in a number of areas cut off by floodwaters. The VEC's VoterAlert service, a geo-targeted social media and radio advertising campaign, and a state-wide media release were used to provide affected electors with information on voting options dependent on their circumstances. If they resided in an area affected by flooding and were unable to attend a voting centre, they were advised that they were eligible for TAV. This provided an alternative channel to vote for over 100,000 flood affected voters.

Further, information flyers regarding voting options were designed and distributed at mobile voting locations where affected voters were provided temporary accommodation, and also to the Emergency Management Joint Public Information Committee for awareness and communication.

### 6.3.4 VEC website

The VEC website was a major source of factual information relating to all aspects of the conduct and administration of the election and went into live 'election mode' on 18 July 2022. The website focussed on housing accessible information and covered:

- enrolment and voting information for voters
- information on nominations, HTVCs and general information for candidates, parties and scrutineers, including handbooks
- a VC locator to assist users to find their nearest VC or election office (with directions and accessibility ratings)

- a large number of short animations and videos on everything from how to enrol and vote up to how proportional representation works at State elections
- translated text and enrolment forms in 20 languages
- a total of 50 in-language videos across 25 languages (including Auslan) – 2 per language showing how to enrol and vote
- information and links for voters to discover if their address was affected by electoral boundary changes (old and new boundaries were depicted)
- a media centre for journalists to obtain media releases, images for use in stories, maps of the electorates and a media handbook.

### 6.3.5 Media briefing and handbook

A hybrid online and in-person media briefing took place on 19 September 2022 to guide media representatives through the election process, changes since the 2018 State election and respond to frequently asked questions. Journalists were also directed to a media handbook relating to the election with key information about the election, including voting options, results and counting, rules about political donations and electoral campaign advertising, as well as election statistics and figures.

### 6.3.6 Community outreach

The VEC community outreach programs deliver a suite of initiatives aimed at communities facing barriers to electoral participation. These groups include people experiencing homelessness, young people, Aboriginal and Torres Strait Islander communities, CALD communities, and people in prisons.

A central program of the VEC's community outreach work is the delivery of the Be Heard DA program, which has been in place since 2014.

The program aims to provide communities that are less exposed to traditional methods of communication — whether due to language or cultural barriers or limited history of engagement with the electoral system — with greater access to electoral information. In this way, the program aims to increase electoral literacy, encourage more people to use electoral access services, and increase meaningful and informed electoral participation across Victoria, particularly for hard-to-reach and underrepresented communities.

The program involves training and supporting community members as DAs to deliver electoral information and enrolment services through existing community services and events. The program features peer-to-peer learning sessions run by community members, and face-to-face sessions delivered directly to community groups.

For the 2022 State election, the VEC recruited 74 DAs who between them spoke more than 40 languages. DAs went through several days of training and then had experienced 'buddies' attend sessions with them.

An early exercise involved DAs attending medium-sized aged-care facilities to assist residents to complete GPV applications correctly. This form provides an enrolment status which assures the applicant automatically receives a ballot pack in the mail if they are frail/elderly. A total of 99 aged care facilities across the metropolitan area had a DA attend.

For more information about the VEC's support for electors in aged care facilities, see Chapter 7.2.1 Mobile voting.

The VEC's community newsletter, *BeHeard*, had 5 editions circulate prior to the election period detailing the availability of the VEC's resources for priority communities, including DAs who were available to attend and present community

education sessions ahead of the election. All members of the VEC's 5 Advisory Groups were also asked to promote the free community sessions.

The VEC had mapped specific target areas it wanted to prioritise for session delivery based on areas with a combination of lower participation, high informality and lower socio-economic status. The VEC delivered a total of 230 sessions (23 delivered online) to community groups over the period leading up to the 2022 election, the majority of which were to CALD communities. The VEC did lose several key personnel from the program resulting in lower levels of promotion of the program than planned. As a result, only 41% of sessions delivered were in the VEC's priority targeted areas.

Several DAs also assisted the VEC's Education and Engagement Team to deliver mobile enrolment sessions to people experiencing homelessness and those eligible prisoners within the corrections system prior to the close of the roll.

### 6.3.7 Broadmeadows informality pilot

Broadmeadows District had a very high informality rate at the 2018 State election (10.1%). The VEC trialled a pilot to see if provision of a single QR code on voting screens and queue signage during the early voting period could assist voters to vote correctly and decrease the level of informality. The QR code took the voter to a landing page where they could watch in-language videos showing them how to complete the ballot papers correctly. The videos were available in 25 languages, including the top 5 languages other than English spoken in Broadmeadows. Disappointingly, there were only 9 scans of the QR code created for the Broadmeadows pilot.

Informality for Broadmeadows District was 10.1% with 4 candidates at the 2018 State

election, compared with 10.77% with 9 candidates at the 2022 State election. While the nominal increase may seem a disappointing result, there is a high correlation between the number of candidates and the level of informality in areas with high numbers of voters who speak a language other than English at home.

### 6.3.8 Media and social media

Significant media activity occurred leading up to and during the election, with the VEC responding to 460 media queries, issuing 56 media releases and conducting 50 media interviews (radio and TV) during the election period (1 September to 31 December 2022). In addition to pre-planned activity, the VEC responded to voter concerns on a number of issues in the media, including poor candidate and campaign worker behaviour, the death of a candidate in Narracan District, voting options for COVID-positive voters, the registration of several HTVCs, concerns about the Legislative Council voting system, ballot paper shortages on election day, and results in close seats. In addition, there were many queries about political donations and the progress of the VEC's inquiries into alleged electoral offences, including the referral of a matter involving the Leader of the Opposition to IBAC.

The VEC's public announcement of its referral to IBAC resulted in criticism about the timing for the referral. The VEC issued a follow-up statement noting that its regulatory responsibility was not subject to a moratorium during an election and was a year-round responsibility. A senior VEC spokesperson was subsequently invited onto a radio talkshow to discuss election-related matters and was pressed on the issue despite the show's producer being advised in advance that the VEC would not be commenting further. The spokesperson repeated what was stated in the media release under repeated and pointed questioning despite requesting several times for the host to move on.

It was at this time that the VEC conducted an online survey to gauge the impact, if any, to how the issue landed with voters. Voter perceptions of the VEC's integrity, trustworthiness, fairness and impartiality at this time increased positively<sup>7</sup>.

The social media space was particularly busy for the VEC with over 275,000 mentions (likes, replies and shares) and more than 45,000 engagements (likes, comments and shares) during the election period. The social media landscape during the election evolved quickly into an echo chamber for polarising and divisive political sentiment to an extent not seen in the traditional media. The VEC's social media team, as well as election field staff, were required to deal with abusive, harassing and at times, very personal attacks on social media. The environment was possibly heightened by the fact that Victoria had only emerged from its last COVID-related lockdown 12 months prior.

### **6.3.9 Mobile voting for priority communities**

The VEC scaled up its education and inclusion team to deliver mobile enrolment and mobile voting sessions for priority communities, particularly those experiencing homelessness (18 sessions), some Aboriginal communities (6 sessions) and for the first time, comprehensively within Victoria's corrections system (14 sessions).

In total, these dedicated mobile voting teams visited 37 locations around the State and took 547 votes. Unintentional informality among these voters was lower than for the general voting population (less than 0.5%) and intentional informality (less than 3.1%).

For more information about mobile voting for electors in aged care facilities, see Chapter 7.2.1 below Mobile voting.

### **6.3.10 Partnership with Reconciliation Victoria**

The VEC worked closely with partner Reconciliation Victoria to produce animation and interview style videos to be distributed through social media. These covered topics including how to enrol, how to vote and self-determination and voting. In total, 1,059 people watched the videos, with 'Why Voting Matters' being the most popular, followed by How to Enrol; there was a total of 3,057 impressions (the number of people the video thumbnails were shown to).

### **6.3.11 Public Enquiry Service**

The VEC delivered a PES between 26 September and 29 November 2022 to provide Victorians with a contact centre for email and phone enquiries about the election.

The number of telephone queries rose to 133,346 in the 2022 State election from 105,082 for the 2018 State election. The number of email queries significantly increased—19,212 for the 2022 State election compared to 4,632 for in 2018.

The VEC achieved high-quality of service where 95.6% of calls were answered within the expected time of 120 seconds and 100% of emails were responded to within 8 operating hours. The PES also received a customer satisfaction rate of 99.02%. These statistics are an improvement from 2018, where customer satisfaction was 97% (average score of 9.7 out of 10).

The most common call queries related to postal voting, enrolment checks and electors expressing an inability to vote. The most common email queries related to electors away from Victoria, interstate or overseas voters and postal voting.

<sup>7</sup> Victorian Electoral Commission, Reputation Index Report, 2022 Victorian State election, p.16



## 6.4 Provision of the electoral roll to candidates

Under section 33 of the Electoral Act, the VEC is required to provide registered political parties and independent candidates at their request and free of charge, a copy of the electoral roll for the election. Electoral data provided under section 33 of the Electoral Act excludes the particulars of silent electors.

The Electoral Act prescribes significant penalties for misuse of electoral information. During briefing sessions and when providing the information, the VEC reminds recipients of the information about their legal obligations, including the permitted purpose for using the information, its confidential nature, the need for secure use, storage and destruction of the information, and of the associated penalties of its misuse.

For the 2022 State election, 17% of registered political parties (4 from 24) and 25% of independent candidates (33 from 129) requested roll products. The roll products were shared with registered political parties and candidates on 11 November 2022 through the VEC's secure data sharing portal.

Recent large-scale data breaches and cyber-attacks, and increased privacy and data security requirements, identify the availability of enrolment information under the Electoral Act as requiring further attention. The VEC lifted its system security for the State election, including adding geo-blocking and multi-factor authentication to the data sharing portal, but once the information leaves the VEC's network, the VEC cannot ensure voter's data is subject to commensurate controls.

## Provision of enrolment information

The number of privacy-related complaints received by the VEC are increasing each year, with 7 times the number of privacy-related complaints received during the 2022 State election compared to the 2018 State election.

Voters' primary concern is about the VEC's sharing of elector information and postal vote information with registered political parties and candidates after receiving unsolicited contacts from political parties or candidates.

A recent *Privacy Act 1988* (Cth) (**Privacy Act**) review conducted by the Commonwealth Attorney-General's Department highlighted that the political exemption under the Privacy Act was 'serving to undermine the integrity of the democratic process'.

It is apparent that there is a disjunct between the VEC's requirement to comply with the *Privacy and Data Protection Act 2014* (Vic) (**PDP Act**) and the requirement for the VEC to provide personal information to entities that are exempt from data protection laws.

These concerns risk eroding the community's trust in the VEC and their confidence in elections, and demotivate them from enrolling and maintaining their enrolment.

Notwithstanding the possibility of reform to the Privacy Act, there are measures that could be considered and implemented in Victoria. One measure would be requiring political parties and candidates to use electoral information in accordance with the PDP Act. Other measures which could be considered are an opt-out option or a requirement for entities to identify when they are using electoral information and state their entitlement to that information when contacting voters.

### Policy matter 5

The VEC recommends that the Committee notes the vulnerability of enrolment information held by candidates, members of parliament and registered political parties, and considers the legal requirement for the VEC to provide this information regardless of the recipient's information protection or cyber security sophistication as well as the heightened concerns in the community regarding the privacy of their information.

## 7 Voting activities

For a breakdown of enrolment, turnout, informality by district and region see **Appendix 1** and **Appendix 2**.

### 7.1 In-person voting

#### 7.1.1 Early voting

For the 2022 State election, early voting commenced on Monday 14 November 2022—2 weeks prior to election day. A total of 1,894,911 electors chose to vote early, compared with 1,372,190 for the 2018 State election. Figure 6 compares the voting option popularity between 2002 and 2022. It illustrates the rise in early voting and postal voting and decrease in election day voting.

The increase in early voting was anticipated, and the VEC deployed an expanded footprint of EVCs to meet this

demand, with 155 early voting locations compared to 103 at the 2018 State election. A commitment was made to provide at least one early VC in every district, with more in those districts where a larger increase in early voting was anticipated.

Along with the increase in the number of EVCs, the VEC also expanded the hours for early voting as recommended by the Committee’s report on its inquiry into the conduct of the 2018 State election. All EVCs were open 3 late nights and all day on the middle Saturday.

A separate focus for the 2022 State election was on finding more accessible EVCs. Compared with the 2018 State election, the VEC improved on the accessibility of EVCs (see Table 3).

A table of the number of accessible VCs for each district is provided at **Appendix 3**.

Figure 7 Comparison of vote option popularity between the 2002 and 2022 State elections

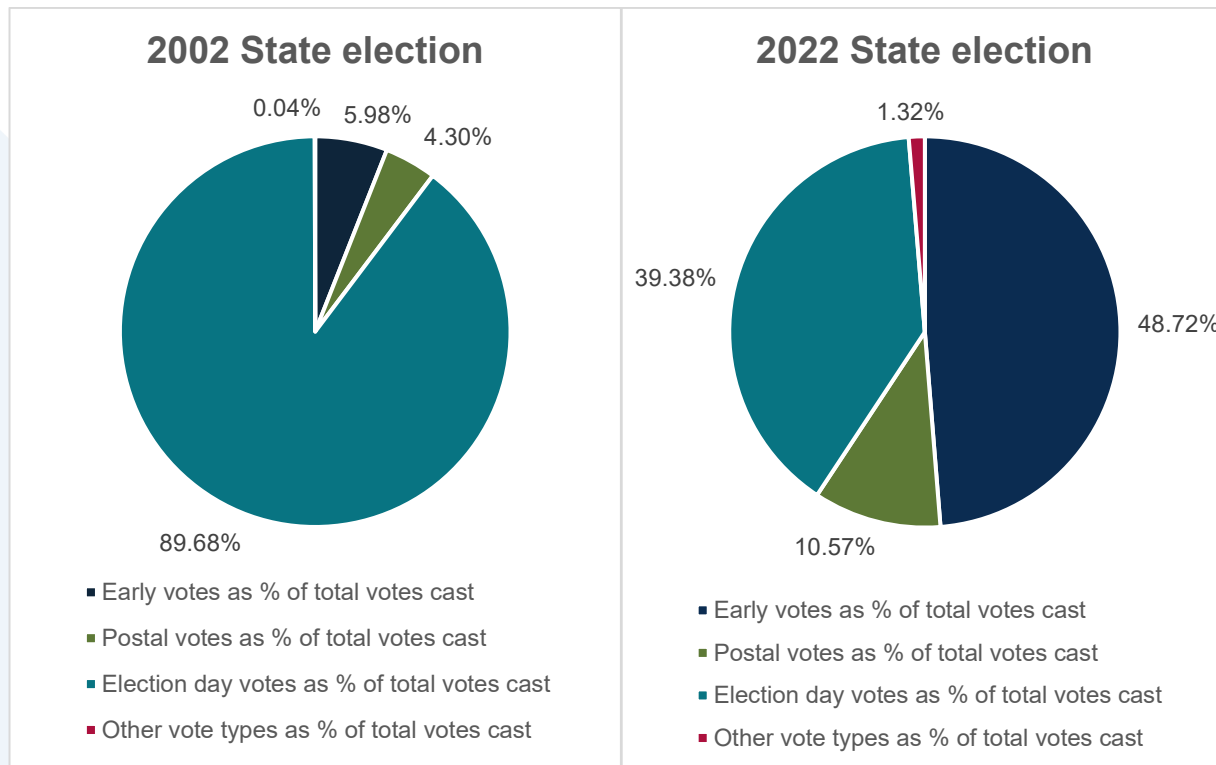


Table 3 Comparison of accessibility of EVCs between the 2018 and 2022 State elections

<b>EVC Accessibility</b>	<b>2022</b>	<b>2018</b>
Independent Wheelchair Accessible (IWA) (% of total EVCs)	32%	18%
Assisted Wheelchair Accessible (AWA) or better (% of total EVCs)	49%	60%
Limited or No Wheelchair Accessibility (LNWA) (% of total EVCs)	19%	22%

To streamline the experience for electors, electronic roll mark off was deployed for all issuing points at EVCs. The adoption of this technology allowed for real time tracking of each EVCs performance. To support this outcome the VEC utilised 1,200 laptops, which required significant investment in infrastructure and connectivity to operate effectively.

### 7.1.2 Election day

The 2022 State election saw a further decline in election day voting when compared to previous State elections. Despite this, the VEC continued to offer a comparable voting service, with 1,765 election day VCs appointed across Victoria. Importantly, aware of the operational pressures that election day provides, the VEC also revised its VC staffing profile to include additional roles to support the timely completion of critical activities.

## 7.2 Alternative voting methods

### 7.2.1 Mobile voting

Mobile voting is a way for people who are unable to vote in person or postally to participate. The VEC will travel to locations and allow people on site to cast their vote. Common examples of mobile voting include remote communities, homeless shelters and aged care facilities.

Following consultation with relevant stakeholders, including the Victorian Department of Health, the number of mobile voting sites for the 2022 State election was reduced. Due to ongoing concerns relating to infection control regarding COVID-19 and Influenza, the VEC was asked not to attend hospitals. Noting the concerns, the VEC engaged with the Aged Care Sector and then directly with each aged care facility before allocating it for mobile voting. Facilities that were not identified for a mobile voting team were provided with postal vote applications and the opportunity to have a DA attend and provide information on completing the postal vote application.

A total of 22,411 electors mobile voted across 321 sites. Mobile voting commenced from 14 November 2022 along with early voting, and concluded on 20 November 2022.

### 7.2.2 Postal voting

Applications to vote by post opened on Wednesday 2 November 2022 and closed at 6 pm on 23 November 2022. A total of 586,208 applications were received by the deadline. Electors choosing to vote by post have embraced the VEC's online application form, with 94.08% of applications made online.

Of all postal vote applications processed for the election, 195,019 related to GPVs.



A total of 482,236 postal votes were returned in time to be included for counting. A further 5,002 postal votes were received after the deadline for receiving postal votes, 338 of which were from overseas electors transported via courier from the 27 international locations.

### 7.2.3 Telephone assisted voting

The VEC's TAV service was available to eligible electors for the 2022 State election in accordance with Part 6A of the Electoral Act

Voting using the TAV service involves 2 discrete call centres: the first to register eligible electors for the service, and the second for capturing and transferring their vote onto a physical ballot paper. At no point during the second call is the elector asked to disclose their identity, which preserves the secrecy of the elector's vote.

For the 2022 State election, the TAV service was available to blind and low vision electors, and electors living with a motor impairment. Although the Electoral Regulations allowed for electors who were prevented from voting by a public health order, the public health order requiring electors to isolate or quarantine for COVID-19 were removed in Victoria before the election timeline. The Electoral Regulations were, however, amended in October 2022 to also permit eligible flood-affected electors to access TAV during the second week of its operation. A temporary determination was made by the Electoral Commissioner on 18 November 2022 to activate this eligibility.

The TAV service commenced voting from 9 am on Monday 14 November and operated through to 6 pm on election day. The TAV service took a total of 5,476 votes, including 3,384 during early voting and 2,092 on election day itself.

### 7.2.4 Interstate and overseas voting

12,716 voters outside of Victoria applied online to receive ballot material by email. When they receive their ballot material, they need to print their ballot papers, complete them and post them back to the VEC. This is partially reflective of the inadequacy of the legislation enabling voting for overseas electors, as only 4% of Victorians overseas engaged with the email voting system.

The VEC also operated interstate VCs in each State and Territory across Australia during the early voting period, taking a total of 3,360 votes. No overseas in-person voting locations were able to be operated due to the changed security requirements for Australia's diplomatic post. However, 27 consulate locations were available for overseas electors to drop off their postal votes. These overseas drop off locations received a total of 1,576 votes, which were forwarded back to the VEC using the diplomatic mail service. Despite the superiority of this mail service compared with the ordinary postal network, 338 votes from overseas drop-off locations were still received too late to be included for counting.

Figure 7 illustrates the voting experience for Victorians overseas during the 2022 State election. Figure 8 compares the number of overseas votes cast for elections from 2006 to 2022.

Figure 8 Breakdown of how overseas Victorians engaged with the postal vote system during the 2022 State election

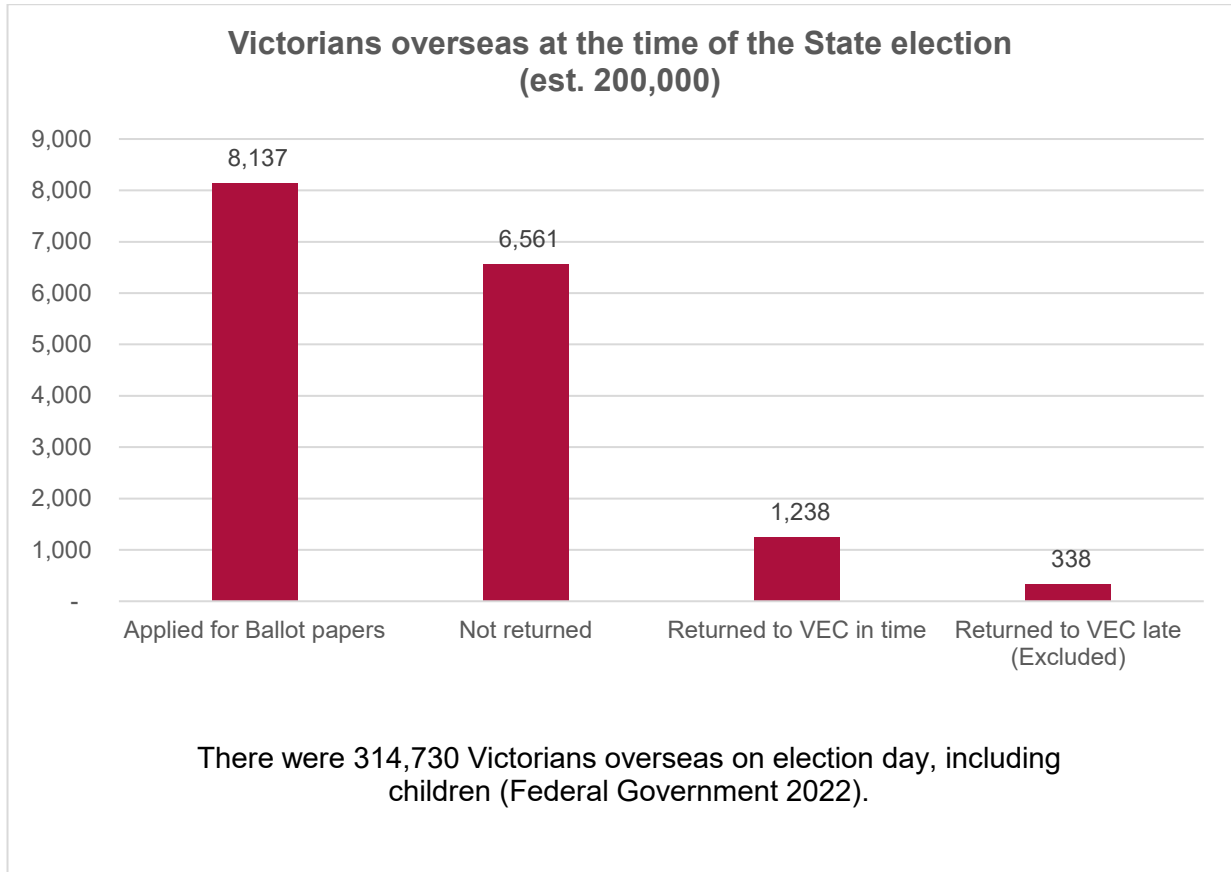
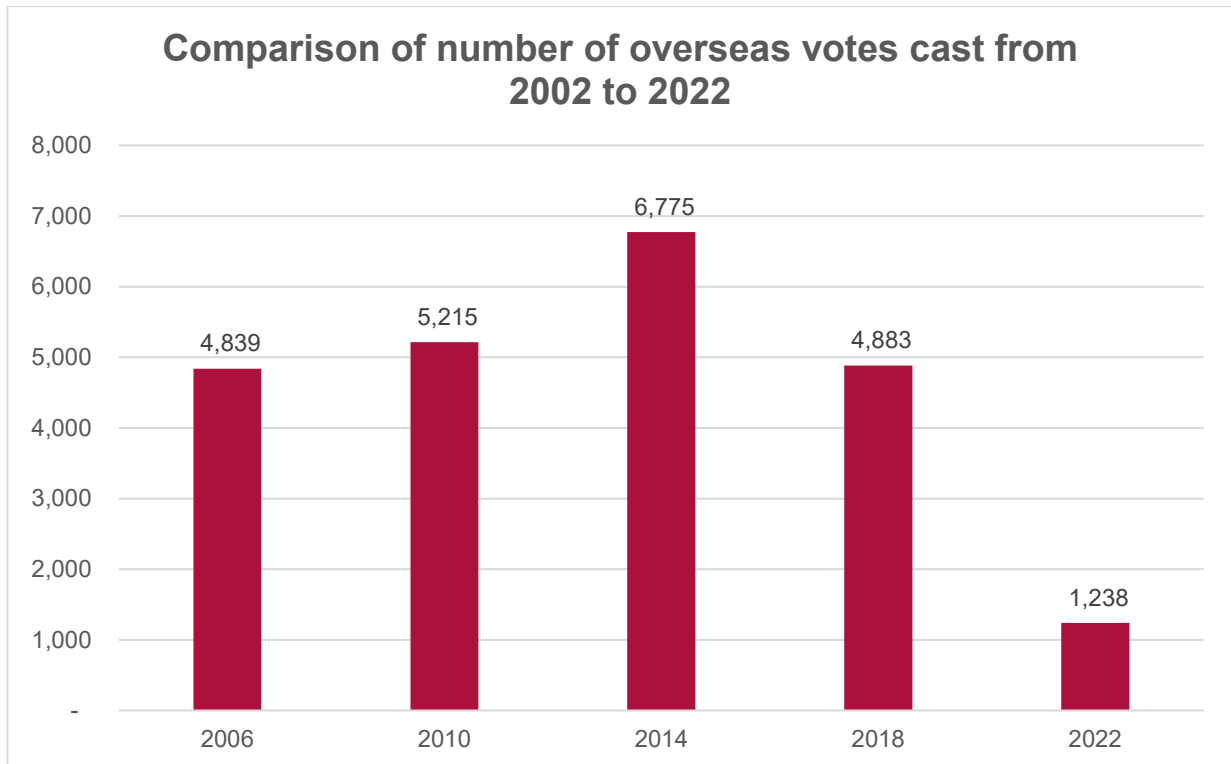


Figure 9 Comparison of the total number of overseas votes cast across State elections from 2002 to 2022



### 7.2.5 COVID-19 drive through

With the expiration of public health orders relating to COVID-19 removing access to the TAV service under the Electoral Regulations, the VEC was called upon to offer a voting option for electors testing positive for COVID-19 post the close of postal voting applications on 24 November 2022.

Aligning with the VEC's commitment to deliver a CovidSafe election, a drive through facility was established in Melton as a mobile VC for COVID-19 positive electors and their families to vote. During its 3 days of operation—the last 2 days of early voting and on election day itself—the drive through VC took a total of 519 votes.

The COVID-19 drive through mobile VC was staffed by qualified nurses and run according to operating procedures developed with the Victorian Department of Health.

The incremental cost of providing this service was \$373 per vote as compared to the \$1 per vote for TAV voting.

### 7.2.6 Electors in the Australian Antarctic Territory

Electors in the Australian Antarctic Territory were provided with access to downloadable ballot papers that could be completed and securely uploaded and transferred to the VEC by 6 pm on election day. Of the 23 electors located in the Australian Antarctic Territory, 9 completed and returned their ballot papers. These votes were admitted and counted as declaration votes.

## Expanding eligibility for telephone assisted voting

The VEC's TAV service was developed for eligible electors at the 2018 State election. Its growing popularity among eligible electors shows it to be a fit-for-purpose voting channel for electors facing increased barriers to participation in elections, particularly because it is easily scalable and relies only on telephone infrastructure.

Subject to the necessary legislative provisions, the VEC supports extending the eligibility to access to TAV to also include electors who are:

- located interstate or overseas at the time of an election
- unwell, infirm, or caring for someone who is unwell or infirm at the time of an election
- experiencing homelessness, family or domestic violence at the time of an election
- neurodivergent, including those who are hypersensitive to the types of stimuli that occur in and around in-person voting centres
- located in the Australian Antarctic Territory at the time of an election.

The VEC notes that while it was able to secure a drop-off service at 27 consular locations for overseas electors for the 2022 State election, changes in the global security environment generally mean that Australian diplomatic posts cannot be relied upon to provide in-person voting services as for previous elections. Even with in-country voting options, overseas electors heavily rely on offshore postal services to carry their ballot pack in at least one direction back to Australia. As a result, the timeline for issuing and returning postal votes is increasingly incompatible with the decline in global postal service timeframes and risking disenfranchisement of overseas voters.

### Policy matter 6

The VEC recommends that the Committee notes the limited voting channels available for overseas electors, as well as other groups who face barriers to voting in elections, and considers the opportunity to extend eligibility to access electronic assisted voting to capture these classes of electors.

### 7.3 Decline in participation

Voter turnout has been declining over many years. It is important to note that this is not an isolated trend in Victoria, but is happening in all Australian jurisdictions and is also evidenced in other comparable democracies. The reasons are multi-faceted and complex.

Although voter turnout was marginally lower at the 2022 State election than in 2018, historical voting trends and a comparison with other jurisdictions suggests that voter turnout would have been even lower had the VEC not made the efforts it did (e.g. Aston Federal by-election in Victoria in April 2023 had a turnout of 85.64%).

A key initiative to increase turnout has been the use of mass SMS and email messaging to subscribed electors (some 56% of enrolled electors). The VEC sends these messages to enrolled electors for whom it has an email address or mobile phone number. The 3 main messages sent for the 2022 State election included a reminder to enrol, an EasyVote guide explaining voting options, times and locations and an election day reminder for those who had not yet voted.

As the VEC has the lowest rate of participation compared to the recent general elections of other Australian states and territories, it has also scheduled a research project to be conducted in 2023-2024 to ascertain greater insights into the reasons for declining participation within the Victorian context.

More analysis and discussion about voter turnout at the 2022 State election and the declining trend in participation is provided in **Appendix 4**.

## 8 Counting and results

### 8.1 Counting

Counting of votes began following the close of voting at 6 pm on Saturday 26 November and continued until Wednesday 14 December when final results for the 8 Legislative Council region elections were calculated and declared.

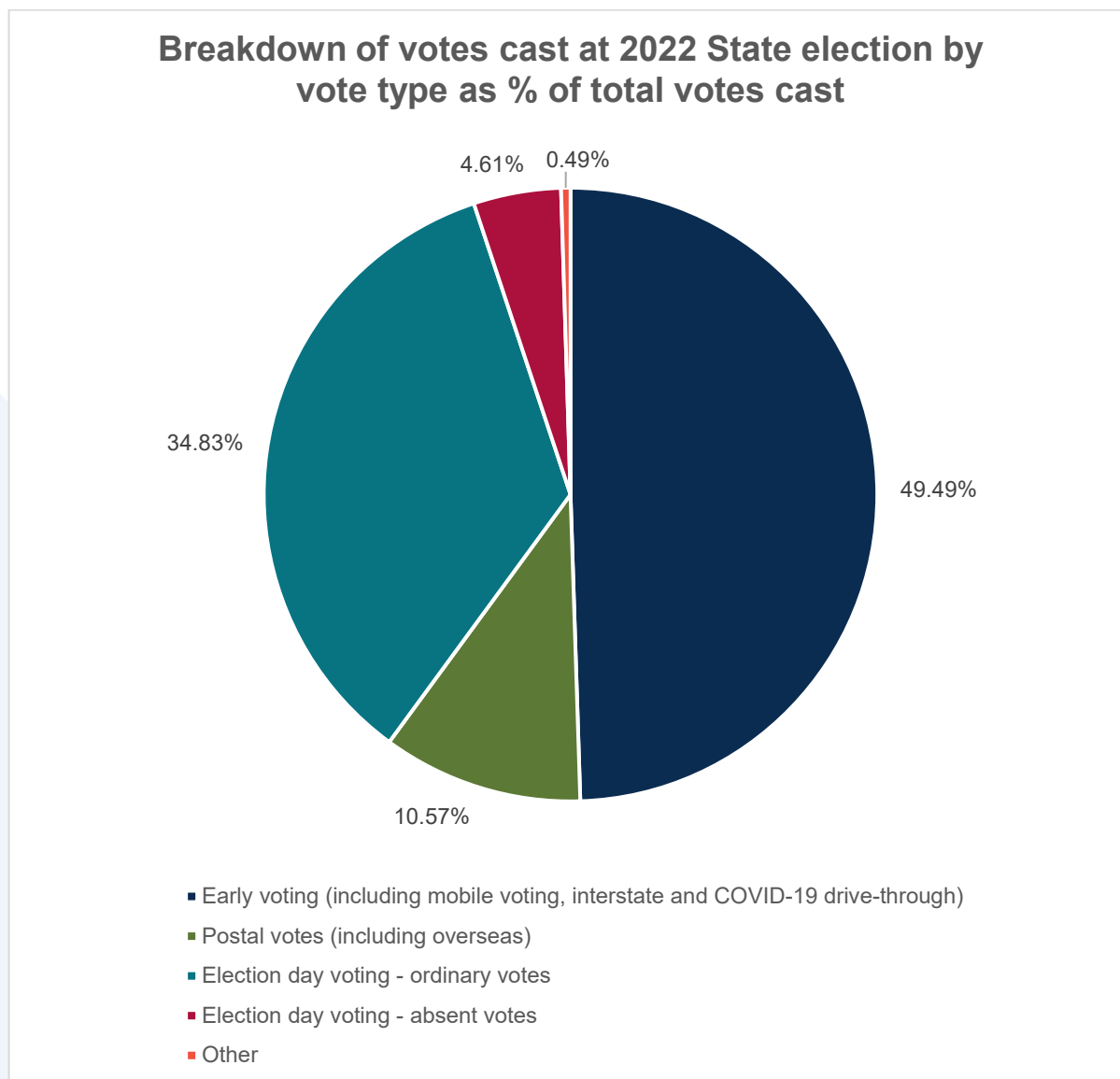
There are different types of votes that are cast at an election. The type of vote and

where it was made affects when and where it will be counted.

The VEC's count plan intends to count ballot papers systematically while also preserving critical information about each parcel of ballot papers as it tracks through the counting process. This maintains accountability and ensures ballot paper parcels can be easily reconciled against earlier counting activity.

Figure 9 breakdowns the total number of votes cast in the 2022 State election by vote type.

Figure 9 Breakdown of votes cast at 2022 State election by vote type as a percentage of total votes cast



## Ordinary votes

Votes cast by electors at election day VCs within their enrolled district are referred to as ordinary votes. All ordinary votes were counted at the VC where they were issued following the close of voting on election day.

## Absent votes

Votes cast by electors on election day at VCs outside their enrolled district are referred to as absent votes. These were not counted on election day but were reconciled and forwarded to the CAS for processing and counting.

Absent votes were counted with other declaration votes, including votes from the VEC's TAV service and those received from electors residing in the Australian Antarctic Territory.

## Early votes

Votes cast by electors at any EVC or mobile VC (excluding the Melton COVID-19 drive-through mobile VC) are referred to as early votes.

Early votes cast within the elector's enrolled district were counted after the close of voting at the EVC they were issued. Early votes cast outside an elector's enrolled district were forwarded to the CAS for processing and counting. Early votes from interstate VCs were also forwarded to the CAS for processing and counting.

## Postal votes

All postal votes mailed back to the VEC were received, processed and counted at the CAS, including votes returned from the overseas drop-off locations. Votes returned and verified before election day were counted at the CAS during election weekend. Votes that arrived at the CAS after election day, including those delivered to VCs on election day and forwarded to the CAS, continued to be

received, processed, verified and counted up until the cut-off for admitting returned postal votes to the count at 6 pm on Friday 2 December.

## Provisional votes

People who believe they should be on the electoral roll but cannot be found on the roll in an election day VC, EVC, or mobile VC may choose to make a provisional vote.

A provisional vote requires the person to complete the necessary application form and secure their completed ballot papers in a declaration envelope. These were forwarded to the CAS after election day for processing, and the ballot papers in declarations that were eligible to be enrolled were able to be admitted for counting. Admitted provisional votes were counted at the CAS.

## 'Marked as voted' votes

Electors found to have already been marked on the roll when they attended to vote, but claim not to have voted, are issued with ballot papers that are then enclosed in a declaration envelope once completed. These votes were all forwarded to the CAS after election day for processing, where they were checked to determine whether they should be admitted to the count. Admitted 'marked as voted' votes were counted at the CAS.

### 8.1.1 Election day counting

Counting of votes on election day commenced from 6 pm.

In election day VCs, election officials conducted three counts of ordinary votes, cast within the electors district, which made up 34.83% of the total vote counted in the Legislative Assembly elections:

- First preference count of district papers
- 2CP count of district papers



- First preference count of region papers.

The 2CP count involves the distribution of preferences to the two candidates considered most likely to be in the lead after a distribution of preferences. The VEC predicts the two candidates for the 2CP count shortly after nominations close. The 2CP count is for statistical purposes only and does not replace the formal distribution of preferences, if required.

First preference counts for region papers involve sorting and counting to first preference by group ATL, BTL, and by ungrouped candidate.

In EVCs, election officials conducted two counts on election night, including for votes cast in mobile EVCs:

- First preference count of own district papers
- 2CP count of own district papers

Counts were able to commence at 6 pm with staff having established a restricted zone in each EVC from 8 am on election day to allow for sorting and reconciling activities to occur before the close of voting.

Due to the high numbers of candidates and groups for the 2022 State election, counting activities across the entire count plan took longer than predicted given the physical size of the ballot papers.

At election day VCs, only 73.97% of VCs had entered their district first preference counts into the election management system by 9 pm on election night (compared to 87.96% in 2018), and almost 10% of planned region counts had to be abandoned and rescheduled for later in the week at election offices and metropolitan hubs. The size of the ballot papers added significant pressure onto what is already a very long day for VC staff, with staff working from 7 am until

very late on Saturday night to complete required activities. The VEC will continue to examine ways to relieve pressures on election day VC staff, with one potential option under consideration being the removal of region counts from election day VCs altogether.

At the CAS, election officials conducted the same two counts (district first preference and 2CP) on election night for all postal votes returned and verified prior to election day (over 235,000). This followed the establishment of a restricted zone between 8 am and 6 pm on election day to allow staff to first extract the district and region papers from their envelopes.

### 8.1.2 Counting after election day

Region early votes that were cast by electors in their own district were counted to first preference in EVCs from the Monday after election day, with some counts continuing into the Tuesday. Region postal votes extracted on election day were counted to first preferences during the 2 days after election day at the CAS.

### Further counting at the Centralised Activity Site

First preference (and for district votes, 2CP) counts, continued at CAS from the Monday after election day, commencing with TAV votes (early and absent) on Monday 28 November.

Counting for all other votes (out-of-district early votes including those from interstate locations, absents including Antarctic votes, marked-as-voted, provisional votes and all remaining postal votes received by the cut-off at 6 pm on Friday 2 December) commenced on Tuesday 29 November and carried throughout until Tuesday 6 December (for district votes) and Saturday 10 December (for region votes) including preference distributions. Refer to Chapters 10.1.4 and 10.1.5 for more detail on preference distributions.

### 8.1.3 Rechecks

Rechecking is an administrative process where, following a first preference count, ballot papers are checked again for formality, correct sorting to first preference, and correct reconciliation of totals. This is a normal part of the counting process and results are adjusted to correct any discrepancies.

District votes counted on election night in VCs and EVCs were rechecked in the election office between Monday 28 and Wednesday 30 November.

Region votes counted in VCs and EVCs were rechecked in the election office (in country regions) or hubs (in metro regions) in the week after election day.

District postal votes counted on election night were rechecked on Sunday 27 November.

All other rechecks at CAS followed directly after the first preference count occurred (or 2CP count for district votes).

#### District computerised counts

All district rechecks for the 2022 State election were conducted manually with the exception of 7 districts that were rechecked by a computerised count at the CAS. Conducting a recheck via computer involves data entering all preferences into the VEC's computer count application. Following the successful computerised count trial for the Melbourne District election at the 2018 State election, the VEC committed to further trialling the use of computerised counting in metropolitan-based close seats for the 2022 State election.

Of the 7 districts chosen to undergo a computerised count, 4 were considered on election night to be 'close seats': Brighton, Hawthorn, Melton and Northcote. While not part of a metropolitan region, Melton was deemed close enough to be changed to a computerised count due to the high

candidate numbers in that district (14). 2 other districts moved to a computerised count due to high candidate numbers: Point Cook and Werribee (both 15).

Election managers in districts that were nominated for computerised counts delivered their ordinary and early district papers to the CAS for data entry, instead of manually rechecking these in their local election offices.

A 7th district election, Preston, was also moved to a computer count following the completion of the manual recheck in the election office. This followed reports from candidates that scrutineers had not been able to adequately observe the recheck. All papers that had been manually rechecked were delivered to CAS, where a batch review process was undertaken in the presence of scrutineers before data entry was commenced for this district.

#### Incorrect 2CP predictions

During the monitoring of 2CP counts on election night, it was identified that the candidates for the 2CP in 7 districts would not be the 2 in the lead after a distribution of preferences. New 2CP counts were authorised in 5 districts where the successful candidate could not be predicted from the results on election night: Albert Park, Brighton, Melton, Point Cook and Werribee. The correction of these counts allowed the successful candidate to be predicted as early as possible as counting continued. Corrected 2CP counts were not authorised in the 2 districts where the successful candidate could be predicted from the results on election night.

### 8.1.4 District preference distributions

After district rechecks are completed, if no candidate achieves an absolute majority of first preference votes in a district, a preference distribution must be conducted to determine the result of that election.

A preference distribution involves excluding the candidate with the fewest first preference votes and distributing their first preference votes to the remaining candidates according to the preferences on the excluded candidate's ballot papers. This process continues until one candidate obtains an absolute majority of the formal votes.

The high numbers of candidates across all districts meant that 88.50% of district elections required a preference distribution for the 2022 State election, up from 54.55% at the 2018 State election. Following the completion of all district rechecks at the CAS, ballot papers were dispatched to election offices on 5 and 6 December to be amalgamated with those that had been rechecked in the election office. Preference distributions commenced from 7 December – a day later than originally planned, illustrating that along with increasing candidate numbers, increasing enrolment is making it challenging to continue to deliver district results within 10 days of election day, as has previously been the case. The VEC will investigate options to better utilise the available counting timeline for district election counts in future events, while still trying to ensure that outcomes are known for as many districts as possible in a timely manner.

### **Computerised distributions**

The VEC's computer count application was used to calculate the preference distributions in the 7 districts that underwent a computerised recheck. Without the need to amalgamate rechecked ballot papers in these districts, the calculations occurred on Tuesday 6 December, with the exception of Preston District, which was calculated on Wednesday 7 December.

The VEC will investigate the option of implementing computerised counting more broadly for district elections for future State elections.

### **8.1.5 Region preference distributions**

Region rechecks occurred in elections offices for country regions and logistics hubs for metropolitan regions, and at the CAS for all regions. Any BTL papers, which were only check-counted at the recheck stage rather than fully rechecked given that the data entry process would act as the recheck, were then transferred to the region computer count centre at the CAS. Papers from hubs arrived on the Friday after election day and papers from election offices arrived on the Tuesday after election day. Papers that were counted to first preference and then rechecked at the CAS were dispatched progressively to the computer count teams.

Data entry of BTL papers for all regions commenced on Monday 5 December and continued until Tuesday 13 December. Preferences from BTL papers were entered into the VEC's computer count application twice, with the application identifying discrepancies between first and second round of data entry for the operator to review and correct if necessary.

When BTL data entry was completed, the total number of ATL votes for each group (from the manual recheck, as well as those found during the formality checking process at the computer count) were loaded into the system for each region election. The tally of informal votes (from both the recheck and computer count) were also entered into the system.

When all ballot papers for each region election were entered, final reconciliation steps were completed. The preference distributions for each region election were calculated on Wednesday 14 December at the CAS. As with district distributions, this was 1 day later than originally planned. While the VEC will continue to investigate ways to complete the region election counts in a timely manner, it is becoming increasingly difficult to perform all activities

with enough contingency for recounts. Had a recount been required towards the end of the counting timeline, there would have been significant risk that the relevant election writ would not have been able to be returned in accordance with the timeline required by the Electoral Act.

On this point, the VEC notes its previous recommendation following the 2018 State election concerning increasing pressure on the counting timeline as well as the need for a more holistic review of the timelines prescribed for elections by the Electoral Act.

By the tail end of the counting program, when a region election recount would occur if required, there are significant health and safety considerations to be made alongside the logistical pressures of conducting a recount.

The current timeline is unsustainable.

## 8.2 Count information

With counting activities for the 2022 State election spread over a number of locations during the counting timeline, candidates and registered political parties were provided with information about updates to the count plan through:

- candidate bulletins direct from election managers to district election candidates outlining counting activities in their local election office and relevant voting locations
- the VEC website, where the upcoming daily count activities were published each night.

The VEC website provided an overview of all counting activities occurring across the State, with a particular focus on activities at the CAS. Due to the anticipated high number of scrutineers that were expected to attend the CAS, a team was dedicated to support the appointment and daily sign-in of scrutineers, and provide them access

to the relevant count area(s). Scrutineers at the CAS also had a dedicated breakout space to use in between observing counting activities.

## Available counting timeline

In its report on the 2018 State election, the VEC recommended extending the available counting period from 21 days to 23 days in order to preserve some contingency for completing a recount for one or more Legislative Council elections if needed.

To date, no action has been made on this recommendation and efficiencies introduced to the VEC's count plan have been quickly consumed by growth in the size and scale of the ever-increasing count operation as well as the increased number of preference distributions required for recent elections. Achieving the count timeline within the existing parameters places considerable risk on the health and safety of the VEC's workforce, especially given the need to reserve sufficient time to conduct a recount for a Legislative Council election.

The VEC notes all other comparable jurisdictions have much longer periods to count votes, such as the 41-day period from election day before the return day for writs for NSW elections. The difference to the count between the current 21-day counting period and the recommended 23 days remains shifting the deadline for the return of both writs that currently falls on a Saturday by 2 days to the next Monday. An alternative solution that would make the election count timeline fit for the future, could be to explore the extension of the return of the writ for only the Legislative Council election by 7 days.

### Recommendation 6

The VEC recommends, at a minimum, amending section 61(4)(c) of the Electoral Act to require the writ for elections to be returnable on a day within 23 days after election day or, alternatively, future proof the count timeline by allowing the writ for a Legislative Council election to be returnable on a day within 28 days after election day, providing an additional 7-day contingency to conduct this aspect of the count.

## 8.3 Recount requests

Recounts may be conducted at the discretion of the election manager, at the request of a candidate who provides sufficient reasons, or at the discretion of the VEC. Any recount must be conducted in the presence of appointed scrutineers. In accordance with a recommendation by the Committee in its report on the conduct of the 2018 State election, the Electoral Act was changed prior to the 2022 State election to now require the VEC to provide at least 4 hours written notice of a recount to the affected candidates, registered political parties, and their nominated recount contact – adding further pressure to an already stressed count timeline.

For the 2022 State election, there were no recommendations for a recount by an election manager or the VEC. There were, however, requests for recounts by candidates for Hastings, Mulgrave and Preston District elections, and for the North-Eastern Metropolitan, South-Eastern Metropolitan and Western Metropolitan Region elections.

All requests were duly considered, and responses provided in writing. None of the requests were granted as the result for each election was sufficiently clear and a re-examination of papers would not alter the outcome of the election. Several of the requests also failed to give sufficient grounds to warrant a recount as they raised grievances with election processes which would not be addressed by a recount. As well as declining the request, all written responses alerted the candidate who had requested the recount to their opportunity to petition the Court of Disputed Returns in respect to the issues they had raised.

The VEC notes that should a recount have been required, section 19(2) of the Electoral Act currently proscribes the ability to delegate the Commission's function to decide on the formality of any ballot papers reserved for decision at a



recount where the decision on the ballot paper may determine the result of the election. In effect, this means this function may only be performed by the Electoral Commissioner in their formal capacity as constituting the Commission under section 7 of the Electoral Act.

Using the 2022 State election as a practical example, if the Legislative Council informality rate of 3.22% is applied as an average to any of the 8 Regions, the Commissioner could be required to review approximately 15,500 informal ballot papers.<sup>8</sup>

The VEC is alert to the possibility of multiple recounts occurring simultaneously, and the impossibility for the Electoral Commissioner to be available to perform this function for all recounts within the existing count timeline, particularly if significant travel is required. Although unlikely, recounts occur at a critical period in the election timeline and decisions made on ballot papers at this stage are of great consequence and should not be pressured due to the unsustainable count timeline.

## Deciding formality in a recount

Section 19(2)(c) of the Electoral Act provides that 'the Commission' cannot delegate the power to allow or disallow a ballot paper on a recount if the number of ballot papers reserved under section 120(4) of the Electoral Act for the decision of the Commission may determine whether a particular candidate is declared elected. In the circumstance of a recount because of a close margin, the decision on every ballot paper reserved for the Commission may potentially determine the result.

In effect, by virtue of the Electoral Commissioner constituting the Commission under section 7 of the Electoral Act, only the Electoral Commissioner may make such decisions during a recount. It cannot be delegated to the Deputy Electoral Commissioner or any VEC officer.

The current provision places significant risk on the VEC to return the writs in accordance with the legislated deadline, particularly if multiple recounts or a recount for a Legislative Council election were to occur.

The VEC was particularly alert to this risk during the 2022 State election when the Electoral Commissioner was on unexpected leave, and COVID-19 was still present in the community, including within the VEC's workforce. The Deputy Electoral Commissioner was Acting Electoral Commissioner, and there was no other person appointed to act in the Office of the Electoral Commissioner if the Deputy Electoral Commissioner became unavailable.

### Recommendation 7

The VEC recommends repealing section 19(2)(c) of the Electoral Act to allow the Commission to delegate the prescribed power and avoid the current single point of dependency.

<sup>8</sup> Please note the informality rate is based upon the total ballots counted not the eligible electors.

## 8.4 Results and declarations

As in previous State elections, all results were progressively displayed on the VEC website and various results reports were made available to scrutineers on request. An election results media feed was also provided to media outlets and other subscribers on request.

All district election results were finalised by Friday 9 December, with the majority of results finalised on Wednesday 7 December. Results are marked as 'provisional' on the VEC website until the declaration of results occurs.

District election declarations commenced from Tuesday 6 December in election offices, and ran through until Tuesday 13 December, with 93% of declarations completed by Friday 9 December.

Region election declarations were conducted on Wednesday 14 December from 6 pm at the CAS.

### 8.4.1 District election statistical counts post-declaration

For statistical purposes and further analysis, it can be useful to see how the 2PP vote sits in each district election. The VEC undertakes post-election 2PP counts in those district elections where the 2CP count or the preference distribution did not show how the vote is divided between the Australian Labor Party – Victorian Branch and either the Liberal Party of Australia – Victorian Division or the National Party of Australia – Victoria.

The VEC conducted 2PP counts for 12 districts following the 2022 State

election and published the state-wide 2PP on the VEC website. 2PP counts were conducted once all counting in the relevant districts had been completed.

In early 2023, the VEC also conducted full preference distributions for 39 district elections where:

- a candidate had won by an absolute majority of first preference votes (10 districts)
- more than 2 candidates remained in the count after a preference distribution (29 districts, including the Narracan District supplementary election).

These district elections did not require a full preference distribution to determine the election result. However, the full preference distributions provide useful information for statistical purposes and further analysis by candidates, political parties and other commentators, and the full preference distribution results are now all published to the VEC website.

The VEC will investigate the opportunity to conduct full preference distributions in all districts for future events, as part of its examination of the available counting timeline for district election counts. However, given the number of districts requiring preference distributions, this is unlikely to be feasible without an extension to the count timeline without prejudicing the support for the Council election.



## 9 Compliance

### 9.1 Complaints

The VEC received a total of 2,675 formal contacts via the complaints system.

These contacts were reviewed by the customer feedback and complaints team and each was categorised as a complaint, allegation, report, enquiry, suggestion, criticism, or compliment. A breakdown by contact type is below at Table 4.

Table 4 Number of contacts through the VEC's complaints system

Contact type	Number
Complaints	1,956
Allegations	58
Reports	8
Enquiries	327
Suggestions	131
Criticisms	179
Compliments	16
<b>Total</b>	<b>2,675</b>

Subcategories further organised the contacts by topic. Table 5 provides a breakdown of the most common complaint topics.

Table 5 Most frequently categories of complaints the VEC received

Subcategory	Frequency
The conduct of campaign workers, candidates or political parties	278
Electoral integrity	137
Postal vote not received	120
Authorisation of electoral material	87
Conduct of a VEC staff member	86
VC/EVC and election office location	85
Information privacy	75

As seen in this table, a high proportion of complaints related to regulatory matters.

### 9.2 Field compliance support

For the 2022 State election, the VEC increased its compliance presence and regulatory support for election office and VC activities. The VEC's more active regulatory role was prompted by several factors, including:

- the need for consistent regulation across the Electoral Act,
- the introduction of political funding and donation disclosure laws in 2018, and
- lessons learned by the VEC—and feedback heard through submissions to the Committee—following the 2018 State election.

From September 2022 to January 2023, which includes the Narracan District supplementary election, the VEC operated a regulatory advice and incidents desk to coordinate compliance matters raised through the VEC's head office and field locations. Staffed with experienced

electoral law and regulatory experts, this service had 2 main purposes. First, to provide prompt and reliable advice on regulatory or legislative queries or requests for assistance to VEC staff and election officials receiving queries or alleged breaches of electoral law, and second, to coordinate visits to VCs or venues where a need for additional compliance support was identified.

This team responded to 408 cases between September 2022 and January 2023, with most cases occurring during the early voting period and on election day. Of those that were queries requiring advice, most related to authorisation requirements, HTVCs, signage and misleading or deceptive material.

Staff from the VEC's electoral compliance team were called to attend several sites during the early voting period to assist the election manager in managing poor behaviour by campaign workers observed outside EVCs. Consistent with the VEC's regulatory approach, the attending staff sought the cooperation of those present, reminded them of their obligations, assisted to resolve any structural frustrations causing the behaviour, and offered reassurance to election staff and any others at the site.

On election day, the electoral compliance team operated 4 teams to assist with triaging and managing any serious incidents, poor behaviour or other possible electoral offences. One team was based in Melbourne's south-east, and the other 3 teams were based at the VEC's head office. The teams attended and provided ad hoc support to VEC staff at numerous VCs on election day.

Following election day, the teams maintained a presence at the CAS and attended several field locations to assist local election staff with scrutineer management.

The VEC intends to expand the capacity of the electoral compliance team in this

regard for future elections and develop more complete operational orders to support their activities through the early voting period, on election day, and for the counting period. An increased field presence would also consider electoral compliance support in regional areas.

### 9.3 Determinations and directions

The Electoral Act allows for the VEC to make determinations regarding the performance of its responsibilities and exercise of its powers. Similarly, directions may be issued regarding the enrolment process, elections and election procedures.

The VEC identified determinations were needed to clarify its approach to a range of matters, including the authorisation of electoral campaign material, signage at VCs, and campaigning at VCs, as well as a variety of other administrative, operational and regulatory requirements where the legislation alone was not sufficiently clear to inform all relevant stakeholders about the VEC's approach to these matters.

In total, 11 determinations were made in relation to the State election, including one temporary determination specifically for flood-affected electors. All determinations were published to the VEC website.

In accordance with the determination on campaigning at VCs, the Acting Electoral Commissioner issued directions to regulate the activities and behaviours outside 2 EVCs — Watergardens EVC in Sydenham District and Derrimut EVC in Kororoit District. Both directions sought to limit the number of campaigners permitted for each candidate and, given the EVCs were located in shopping precincts, they restricted the distribution of electoral campaign material (e.g. HTVCs) to only those people attending the EVCs for the purpose of voting. The directions were

issued to the relevant election manager and copies were provided to all affected candidates and registered political parties.

In addition to determinations that furthered the VEC's regulatory efforts, the VEC issued determinations of a practical or procedural nature, including the emergency determination which expanded access to TAV for flood-affected electors.

## 9.4 Publication of regulatory approach

The VEC published its regulatory approach in October 2022. The VEC adopts a constructive compliance approach for its regulatory activities, which focuses on providing electoral participants with resources to understand and comply with their obligations. Where a person or organisation fails to comply with their obligations, compliance action is taken proportionate to the VEC's assessment of harm.

The VEC engages with electoral participants frequently to educate and assist with meeting compliance obligations. However, there are currently legislative barriers that limit the responses available to the VEC and prevent it from fully implementing its constructive compliance approach, particularly for less serious offending. This constrains the VEC's regulatory role when responding to issues occurring in the field during elections at the time, and also flows into the ability to access information and investigate more serious offences or recurring instances of non-compliance with the Electoral Act.

Critically, there is no legislative power to issue formal warnings or serve infringement notices for most offences under the Electoral Act. Except for failing to vote, which is an infringement offence, the VEC has only two options; to formally investigate possible non-compliance or alleged offences and, where an offence is found to have been committed, whether to

prosecute the matter or take an educative approach.

Bringing a matter to prosecution is incredibly serious and stressful for the person being prosecuted, and is resource intensive for the VEC, and prosecution should be reserved for only the most serious electoral offences. This is particularly because investigations into alleged offences may take many months to finalise, in some cases more than a year, and even more time to prosecute.

The regulation of Victoria's electoral environment would be aided by extending more formal regulatory powers to the VEC to investigate alleged offences and, as an alternative to prosecution, issue infringements for non-compliance which are proportionate to the assessment of harm for the relevant offence done. This would encourage higher levels of cooperation and compliance from electors and electoral participants.

In its report on the 2022 State election, the VEC intends to advocate for changes to the Electoral Act to enhance its ability to apply its constructive compliance approach to the regulation of electoral offences and to mirror the relevant investigative powers of similar regulators, such as the Local Government Inspectorate.

## Authorisations and electoral matter

The Electoral Act regulates electoral campaign material, including electoral handbills, advertisements and signage. Relevantly, section 83 of the Electoral Act makes it an offence, at any point in time, to print, publish or distribute or cause, permit or authorise to be printed, published or distributed, an electoral advertisement, handbill, pamphlet or notice unless it is appropriately authorised.

However, the Electoral Act is ill-equipped to provide clear guidance on how this offence should be interpreted in the environment of modern electoral advertising practices, including the use of social media and online materials that were non-existent or in their infancy when the Electoral Act was introduced.

This is most obvious in the definition of ‘electoral matter’ provided by section 4 of the Electoral Act, where section 3 outlines that the material subject to authorisation requirements is any advertisement, handbill, pamphlet or notice that contains *electoral matter*.

‘Electoral matter’ is defined very broadly under section 4 of the Electoral Act, and includes any matter that contains an express or implicit reference to:

- the election
- a current or historical government, opposition or member of Parliament of any jurisdiction within Australia,
- a political party or branch, division of a political party
- a candidate in an election, and
- any issue before the electors in connection with the election.

A strict reading of this section would suggest that even materials, both online and offline, that reference a previous government in another State would be required to be authorised.

Combined with the absence of any limitation on the time-period during which the section 83 offence applies, this results in an unworkable regulatory burden and includes materials that are clearly not intended to affect voting in a Victorian election.

The obsolescence of the regulatory scheme of election campaign material is ever more obvious in the online environment where social media users can easily hide behind social media ‘handles’ or ‘usernames’, information can be distributed and shared virally and that publishing a name and address of the author could lead to attacks on the person at the address listed.

Even if legislation was developed to require all social media platforms operating in Australian territories to provide the identity of users, the sheer volume and resourcing required to enforce online authorisation would be beyond the VEC’s (and all other electoral commissions’) capacity.

These compounding factors suggest a review of the provisions governing the regulation of election campaign material is necessary. (continued...)

However, this determination is not a long-term solution as it simply compensates for a regulatory scheme which does not cater for electoral advertising in the modern era.

Adding to this problem, the regulation of electoral campaign material is a matter of confusion and concern among MPs, where the distinction between what can be considered an electoral advertisement and what constitutes ordinary electorate office communications is highly blurred.

Under the very broad definition of 'electoral matter', any sign or advertisement relating to a member of Parliament might be considered as an electoral advertisement, and therefore require authorisation and to be paid for out of the State campaign account rather than the electorate office budget.

Although not all electoral matter is regulated by authorisation rules — only advertisements, handbills, pamphlets, or notices that contain electoral matter must be authorised — the ambiguity of what constitutes an 'advertisement' presents challenges in regulation, especially for online material and on social media where anyone might re-post an advertisement without a fee.

These compounding factors suggest a review of the provisions governing the regulation of election campaign material is necessary.

### **Policy matter 7**

The VEC recommends that the Committee notes the challenges of applying and enforcing the requirements for electoral campaign material to be properly authorised, as currently defined and prescribed, in the context of modern election campaigns.

## **9.5 Cease and desist notices**

During the 2022 State election, the VEC issued 6 formal notices requiring the recipient to cease and desist an activity that was not permitted under the Electoral Act. Each notice intended to intervene in activity by the recipients that—the VEC had determined—damaged the election, prevent any further damage, and give notice of further remedies available through civil and criminal actions for violating the cease and desist request.

Following a joint decision by the VCAT on the applications by candidates Sophie Torney, Melissa Lowe and Kate Lardner, 5 notices were withdrawn as the issue in contention had fallen away by the effect of VCAT's decision.

## **9.6 Legal disputes**

Several matters associated with the 2022 State election were brought before the VCAT, the Supreme Court, and the Court of Disputed Returns. Key matters are outlined below.

### **9.6.1 Independence Party registration**

Section 60 of the Act allows for a person to apply to VCAT for a review of the VEC's decision to register, or not to register, a political party.

Dr Catherine Cumming had applied for the Independence Party to be registered as a political party in advance of the 2022 State election. The VEC refused the application on 27 October 2022 on the grounds that it was unable to independently verify the Independence Party had at least 500 'eligible members'. While decisions in



respect to application to register a political party are ordinarily reviewable by VCAT, Dr Cumming sought judicial review of the VEC's decision through the Supreme Court. As it would take some time to consider a judicial review application, Dr Cumming sought an order compelling the VEC to register the Independence Party in order for it to participate as a party in the election.

Justice Garde found it was appropriate for the VEC to take steps to confirm the legislative requirements are met by a political party applying to be registered and declined the request for interim relief. Dr Cumming subsequently discontinued her judicial review application.

### 9.6.2 How-to-vote card challenges

Section 82A of the Electoral Act allows for a person to apply to VCAT for a review of the VEC's decision to register, or not to register, a HTVC.

Candidates Sophie Torney, Melissa Lowe and Kate Lardner separately applied to VCAT to challenge the VEC's decision to refuse to register their HTVCs pursuant to section 82A of the Electoral Act. The applications were heard simultaneously, and a consolidated decision was handed down by VCAT President, her Honour Justice Quigley.

The VCAT applications refer to a total of 4 HTVCs which had been refused registration by the VEC principally because they were likely to mislead or deceive an elector in the casting of the vote of the elector pursuant to section 79(3) of the Electoral Act. The HTVCs contained a full ballot paper representation with only a first preference marked and included notations against the candidates' names on the ballot paper representation indicating they were 'Independent' that was not attached to other independent candidates. Adjacent to the ballot paper representation on the HTVCs were written instructions to number every box.

The VEC argued that its consideration of misleading and deceptive needed to go towards the "gullible and naïve" elector and not an elector of "ordinary sophistication". Counsel for the applicants argued that the HTVCs were not misleading or deceptive and would not likely to lead an elector to leave blank boxes on their ballot paper thereby making it informal.

Although Justice Quigley accepted the VEC's threshold of the test, her Honour allowed the reviewed and — standing in the shoes of the VEC — ordered the HTVCs to be registered deciding the blank boxes and use of the term 'Independent' on the ballot paper representations on the HTVCs were not likely to mislead or deceive the gullible or naïve elector.

In separate matter, Leigh Naunton applied to register a HTVC for the Kew District election on behalf of the Kooyong Climate Change Alliance. The HTVC application was refused registration by the VEC because it contained an entirely blank ballot paper representation so it did not contain a how-to-vote instruction and therefore was not a HTVC.

Mr Naunton submitted that the HTVC provided a scorecard for some of the candidates' climate change credentials and encouraged electors to "put ALL the stronger candidates before the others." As a result of the decision in *Torney*, which had been heard and determined by VCAT in between the VEC's refusal of Mr Naunton's application and VCAT's review, the VEC took a neutral stance in respect to VCAT's decision to register the HTVC and limited its submissions to articulating the perceived defects that had prevented it from being registered initially.

VCAT Deputy President Proctor, standing in the shoes of the VEC, ordered for the HTVC to be registered.

In another matter, on 21 November 2022, an application was lodged with VCAT by

the Liberal Party of Australia – Victoria Division challenging the validity of 516 HTVCs associated with the Australian Labor Party – Victorian Branch. The application alleged 2 defects in the HTVCs which had been registered by the VEC, including that the partial ballot paper representation shown on them contained errors when compared against the relevant ballot papers and that the HTVCs risked deceiving or misleading electors.

While the Liberal Party of Australia – Victoria Division initially filed the application, it was required to amend its application due to a lack of standing as a political entity. On the following day, the party filed an amended application listing its registered officer as the proper applicant.

A directions hearing was held to clarify and confine the application, determining that it would focus on one of the HTVCs. The substantive hearing took place on the same day, addressing the extension of time application and the merits review of the HTVC.

The VCAT decided that the application was unmeritorious and was not brought in the public interest. Considering section 109 of the *Victorian Civil and Administrative Tribunal Act 1998* (Vic), which grants the tribunal the power to make cost orders, VCAT found that an award of costs against the applicant was justified.

A fourth matter involved an application to VCAT by the registered officer of the Australian Labor Party – Victorian Branch in relation to the VEC's refusal to register a number of HTVCs that were to be printed in languages other than English.

The VEC had refused to register the HTVCs because the applications for registration were incomplete as they were not lodged with signed translations of the in-language text into English as required by regulation 19(2) of the Electoral

Regulations. Although the HTVCs were lodged shortly before the registration period closed on Friday 18 November, the noon deadline had passed before the signed translations were supplied.

By the time the VCAT heard the matter on Monday 21 November, the party was able to produce the required signed translations. The VEC took a neutral position in respect to the matter and observed that its authority to consider the original applications had ended at the deadline. The VCAT ordered the HTVCs to be registered, having now satisfied the requirements for registration.



## Applying how-to-vote card requirements consistently

The need to consistently apply registration requirements for HTVCs was also under the spotlight during the 2022 State election.

The VEC's decisions on HTVC registration are reviewable on application to the VCAT, and three independent candidates for Hawthorn, Kew and Mornington Districts successfully challenged the VEC's decision to refuse to register their HTVCs.

Similarly, VCAT also overturned the VEC's decision on a HTVC application lodged on behalf of Kooyong Climate Change Alliance. The HTVC was initially refused registration because it did not contain a clear ballot paper representation or list of candidates containing a preference for each candidate.

By ordering the registration of these HTVCs, the VEC was required to incorporate VCAT's decision into its assessment for all new applications, including for districts where informality levels had been shown to be impacted by lower levels of English literacy.

The VEC is concerned that incorporating VCAT's decision will distort the definition of 'how-to-vote card' in the Electoral Act and applying the decision consistently will discriminate against voters with lower levels of English literacy.

### Policy matter 8

The VEC recommends that the requirements for HTVC registration are reviewed in light of recent decisions by the VCAT to ensure requirements can be applied consistently across all electorates and preserves the original intention for ballot paper representations on HTVCs to be an exact replica of the ballot paper.

### 9.6.3 Request to sight the writs

Gerard Donohue made an application for judicial review of the 2022 State election because the writ for the election had not been produced for his inspection. The application listed 3 respondents — the Electoral Commissioner for Victoria, the Governor of Victoria, and the Attorney-General of Victoria. The VEC instructed on the response on behalf of itself and the Governor of Victoria, and the Attorney-General did not appear and was not represented. The application was made 2 days before election day. The matter was heard for directions and dismissed by the Supreme Court, noting that the VEC had since published copies of the writs on its website with permission from the Office of the Governor.

### 9.6.4 Court of Disputed Returns

The Court of Disputed Returns is established under the Electoral Act to hear disputes about an election. The Court of Disputed Returns sits in the Supreme Court of Victoria and is ordinarily constituted by a single Supreme Court judge. Those able to petition the Court of Disputed Returns to hear a dispute to an election include a candidate for the election, a person who was entitled to vote at the election, or the VEC.

The Court of Disputed Returns will generally observe, but is not bound by, the procedures and rules of the Supreme Court, and has a wide range of powers. It may order a person declared elected to be not duly elected, a person not declared elected to be duly elected, or for an election to be void and for a re-election to be required. Decisions of the Court of Disputed Returns are final and cannot be appealed.

David Vincent, an unsuccessful candidate for Bulleen District at the 2022 State election, petitioned the Supreme Court of Victoria sitting as the Court of Disputed Returns to set aside the election of

Matthew Guy, the successful candidate for Bulleen District on character grounds. As the matter progressed, the applicant's submissions also sought to install him in other parliamentary offices, including as Speaker of the Legislative Assembly.

Counsel for the VEC made submissions in respect to the election process and the declared outcome of the Bulleen District election, including that the requirement to be a candidate in election was not subject to any particular test of propriety. The solicitor for Mr Guy made further submissions, including that the Court of Disputed Returns had no role in the applicant's grievance with the election, and sought for the applicant's petition to be summarily dismissed.

Justice Dixon sat as the Court of Disputed Returns and provided an opportunity for the applicant to seek to refine the issues in his petition. The applicant subsequently amended his petition, which was still found to be unsatisfactory, and Justice Dixon declined leave for the applicant to amend his petition and dismissed the original petition.

## **9.7 Victoria Police partnership**

In response to recommendation 40 from the Committee's report on its inquiry into the conduct of the 2018 Victorian State election, the VEC took a proactive approach to its regulatory function for the 2022 State election, including building a more strategic partnership with Victoria Police.

The partnership was led by dedicated relationship managers at both agencies, and Victoria Police established a dedicated State election structure to coordinate its handling of election-related matters. Referral procedures were established to promptly alert police to emerging issues and allow for a police response to be coordinated. Police liaison officers were available during the early

voting period and provided on-site coverage at the VEC on election day.

The VEC developed facts sheets for Victoria Police providing information about key activities in the election timeline, roles and responsibilities of VEC staff at election venues, the role of scrutineers during the counting period, and information about electoral offences. The fact sheets ensured local police called to attend a VEC location were better equipped to deal with election issues.

## 10 Post-election period

The VEC conducts a range of feedback, review and integrity check activities after each election to evaluate performance and inform planning for future elections.

### 10.1 Stakeholder feedback

#### Kantar Public Evaluation of the 2022 Victorian State Election

Independent research is commissioned to take place immediately after every State election to ensure authenticity of feedback. Kantar Public surveyed a range of voters, candidates and registered political parties to obtain feedback on their overall satisfaction and recommendations for improvement.

##### 10.1.1 Voter services

In 2022, 82% of voters surveyed were satisfied with the VEC's services at the State election. This level of satisfaction was slightly lower than the findings from 2018 (84%).

Ordinary voters and voters from interstate/overseas (79% and 65% respectively) were generally less satisfied than CALD voters and early voters (88% and 87% respectively).

Satisfaction levels specifically relating to TAV services were high. Over eight in ten (85%) of these voters were satisfied with the service, even though some of these voters may have preferred to vote in another way. Access to TAV was constrained to voters with a disability or who are blind or have low vision and voters affected by the October floods.

High levels of satisfaction were also seen for specific aspects of the VEC's services. Over 4 in 5 voters were satisfied with the security, fairness, and impartiality of

election services (86%, 84% and 84% respectively).

The majority of voters with a disability surveyed said they did not require assistance to vote during the State election (69%). One quarter indicated that they required assistance (27%). Three quarters of those who received assistance were satisfied with the support they received (73%).

Overall satisfaction with VCs was similar to that for the 2018 election. Early voters tended to report a better experience at VCs compared with those who voted on the day (86% vs 77%).<sup>9</sup>

Three quarters of voters surveyed recalled some form of information from the VEC (75%). Free-to-air TV was by far the most frequently recalled communication channel in the lead up to the election in 2022 (38%).

4 in 5 respondents were aware of the availability of information for voters on the VEC's website (80%). Over half had used the website in the lead-up to the election (53%). Overall usage of the VEC's website increased (45% to 53% of all voters surveyed).

##### 10.1.2 Political parties

Political party representatives were also complimentary of the VEC. Overall, party representatives were satisfied with the quality, timeliness and professionalism of the VEC's services at the 2022 state election. On a scale of one to 10, representatives surveyed scored the VEC between 7 to 9.

Overall, the enrolment and nomination processes were thought to be good, particularly for smaller parties with correspondingly fewer candidates. Representatives from smaller parties described the process as straightforward

<sup>9</sup> This is a measure of services specifically at centres, as opposed to overall satisfaction with services cited above.

and praised the VEC for its responsiveness to queries.

Several issues were identified by some party representatives from larger parties with many candidates. These issues primarily centred on a lack of digital resources available, and an over-reliance on hard-copy documentation and procedures.

### 10.1.3 Candidates

Over two-thirds of candidates were satisfied with the services provided at the 2022 state election (68% total satisfaction).

Candidates were generally satisfied with the services provided by the Election Manager. Candidates were most satisfied with the managers' impartiality (80%) and provision of accurate information (74%). However, lower levels of satisfaction were seen for providing information specifically during the counting process (68%).

7 in 10 candidates surveyed were satisfied with the VEC's services on election day (70%). A similar proportion were satisfied with services at EVCs (67%). Relatively low levels of satisfaction were seen for the accessibility and location of VCs (60% and 58%).

Two-thirds of candidates were satisfied with the VEC's website (67%). A similar proportion were satisfied with content of the site (65%). Candidates were most satisfied with the readability, clarity and helpfulness of the content on the site (78%, 73% and 73% respectively). The lowest levels of satisfaction related to ease of navigation and information finding (58% and 56% respectively).

### 10.1.4 VEC's election confidence surveys

The VEC used its own online research panel to conduct a series of surveys over the election period and from September to December 2022. Most of the metrics

demonstrated a positive increase over the monitoring period. They were taken at various times over the election period. In short, voters had high confidence in the VEC to deliver the election. 'Confidence in delivery of fair, impartial and high quality election services: the average rating was 8.6 out of 10 and remained relatively stable throughout the election period. Further, almost a third of respondents, the largest contingent, rated the VEC a 10/10 (31.8%) in this respect (see Table 6).

#### "How would you rate your level of confidence in the VEC to deliver a fair, impartial and high quality election?"

Table 6 Confidence ratings in the VEC by voters on scale of one to 10 measured throughout the delivery of the 2022 State election

Rating out of 10	Nov 7-11	Nov 21-22	Dec 12-16
1 star	0.3%	0.5%	<b>0.7%</b>
2 stars	0.0%	0.0%	<b>0.0%</b>
3 stars	0.3%	0.0%	<b>0.7%</b>
4 stars	0.7%	1.5%	<b>0.7%</b>
5 stars	5.2%	1.5%	<b>2.7%</b>
6 stars	3.1%	5.0%	<b>3.9%</b>
7 stars	10.7%	9.0%	<b>8.9%</b>
8 stars	24.4%	20.5%	<b>22.5%</b>
9 stars	25.1%	31.0%	<b>28.2%</b>
10 stars	30.2%	31.0%	<b>31.8%</b>

## 10.2 Informality research

The VEC has made efforts over a number of years to understand and stall or reverse the increase in informal voting. There are 2 types of informal voting, apparently intentional and apparently unintentional. Unintentional informality occurs when the voter marks the ballot paper incorrectly and is usually a numbering error.

Intentional informality includes ballot papers left totally blank, or with drawings or writing, indicating a protest vote.

These 2 categories should be separated in any analysis of informality as they are typically caused by different factors – intentional informality may be a sign of political disengagement while unintentional informality may be caused by the voter lacking the knowledge to vote formally. As such, efforts to drive down informality may be successful in one regard, such as raising community understanding of how to vote formally, but ultimately not result in a net decrease of informality if intentional informality has increased.

This is especially visible in the high correlation within districts with higher populations of voters who speak a language other than English where the incidence of informality increases as the number of candidates on the ballot paper increases.

After the conclusion of the 2022 State election, the VEC analysed the informal ballot papers for all district and regions across the State. Overall, there was a slight decrease in informality in both the Upper and Lower Houses of Parliament, indicating that some of the VEC's effort in this area may be making inroads.

These findings will be shared with the University of Adelaide and Flinders University. This data will further assist these universities in their world-first, in-depth analysis of informal voting in elections which the VEC is facilitating. The aim of the research is to look at factors and attitudes that influence increases in informal voting. This research report will be available to the public in April 2025.

### 10.3 Political party names research

The VEC has conducted research into possible voter confusion during the 2022

State election regarding the similarity of names between registered political parties.

The research assessed whether voters may have made errors in casting their vote due to the similarity of party names between Australian Labour Party – Victoria Branch (**ALP**) and Democratic Labour Party (DLP) (**Labour DLP**), and the Liberal Party of Australia – Victorian Division (**Liberals**) and Liberal Democrat Party (**Liberal Democrats**).

The research aimed to identify whether in the 20 districts where the Labour DLP candidate was placed higher on the ballot paper than the ALP or in the 10 districts where the Liberal Democrats candidate was placed higher than the Liberals, the positioning resulted in an inflated first-preference vote for the Labour DLP or Liberal Democrats candidate. This is based on the hypothesis that voters scanning a ballot paper from top to bottom may have not realised that the ALP/Liberal candidates were below. The same approach was completed for the 5 regions where the DLP were positioned ahead of the ALP and the 4 where the Liberal Democrats were ahead of the Liberals.

The research has a number of limitations, including:

- Limited sample size to reach substantive conclusions
- Not accounting for general ballot order or donkey voting (i.e. overattributing discrepancies to party name confusion than to other factors)
- Assumption that the relative support for the parties is consistent across districts and regions

With those limitations in mind, the research observes that the Labour DLP candidate tended to receive an average



1% increase in the number of district first preference votes when placed above the ALP candidate on the ballot paper, while no such increase was evident in districts where the Liberal Democrats' candidate was similarly positioned ahead of the Liberals' candidate.

Nonetheless, the advantage of appearing ahead on the ballot paper was clearer and greater at the region level. Where this occurred, the DLP received almost a 2% increase to their vote and the Liberal Democrats a 1.6% increase.

No election results appear to have been impacted by any possible confusion and the VEC notes that the Liberal Democrats has recently applied to change its registered name. In respect to the issue more broadly, the VEC also notes that legislative change has been made to the *Commonwealth Electoral Act 1918* (Cth) to help avoid this confusion.<sup>10</sup>

## 10.4 Post-election evaluation

As standard, the VEC conducts an internal evaluation of its performance in delivering State elections. The evaluation strategy for the 2022 State election was formed around the existing VEC Strategic Pillars, and six objectives identified in the 2022 State Election Service Plan.

In late 2021-early 2022, an internal evaluation working group was established to develop these election objectives ahead of the election and acknowledged the importance of linking them closely to the VEC Strategic Pillars.

These six objectives are:

1. The SE2022 workforce was inclusive, and reflected the community the VEC serves

2. The SE2022 workforce was sustainable, trained, equipped and supported to deliver the election
3. SE2022 services were accessible and the VEC proactively supported the participation of all electors, particularly those underrepresented in the electoral process
4. Stakeholders were engaged and supported through the electoral process
5. SE2022 election services and processes enabled the efficient and timely delivery of election services and results
6. SE2022 systems and processes were delivered and maintained in a secure and compliant manner

All work programs and projects within the VEC's internal governance structure were provided with the required closure documentation prior to the issue of the writs to ensure visibility of what information was required throughout the election. The outcome of the VEC's internal evaluation strategy is a comprehensive internal report comprising pre-determined internal and external stakeholders' feedback with the key themes and issues identified relevant to the six objectives of the strategy. The VEC Internal Evaluation Report's anticipated date of completion is June 2023.

<sup>10</sup> See *Commonwealth Electoral Act 1918* (Cth) s 129(3).



## Appendices

### Appendix 1: Enrolment, turnout and informality by district

\*Turnout and informality statistics are based on votes cast for Legislative Assembly. State averages combine the statistics for the 2022 State election and Narracan District supplementary election.

Electorate	Enrolment	Turnout	Informality
<b>TOTAL</b>	<b>4,394,465</b>	<b>88.03%</b>	<b>5.54%</b>
Albert Park District	48,788	83.02%	3.45%
Ashwood District	51,209	90.36%	3.38%
Bass District	49,984	89.11%	7.04%
Bayswater District	49,707	90.75%	5.57%
Bellarine District	55,022	89.62%	4.37%
Benambra District	50,045	86.39%	4.85%
Bendigo East District	53,134	89.87%	4.57%
Bendigo West District	47,808	89.21%	5.63%
Bentleigh District	51,415	90.49%	3.03%
Berwick District	51,910	88.93%	4.06%
Box Hill District	50,799	90.54%	3.56%
Brighton District	48,260	89.06%	4.16%
Broadmeadows District	48,414	80.51%	10.77%
Brunswick District	52,263	86.44%	3.84%
Bulleen District	50,496	89.68%	5.14%
Bundoora District	47,319	89.91%	5.19%
Carrum District	51,265	88.69%	4.77%
Caulfield District	48,492	86.73%	3.27%
Clarinda District	48,450	88.84%	5.75%
Cranbourne District	51,173	86.09%	7.34%
Croydon District	52,544	90.77%	4.31%
Dandenong District	50,846	83.97%	7.47%
Eildon District	50,090	89.32%	5.24%
Eltham District	48,931	92.68%	3.32%
Essendon District	49,525	88.09%	4.04%
Eureka District	54,487	89.09%	6.79%
Euroa District	50,663	88.18%	5.44%

<b>Electorate</b>	<b>Enrolment</b>	<b>Turnout</b>	<b>Informality</b>
Evelyn District	50,210	91.45%	4.91%
Footscray District	48,860	85.95%	3.94%
Frankston District	49,160	85.97%	5.5%
Geelong District	52,376	89.12%	4.11%
Gippsland East District	49,698	88.95%	4.51%
Gippsland South District	49,715	89.95%	5.26%
Glen Waverley District	50,818	90.90%	3.31%
Greenvale District	49,854	83.52%	9.49%
Hastings District	48,674	89.58%	5.43%
Hawthorn District	50,080	90.83%	2.59%
Ivanhoe District	46,961	89.72%	3.65%
Kalkallo District	52,205	83.28%	8.04%
Kew District	49,918	90.07%	3.04%
Kororoit District	51,060	86.28%	8.36%
Lara District	48,920	86.24%	6.32%
Laverton District	48,545	82.98%	7.81%
Lowan District	51,182	89.70%	5.69%
Macedon District	48,019	90.72%	4.53%
Malvern District	46,863	89.49%	2.71%
Melbourne District	54,533	80.69%	3.37%
Melton District	50,151	84.42%	11.14%
Mildura District	47,941	86.01%	7.51%
Mill Park District	45,937	87.75%	6.23%
Monbulk District	48,547	90.35%	4.7%
Mordialloc District	50,643	91.02%	4.41%
Mornington District	48,048	91.34%	4.15%
Morwell District	53,782	86.99%	7.54%
Mulgrave District	47,029	88.40%	8.67%
Murray Plains District	48,622	88.08%	6.15%
Narracan District (Supplementary election)	50,506	78.85%	6.58%
Narre Warren North District	51,900	86.65%	8.01%
Narre Warren South District	53,430	86.48%	7.25%
Nepean District	48,944	88.92%	6.33%
Niddrie District	50,034	89.95%	6.14%
Northcote District	50,369	89.51%	5.42%

<b>Electorate</b>	<b>Enrolment</b>	<b>Turnout</b>	<b>Informality</b>
Oakleigh District	51,934	88.40%	4.36%
Ovens Valley District	48,125	88.29%	4.94%
Pakenham District	48,014	87.38%	7.36%
Pascoe Vale District	48,584	87.52%	5.29%
Point Cook District	49,788	87.46%	10.21%
Polwarth District	53,064	90.36%	4.06%
Prahran District	48,933	82.70%	3.02%
Preston District	50,362	85.88%	7.84%
Richmond District	48,305	85.11%	3.36%
Ringwood District	52,040	91.14%	3.53%
Ripon District	50,813	89.45%	6.84%
Rowville District	49,738	91.36%	4.56%
Sandringham District	46,308	91.15%	4.03%
Shepparton District	50,994	86.21%	6.06%
South Barwon District	51,546	90.83%	3.5%
South-West Coast District	53,099	90.81%	5.65%
St Albans District	46,448	84.73%	9.24%
Sunbury District	45,582	88.47%	6.5%
Sydenham District	53,100	88.99%	7.6%
Tarneit District	48,792	85.92%	7.03%
Thomastown District	47,657	85.15%	7.65%
Warrandyte District	50,951	91.57%	3.39%
Wendouree District	50,461	88.33%	5.38%
Werribee District	49,962	85.58%	9.72%
Williamstown District	45,965	88.88%	4.6%
Yan Yean District	47,327	88.52%	5.91%

## Appendix 2: Enrolment, turnout and informality by region

\*Turnout and informality statistics are based on votes cast for Legislative Council elections.

Region	Enrolment	Turnout	Informality
<b>TOTAL</b>	<b>4,394,465</b>	<b>88.23%</b>	<b>3.22%</b>
Eastern Victoria	546,122	89.41%	3.06%
North-Eastern Metropolitan	546,503	90.52%	2.79%
Northern Metro	552,071	85.07%	3.67%
Northern Victoria	542,768	88.35%	3.07%
South-Eastern Metropolitan	555,544	87.82%	3.71%
Southern Metropolitan	542,200	88.45%	2.02%
Western Metropolitan	538,136	87.00%	4.06%
Western Victoria	571,121	89.20%	3.38%

## Appendix 3: Accessibility of voting centres by district

IWA - Independent wheelchair access

AWA - Assisted wheelchair access

LNWA - Limited to no wheelchair access

District	EVCs			Election day VCs		
	IWA	AWA	LNWA	IWA	AWA	LNWA
<b>TOTAL</b>	<b>50</b>	<b>76</b>	<b>29</b>	<b>366</b>	<b>651</b>	<b>745</b>
Albert Park District	1	1		3	10	1
Ashwood District		1	1	0	9	8
Bass District	1	1		10	8	6
Bayswater District	1		1	1	6	12
Bellarine District		1		1	6	7
Benambra District		1		6	6	12
Bendigo East District		1	1	6	14	10
Bendigo West District		2		6	12	8
Bentleigh District	2			4	10	2
Berwick District		1		5	5	3
Box Hill District		1		1	7	13
Brighton District			1	2	8	6
Broadmeadows District	1			1	3	14
Brunswick District	1	1		1	4	11
Bulleen District		1		3	8	6
Bundoora District	1	1		8	3	6
Carrum District	2			6	8	0
Caulfield District		1	1	0	5	10
Clarinda District		1		7	11	2
Cranbourne District		1	1	3	12	2
Croydon District	1		1	6	7	6
Dandenong District	1	1		4	6	6
Eildon District		1	1	3	12	25
Eltham District			1	1	5	9
Essendon District	2			3	4	7

District	EVCs			Election day VCs		
	IWA	AWA	LNWA	IWA	AWA	LNWA
Eureka District		1	1	2	10	14
Euroa District		2		1	13	23
Evelyn District		1	1	2	2	12
Footscray District		1	1	4	4	8
Frankston District	1	1		8	6	4
Geelong District	2	1		12	6	8
Gippsland East District		1		3	6	29
Gippsland South District	1	1		4	17	25
Glen Waverley District		2		1	11	10
Greenvale District	1	1		2	4	5
Hastings District	1		1	4	5	5
Hawthorn District		1	1	1	2	17
Ivanhoe District		1	1	1	10	4
Kalkallo District		2		8	2	1
Kew District			1	0	4	15
Kororoit District	1			3	5	5
Lara District	2			8	6	3
Laverton District	1	1		5	3	4
Lowan District		2		9	26	18
Macedon District	1	1		3	6	18
Malvern District	1			5	4	6
Melbourne District		3		1	2	8
Melton District	2			5	3	2
Mildura District			1	10	11	14
Mill Park District	1			7	5	2
Monbulk District		1		1	12	13
Mordialloc District		1	1	3	7	4
Mornington District	2			4	9	1
Morwell District		1	1	4	4	12



District	EVCs			Election day VCs		
	IWA	AWA	LNWA	IWA	AWA	LNWA
Mulgrave District	1			6	10	4
Murray Plains District	1	1		4	16	20
Narracan District	1	1		9	20	7
Narre Warren North District	2			3	9	5
Narre Warren South District	1		1	1	9	3
Nepean District	1		1	5	3	10
Niddrie District		2		3	3	11
Northcote District		2		6	4	5
Oakleigh District			2	4	6	9
Ovens Valley District		1	1	8	10	14
Pakenham District	1			8	2	2
Pascoe Vale District	1	1		0	8	11
Point Cook District	1			9	3	1
Polwarth District		1	1	2	19	12
Prahran District		2		1	6	8
Preston District		1		2	9	9
Richmond District		2		0	1	12
Ringwood District		1	1	1	14	7
Ripon District	1	1		9	11	21
Rowville District		1		4	7	1
Sandringham District		2		5	7	6
Shepparton District		2		0	11	18
South Barwon District		1		7	2	7
South-West Coast District	1		1	10	9	16
St Albans District		2		3	8	4
Sunbury District		2		2	6	6
Sydenham District		2		3	7	3
Tarneit District	1	1		6	3	4
Thomastown District	2			6	7	3

District	EVCs			Election day VCs		
	IWA	AWA	LNWA	IWA	AWA	LNWA
Warrandyte District		2		2	12	7
Wendouree District	2			7	6	5
Werribee District	1		1	8	0	4
Williamstown District	1	1		5	5	6
Yan Yean District			1	5	4	2

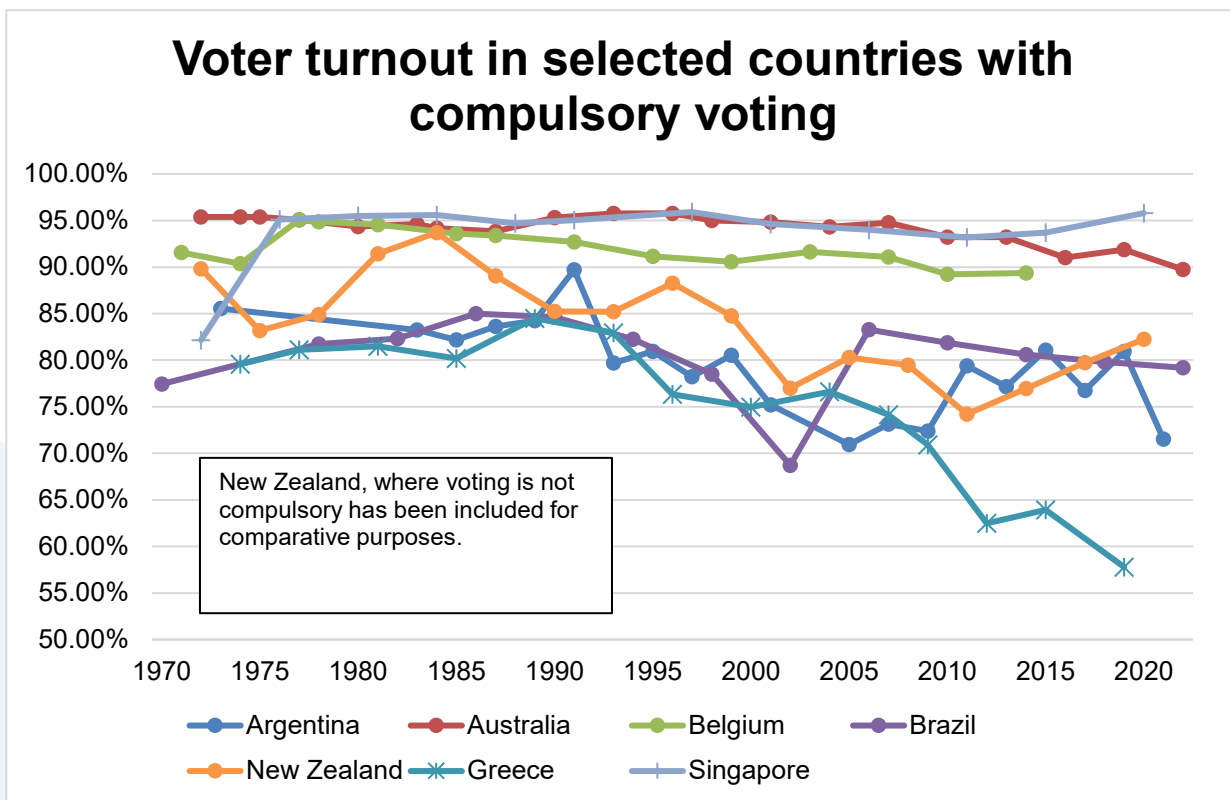
## Appendix 4: Decline in participation

### Decline in participation is a national and global trend

The 2022 State election recorded a drop in voter turnout compared to previous election years. For the 2022 State election, voter turnout was 88.03% (including the Narracan District supplementary election).<sup>11</sup> This compares with turnout rate 90.16% in 2018 and 93.02% in 2014.

Voter turnout has been declining for decades across Australian jurisdictions and in advanced democracies around the world, with or without compulsory voting. For example, Belgium, which has a system of compulsory voting, has seen an almost identical decline over a similar period (91.63% in 2003 to 88.38% in 2019). Voter turnout in Australia remains one of the highest in the world, only in the most recent elections has the turnout rate at the federal and state levels dropped below 90%.

Figure 1: Comparison of voter turnout in selected countries with compulsory voting from 1970 to 2020



<sup>11</sup> Voter turnout is often measured by the number of votes cast calculated as a percentage of total enrolled electors. However, voter turnout can also be measured - and is best measured - by the number of electors marked off the electoral roll, as not all electors who attend a voting centre return their ballot papers to the ballot box.

## Young electors and transitions to adult milestones

[Research conducted by the AEC in 2014](#)<sup>12</sup> found that changes in participation fluctuated over time for every generation, in similar ways, and were not necessarily unique to any single election or generation. Participation is influenced by ‘life course’, with important socioeconomic stages, such as buying a house or starting a family, positively influencing the likelihood of voting. These findings go some way into explaining why the decline in voter turnout in Australia has had a disproportionate concentration among young people, who are less likely to have reached these life stages.<sup>13</sup>

Several studies have examined the decline in participation for young people in Australia and attributed it to a combination of factors.

- Disillusionment with the wider democratic process, including decreasing trust in political parties and politics generally.<sup>14</sup>
- Growing disillusionment and decreasing connection with established political processes and the legislative process of affecting change, particularly amongst voters experiencing social disadvantage.<sup>15</sup>
- Weaker ties or decreasing identification with the established political parties.<sup>16</sup>
- Ongoing, and in some instances, increasing disengagement from formal electoral processes amongst young electors, but continued or greater involvement in alternative forms of political engagement.<sup>17</sup>
- Lack of knowledge or confidence to cast a correct and/or informed vote.<sup>18</sup>
- Periodic and contextual effects, such as recent elections in other jurisdictions and specific political issues prominent at any one time have also been shown to impact non-voting.<sup>19</sup>
- There is emerging evidence to suggest a discontent with the quality of the candidates and a desire to avoid voting in person due to distress caused by aggressive political

<sup>12</sup> S Hannan-Morrow and Roden M, ‘Gender, Age and Generational Effects on Turnout in Australian Federal Elections’, *Australian Political Studies Association 2014 Conference- Sydney*, Australian Electoral Commission, 2014, accessed 15 June 2023.

<sup>13</sup> IS Chowdhury, ‘Are young Australians turning away from democracy?’, *Australian Journal of Political Science*, 2021, 56(2):171-188, DOI: 10.1080/10361146.2021.1899131

<sup>14</sup> S Cameron, I McAllister, S Jackman and J Shepherd, ‘The 2022 Australian Federal Election: Results from the Australian Election’, *The Australian Election Study*, Australian National University, 2022.

<sup>15</sup> L Hill, ‘Compulsory Voting in Australia: A basis for a ‘best practice’ regime’, *Federal Law Review*, 2004, 32:2: 479-497.

<sup>16</sup> S Cameron and I McAllister, ‘Trends in Australian Political Opinion: Results from the Australian Election Study 1987– 2022’, *The Australian Election Study*, Australian National University, 2022..

<sup>17</sup> A Martin, ‘Young People and Politics: Political Engagement in the Anglo-American Democracies’, Vol.51, Routledge, London, 2012.

<sup>18</sup> Z Ghazarian, J Laughland-Booy and Z Skrbis, ‘Young Australians, political engagement and the challenges ahead’, *Ethos*, 2019, 27(2):9-12.

<sup>19</sup> Chowdhury I S (2021) ‘Are young Australians turning away from democracy?’, *Australian Journal of Political Science*, vol. 56, no. 2: 171-188.

participants, particularly party workers at early and election day voting centres, is similarly influencing the choice of electors to vote or not.<sup>20</sup>

- Moreover, a willingness to participate may also be shaped by reactions and views towards active disinformation campaigns and unintentional misinformation, particularly through social media. This includes messaging from electoral participants themselves questioning the validity and independence of electoral processes, one factor that may undermine trust in democracy and therefore a willingness to participate in the electoral process; at the same time, abuse and intimidation through social media can actively discourage some people from voting.<sup>21</sup>

The decline of the participation of young people is also observed on an international scale:

*'Turnout among young adults has declined steadily in various advanced industrial democracies in recent decades. At the same time, as a consequence of delayed transitions to adulthood, many life-cycle events considered important for the development of electoral participation are experienced later in life. These combined trends call for a reevaluation of the political life-cycle model and the way in which it explains voter turnout among young adults. More specifically, in this paper it is argued that variation in the timing of life events has been overlooked as an explanatory factor of generational differences in young adults' propensity to turn out to vote. With accumulating evidence that the decision to vote is to some extent habitual, a lack of life experiences may cause young adults to form the habit to abstain rather than to vote. If the mechanisms of the life-cycle model are indeed correct, later maturation should at least partially explain why young adults these days are less inclined to vote than their parents or grandparents in their younger years.'*<sup>22</sup>

## The Victorian context

An initial examination of the data coming out of the 2022 State election shows turnout is declining more quickly for some groups than others, including:

- electors who are overseas or interstate
- electors who were directly enrolled (i.e. did not initiate their enrolment and were automatically added to the roll by the either the AEC or VEC)
- young electors (aged 18-34).

### Decline in participation for electors who are overseas or interstate

The VEC has previously written to the Minister for Government Services in respect to a continued decline in the ability to service electors who are overseas or interstate.

<sup>20</sup> Kantar Public, *Evaluation of services at the 26 November 2022 Victorian State election*, Melbourne, forthcoming. Report prepared for the Victorian Electoral Commission.

<sup>21</sup> Electoral Matters Committee, *Inquiry into the impact of social media on Victorian elections and Victoria's electoral administration*, Parliament of Victoria, Melbourne, 2021.

<sup>22</sup> K Smets, 'Revisiting the political life-cycle model : later maturation and turnout decline among young adults', *European Political Science Review*, 2016, 8(2):225-249.

Regulatory changes would be required to add these groups to the classes of electors who are eligible to access electronic assisted voting via the VEC's telephone assisted voting service - a viable alternative voting channel for electors overseas and interstate.

- *Voting in-person interstate*

At the 2022 State election, 3,360 electors cast their vote at 7 interstate voting locations compared with 4,428 electors at 11 interstate locations in 2018 and 6,147 at 11 interstate locations in 2014. The reduced interstate footprint at the 2022 State election was a result of tighter controls in accessing and selecting locations due to COVID-19, which limited the VEC to interstate locations operated by electoral commissions only.

- *Voting in-person overseas*

In previous years, Australian state and territory electoral commissions have provided an in-person voting option for electors overseas through Australian diplomatic posts. Changes to global security conditions means consulates, embassies and high commissions can no longer be relied upon to provide these services, and — for Victorian State elections — means many electors must rely on postal votes and offshore postal networks to return their ballot papers.

For comparison, 32 overseas voting locations took a combined 6,905 votes at the 2014 State election and 34 locations took a combined 4,883 votes at the 2018 State election. At the 2022 State election, the VEC was able to negotiate for postal vote drop-off facilities at 27 overseas voting locations, which received a total of 1,238 votes that were able to be forwarded to the VEC via DFAT's diplomatic courier in time to be included for counting.

Recent VEC research<sup>23</sup> shows that 95% of survey respondents believe the VEC should go to all reasonable lengths to ensure every Victorian can vote, no matter where they are. The number of Victorians out of the country in November 2022 was 314,730. Prior to COVID, the average number of Victorians out of the country in 2018 for the period September-November period was 451,740. Allowing for travellers under the age of 18, it would be safe to say that around 300,000 eligible voters each State election face prodigious barriers to participation. A total of 8,137 people who were overseas during the 2022 State election applied for ballot papers to be emailed to them, but only 1,576 returned a ballot. Unfortunately, just over 27% of these emailed ballot papers arrived after the voting deadline and were unable to be admitted to the count; only 1,150 emailed ballot papers from overseas were included in the count in 2022. Independent research shows that email voters had the lowest level of satisfaction (68%) of all voters - due to the aspects of having to print it out (62%), fold it and mail it back (47%) respectively<sup>24</sup>. The VEC notes that improvements to the efficacy of this channel, while desirable, would require significant investment.

<sup>23</sup> Victorian Electoral Commission, *Reputation Index Report 2022 State Election*, Melbourne, 2022.

<sup>24</sup> Kantar Public, *Evaluation of services at the 26 November 2022 Victorian State election*, Melbourne, forthcoming. Report prepared for the Victorian Electoral Commission.



## Decline in participation for electors who were directly enrolled

The challenge relating to the poor participation rate of directly-enrolled electors dates back to the introduction of direct enrolment in 2010. While most electors will enrol and update their enrolment themselves, the register of electors is also updated:

- by the VEC through direct enrolment
- via data extracts from the Australian Electoral Commission (AEC), which operates its own direct enrolment program.
- The VEC's direct enrolment program uses 2 State-based data sources: data from the Department of Transport and Planning (DTP) and data from the Victorian Curriculum and Assessment Authority (VCAA).

Since 2010, the VEC has enrolled 75,392 'new-to-roll' electors using VCAA data and, since its inclusion in the dataset in 2011, 86,627 'new-to-roll' electors using DTP datasets. Accordingly, a total of 162,019 first-time electors have been directly enrolled using Victorian-based sources.

The VEC did create a VoterAlert campaign specifically targeting directly-enrolled voters for whom the VEC had contact details. The engagement rate, measured as click-throughs from the VoterAlert message was 4.8% out of 47,000 electors messaged. This compares with a rate of 10.75% from all voters who received the digital EasyVote Guide.

The Joint Roll Agreement data-sharing scheme between the AEC and VEC does not provide the VEC detail as to whether an update is a result of direct enrolment or simply an elector-initiated change of address.

The participation rate for directly enrolled electors in the 2022 State election was noticeably lower than self-enrolled electors, with directly-enrolled electors only participating at a rate of 77.77% compared with 90.71% for those who had managed their own enrolment. When compared with non-voters in general, electors who have been directly-enrolled have been shown to be significantly less interested, knowledgeable and engaged in State politics.<sup>25</sup>

## Decline in participation of younger electors

As highlighted above, the decline in participation of younger electors is a global and national trend.

In the interests of understanding and responding to this decline, the VEC has analysed the generational effect on voting participation, by conducting research on age cohorts born in each year from 1952 to 2000, for the State elections from 2002 to 2018.

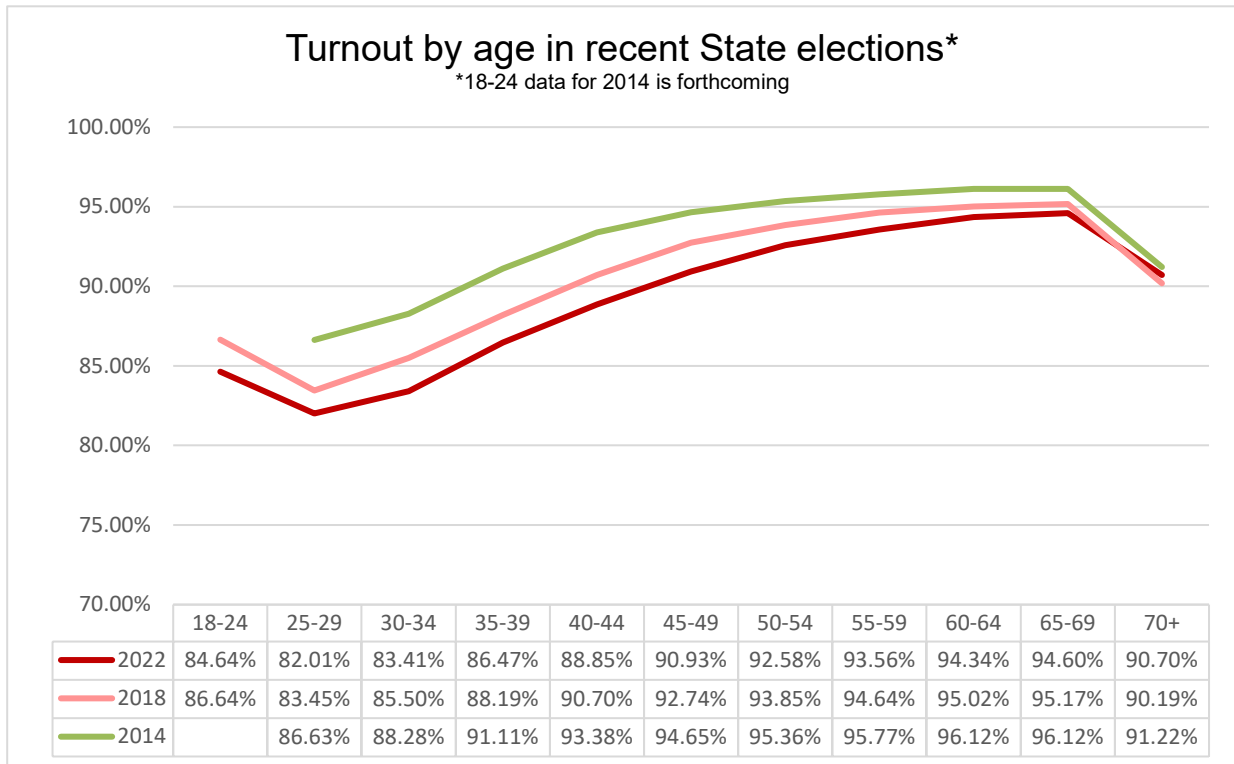
There is a general pattern of relatively low voter participation by voters aged in their 20s, followed by a steady increase in voter turnout by voters aged in their 30s and 40s. The VEC's research indicates that more recent age cohorts are somewhat less likely than previous age cohorts to resume voting as they mature. Australians are getting married, buying a house and

<sup>25</sup> Social Research Centre, *Understanding non-voters of the 2018 State election, 2020*, accessed 15 June 2023. Report prepared for the Victorian Electoral Commission.

having a family at later ages; these life events are levers for the commencement of political engagement. This finding reinforces the effect of later transition to adult milestones observed on an international scale.

**Note:** Participation by age group is calculated using roll mark offs, not total votes.

Figure 2 Turnout by age groups between 2014 and 2022 State elections



At the 2022 State election, **voters under 40 participated at a rate of 84.22%**. This is 4 % less than the overall state turnout.

Table 1: Voter turnout by age groups based on roll mark-off for 2018 and 2022 State elections

Participation (roll mark off)	18-39	40-69	70+
2022	84.22%	92.36%	90.70%
2018	86.00%	93.60%	90.19%

For electors who are 40 to 69 years old, the participation rate (by roll mark off) in the 2022 election was 92.36%, almost 4% higher than the overall turnout.

Interestingly, 90.7% of voters over 70 were marked off, over 2% higher than the overall state and an increase on 2018.

Data from recent Victorian elections suggests that **the pattern of decline in voting among younger electors is expanding, with bracket creep into older age ranges.**

In 2014, the 35-39 age range was participating at the same rate as the overall state. In 2022 it was the 40–44 year-old electors who mirror overall turnout.

A broad explanation could be national, negative socioeconomic trends for younger people. Australia has an aging population, with declining rates of home ownership, and young Australian’s are waiting longer to start a family and are increasingly unable to buy their first home until later in life when compared to their parents and grandparents. As a result, the ‘life course’ of Australians is changing, with the distance between milestones increasing in time.

Participation is changing accordingly. This change is particularly evident in the very low participation rates of **inner-city districts** at the 2022 State election.

Table 2: Voter turnout by age groups at the 2022 State election in inner city suburbs

Participation (Inner city)	Albert Park	Melbourne	Prahran
All ages	83.99%	81.51%	83.66%
18-24	79.94%	77.27%	80.80%
25-29	76.89%	78.36%	81.19%
30-34	76.26%	77.17%	79.56%
35-39	77.57%	78.53%	79.26%

As of the 2021 Census, the districts of Melbourne, Prahran, Albert Park and Richmond have very high numbers of younger people, either at university or university educated, who are either single or couples without children with professional jobs. They are also highly mobile, with many being new to their district in the past 5 years.

**Outer-suburban districts clustered in the north and west had similarly low participation rates.** However, these districts are demographically very different to the inner suburbs. They are very linguistically diverse, with many having over 50% of the population born overseas, lower rates of English proficiency, with more families and children, and higher rates of home ownership. Low participation for these districts could be the result of many socioeconomic factors.

Table 3: Voter turnout by age groups in outer-suburban districts in the north and west of Melbourne

Participation (Outer suburbs)	Broadmeadows	Laverton	Melton	Tarneit	Werribee
All ages	82.29%	84.48%	85.35%	86.58%	86.70%
18-24	74.93%	78.84%	77.04%	80.39%	78.74%
25-29	75.43%	75.92%	75.18%	77.85%	78.18%
30-34	78.69%	79.97%	80.17%	79.01%	81.66%
35-39	79.92%	84.05%	84.78%	85.26%	85.94%

Interestingly, some western suburbs that previously had lower participation and formality in 2018, including Footscray and St Albans, saw some improvement to the participation of younger age ranges. Again, this is likely due to a multitude of factors, possibly increasing socioeconomic status ('gentrification'), and is worthy of further research.

Finally, the lowest rates of participation in Victoria occurred amongst the 18-24 and 25-29 age range, in the rural districts of Mildura and Benambra. Furthermore, the other border districts of Shepparton, Murray Plains and Ovens Valley also had comparably low rates of participation among younger voters. These rates were very similar to worse than those seen in the outer suburbs and inner city. This is unusual, as democratic participation in northern and north-eastern districts is usually stable. Furthermore, academic literature describes Australia's rural communities as being highly engaged with elections and voting.

**Why younger, rural Victorians in border districts are not voting in increasing numbers is an area worthy of further research.**

Table 4: Voter turnout by age groups at the 2022 State election in rural districts

Participation (rural border)	Benambra	Mildura	Murray Plains	Ovens Valley	Shepparton
All ages	86.74%	86.33%	88.66%	88.73%	86.57%
18-24	73.09%	75.56%	79.60%	78.25%	77.77%
25-29	71.36%	73.82%	76.43%	76.14%	75.14%
30-34	77.75%	77.27%	78.59%	80.17%	78.11%
35-39	83.07%	80.24%	83.72%	86.14%	80.88%

## Engaging young electors

The VEC currently has contact details for 56.6% of enrolled electors. Overall, the percentage of electors subscribed for VoterAlert at the time of the election (55.81%) was higher than the proportion in 2018 (48.73%).

This is weighted towards younger cohorts (18-24; 25-29; 30-34; 35-39), where a higher proportion are subscribed to receive VoterAlert, compared to older cohorts.

In this cohort (electors aged 18–39) the overall state-wide average turnout for those who did **not** receive VoterAlert reminders was **76.1%**.

This is compared to a turnout of **86%** for those who did receive VoterAlert reminders.

The difference is stark, as shown below.

Table 5: Turnout among voters subscribed and not subscribed to the VEC's VoterAlert service at the 2022 State election, by age range

Age range	% voted, has VoterAlert	% voted, no VoterAlert	% registered, VoterAlert
<b>18–39 weighted average</b>	<b>86%</b>	<b>76.1%</b>	<b>82.0%</b>
18–24	86.59%	72.76%	86.41%
25–29	83.57%	73.08%	85.11%
30–34	85.28%	76.71%	78.23%
35–39	88.36%	79.72%	78.09%

The difference is less pronounced for older cohorts, where fewer are subscribed to VoterAlert and turnout is already high.

To further increase the effectiveness of this critical activity, the VEC will evaluate the methods used for the 2022 State election to increase elector registration to VoterAlert, to determine how best to continue increasing the proportion of electors subscribed to the service. This may include targeted advertising campaigns and other activities.

## Other factors

### Historic high enrolment

Another contributing factor to the statistical decline in voter turnout in Victoria is historic high enrolment.

The 2022 State election had the highest ever enrolment for a Victorian state election, both in terms of the whole number of electors (4,394,465) and as a proportion, with **98% of the estimated eligible population enrolled**.

High enrolment compared to previous elections means more voters with a past of non-voting are being captured and included in current turnout.

Table 6: Enrolment rates for the 2010 to 2022 State elections

Election year	Proportion of eligible population enrolled	Number of enrolled electors
2010	90.85%	3,582,232
2014	94.21%	3,806,301
2018	96.60%	4,139,326
2022	98.00%	4,394,465

High enrolment not only indicates that there were more enrolled voters than ever before. It also means there are more electors who had potentially never voted previously, for whatever reason. Some of these voters were previously of an eligible age to enrol and vote, but had not, meaning they had not been included in previous election statistics on turnout.

### Research into non-voting behaviours

Prior to the 2018 State election, the VEC engaged the Social Research Centre to contact non-voters from prior State and local council elections about why they did not vote. The Social Research Centre identified 3 broad reasons why people failed to vote:<sup>26</sup>

1. a lack of availability (travelling or working)
2. a lack of knowledge (didn't know it was happening)
3. an unwillingness to vote.

This research was repeated following the 2018 State election,<sup>27</sup> and will be repeated this year in relation to the 2022 State election. The VEC's ongoing communication and outreach efforts, both at election time and in between elections, as well as its broader election planning operation, have all sought to stem the number of non-voters—particularly in the first and second categories. The third category reflects a changing sentiment towards politics, with more people looking to engage in respect to issues of concern to them rather than during elections overall.

### Conclusion

Voter turnout has been declining over many years. It is important to note that this is not an isolated trend in Victoria but is happening in all Australian jurisdictions and is also evidenced in other comparable democracies. The reasons are multi-faceted and complex.

<sup>26</sup> Social Research Centre, *Understanding non-voters of Victorian State and council elections, 2018*, accessed 15 June 2023. Report prepared for the Victorian Electoral Commission .

<sup>27</sup> Social Research Centre, *Understanding non-voters of the 2018 State election, 2020*, accessed 15 June 2023. Report prepared for the Victorian Electoral Commission.



There is strong evidence that the VEC's activities to combat this trend and increase turnout are effective. This has manifested in an 'arrested decline', meaning the VEC's initiatives to encourage participation have softened this decline and stopped turnout dropping significantly lower. Although voter turnout was marginally lower at the 2022 State election than in 2018, historical voting trends and a comparison with other jurisdictions suggests that voter turnout would have been even lower had the VEC not made the efforts it did (e.g. Aston Federal by-election in Victoria in April 2023 had a turnout of 85.64%).

A key initiative to increase turnout has been the use of mass SMS and email messaging to subscribed electors (some 56% of enrolled electors). The VEC sends these messages to enrolled electors for whom it has an email address or mobile phone number. The 3 main messages sent for the 2022 State election included a reminder to enrol, an EasyVote guide explaining voting options, times and locations and an election day reminder.

As the VEC has the lowest rate of participation compared to the recent general elections of other Australian states and territories, it has also scheduled a research project to be conducted in 2023-2024 to ascertain greater insights into the reasons for declining participation within the Victorian context.

## Appendix 5: Responses to questions from the Committee

### Appendix 5.1: Reference table for question answers

Question as put to VEC on 27 March 2023	Reference in Appendix 5.2
—from Mr Battin, regarding voting centres in Berwick and Cranbourne	<b>4.4.2 – 4.4.3</b>
—from Ms Kealy, regarding how the numbers of ballot papers provided to voting centres are calculated	<b>1.1 – 1.8</b>
—from Mr Fowles, regarding what buffer over and above expected numbers is included when determining the number of ballot papers to send to a voting centre	<b>1.4</b>
—from Ms Kealy, regarding why there were shortages of ballot papers in the Stawell area on election day	<b>2.5 – 2.8</b>
—from Mr Fowles, requesting a list of every booth that experienced a shortage of ballot papers, when those shortages were and the extent of the shortages	<b>2.4 also refer to Appendix 5.3</b>
—from Mr Battin, regarding how many postal votes were received after the deadline	<b>3.2</b>
—from Mr Fowles, requesting the data sources used for direct enrolment and the quantum of electors directly enrolled from each source	<b>6.7 – 6.8</b>
—from Mr Fowles, requesting the date when the informality research project will conclude	<b>6.5</b>
—from Mr Hibbins, regarding changes in terms of terms of tactics used to solicit votes at voting centres	<b>5.7</b>
—from Mr Hibbins, regarding whether or not it is legal to solicit a vote at a polling booth	<b>5.2</b>

Question as put to VEC and Hansard proof pinpoint	Reference in Appendix 5.2
—from Mr Mulholland, regarding voting centres with small number of voters (e.g. Islamic Museum in Thornbury)	4.4.1
—from Mr Battin, regarding whether or not there is any obligation on state and private schools to take the VEC on board as a lessee	4.2 – 4.3
—from Mr Lambert, regarding the number of people who cast a vote as a proportion of the estimated eligible population	6.6
—from Ms Kealy, requesting details of issues identified by staff in debriefs [Ms Kealy clarified through the Committee’s secretariat that, in making this request, she is interested in seeing the internal feedback from voting centre staff, including both quantitative and qualitative data]	5.7
—from Mr Lambert, requesting a data analysis to identify if the Liberal Democrats perform better when they are above the Liberals on ballot papers compared to below them, and if Labour DLP perform better when they are above the ALP on ballot papers compared to below them	7.1 – 7.4
—from the Committee, how many ballot papers were initially printed? How many (if any) additional ballot papers were printed after the initial planned print run? [Asked via the Committee’s secretariat by email dated 29 March 2023]	2.1 – 2.4

## Appendix 5.2: Responses to questions on notice

### 1. Voting period – vote estimates and ballot paper allocations

- 1.1. The determination of baseline allocations for both early voting and election day voting centres is completed in multiple stages to capture both central and local information to enable election managers to finalise expected estimates for ballot papers at each of the ~1,950 voting locations (early and election day).
- 1.2. Information is gathered and considered from:
  - Historical data available for each voting centre from the previous Victorian State election.
  - Knowledge about the unavailability of voting centres.
  - Figures from the most recent Federal election from the Australian Electoral Commission (AEC) by voting centre in relation to number of nearby sites, distance to early voting options, and different electoral boundaries which influence which direction voters may travel to.
- 1.3. Estimates are provided to election managers once in their office to provide local context and rationale for suggested changes to ballot paper estimates. These estimates are then reviewed and endorsed/approved by election support officers.
- 1.4. Recommendations are given to election managers to provide a buffer of 25% of in-district ballot papers above the final expected ballot paper estimates for each voting centre.
- 1.5. In addition, every voting centre must be allocated at least one absent set (10 ballots for each district) and one blank set (10 ballots for each region, with a blank district paper attached). Larger voting centres, or voting centres identified as being located in popular places for out-of-district voting are often allocated more.
- 1.6. This was especially relevant for the 2022 State election, with changed electoral boundaries for almost all districts.
- 1.7. Finally, election managers also allocate ballot papers to their election liaison officers for election day. Election liaison officers operate as roving support for 4–8 voting centres each, assisting with on-the-day queries from voting centre managers and their staff, providing support to busy voting centres, and providing surplus stock of ballot papers if needed. There is no formula provided to election managers as allocations will depend on distance and the number of voting centres being supported.
- 1.8. For the 2022 State election, several factors increased the complexity in ballot paper estimates, including:
  - Increased number of early voting centres, affecting the ability to predict voting levels at sites never used before and the flow of voters to individual sites.
  - A difficulty and delays securing leases for early voting centres which meant that initial estimates were completed before the full portfolio of early voting centres was finalised.

- Uncertainty on popularity of postal voting with the ongoing COVID-19 pandemic and flow-on impact to election day voting.
- Impacts of flooding in regional Victoria and residual issues for displaced electors.
- Changes to electoral boundaries affecting 910,384 electors.
- A natural decrease of local knowledge and experience understanding the relationship between individual sites and impact on site estimates due to over 50% of senior election officials across Victoria being new to their roles.

## 2. Voting period – ballot paper preparation

- 2.1. **In total the VEC authorised the production of 10,089,895 ballot papers for the 2022 State election.** The print runs were prioritised by the VEC to region and district-levels, including consideration of geographical location and anticipated consumption rates.
- 2.2. Eighteen election day voting centres ran low or out of either their in-district (10 locations) or out-of-district absent (8 locations) ballot papers requiring additional deliveries. Voter information reports, which provide the details of electors as proof of their intention to vote, were received from just 9 of those 18 voting centres. In total, voter information reports were lodged in relation to 166 voters across the State who had intended to vote. The details of the election day voting centres that were affected are provided in **Appendix 5.3**. Data is not collected on the timing of top-up deliveries to election day voting centres.
- 2.3. When running low on ballot paper stock, election day voting centre managers are asked to provide voters with the option to attend a nearby election day voting centre, wait for the delivery of additional papers from the election liaison officer, or they can complete a voter information report recording the voter's intention to vote.
- 2.4. This information contained in **Appendix 5.3** has been gathered initially through voter information reports, substantiated by conversations directly with relevant election officials, and from data collected by the VEC's Complaints team.
- 2.5. To prevent future shortfalls, the VEC intends to extend electronic roll mark-off from only early voting centres to all election day voting centres. This is in contrast to the current system of paper roll mark-offs cannot be monitored independent of staff reports. This will allow consumption of ballot papers at a district-level to be monitored in real-time and thereby reducing the dependency on election day voting centre managers to notify their election manager or election liaison officer of their site's ballot paper consumption rates. This approach was trialled at the recent supplementary election for Narracan District. The cost to uplift the VEC's services in this regard has been included in the appropriation request for the 2026 State election.
- 2.6. Regarding Lowan District, the following sites did not record any voter information reports throughout election day: Concongella (Concongella Primary School), Great Western (Great Western Primary School) and Stawell (Stawell West Primary School). It is important to note that only Stawell (Stawell Senior Citizens Clubrooms) ran out of ballot papers, resulting in voter information reports being completed and the location closing at 5.20 pm on election day. This was due to an unexpected influx of voters after 5 pm on election day. The table referred to in Appendix 6.3 illustrates this. Previous statements asserting that no voting centres closed prior to 6 pm were made based on current knowledge of the events at the time, as the early closure of the voting centre at Stawell (Stawell Senior Citizens Clubrooms) was only reported later. None of the remaining 1,764 election day voting centres closed early.

- 2.7. **Appendix 5.4** provides a geographical overview of the specific election day voting centres around the town of Stawell that did and did not identify ballot paper supply issues and operated throughout the day on election day.
- 2.8. For completeness, the VEC's investigation into this issue included discussions with the relevant election liaison officer and election day voting centre managers in the area, and confirmed that no other election day voting centres in proximity to the Stawell (Stawell Senior Citizens Clubrooms) closed due to a lack of ballot papers. All neighbouring election day voting centres received additional deliveries in response to specific requests made by their respective voting centre managers throughout the day on election day.
- 2.9. The Rainbow election day voting centre, also in Lowan District, was provided 500 in-district ballot papers, with the site taking 360 votes. Accordingly, there was no shortage of in-district or out-of-district ballot papers for this location. A review of the election liaison officer's election day report and speaking with the election day voting centre manager confirm that additional absent sets were provided to the voting centre throughout the day on election day to respond to out-of-district voting for Mildura District.
- 2.10. Confirmation was provided by the election day voting centre manager in Rainbow that the voting centre closed at 6 pm on election day with a surplus of absent, blank and ordinary ballot papers, indicating that no eligible voter was unable to vote at this site.

### 3. Voting period – postal voting

- 3.1. The rate of postal voting for the 2022 State election significantly increased from previous events. VEC data highlights a behaviour shift in voters from 2018, with approximately 94% of all postal vote applications being completed online. When compared with 56% of electors using the Online Postal Vote Application in the 2018 State election, it is clear as the VEC modernises its digital channels, they will continue to be embraced by electors.
- 3.2. The number of postal votes received after the statutory deadline to be included in the count (6 pm on 2 December 2022) was 5,002. This represents approximately 1.2% of the total postal votes received and 0.13% of total votes cast in the election. These postal ballots are set aside as disallowed and not extracted from the declaration envelopes they are returned in. Post-election they are recorded on the VEC's Election Management System to mark the elector as having attempted to vote and so the elector is therefore excused from compulsory voting activity that follows the election.
- 3.3. The VEC views the increase in postal voting as a possible response to the lack of suitable voting channels for overseas electors and limited voting solutions for ill, infirm, and COVID-positive electors. The VEC believes that the *Electoral Regulations 2022* (Vic) could be amended to expand the cohorts currently eligible to access electronic assisted voting, delivered through the VEC's Telephone Assisted Voting service, given that this solution is a more accessible, timely and user friendly voting channel for these electors.

## 4. Election resourcing – venues

- 4.1. The overall number of both early and election day voting centres per district is determined based on available venues, population, location, accessibility, local knowledge, position of both early and election day neighbouring voting centres, historical precedence in the district and voter expectations based on previous electoral events. Potential individual physical sites are then reviewed via a VEC framework which aligns with the requirements of the *Disability Discrimination Act 1992* (Cth) and considers many factors.
- 4.2. The VEC is empowered to require sites to be made available for use as election day voting centres. Section 67 of the *Electoral Act 2002* (Vic) provides (in summary) that the VEC may use any room or hall in a prescribed premises<sup>28</sup> as an election day voting centre. A notice period is required and the VEC must pay certain costs. The sites are required to accept a request from the VEC, but the VEC also uses its discretion when considering venues and any existing bookings that would be displaced. The willingness of these publicly funded locations to accept the VEC as a lessee varies but most are either accepting or supportive of the VEC's use of the premises as an election day voting centre.
- 4.3. There is no similar provision in the Act permitting the VEC to require sites for early voting and the VEC is at the mercy of sourcing commercial premises available from the market at the time. Despite this, the VEC will endeavour to utilise local council properties, where available, for future State elections to compensate for a declining level of availability of suitable sites within the commercial marketplace.
- 4.4. The suitability of several early and election day voting centre locations was discussed at the Electoral Matters Committee's hearing on 27 March 2023:

### 4.4.1. Northcote early voting centre (the Islamic Museum of Australia)

The VEC acknowledges that this was not an ideal site as an early voting centre given the low number of votes taken. It serviced 3,484 voters in total, of which 1,256 were 'out of district' votes. The site was one of the last confirmed early voting centres due to the difficulty in securing a suitable site within the district. The VEC was unsuccessful finding a site that was better located within the district, which would have been preferred over this site which was on the border with neighbouring Brunswick District.

While Northcote District has a long High Street, a shopping district in Station Street, and industrial pockets in the eastern and western areas, there were very few commercial properties available on the market. Numerous properties were inspected and were found to be unsuitable, or the landlords were not willing to enter into the short-term lease required by the VEC.

An important benefit of the Islamic Museum of Australia as a potential early voting centre was that it was rated as Assisted Wheelchair Access. Further, the site had been used as a COVID vaccination clinic in 2021 and was well-known within the local community. The site had previously demonstrated that it was suitable for accommodating large queues of people and providing secure storage of resources.

Other favourable factors for the use of this location were the availability of parking at the rear of the site and a combination of 2 hour and unrestricted on-street parking.

Public transport was approximately 4 minutes' walk from the site – the bus on Normanby Avenue – and the pathway was a concrete footpath.

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<sup>28</sup> 'Prescribed premises' means a school or building that is not used exclusively for religious services and is supported wholly or in part by public funds (see s 67(5) of the *Electoral Act 2002* (Vic)).



By contrast, Northcote District's other early voting centre was located in the Northcote Central Shopping Centre. This site took 20,972 votes, was rated as Assisted Wheelchair Access, and was proximate to public transport and had ample parking located within the shopping centre.

#### 4.4.2. **Berwick early voting centre (Akoonah Park Centre)**

There was only one early voting centre located centrally within Berwick District. The election office and early voting centre in Berwick District were in separate buildings within Akoonah Park. The early voting centre was rated as having Assisted Wheelchair Access because the accessible parking was considered restrictive and there was a 50 millimetre or less step to get into the building. The site provided ample unmetered off-street parking for voters, independent candidates and party workers.

There was a bus stop located off the Princes Highway adjacent to the main entrance to the complex. The distance from the bus stop to the election office and voting centre was approximately 250 metres.

Currently the Act does not provide for early voting centres to be appointed to more than one 'in district' electorate unlike the operation of election day joint voting centres appointed for more than one district on election day. If there is appetite for candidates and registered political parties from neighbouring electorates being permitted to display signs outside early voting centres located near to their boundary, the Electoral Matters Committee may wish to consider appropriate amendments to section 158A of the Act.

As discussed in the Electoral Matters Committee hearing, section 158A of the Electoral Act 2002 (Vic) (the Act) imposes limits on the number and size of notices and signs that are permitted to be exhibited by candidates and registered political parties within 100 metres of election day and early voting centres. These limits are specific to the electorate(s) to which the voting centre is appointed, and no other political signage may be displayed within the area regulated by the requirements.

The only circumstance where signage for candidates and parties in a neighbouring district would be permitted to be displayed within 100 metres of a voting centre is where the voting centre itself is appointed as a joint voting centre for both districts. If both districts are located within the same region then the signs and notices in respect to candidates and parties for the Legislative Council election would continue to only be counted once. For more information, see VEC Determination No 3 of 2022 issued on 9 September 2022.

A full list of election day voting centres and early voting centres was provided to registered political parties and candidates on 23 September 2022, with regular updates provided up until 23 November 2022. These updates included the district and region for each voting centre.

#### 4.4.3. **Cranbourne early voting centre (2/8 Selandra Boulevard)**

The Clyde North early voting centre was located near the western boundary of Cranbourne District adjacent to Berwick District. This was selected to serve the population growth centred around Clyde North that extended into the adjacent districts of Berwick and Bass. The number of votes taken at this early voting centre confirmed the VEC's prediction that this early voting centre would take a large number of votes from adjacent districts, with 6,615 Cranbourne District votes and 7,911 votes from other districts (4,082 of which were from Berwick).

The site was rated from an accessibility standard as having Assisted Wheelchair Access because the gradient along the pathway from the accessible parking to the building entrance was greater than 3 degrees at some sections. There was ample parking available, both on-street and off-street, and a bus stop approximately 95 metres from the early voting centre.

#### 4.4.4. Pakenham early voting centre

A commitment from the VEC to establish one early voting centre in each district was achieved for the 2022 State election. The VEC undertook, in districts where a high number of early votes were anticipated, that two or more early voting centres would be established. Regarding Pakenham District, most of the population straddles the Princes Highway. The areas in the north and south are more sparsely populated, so the search for an early voting centre focused on the Princes Highway corridor.

Market availability severely impacted this search. A range of properties were inspected and were found to be unsuitable or property owners would not accept the short-term lease offered by the VEC. Given the lack of suitable properties, a decision was made to split the election office and early voting centre across two smaller sites.

Given the options available to the VEC, a decision was made to host the EVC at the more accessible of the two venues. Due to the lack of commercial properties available the VEC used council owned sites for both the election office and early voting centre.

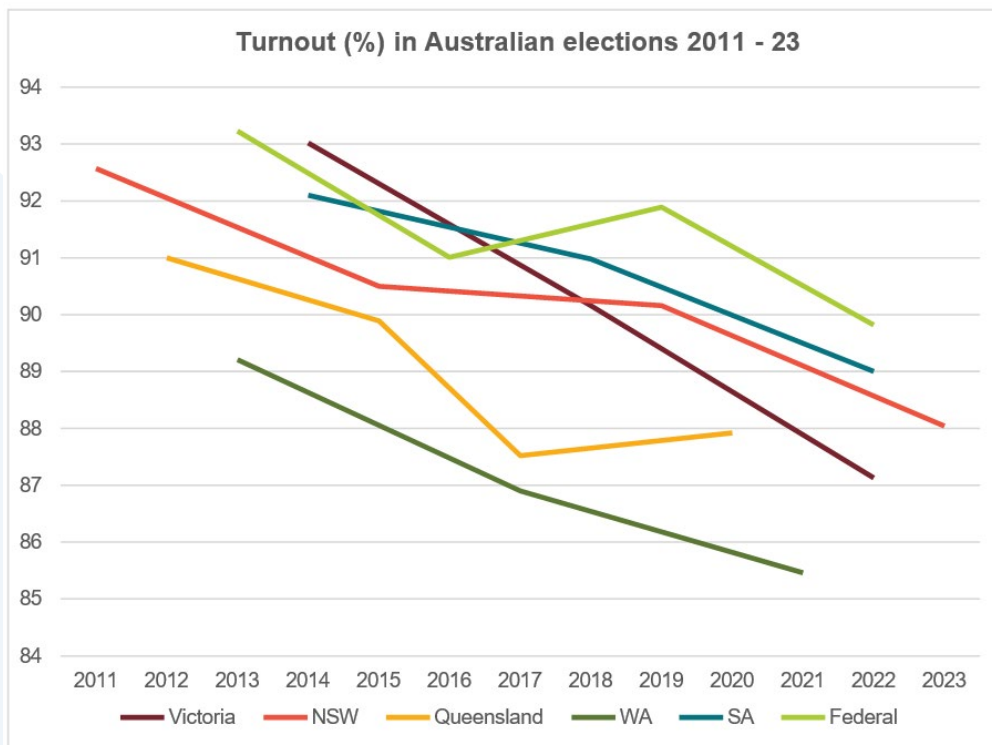
## 5. Candidates and parties – vote soliciting

- 5.1. Candidate and political party workers serve an important role in democracy and create a competitive marketplace of political ideas and platforms. This must be balanced against an accessible and safe voting experience for electors. The VEC and several other groups have noted that particular regard must also be had for neurodivergent voters and how 'ordinary' canvassing for votes can impact some electors more significantly than others.
- 5.2. The *Electoral Act 2002 (Vic)* (the Act) seeks to regulate the types of activities which may be conducted outside both early and election day voting centres. In summary, section 158 of the Act provides that during the hours of voting, it is unlawful for a person to canvas for votes or solicit the vote of any elector within 6 metres of the entrance of a voting centre. This distance may be reduced by the VEC in certain circumstances, such as inclement weather.
- 5.3. Given that the Act does not expressly permit or prevent candidate or party workers to engage with electors, it is not unlawful for a particular candidate or party worker to attempt to prevent other candidates or party workers from also engaging with that elector. As long as the conduct outside the voting centre remains otherwise lawful, the candidate and party worker's engagement with the elector is not otherwise regulated by the Act.
- 5.4. The Act allows for election officials to issue lawful directions that must be complied with, an important flexible tool for regulating behaviour. For example an election official can intervene in the distribution of unregistered how-to-vote cards and can remove or cause to be removed any notice or sign they reasonably believe to be exhibited in contravention of the Act.

- 5.5. An election official can also take action to maintain order and keep the peace, can cause to remove any person who obstructs the approaches 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, or causes a disturbance at any election. If called to assist, police are obliged to assist in the removal of any person. There are also listed offences which carry varying levels of fines and imprisonment. These powers must always be used judiciously.
- 5.6. In its report on the 2022 State election, the VEC will suggest opportunities to strengthen the powers of election officials, and indeed police, to intervene more immediately where poor behaviour is observed outside voting centres.
- 5.7. In the report to Parliament there will be a comprehensive breakdown of complaints and feedback relating to the conduct of volunteers and party workers outside voting centres as well as other topics, such as ballot paper shortages. To the extent that trends in behaviour and tactics used to solicit votes outside the 6-metre zone resulted in complaints, they will be captured in this report.

## 6. Electoral participation

- 6.1. Elector participation covers the topics of elector turnout, vote formality and enrolment and other related metrics that address how engaged electors are. The VEC will provide a comprehensive report examining the factors contributing to the decline in participation for the 2022 State election, including the impact of COVID-19 and limited options for overseas voters. It is important to note that this is not an isolated trend in Victoria — it is happening in all Australian jurisdictions and is also evidenced in comparable democracies. The declines have been occurring over the last decade as seen in the figure below.



- 6.2. Academic and field research has identified several reasons for decreasing voter turnout, which is part of a wider global trend of decreased voter participation in modern

democracies. Some reasons identified that may be relevant to Victorian elections include:

- Disillusionment with the wider democratic process, including decreasing trust in political parties and politics generally<sup>1</sup>
- Growing disillusionment and decreasing connection with established political processes and the legislative process of affecting change, particularly amongst voters experiencing social disadvantage.<sup>2</sup>
- Weaker ties or decreasing identification with the established political parties.<sup>3</sup>
- Ongoing, and in some instances, increasing disengagement from formal electoral processes amongst young electors, but continued or greater involvement in alternative forms of political engagement.<sup>4</sup>
- Lack of knowledge or confidence to cast a correct and/or informed vote.<sup>5</sup>
- Periodic and contextual effects, such as recent elections in other jurisdictions and specific political issues prominent at any one time have also been shown to impact non-voting.<sup>6</sup>
- There is emerging evidence to suggest a discontent with the quality of the candidates and a desire to avoid voting in person due to distress caused by aggressive political participants, particularly party workers at early and election day voting centres, is similarly influencing the choice of electors to vote or not.<sup>7</sup>
- Moreover, a willingness to participate may also be shaped by reactions and views towards active disinformation campaigns and unintentional misinformation, particularly through social media. This includes messaging from electoral participants themselves questioning the validity and independence of electoral processes, one factor that may undermine trust in democracy and therefore a willingness to participate in the electoral process; at the same time, abuse and intimidation through social media can actively discourage some people from voting.<sup>8</sup>

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<sup>1</sup> S Cameron, I McAllister, S Jackman and J Shepherd, 'The 2022 Australian Federal Election: Results from the Australian Election', The Australian Election Study, Australian National University, 2022..

<sup>2</sup> L Hill, 'Compulsory Voting in Australia: A basis for a 'best practice' regime', *Federal Law Review*, 2004, 32:2: 479-497..

<sup>3</sup> Cameron S and McAllister I (2022) Trends in Australian Political Opinion: Results from the Australian Election Study 1987– 2022. The Australian Election Study, Australian National University.

<sup>4</sup> Martin A (2012) *Young People and Politics: Political Engagement in the Anglo-American Democracies*. Routledge, London.

<sup>5</sup> Z Ghazarian, J Laughland-Booy and Z Skrbis, 'Young Australians, political engagement and the challenges ahead', *Ethos*, 2019, 27(2):9-12.

<sup>6</sup> IS Chowdhury, 'Are young Australians turning away from democracy?', *Australian Journal of Political Science*, 2021, 56(2):171-188, DOI: 10.1080/10361146.2021.1899131.

<sup>7</sup> Kantar Public, Evaluation of services at the 26 November 2022 Victorian State election, Melbourne, forthcoming. Report prepared for the Victorian Electoral Commission.

<sup>8</sup> Electoral Matters Committee, Inquiry into the impact of social media on Victorian elections and Victoria's electoral administration, Parliament of Victoria, Melbourne, 2021.

- 6.3. The VEC conducted research with non-voters after the 2018 State election to elicit the reasons for failing to vote and attitudes to voting generally amongst non-voters. Findings showed that 85% of non-voters surveyed agreed that voting is an important part of the democratic process and 66% were supportive of compulsory voting.
- 6.4. From the research, the most common reason for failing to vote (87%) related to lack of opportunity — voters were interstate or overseas, or were working on election day. Lack of knowledge about the election was the next most common answer (42%) — not knowing when the election was happening or not knowing it was happening at all. In response to these findings, the VEC increased its advertising spend for the 2022 State election and utilised its VoterAlert reminder service. Legislative change is required to extend its Telephone Assisted Voting service to electors located interstate or overseas.
- 6.5. Intentional informality is also another form of non-voting (such as submitting a blank ballot paper, drawing a picture instead of voting or writing or crossing out candidates' names). The VEC has partnered with the University of Adelaide and Flinders University to conduct a world-first study into reasons for intentional informality across local government and state elections. This research is scheduled to be published in April 2025.
- 6.6. As mentioned by the Electoral Commissioner at the hearing on 27 March 2023, the enrolment rate in Victoria at the time of the State election was 98% of the eligible population. Turn out, calculated by the total number of ballots entering scrutiny as a percentage of the final enrolment figure, was 87.13% for the Lower House elections<sup>9</sup> and 88.23% for the Upper House elections.
- 6.7. Direct enrolment was introduced in Victoria in 2010. While most electors will enrol and update their enrolment themselves, the register of electors is also updated by the VEC through direct enrolment as well as data from the Australian Electoral Commission (AEC), which operates its own direct enrolment program. The VEC's direct enrolment program uses two State-based data sources: data from the Department of Transport and Planning (DTP) and data from the Victorian Curriculum and Assessment Authority (VCAA).
- 6.8. Since 2010, the VEC has enrolled 75,392 'new-to-roll' electors using VCAA data and, since its inclusion in the dataset in 2011, 86,627 'new-to-roll' electors using DTP datasets. Accordingly, a total of 162,019 first-time electors have been directly enrolled using Victorian-based sources. This does not include electors who are directly enrolled by the AEC as the Joint Roll Agreement data sharing scheme between the AEC and VEC does not provide this detail, and nor does it include historical change of address direct enrolment transactions (approximately 635,000), which was discontinued by the VEC.
- 6.9. The participation rate for directly-enrolled electors in the 2022 State election was noticeably lower than self-enrolled electors, with directly-enrolled electors only participating at a rate of 77.77% compared with 90.71% for those who had managed their own enrolment. Importantly, when compared with non-voters in general, those directly-enrolled have been shown to be significantly less interested, knowledgeable and engaged in State politics.<sup>10</sup>

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<sup>9</sup> Note: the average for the Lower House election includes the enrolment figures for Narracan District, and so is slightly less than the actual turnout rate when voting closed on 26 November 2022.

<sup>10</sup> Social Research Centre, Understanding non-voters of the 2018 State election, 2020, accessed 15 June 2023. Report prepared for the Victorian Electoral Commission.

6.10. As seen in the graph at paragraph 6.1, turnout has been falling consistently across all jurisdictions in Australia over the last decade. The phenomenon of decreasing turnout is not a problem unique to Victoria.

## 7. Candidate and parties – political party registration

- 7.1. There was discussion of political party names potentially resulting in voters being misled. During the Electoral Commissioner's appearance before the Electoral Matters Committee on 27 March 2023, Mr Lambert suggested an analysis of the relative performance of political parties with these names ('Liberal' in relation to 'Liberal Democrats', and 'Australian Labor Party' in relation to 'Democratic Labour Party') and whether the 'minor party' performs better when it is placed above the similarly named 'major party' on the ballot paper. The VEC has not conducted any such analysis in the past, and it is not currently part of its 2023 research program.
- 7.2. One additional factor that may alleviate confusion with party names is the introduction in 2018 of registered political party logos on the ballot paper. This allows for registered political parties to register a logo with the VEC and, where they have registered a logo, for electors to use visual references printed on the ballot paper and more familiar party logos to identify the registered political party they intend to vote for.
- 7.3. When logo registration was introduced, there was an objection to the registration of the DLP logo which claimed that the logo proposed by the Democratic Labour Party (DLP) was similar to and likely to be mistaken for the proposed logo of the Australian Labor Party. The VEC determined that because 'Labour' is a generic word, it cannot be considered the property of any organisation, and because the logos were visually different, it could not be considered that the two logos were likely to be mistaken. As such, the proposed logo was deemed acceptable and was registered.
- 7.4. Other Australian jurisdictions have amended their electoral legislation to resolve the issue of similarities between registered political party names potentially confusing voters.

## 8. Communication and engagement – misinformation and disinformation

- 8.1. Misinformation and disinformation are cross jurisdictional concerns and pose a significant challenge to the VEC because they arise out of broader social trends that cannot be directly reversed by the VEC. However, the VEC can and does take preventative action through educational campaigns to debunk and 'pre-bunk' misinformation and disinformation. These campaigns are run on traditional and social media. The VEC also takes direct action to address harmful misinformation and disinformation during the election period.
- 8.2. Throughout 2021, the VEC collaborated with the AEC on developing guidance for electoral management bodies on conducting digital literacy campaigns for the Inter-jurisdictional Working Group on Electoral Integrity and Security, an action arising from the Electoral Council of Australia and New Zealand (ECANZ) and was designed to provide for a consistent approach across jurisdictions to developing and delivering digital literacy and counter disinformation campaigns. Digital literacy refers to an individual person's ability to find, evaluate and critically consider information found on digital media platforms.



- 8.3. The document contains advice and guidelines using lessons learned from the AEC's inaugural "Stop and consider" campaign from the 2019 Federal election as well as general communications, advertising and engagement best practice.
- 8.4. While the document is yet to be finalised by ECANZ, the VEC implemented many of the key messages and suggested communication activities within its own digital literacy communication plan for the 2022 State election, which consisted of a TV and digital advertising campaign; a misinformation register; animated video explainer; Easy English flyer; general information and tips; and organic media and social media engagement. The lessons learned from this advertising campaign were recently shared with the NSW Electoral Commission ahead of the NSW State election in March 2023.

## 9. Integrity – structure and role of the VEC

- 9.1. A conceptual matter discussed at the Electoral Matters Committee hearing was the role, structure, and purpose of the VEC – whether the combination of regulator and administrator structure which applies under current legislation is appropriate.
- 9.2. In respect to Part 12 of the Act, an independent review is required to be completed this year on the effectiveness of Victoria's political funding and donation disclosure and reporting laws. Section 222DB of the Act requires the Minister for Government Services to table the report from the review for each House of Parliament by 25 November 2023. The outcome of this review may well consider the VEC's regulatory compliance activities.
- 9.3. The VEC's statutory responsibility to administer the Act is combined with section 175(1) of the Act established the VEC's role as a regulator. When the Act was amended by the *Electoral Legislation Amendment Act 2018 (Vic)*, which introduced political funding and donation disclosure, audit and reporting laws to Victorian State elections, the VEC's role to regulate compliance with the Act was expanded and new regulatory powers were introduced. Since the introduction of those laws, which saw their first election at the 2022 State election, the VEC has worked to develop its regulatory model and transparently articulate an approach across its regulatory portfolio that is consistent, predictable, and aligns with contemporary regulatory practices as well as the VEC's values.
- 9.4. Electoral participants' understanding of the expanded role of the VEC will mature akin to that of electoral commissions in other Australian states and territories with much longer histories as active regulators. The New South Wales, South Australia and Queensland Electoral Commissions, as well as the AEC from a national perspective, each have established regulatory compliance portfolios within their work programs. The New Zealand Electoral Commission's regulatory role goes further than most Australian jurisdictions to also fund and regulate political advertising.
- 9.5. The ongoing challenge for electoral commissions in their regulatory roles is the need to establish and maintain separate relationships with the same election participants. In the VEC's case, for example, management and staff engage closely with registered political parties during the months leading up to a State election and consult with them in respect to election program design. The connections that are built during this engagement are important, and travel through to election delivery where contacts are already in place to raise and respond to issues as they arise. In the compliance space,

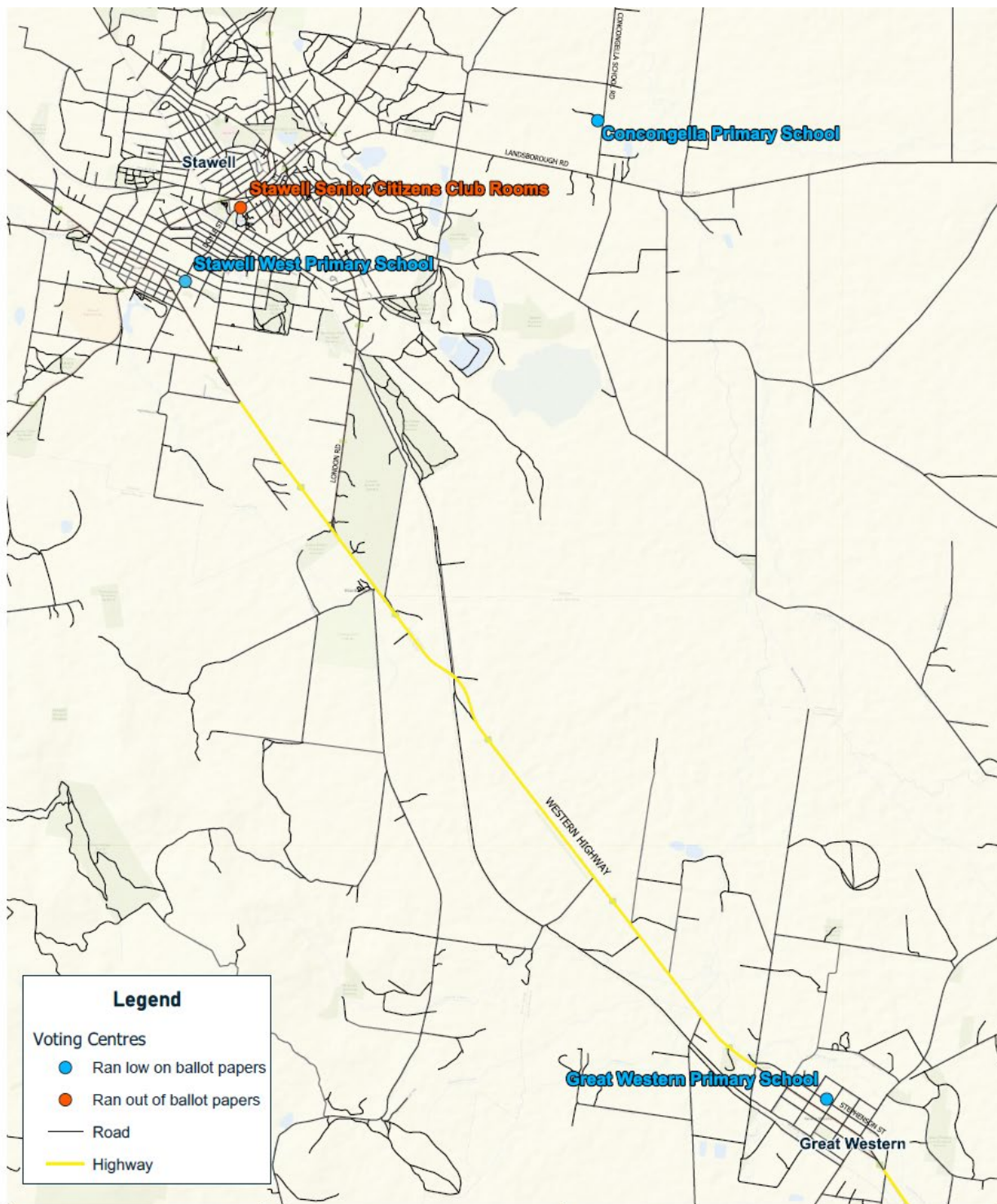



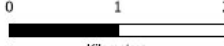


it is possible that registered political parties — or their officials — may be the subject of a complaint about breaching electoral law, and the VEC needs to ensure appropriate controls are in place to adequately service both the stakeholder relationship with that person as well as the ability to conduct an independent and impartial examination of the complaint and any subsequent compliance action. For this reason, the VEC's electoral compliance activities sit separately from those involved with day-to-day election operations, and the access to complaints and investigation documentation is controlled and limited to specific users.

## Appendix 5.3 Ballot paper issues by Voting Centre

District	Voting Centre(s)	Date Reported	Date received at CV	Issue	Est. Number of affected electors
<b>Election Day Voting Centres that ran low</b>					
Lowan District	Concongella (Concongella Primary School)	12/12/2022	23/01/2023	Ran low of own district ballot papers only	N/A - additional Ballot Papers delivered.
	Great Western (Great Western Primary School)	12/12/2022	23/01/2023	Ran low of own district ballot papers only	N/A - additional Ballot Papers delivered.
	Stawell West (Stawell West Primary School)	12/12/2022	23/01/2023	Ran low of own district ballot papers only	N/A - additional Ballot Papers delivered.
	Bannockburn (Bannockburn Cultural Centre)	26/11/2022	30/01/2023	Ran low of absent Eureka papers.	N/A - additional Ballot Papers delivered.
Geelong District	Manifold Heights (Manifold Heights Primary School)	26/11/2022	30/01/2023	Ran low of absent Lara papers	N/A - additional Ballot Papers delivered.
	Barwon (South Geelong Primary School)	26/11/2022	30/01/2023	Ran low of absent South Barwon papers	N/A - additional Ballot Papers delivered.
	Hadfield (Westbreen Primary School)	26/11/2022	23/01/2023	Ran low of absent Broadmeadows district ballot papers	N/A - additional Ballot Papers delivered.
Pascoe Vale					
Point Cook	Altona Meadows (Altona Meadows Primary School)	27/11/2022	23/01/2023	Ran low of own district ballot papers only	N/A - additional Ballot Papers delivered.
	Altona Meadows CC (Altona Meadows Community Centre)	27/11/2022	23/01/2023	Ran low of own district ballot papers only	N/A - additional Ballot Papers delivered.
<b>Total</b>	<b>9 Voting Centres</b>			<b>Total own district 5, absent district 4.</b>	<b>Nil affected electors</b>
<b>Election Day Voting Centres that ran out</b>					
Bass	Grantville (Grantville Hall)	26/11/2022	23/01/2023	Ran out of own district ballot papers	32
Oakleigh District	Carnegie (Carnegie Primary School)	26/11/2022	23/01/2023	Ran out of absent sets ran out just before close of voting	1
Ovens Valley District	Bright (Bright Senior Citizens Centre)	26/11/2022	23/01/2023	Ran out of own district ballot papers	3
Ripon District	Porepukah (Porepukah Primary School)	26/11/2022	23/01/2023	Ran out of own district ballot papers	2
	Wandiligong (Wandiligong Primary School)	26/11/2022	23/01/2023	Ran out of own district ballot papers	21
	St Arnaud (St Arnaud Senior Citizens Clubrooms)	26/11/2022	23/01/2023	Ran out of absent sets ran out just before close of voting	2
Lowan District	Stawell (Stawell Senior Citizens Clubrooms)	12/12/2022	23/01/2023	Ran out of own district ballot papers only	100 (ran out at 5:20pm)
St Albans District	Monmia (Monmia Primary School)	26/11/2022	23/01/2023	Ran out of absent sets ran out just before close of voting	4
Tarneit District	Tarneit East (Thomas Carr College)	26/11/2022	23/01/2023	Ran out of absent sets ran out just before close of voting	1
<b>9 Voting Centres</b>				<b>Total own district 5, absent district 4.</b>	<b>166 affected electors</b>

# Appendix 5.4: Voting centres in Stawell area



<p>Map Prepared by:</p>  <p><b>Victorian Electoral Commission</b></p>	<p>0 1 2 Kilometres</p>  <p>1: 70000 @ A4 LGA: Shire of Northern Grampians Date Created: 24/04/2023</p> 	<p>Data Use:</p>  <p>Copyright © 2023 - State Government Victoria, Department of Environment, Land, Water &amp; Planning 2023. Background map © Esri Disclaimer: This content is provided for information purposes only. While every effort has been made to ensure accuracy and authenticity of the content, the Victorian government does not accept any liability to any person for the information provided.</p>
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## Appendix 6: VEC responses to 2018 Committee recommendations

Table 1 – Actioned recommendations

EMC Recommendation	VEC compliance with published response
<p>1 That the VEC consider the appropriateness of its enrolment rate target in light of increases in enrolment nation-wide</p>	<p>The VEC <b>has actioned this recommendation</b>. The VEC enrolment rate target has been adjusted to be within 1% of the national average.</p> <p>The VEC Victorian enrolment rate as at 1 January 2023 was 97.7%. This represents a +0.6% variation from the national enrolment rate, within our stated target of +/-1%. Over the last year, the VEC Victorian enrolment rate has been consistently within 1% of the national enrolment rate.</p>
<p>2 That the VEC regularly publish data on the proportion of eligible electors who are enrolled, broken down by age</p>	<p>The VEC <b>has actioned this recommendation</b> in expanding annual reporting to include age group enrolment numbers.</p> <p>The VEC included this information in its annual report FY19/2020. Regular reporting has subsequently been maintained.</p>
<p>3 That the VEC establish performance targets relating to the proportion of people in different age brackets who are enrolled. This will enable it to track its progress in this area</p>	<p>The VEC <b>has actioned this recommendation</b> in conducting enrolment data analysis and establishing performance targets for enrolment rate by age, effective June 2023.</p> <p>These targets will be benchmarked against the national average for each age cohort, and will be reported in the annual report.</p>
<p>4 That the VEC conduct an evaluation of the effectiveness of VoterAlert at impacting voter turnout, including a cost–benefit analysis, and publish the results</p>	<p>The VEC <b>has actioned this recommendation</b>. An outcome of the evaluation will be included within the Report to Parliament.</p>
<p>6 That the VEC identify directly enrolled electors as a priority group for its inclusion and participation efforts and implement engagement programs aimed specifically at increasing turnout among directly enrolled voters</p>	<p>The VEC <b>has actioned this recommendation</b>. The VEC undertook a number of targeted campaigns designed to increase participation. A co-designed campaign was updated and targeted specifically to directly-enrolled voters via VoterAlert and advertising on social media. An overview of these approaches will be found in the Report to Parliament.</p>

EMC Recommendation	VEC compliance with published response
7 That the VEC provide more detailed explanations of the factors affecting voter turnout at future elections	The VEC <b>has actioned this recommendation</b> in providing an analysis of voter turnout and the relative decline in participation in <b>Appendix 3</b> .
8 That the VEC publish apparently intentional and apparently accidental informal voting rates as a percentage of all votes in its post-election reporting	<p>The VEC <b>has actioned this recommendation</b>. The results of the informality analysis indicate 87,376 votes cast for the Lower House were apparently deliberate, which equates to about 41% of all informal votes and 2.28% of all votes cast at the district level.</p> <p>A total of 119,717 informal votes indicated some form of preference, and therefore considered apparently accidental, equated to about 56% of all informal votes and 3.13% of all votes cast.</p> <p>The overall proportion of informal votes and percentage of apparently accidental informal votes declined from 2018. The full results of the informality analysis for the 2022 State election, including comparisons with informality at the previous election, will be captured in the Report to Parliament.</p>
9 That the VEC reinstate its analysis of informal Upper House ballot papers at future elections	The VEC <b>has actioned this recommendation</b> . The results of the informality analysis for the Upper House at the 2022 State election show a decline in informal voting from 3.96% in 2018 to 3.22% in 2022, with a far greater proportion of apparently deliberate informal votes (approx. 65% of all region informals) than at the district level.
10 That the VEC conduct an analysis of Upper House ballot papers to estimate the number of votes that included multiple preferences above the line, to understand how much confusion is being caused by having different systems at Commonwealth and state levels and to inform future information and education campaigns	<p>The VEC <b>has actioned this recommendation</b> by completing an analysis of sample of region ballots to estimate the number of votes that included multiple preferences above the line.</p> <p>As such, the region ballots of Mildura, Berwick and Thomastown districts (nearly 115,000 ATL votes in total) were analysed to identify where voters had marked multiple preferences above the line. The results show that very few voters (3.66% of the sample) mark their ballots this way, though at about 5% of the sample, Thomastown had a higher rate.</p> <p>Over half of all ballots where multiple preferences were provided above the line provided 5 preferences and voters supporting the minor parties were more likely to vote this way than those supporting the major parties. The full results of this analysis will be provided as part of the Report to Parliament.</p>



EMC Recommendation	VEC compliance with published response
<p>12 That the VEC increase the depth of its analysis and reporting on informality at Victorian state elections. This includes election-to-election trends and events specific to individual elections</p>	<p>The VEC <b>has actioned this recommendation</b>. Like 2018, for the 2022 State election the VEC examined the informal votes from all districts, measuring the incidence of various types of informal votes. This was conducted in collaboration with academics from the University of Adelaide and Flinders University, as part of an Australian Research Council study into informal voting.</p> <p>As part of this study more categories of informality were introduced to gain more detailed information about the motivations and behaviour of informal voters. Additionally, the VEC has increased the depth of its analysis of informality in the following ways:</p> <ul style="list-style-type: none"> <li>- Conducting the informality analysis centrally and by a dedicated team, which has improved the consistency of analysis,</li> <li>- Analysing all Upper House informal votes,</li> <li>- Expanding the analysis to include more detail on the different types of informality across all districts and regions,</li> <li>- Analysing informality by voter type (ordinary, early, postal, absentee and provisional) for 21 districts where the informal votes had not been amalgamated,</li> <li>- Conducting the same level of informality analysis at local government elections (2022 and planned for 2024), and</li> <li>- Working with academics as part of the ARC informality study to make the analysis consistent with current research trends and approaches.</li> </ul> <p>A more detailed analysis will be provided with the Report to Parliament on 2022 State election.</p>
<p>13 That the VEC publish and discuss turnout by age cohorts in terms of the eligible population in its future reports on state elections</p>	<p>The VEC <b>has actioned this recommendation</b>. The outcome of this analysis was provided in the VEC's submission to the Electoral Matters Committee. The analysis is provided in <b>Appendix 3</b> and demonstrates that the voter turnout was lowest for voters aged 40 and below (84.22% compared to 92.36% for voters aged 40-69 and 90.70% for voters aged 70+).</p>
<p>14 That, in its research into reasons for not voting and attitudes toward voting among the 25-to-44-year-old age group, the VEC include a focus on the drop in turnout among 30-to-44-year-old electors at the 2018 election</p>	<p>The VEC <b>has actioned this recommendation</b>. The outcome of this analysis was provided in the VEC's submission to the Electoral Matters Committee. The research is provided in <b>Appendix 3</b> and suggests that socioeconomic trends and later transitions to adult milestones may be contributing to lower turnout rates in younger voters, as has been observed nationally and globally.</p>

## EMC Recommendation

## VEC compliance with published response

17 That the VEC explore ways to more objectively measure the effectiveness of its advisory groups as a means of addressing the challenges faced by certain groups of voters

The VEC **has actioned this recommendation** in developing a set of advisory group effectiveness measures, several of which are included in the advisory group survey.

Specifically, members rate their satisfaction overall with the level of VEC support and their perceived contribution to planning and implementation. Members must also be able to demonstrate reach and network within the population group.

21 That the VEC provide extended voting hours on more days during the early voting period

The VEC **has actioned this recommendation** in providing two additional late nights added to the first week of early voting totalling an additional 620 hours state-wide.

In 2018, the VEC extended the usual closing time of 6 pm for early voting centres to 8 pm on Thursday 22 November. In 2022, the VEC increased late-night voting, and extended the closing time of early voting centres to 8 pm on Tuesday 15 November, Thursday 17 November and Thursday 24 November.

22 That the VEC continue to explore new ways to find more suitable early voting and election-day voting centres, including learning from the approaches in other jurisdictions where appropriate

The VEC **has actioned this recommendation** in developing the Election Infrastructure Location Strategy (EILS) that looks to optimise the location of early voting and election-day voting centres.

The VEC notes the challenges of market availability for suitable early voting centres. For more information see **Chapter 4.1 Venues and Resourcing**.

23 That the VEC establish an election performance target for the number of Assisted Wheelchair Access voting centres at future elections

The VEC **has actioned this recommendation**. This is addressed in Chapter 7.1 reflecting the accessibility rating for each site has been included in the VEC's submission to the Electoral Matters Committee.

The VEC adopted a target of 80% of early voting centres and 40% of election day voting centres having an Assisted Wheelchair Access or higher rating. The VEC exceeded this target with 81% of early voting centres and 58% of election day voting centres having an Assisted Wheelchair Access or higher rating.



## EMC Recommendation

## VEC compliance with published response

24 That the VEC, in its briefings, proactively engage candidates and parties around the need to minimise the anxiety that some voters may experience when approaching campaigners at a voting centre, with the aim of increasing campaigner sensitivity and reducing the anxiety some voters experience

The VEC **has actioned this recommendation** in reminding registered political parties and prospective independent candidates through pre-election briefings of their responsibilities to ensure their campaigners are not compromising the safety of voters accessing voting centres.

The VEC provided guidance to RPPs and candidates on rules about campaigning outside voting centres and deployed compliance staff to voting centres that were the subject of complaints about campaigner conduct. The VEC also issued directions for 2 voting centres to limit campaigner presence and enhance voter experience.

For more information see **Chapter 9 Compliance**.

25 That the VEC investigate and develop ways to ensure postal voting and other voting methods remain viable options for Victorians who cannot attend a voting centre

The VEC **has actioned this recommendation**. Refinements to the operating model for the 2022 State election were highlighted in the VEC's 2022 Service Plan.

Additional voting methods for Victorians who cannot attend a voting centre are addressed in Policy matter 6.

26 That the VEC establish more early voting centres in larger regional districts and consider further innovative ways of providing voting options for voters living in regional Victoria, such as mobile voting centres

The VEC **has actioned this recommendation** in developing the Election Infrastructure Location Strategy (EILS) that looks to optimise the location of early voting and election-day voting centres.

More information on the VEC's strategy of locating and sourcing early voting and election-day voting centres is outlined in **Chapter 4.1 Venues and Resourcing**.

EMC Recommendation	VEC compliance with published response
<p>27 That the VEC improve its transparency in relation to the security of ballot papers</p>	<p>The VEC <b>has actioned this recommendation</b> in revising its ballot paper tracking and security policy to improve its transparency in the management of ballot papers through the course of the election. For example:</p> <ul style="list-style-type: none"> <li>- Introduction of VEC Ballot Paper SOP to ensure all transport vehicles adopted a standardised approach for sensitive VEC Ballot material movements,</li> <li>- Requiring all transport services relating to Ballot material movements were booked and tracked via an online system allowing real time monitoring of Ballot material at any given time, and</li> <li>- mandating the use of tracking sheets accompanied all online bookings to ensure a secondary tracking method was adopted and correct volumes checked at collection and delivery location before being signed for.</li> </ul>
<p>28 That the Government amend the Electoral Act to:</p> <ul style="list-style-type: none"> <li>• mandate a minimum length of time between notifying candidates and parties about a recount and commencing the recount</li> <li>• specify a particular form of words in which recounts are announced, to avoid any confusion, and</li> <li>• require the VEC to notify the relevant state secretaries of parties and contact officers for non-party-aligned candidates, as well as the candidates</li> </ul>	<p>The Electoral Act has been amended to require a minimum of 4 hours' notice is given before commencing a recount and specify the form and distribution list of that notice, which was operationalised for the 2022 State election if required.</p> <p>The VEC notes that no recount was conducted for a 2022 State election, so this was not required.</p>
<p>33 That, in future election plans, the VEC include two new performance indicators with targets that relate to the suitability of venues used as a) early voting centres and b) election-day voting centres</p>	<p>The VEC <b>has actioned this recommendation</b> in setting targets of 80% of early voting centres and 40% of election-day voting centres being Assisted Wheelchair Accessible (AWA) and 25% of all venues being Independent Wheelchair Accessible (IWA). The VEC exceeded the AWA target with 82% of early voting centres and 58% of election-day voting centres with an AWA rating.</p> <p>The VEC exceeded the IWA target for early voting centres with 32% having an IWA rating and fell short of its target for election-day voting centres, with 21% having an IWA rating.</p>

EMC Recommendation	VEC compliance with published response
35 That, in future election plans, the VEC include performance indicators that measure the accuracy of primary counts, two-candidate-preferred counts and, where possible, recheck results. Results for these indicators should be included in future reports on state elections	Key performance indicators are not an appropriate measure for this activity. Rather the VEC <b>has actioned this recommendation</b> having reviewed its policies and procedures relevant to manual counting.
36 That, in developing future plans and strategies, the VEC include concrete actions, measures and quantified targets in the original plan at the time of release, so that stakeholders have a better understanding of what the VEC intends to do	The VEC <b>has actioned this recommendation</b> following the publishing of the inclusion action plans available on the VEC website relating to the following areas: Out of Home; Young People; Multicultural; and Disability Access. Each action plan has clear and defined monitoring and evaluation objectives.
37 That the VEC make all future inclusion and participation plans, strategies, and key performance indicators publicly available	The VEC <b>has actioned this recommendation</b> in producing a number of inclusion plans, managed through the Diversity and Inclusion Framework with annual reporting of key performance indicators.
38 That the VEC talk with parties to understand their concerns about how-to-vote card registration and identify any changes to processes that could be helpful in the future	The VEC <b>has actioned this recommendation</b> in providing guidance to RPPs and candidates about how-to-vote card registration through information sessions, handbooks and newsletters.
40 That the VEC further develop its relationship with the police to establish procedures to enable quick and effective responses to any intimidation, harassment, or violence at voting centres	The VEC <b>has actioned this recommendation</b> and provided an overview of this relationship in its submission to the Electoral Matters Committee. The submission describes how the VEC developed fact sheets for Victoria Police to ensure police officers were equipped to deal with election issues and liaised closely with Victoria Police to develop an election response structure that alerted police to emerging issues and coordinated police responses.
41 That the Government seek to amend Section 158A of the Electoral Act to provide greater clarity around how many signs candidates and parties can set up at voting centres and what is permitted to be on those signs	<p>The Electoral Act has been amended to provide greater clarity on the rules governing the exhibition of notices or signs by RPPs and candidates in proximity to a voting centre, which was operationalised for the 2022 State election.</p> <p>The VEC provided guidance to RPPs and candidates about the new signage rules through information sessions, handbooks and newsletters.</p>

EMC Recommendation	VEC compliance with published response
42 That the VEC consider the concerns raised in this chapter about the training of election officials as part of its planned review of the effective management of the VEC workforce during an election	The VEC <b>has actioned this recommendation</b> by updating its election staff training program, increasing the on online training allowing for election staff to revisit content, as well as providing additional training during the delivery of the event.
44 That, in selecting venues for future elections, the VEC factor in the needs of candidates and volunteers (such as toilets, shelter and appropriate spaces for campaigning) as far as possible	The VEC <b>has actioned this recommendation</b> in considering the needs of candidates and volunteers as a part of its Election Infrastructure Location Strategy.
45 That the Electoral Act be amended to allow early votes to be processed, but not inspected, from 8 am on election day. Scrutineers should have the same access to observe this process as they have for current vote processing practices	The Electoral Act has been amended to now allow for early votes to be processed from 8 am on election day, this was successfully operationalised for the 2022 State election.
46 That the Government amend the Electoral Act to prohibit any person or organisation other than the VEC from distributing postal vote applications	The Electoral Act has been amended to prohibit anyone other than the VEC from distributing postal vote applications, which has been operationalised in the 2022 State election.
47 That the Government amend the Electoral Regulations 2012 to remove the requirement for applicants to separately declare that they understand that their name and address may be provided to registered political parties and non-party-aligned candidates	The VEC <b>has actioned this recommendation</b> in removing the declaration from the postal vote application form for the 2022 State election.
48 That the VEC consider improvements to the way it provides successful postal voter application data to political parties and non-party-aligned candidates at future elections, including providing the data sooner and clearly communicating set times for providing the data	The VEC <b>has actioned this recommendation</b> in providing data daily to RPPs and independent candidates subject to completion of a confidentially agreement.

**Table 2 – Recommendations in progress**

EMC Recommendation	VEC compliance with published response
5 That, in future post-election reporting, the VEC publish an analysis of the explanations given for not voting and what that indicates about why people did not vote	The VEC <b>will action this recommendation</b> by providing data in the report to parliament on the reason a response to an AFTVN was marked as invalid.

EMC Recommendation	VEC compliance with published response
<p>11 That the VEC ensure the research it sponsors into informal voting includes an investigation of:</p> <ul style="list-style-type: none"> <li>• the reasons for the continued increase in informal voting in Victorian Lower House elections</li> <li>• the consistently high rate of informal voting in Victorian Lower House elections compared to other Australian jurisdictions</li> <li>• the increase in apparently accidental informality at the 2018 election</li> <li>• the reasons for informality in Upper House elections</li> </ul>	<p>The VEC <b>will action this recommendation</b> in committing to conduct a comprehensive analysis of informal votes for both Houses at the 2022 State election, in collaboration with the University of Adelaide as part of an Australian Research Council grant.</p>
<p>15 That the VEC ensure its research program includes research into the relationship between age and formal voting at Victorian state elections</p>	<p>The VEC <b>will action this recommendation</b> in conducting a market research agency survey of deliberate informal voters that may disclose some age-related patterns.</p>
<p>16 That the VEC consider the suggestions from the Committee's CALD community forums as part of developing future plans for engaging with CALD communities</p>	<p>The VEC <b>will action this recommendation</b> in continuing to consult with its CALD Advisory Group as well as sponsoring Active Citizen Leadership programs in 2022 leading to wider opportunity for targeted employment of CALD Democracy Ambassadors.</p>
<p>18 That the VEC consider the effectiveness of face-to-face outreach as a foundation for efforts to increase electoral participation</p>	<p>The VEC <b>will action this recommendation</b> in continuing to offer both face-to-face and online electoral education for all groups traditionally under-represented in the electoral process.</p> <p>The VEC held face-to-face and online electoral education sessions for traditionally under-represented communities.</p> <p>Additionally, the VEC developed and distributed through VoterAlert an Easy English Guide detailing all voting options available, where to find a list of candidates, a link to check their enrolment and to see if they were affected by electoral boundary changes, links to videos showing how to correctly complete ballot papers (in English and in 25 different languages) and a link to search for their nearest voting centre with directions and accessibility information. The VEC also developed 50 in-language videos across 25 languages covering how to enrol and vote.</p>
<p>19 That the VEC develop and trial measures within its inclusion and participation efforts to increase turnout among electors across the entire 20-to-39-year-old age cohort and not just the youngest electors</p>	<p>The VEC <b>will action this recommendation</b> by including within the report to parliament an overview of the initiatives undertaken to engage with directly enrolled electors and overseas travellers.</p>

EMC Recommendation	VEC compliance with published response
20 That the VEC establish an advisory group aimed at advising on engagement programs for voters from 20 to 39 years old, a cohort which consistently shows low turnout	The VEC <b>will action this recommendation</b> through the creation of a Young Peoples' Inclusion Plan and the establishment of a Young People Advisory Group.
30 That the VEC include information about apparent multiple voting in all future reports on state elections. This should include quantifying the number of apparent multiple votes in each district	The VEC <b>will action this recommendation</b> by providing data in the Report to Parliament on apparent multiple voting.
31 That the VEC publish the results of its investigations into multiple voting at each state election, including noting the number of cases which remain unexplained to the VEC's satisfaction	The VEC <b>will action this recommendation</b> by providing data in the Report to Parliament on apparent multiple voting.
32 That the VEC review the election performance indicator and budget paper measure 'Number of legal challenges to VEC conduct upheld' to ensure that what it measures is clear or change what is included when reporting on this measure	The VEC <b>will action this recommendation</b> in providing an updated performance measure that more clearly articulates the basis for the VEC's 'nil' target for election challenges.  The VEC notes that no 2022 State election result was affected by a legal challenge related to VEC conduct.
34 That, in future election plans, the VEC include two new performance indicators with targets that relate to the proportion of electors who queue for more than 10 minutes at a) early voting centres and b) election-day voting centres	The VEC <b>will action this recommendation</b> through the deployment of queue management technology for operational purposes.
43 That the VEC engage an independent expert to evaluate the effectiveness of its training procedures at the 2022 election	The VEC <b>will action this recommendation</b> in undertaking a full post-event training evaluation for both election management teams and election casuals. The audit will be captured in the VEC's internal audit program.

**Table 3 – Recommendations not supported/ no further action**

EMC Recommendation	VEC compliance with published response
29 That the VEC provide specific explanations on the results pages of its website for any significant adjustment to figures (e.g., more than 200 votes) made between the primary count or two-candidate-preferred count and the final results (recheck or recount results)	Upon investigation the election timeline does not support this level of granular analysis.

EMC Recommendation	VEC compliance with published response
39 That the VEC investigate the practicability of facilitating mental and emotional support services for candidates and their families and include a service in its 2022 election planning if appropriate	No further action required, the VEC has completed this action by performing a review of the feasibility of this program and come to the view that it is outside the remit of the VEC.

**Table 4 – The recommendation is not applicable to the VEC**

EMC Recommendation	VEC compliance with published response
49 That the Parliament refer an inquiry into possible reforms of the Upper House electoral system to the Electoral Matters Committee	The VEC <b>supports this recommendation</b> . Further detail can be found in Policy matter 2.





