



Electoral Matters
Committee

The conduct of the 2022 Victorian state election

Volume 2: Detailed analysis

Inquiry

July 2024

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d. Member from 22 February 2023 to 3 October 2023. Deputy Chair from 27 February 2023 to 3 October 2023.

About the Committee

Functions

The Electoral Matters Committee is constituted under section 9A of the *Parliamentary Committees Act 2003*.

The Committee's functions are to inquire into, consider and report to the Parliament on any proposal, matter or thing concerned with:

- (a) the conduct of parliamentary elections and referendums in Victoria
- (b) the conduct of elections of councillors under the *Local Government Act 2020*
- (c) the administration of, or practices associated with, the *Electoral Act 2002* and any other law relating to electoral matters.

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Terms of reference

Inquiry into the conduct of the 2022 Victorian state election

On 9 March 2023, the Legislative Assembly agreed to the following motion:

That this House refers an inquiry into the conduct of the 2022 Victorian state election to the Electoral Matters Committee for consideration and report no later than 1 May 2024*.

*The reporting date was extended to 1 August 2024 by resolution of the Legislative Assembly on 6 March 2024.

Findings and recommendations

Volume 2

2 Inclusive election indicators—enrolment, turnout and formality

FINDING 1: Enrolment in Victoria has increased from approximately 93.8% of eligible electors in 2006 to 97.8% in 2022. This met the VEC’s enrolment rate target of being within one percentage point of the national average.

10

FINDING 2: The enrolment rate for 18-to-24-year-olds has increased by 6.2 percentage points since 2020, and the enrolment rate for this cohort exceeded the VEC’s target by 4.9 percentage points in 2023.

12

FINDING 3: The VEC reported on enrolment by age bracket and established targets for each bracket in its recent annual reporting. The age brackets used by the VEC do not align with VEC reporting on turnout and included a 35-to-69-year-old group that the Committee considers is too broad.

14

RECOMMENDATION 1: That the VEC publish data and establish performance targets relating to the proportion of people in different age brackets who are enrolled across the following age brackets:

- under 18
- 18 to 19
- 20 to 24
- 25 to 29
- 30 to 34
- 35 to 39
- 40 to 44
- 45 to 49
- 50 to 54
- 55 to 59
- 60 to 64
- 65 to 69
- 70 and over.

15

FINDING 4: Turnout at the 2022 election was 88.1%, 2 percentage points lower than in 2018 (90.2%), almost 5 percentage points less than the average turnout between 2002 and 2014 (93.0%) and the lowest rate since 1945.

17

FINDING 5: The VEC has increased its reporting and transparency around electors who do not vote. In its 2022 election report, the VEC published details of the reasons given by people for not voting. It has issued a determination outlining acceptable excuses and evidence for failing to vote in an election. These are positive transparency initiatives that should help inform Victorians how the VEC administers its compulsory voting enforcement responsibilities and assist with understanding voter turnout.

22

FINDING 6: The VEC does not fine Victorians aged 70 or older who do not vote. This likely contributes to reduced turnout for this cohort, which is lower than for Victorians aged in their 50s and 60s. Victoria’s ageing population means there will be more electors aged 70 or older at future elections, increasing the importance of encouraging high turnout among this group.

23

RECOMMENDATION 2: That the VEC consider a communication campaign at the next election directed towards older voters encouraging them to participate and informing them about different ways that they can vote. The campaign should be delivered in media that are appropriate for that demographic.

23

FINDING 7: A large proportion of people who were outside Victoria during the 2022 election may not have voted. This cohort comprises a significant proportion of the people who do not vote at elections.

25

FINDING 8: Electors enrolled automatically through the direct enrolment program turn out to vote at a lower rate than electors who enrol themselves. The VEC used VoterAlert to contact 47,000 directly enrolled electors in 2022, encouraging them to vote. There are approximately 115,000 more directly enrolled electors that the VEC has contact details for and could communicate with through other means.

27

RECOMMENDATION 3: That, in addition to working to increase VoterAlert subscription rates to engage with directly enrolled electors, the VEC should use other communication means (such as post) to encourage increased turnout among directly enrolled electors who are not subscribed to VoterAlert.

27

FINDING 9: The Australian Electoral Commission does not provide the VEC with details of which electors were enrolled through the Australian Electoral Commission's direct enrolment program. This information would be helpful in designing and implementing VEC engagement programs aimed at increasing turnout among directly enrolled voters.

28

RECOMMENDATION 4: That the VEC work with the Australian Electoral Commission to receive details of which electors were enrolled through the Australian Electoral Commission's direct enrolment program.

28

FINDING 10: Direct enrolment is contributing to increased enrolment and decreased turnout. However, the extent to which direct enrolment is impacting turnout is unclear. Improved reporting around direct enrolment could help clarify this issue and enable the VEC to better target its efforts to increase turnout.

28

FINDING 11: People aged between 18 and 24 years old participate at a lower rate than all other age groups and should therefore continue to be a target group for the VEC's enrolment and turnout engagement activities.

31

FINDING 12: Turnout among 30-to-44-year-old electors at the 2022 election dropped the most of all age groups when compared to previous elections. This was also the case at the 2018 election.

32

FINDING 13: While VEC's reporting on turnout following the 2022 election was an improvement on its reporting after the 2018 election, there is room for further improvement.

33

RECOMMENDATION 5: That, in future reports to Parliament on elections, the VEC improve its reporting on turnout, including by:

- reporting and discussing turnout by age cohort as a proportion of eligible electors
- reporting turnout for 18-to-19-year-olds and 20-to-24-year-olds separately
- reporting and analysing data on the reasons electors were excused from voting
- increasing the analysis of trends across elections
- increasing clarity around direct enrolment figures and quantifying the impact on turnout.

33

FINDING 14: The VEC has commissioned research into non-participation at the 2022 election and identified specific areas where research may be helpful. While research is valuable, it is important for the findings from this research to inform future actions. **34**

RECOMMENDATION 6: That the VEC provide details of the actions it intends to take to improve turnout at the 2026 election, both generally and among specific communities, in its 2026 state election service plan. In doing this, the VEC should indicate how its planned actions respond to its analysis of turnout data from the previous election and other research on turnout. **34**

FINDING 15: Victoria’s youngest voters, 30-to-44-year-olds and directly enrolled voters are key groups that may benefit from targeted campaigns to improve participation in elections. The VEC has programs in place for younger voters and directly enrolled voters but not 30-to-44-year-olds. **35**

RECOMMENDATION 7: That the VEC continue to target younger voters and directly enrolled voters and implement engagement programs aimed specifically at increasing turnout among these voters. **35**

RECOMMENDATION 8: That the VEC identify 30-to-44-year-old electors as a target group for its inclusion and participation efforts and implement engagement programs aimed specifically at increasing turnout among these voters. **35**

FINDING 16: Victoria’s Lower House informality rate decreased at the 2022 election compared to the 2018 election, a positive result. However, the informality rate of 5.5% in 2022 remains higher than in each of the four elections from 2002 to 2014, and one of the highest rates among comparable Australian lower houses. **37**

FINDING 17: Victoria’s Upper House informality rate at the 2022 election was 3.2%, the lowest informality rate of Victorian elections since the current voting system was introduced at the 2006 election. Upper House formality is in the middle of the range compared to other Australian houses using proportional representation. **39**

FINDING 18: The proportion of apparently intentional informal votes for the Lower House remained steady from 2018 to 2022. Apparently accidental informal votes dropped from 3.5% to 3.3% of all votes, though the rate remains higher than at elections from 2006 to 2014. **42**

FINDING 19: Apparently intentional informal votes for the Upper House dropped from 2.5% in 2014 to 2.1% in 2022. Apparently accidental informal voting rates were similar to results in 2010 and 2014. The VEC did not perform an Upper House informal ballot paper analysis for the 2018 election.

43

FINDING 20: The VEC published apparently accidental and apparently intentional informal vote figures as percentage of all votes in its report to Parliament as part of its response to an Electoral Matters Committee recommendation. However, it did not incorporate these numbers into its analysis and discussion of trends across elections.

45

RECOMMENDATION 9: That the VEC publish apparently accidental and apparently intentional informal vote figures as percentage of all votes as part of its regular post-election informality reporting and incorporate those figures into its analysis and discussion of trends across elections.

45

FINDING 21: There was a greater number of districts showing high levels of informality in 2022 than at previous elections, despite the drop in state-wide informality. The cause of this is not clear. Understanding what is driving this and what can be done to address it in the future may be helpful.

47

FINDING 22: There was a high number of Lower House candidates at the 2022 election, increasing from 5.8 candidates per district in 2018 to 8.4 in 2022. VEC research shows that a higher numbers of candidates is associated with higher informality, particularly apparently accidental informality. This likely contributed to increased informality in some districts in 2022. However, the state-wide increase in Lower House candidates did not result in an increase in state-wide informality.

49

FINDING 23: High informality is continually focussed in certain geographic areas across multiple elections—Melbourne’s south-western, western and northern suburbs, Melbourne’s outer south-east and some regional areas. The VEC is aware of this trend and intends to tailor its engagement efforts to the socio-economic demographics present in areas of suburban Melbourne in particular.

50

FINDING 24: In an effort to reduce informality, the VEC put QR codes linking to videos explaining how to vote in multiple languages on voting screens and queue signage in Broadmeadows District. While uptake was low, it is positive that the VEC is conducting trials like this. The Committee encourages the VEC to continue trying new ways to address informality in the future.

51

FINDING 25: Post-election survey results indicate that there is a desire among voters for more information about how to cast a formal vote. Culturally and linguistically diverse voters, in particular, indicated their desire for such information.

52

FINDING 26: The VEC provided an increased depth of analysis into informality issues following the 2022 election compared to the 2018 election. This included working with academics in undertaking the analyses. The VEC is also undertaking further work with academics to better understand the causes of informality.

55

RECOMMENDATION 10: That the VEC continue its efforts to better understand the drivers of informality, including through work with academics. The VEC's research and reporting at future elections should include considering the effects of candidate numbers, the increase in the number of districts with high informality, continued high informality in certain geographic areas and the needs of people from culturally and linguistically diverse backgrounds. The VEC should use the results of this research to improve its engagement efforts around formal voting.

55

FINDING 27: There is a correlation between the number of candidates on a ballot paper and the informality rate. Reducing the number of candidates who have minimal public support may help to reduce informality at future elections.

55

RECOMMENDATION 11: That the Government introduce legislation amending the Electoral Act to:

- increase the minimum number of members required for party registration from 500 to 750
- increase the number of people required to support someone to run as an independent candidate for the Lower House from six to 50 people.

55

3 Options to help all Victorians vote

FINDING 28: While most voters surveyed (82%) were satisfied with their experience at the election, this result was slightly lower than in 2018 (84%) and lower than the VEC's target of 88%.

60

FINDING 29: Early votes accounted for 49.5% of all votes at the 2022 election. This is a higher proportion than the 36.8% of people who voted early in 2018. This continues the increase in early voting over recent Victorian elections. This trend is also evident in other Australian jurisdictions and New Zealand.

61

FINDING 30: The majority of early votes (57.6%) were cast in the second week of early voting. This is a smaller proportion than at the 2018 election (60.9%). The VEC offered three days of extended hours during early voting at the 2022 election (increased from one in 2018), which were popular among voters.

63

FINDING 31: The VEC relies on commercial leases for early voting centres, rather than the traditional schools and community halls used on election day. This has resulted in some early voting centres not meeting community expectations. The VEC has recommended it be given the power to compulsorily access suitable publicly funded venues, such as community facilities owned and operated by local councils, as venues for early voting centres.

71

RECOMMENDATION 12: That the Government introduce legislation amending the Electoral Act to include an appropriate mechanism to require suitable publicly funded venues, such as community facilities owned and operated by local councils, to be available for use as early voting centres.

71

FINDING 32: The VEC did not satisfy the previous Committee's recommendation to include performance indicators and targets that relate to the suitability of venues used as early voting centres and election-day voting centres in its election planning and reporting.

72

RECOMMENDATION 13: 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. These should provide assessments of the overall suitability of voting centres across multiple criteria, including access to parking and public transport, shelter from the weather, accessibility for people with disability and appropriate space for campaigning. Results for these indicators should be included in future reports on state elections.

72

FINDING 33: The proportion of voters queueing on election day has increased significantly since 2010. More than half of election-day voters (54%) who were dissatisfied with their voting centre experience cited long queues and wait times as a reason. The VEC has not implemented previous Committee recommendations following the 2014 and 2018 elections that it establish performance indicators relating to queueing times, and it is unclear whether the VEC's plan to manage queueing through the use of queue management technology has been implemented.

75

RECOMMENDATION 14: That the VEC investigate and implement processes to reduce queueing times at election-day voting centres. As part of this, the VEC should include two new performance indicators in future election plans 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. Results for these indicators should be included in future reports on state elections.

75

FINDING 34: Many Inquiry stakeholders described poor behaviour by campaigners at voting centres, and the sheer number of campaigners at voting centres, as creating an uncomfortable, intimidating and anxious environment for voters. Some voters surveyed after the election cited campaigners at voting centres as a reason for a negative voting experience or a reason to not vote in person.

77

FINDING 35: The voting options for Victorians who are interstate or overseas during an election are not ideal, and their availability is susceptible to factors beyond the VEC's control. VEC reporting on how many Victorians interstate and overseas vote in elections and what voting channels they use could be improved. Improved reporting would allow an analysis of trends in voting that can inform proposals to improve services to voters.

80

RECOMMENDATION 15: That, in future reports to Parliament on elections, the VEC more clearly account for the number of votes cast by Victorians who are interstate and overseas during an election. This reporting should include a clear account of how many votes were cast by interstate and overseas voters through each voting option available to these voters.

81

FINDING 36: The VEC planned for people with COVID-19 at election time to vote via telephone-assisted voting. Changes to pandemic orders in October 2022 removed eligibility for telephone-assisted voting for COVID-19-positive Victorians. The VEC's requests to the Government to amend regulations to allow COVID-19-positive Victorians to access telephone-assisted voting were not successful. The late change made it very difficult for the VEC to provide a method for those Victorians to vote without risking exposing others at a voting centre. The VEC provided a drive-through voting centre in Melton at short notice.

83

FINDING 37: The postal voting rate rose to approximately 11% at the 2022 election, after being around 7–8% at the previous three elections. However, postal packs not arriving, or not arriving on time, continues to be a source of complaints and dissatisfaction with postal voting.

85

FINDING 38: Concerns were raised that paper-based postal vote application forms were not always available at VEC and Australia Post offices. While the vast majority of postal vote applications were made online in 2022, paper-based forms are still essential for some members of the community.

85

RECOMMENDATION 16: That the VEC review how it makes postal vote applications available to identify changes that would improve access, especially for Victorians that are less mobile or less computer literate.

85

RECOMMENDATION 17: That the VEC ensure that an adequate supply of postal vote applications is available at venues where they are offered at future elections and that its communication to voters clearly states the different ways that voters can access online and paper-based postal vote applications.

85

FINDING 39: There were 77,386 postal votes which were returned before the deadline but were not able to be counted due to declaration defects, empty postal vote envelopes or other issues. This includes over 60,000 votes that could not be counted due to the voter not completing the voter declaration on the ballot pack correctly. The VEC is looking at ways to redesign the ballot pack to reduce errors at future elections.

88

FINDING 40: In its report to Parliament, the VEC did not discuss the fact that over 60,000 postal votes were returned on time but not counted due to voters not correctly completing the voter declaration on the ballot pack. This is a significant issue which should have been brought to the Parliament's attention. The VEC needs to improve its reporting at future elections.

88

RECOMMENDATION 18: That the VEC provide data in future reports to Parliament on elections regarding:

- postal votes returned by the statutory deadline but not able to be counted, categorised by the reason the vote could not be counted
- electors who were sent postal ballots but failed to return them.

89

RECOMMENDATION 19: That, in redesigning the voter declaration on postal vote packs, the VEC seek to understand why so many voters did not correctly complete the declaration in 2022. The VEC should test and publicly report before the 2026 election on the effectiveness of its redesigned postal ballot packs at reducing elector errors. If the opportunity arises, the VEC should test the new design at a by-election.

89

FINDING 41: Email voters were the least satisfied of all voter groups surveyed at the 2018 and 2022 elections. At both elections, having to print, fold and post ballot papers back to the VEC was a major source of dissatisfaction. Despite these shortcomings, the email voting service adds a voting channel for Victorians who are interstate or overseas during an election and who otherwise may not be able to vote.

91

FINDING 42: There was an increase in general postal voter applications ahead of the 2022 election, driven in part by political parties and candidates distributing applications. General postal voter applications being distributed by people and organisations other than electoral commissions can cause confusion for voters and undermine confidence in the impartiality of electoral commissions.

93

RECOMMENDATION 20: That the Government introduce legislation amending the Electoral Act to prohibit any person or organisation other than an electoral commission from distributing general postal voter applications.

93

FINDING 43: In 2022, 5,476 people used telephone-assisted voting, an increase from 1,199 people in 2018. However, telephone-assisted voters were less satisfied in 2022 than in 2018. Telephone-assisted voters were more likely to report that they wanted to receive additional information about the election than people voting any other way. This included information about how and when to vote and how to fill out ballot papers correctly.

95

RECOMMENDATION 21: That the VEC provide targeted information to telephone-assisted voters about how and when to vote, and how to fill out ballot papers correctly.

95

FINDING 44: The VEC recommended expanding the eligibility for telephone-assisted voting to several new cohorts that currently face barriers to voting. While the Committee supports increased voting accessibility, there are risks and issues in expanding telephone-assisted voting that have not been adequately explored, including the potential consequences of a large increase in usage. The Committee does not support the wide expansion recommended by the VEC at this time but does agree that telephone-assisted voting should be expanded to include Australian Antarctic Territory electors. The Committee believes that further expansion should be considered at a later date, after more investigation has taken place.

98

RECOMMENDATION 22: That the Government introduce legislation amending the Electoral Act to allow Australian Antarctic Territory electors to vote using electronic assisted voting (telephone-assisted voting).

98

RECOMMENDATION 23: That the VEC perform more investigation into the implications of expanding access to telephone-assisted voting as recommended in its report to Parliament on the 2022 election. This investigation should include an exploration of the risks, costs, challenges and impacts on campaigning posed by expanding access to such a large degree and a comparison of expanding telephone-assisted voting with other options for providing greater voting access for the identified cohorts.

98

4 Supporting Victorians with disability to participate in elections

FINDING 45: The VEC and Australian Electoral Commission use data from several government agencies to automatically enrol people. Data from the National Disability Insurance Agency could also be used to enrol people who might not be registered with other agencies. The data could then also be used to better understand the participation rate of people with disability.

101

RECOMMENDATION 24: That the VEC explore the possibility of data from the National Disability Insurance Agency being shared with the VEC to enable direct enrolment. The VEC could also use the data to determine the electoral participation rate for people with disability.

102

FINDING 46: The VEC has recommended replacing the language in Victoria's Constitution that excludes people from the Register of Electors by reason of 'being of unsound mind' with 'having a lack of cognitive capability, having been diagnosed by a qualified medical professional as such'. While the Committee views the term 'unsound mind' as being inappropriate, it is not convinced that retaining an exclusion based on cognitive capability is the right approach, noting evidence that such provisions may inappropriately prevent people from participating in elections.

105

FINDING 47: People with intellectual and cognitive disability face multiple barriers to participating in elections. In addition to technical barriers, such as difficulties getting on the electoral roll, a greater barrier for some people is insufficient support to participate, including a lack of information about parties and candidates that is accessible to people with intellectual and cognitive disability and a lack of support to learn and make decisions about politics and government.

108

FINDING 48: There is a need for more to be done to reduce the barriers that people with intellectual and cognitive disability face to inclusion in elections. This is a complex area where further work is needed to identify the best approach.

111

RECOMMENDATION 25: That the Government fund an appropriately qualified organisation with the relevant expertise to develop a framework for improving the inclusion of Victorians with intellectual and cognitive disability in Victorian elections. This project should include, but not be limited to, investigating:

- the scale of people with disability currently not participating in elections in Victoria
- ways to remove barriers to electoral inclusion, including the need to learn about politics and decision-making
- whether the Register of Electors should be used to link people with intellectual and cognitive disability with appropriate support to vote
- whether and how information held by the National Disability Insurance Agency can be used to target support for people with intellectual and cognitive disability
- what role the National Disability Insurance Agency should play in supporting people to vote
- what role the VEC should play in supporting people with intellectual and cognitive disability to vote
- how best to reform or remove the ‘unsound mind’ provision of Victoria’s Constitution and any consequent changes that are needed, such as exempting some people with intellectual and cognitive disability from compulsory voting.

111

FINDING 49: There were fewer Independent Wheelchair Access and Assisted Wheelchair Access election-day voting centres at the 2022 election than at the 2018 election. The VEC met its target of 40% for Assisted Wheelchair Access election-day voting centres but did not meet its target of 25% for Independent Wheelchair Access election-day voting centres. The VEC did not meet its target of at least one Independent Wheelchair Access voting centre in each district.

113

FINDING 50: There were more Independent Wheelchair Access and Assisted Wheelchair Access early voting centres at the 2022 election than at the 2018 election. The VEC met its targets for both Independent Wheelchair Access early voting centres (25%) and early voting centres with either Assisted or Independent Wheelchair Access (80%).

114

FINDING 51: Some voters who have difficulty standing reported a lack of support available at voting centres to assist with queuing and completing ballot papers. They noted a lack of places to sit, a lack of attention from VEC staff to their needs and a lack of signage or other information outlining how they could get help.

115

RECOMMENDATION 26: That the VEC take measures to improve the support it provides to people who have difficulty standing in lines and while completing ballot papers. This may include improved staff awareness of this issue, processes at voting centres for identifying and supporting these voters while they are queueing and improved signage informing people how they can access support.

115

FINDING 52: The VEC ran a low-sensory voting trial at the 2023 Warrandyte by-election and asked campaigners to take simple steps to help make the voting centre more welcoming for voters who find the sensory environment of voting centres challenging. The VEC considers that the trial was a failure due to the behaviour of campaigners, which resulted in some voters turning away and not casting their vote. The Committee supports VEC efforts such as this to increase the inclusivity of elections and is deeply disappointed that campaigner behaviour prevented people from voting.

118

RECOMMENDATION 27: That the Government introduce legislation amending the Electoral Act to provide the VEC with the ability to apply an extended campaigning exclusion zone at specified voting centres and for specified times, so that the VEC can provide dedicated periods of low-sensory voting. This should include an obligation for the VEC to adequately inform election stakeholders, with a defined notice period, when an extended exclusion zone will apply.

118

FINDING 53: The Committee conducted a survey of Victorian voters with disability as part of its Inquiry into the 2022 election. The survey asked questions about electoral participation, support needs to participate in elections, information needs to participate in elections and changes to make voting easier. Key themes emerging from the survey included a desire for:

- the ability to vote from home—the Committee notes that the VEC should ensure it is effectively communicating postal voting and telephone-assisted voting options to Victorians with disability
- information about candidates and their policies in a central, easy-to-understand format
- improved accessibility at voting centres, including general accessibility for people with low mobility, recognition and support for those who find it difficult to stand in line or have invisible disability, better staff training, better information about voting centre accessibility, services catering for those with sensory issues, infection prevention measures and help with the act of enrolling and voting
- improved information about voting, including clearer information on how to vote and more easy English or otherwise easy-to-understand information.

121

RECOMMENDATION 28: That the VEC consider the suggestions from the Committee’s survey of Victorians with disability as part of developing future plans for supporting Victorians with disability to participate in elections.

121

5 Communicating about the election

FINDING 54: Survey evidence indicates that VEC communication was effective at delivering basic election information to most members of the Victorian community in line with the VEC’s communication aims and the Committee’s expectations. A lower proportion of survey respondents recalled seeing VEC communication material in 2022 (75%) than in 2018 (85%). A higher proportion considered VEC communication to be effective in 2022 (74%) than in 2018 (70%).

126

FINDING 55: The VEC’s social media activity around the 2022 election aligned well with its aims of increasing follower numbers, conveying rich electoral information, increasing its responsiveness and establishing itself as an authoritative and trusted source of truth for election queries.

133

FINDING 56: The VEC directed people raising complaints through social media to fill in a form to have their complaint acted upon. The Australian Electoral Commission, in contrast, accepted and acted on complaints made through social media. The Committee prefers the Australian Electoral Commission’s approach, which provided a valuable service for voters without adding an extra layer of bureaucracy, as the VEC did.

134

RECOMMENDATION 29: That the VEC cease its requirement for people to fill out a form to make a complaint and instead accept complaints through other avenues, such as social media.

134

FINDING 57: Subscription rates for VoterAlert (the VEC’s SMS/email communication tool) rose from 48.7% of electors at the 2018 election to 56.7% at the 2022 election. However, subscription is not distributed evenly across age groups. Younger people are subscribed at much higher rates than older people.

137

FINDING 58: The VEC used VoterAlert for a range of mass and targeted communication around the 2022 election, including responding to events as they happened, such as flooding near election time. These are valuable uses of VoterAlert, which also allows direct communication at a lower price than physical mailouts. The Committee supports VEC commitments to evaluate VoterAlert registration efforts and to increase the number of people subscribed to VoterAlert.

139

FINDING 59: The VEC distributed its *EasyVote guide* via VoterAlert SMS and email messages at the 2022 election, after posting physical copies to households at previous elections. This change was based on inadequate research and likely resulted in voters, particularly older voters who subscribe to VoterAlert at lower rates, missing out on important information.

141

RECOMMENDATION 30: That the VEC ensure all electors are provided with an *EasyVote guide* at future elections. This should be achieved by mailing one to every household or through a combination of VoterAlert and physical mail distribution (with the VEC using VoterAlert and supplementing this with physical mail for all households with an elector not subscribed to VoterAlert).

141

FINDING 60: VEC advertising spend targeted at culturally and linguistically diverse communities in 2022 was the highest of recent elections, both in total spend and as a proportion of the overall advertising spend.

144

FINDING 61: The Committee ran a community roundtable to learn about the experience of people from culturally and linguistically diverse backgrounds at the 2022 state election. The roundtable discussed getting information about elections, VEC services, voting, getting involved in elections and informal voting. Key participant suggestions relating to communication included:

- social media advertising in community languages, following a similar model to the COVID-19 advertising strategy
- using community leaders and local councils to spread information
- having more VEC staff or resources at voting centres to help people learn how to fill out ballot papers
- using colours on ballot papers to help identify candidates
- information sessions and community forums to help people know about candidates/parties and what they stand for
- emphasising the importance of voting.

145

RECOMMENDATION 31: That the VEC consider the suggestions from the Committee's culturally and linguistically diverse community roundtable as part of developing future plans for communicating with culturally and linguistically diverse communities.

145

6 Social media and trust in the election

FINDING 62: A variety of inaccurate claims about electoral integrity and the VEC circulated on social media during the 2022 election. In some cases, these claims were amplified by members of Parliament or candidates. **151**

RECOMMENDATION 32: That parties establish codes of conduct for their members in relation to their behaviour on social media, as previously recommended by the Electoral Matters Committee. These codes of conduct should include not spreading inaccurate information about electoral issues and not undermining confidence in electoral processes and the VEC without clear evidence. **151**

FINDING 63: Some people questioned the independence of the VEC because they did not understand its role or expected it to do things which it was not legally allowed to do. **152**

RECOMMENDATION 33: That the VEC include more information in future communication campaigns about its role and its legislated powers. **152**

FINDING 64: The VEC established agreements with multiple social media platforms regarding problematic content prior to the 2022 election. Despite a large volume of inaccurate information online, the VEC only made six requests for social media posts to be removed. However, even this small number had a low success rate: two posts were removed and one post had a label added indicating that the content was misleading. The platforms refused to take action on the remaining three posts. **155**

RECOMMENDATION 34: That the Government consider whether legislative action is needed in response to social media companies ignoring or not acceding to legitimate requests from the VEC to remove inaccurate material or other problematic content from their platforms. **155**

FINDING 65: To combat inaccurate information online, the VEC launched a media literacy campaign. This included publishing a 'misinformation register' on its website (listing common misconceptions and correcting them), online advertising in multiple languages and directly responding to some posts with inaccurate information. **157**

FINDING 66: On election day and the following days, the VEC posted claims on social media that no voters had missed out on voting due to ballot paper shortages and that it was not aware of any voting centres closing early. It has subsequently emerged that at least 166 people missed out on voting due to ballot paper shortages and at least one centre closed early on election day.

161

RECOMMENDATION 35: That the VEC review its internal communication processes and protocols for responding to claims on social media to ensure that it does not post inaccurate information in the future. This should involve particular consideration of how to respond to claims from other users when they are telling the Commission that something occurred.

161

7 Transparency and scrutiny of the election

FINDING 67: The VEC has identified 658 electors who appear to have voted more than once at the 2022 election (less than 0.02% of the total number of voters). This is fewer than in earlier elections. Proposed changes to mark voters off using an electronic rather than paper electoral roll would make multiple voting more difficult in future elections.

166

FINDING 68: The VEC improved its reporting about multiple voting at the 2022 election. However, additional data would be helpful after future elections to fully understand the scale and impact of the problem.

166

RECOMMENDATION 36: That, in future reports to Parliament on elections, the VEC account for and report on all instances of apparent multiple voting, including:

- reporting on all apparent cases, regardless of the age of the elector
- indicating the number of cases attributed to administrative errors
- reporting on the voting method/s involved in each instance
- indicating how many cases were not explained to the VEC's satisfaction but not further pursued and why they were not further pursued
- reporting how many votes are believed to have been cast by these electors, broken down by district.

167

FINDING 69: The VEC has a range of processes in place to keep ballot boxes and ballot papers secure from interference. However, the VEC does not provide details in its election reporting about whether these processes have been effective. This includes failing to explain the discrepancies between the number of people marked off the roll as voted and the number of ballot papers included in the count.

169

RECOMMENDATION 37: That, in future post-election reports to Parliament, the VEC provide details about what measures it has established to ensure that ballot boxes and ballot papers are not tampered with or lost and the effectiveness of these measures. This should include explaining significant discrepancies between the total number of people marked off the electoral roll and the total number of ballot papers included in the count.

169

FINDING 70: Legislation currently requires ballot papers to be initialled by election officials, but allows ballot papers to be counted even if they are not initialled. This can cause confusion during counting.

170

RECOMMENDATION 38: That the Government introduce legislation amending the Electoral Act to remove the requirement that ballot papers be initialled by election officials.

170

FINDING 71: Postal votes are not currently marked in a way that readily distinguishes them from votes issued in a voting centre. This makes it difficult to tell if a postal vote has been inappropriately deposited in a ballot box.

170

RECOMMENDATION 39: That the VEC mark postal ballot papers in a way that makes them easily distinguishable from ballot papers issued in voting centres.

170

FINDING 72: The Committee has no reason to doubt that the order of candidates and groups on ballot papers was determined at random at the 2022 election. However, the current computerised process makes it difficult to demonstrate that the order was determined at random.

171

RECOMMENDATION 40: That the Government introduce legislation amending section 74(1) of the Electoral Act to require the order of candidates and groups on ballot papers to be determined manually and not by computer.

171

FINDING 73: Computerised counts are used to determine the results for all Upper House regions and some Lower House districts. Some digital audits are conducted to ensure that preferences have been correctly entered. However, there is no set target for the number of audits and the results of audits are not reported publicly.

173

RECOMMENDATION 41: That the Government introduce legislation amending the Electoral Act to require the VEC to conduct audits of the data used in computer counts. The new provisions should include requirements that:

- the batches of votes that are audited are selected randomly
- the number of batches audited should be enough to estimate the overall error rate using a rigorous statistical methodology
- the Commission publicly report the results of these audits.

173

FINDING 74: Scrutineers play an important role in ensuring a transparent and trustworthy election. Some scrutineers experienced difficulties undertaking their role in 2022 due to poor communication from VEC staff, an unwillingness of VEC staff to help and some staff appearing to see scrutineers as obstructions rather than part of the democratic process. In one district, a recheck count had to be redone because scrutineers were unable to adequately observe the process.

176

RECOMMENDATION 42: That the VEC conduct a thorough review of its processes for communicating with candidates, parties and scrutineers about vote-counting processes. This should include consulting with parties and candidates to understand the weaknesses in communication at the 2022 election and how these could be addressed at future elections.

177

RECOMMENDATION 43: That the Government introduce legislation amending the Electoral Act to include:

- a broad statement that all vote-counting processes and documents should be open to scrutineers
- a minimum notification period for the recommencement of vote counting.

177

FINDING 75: In 26 districts, there were significant differences (more than 200 votes) in the number of votes recorded for candidates between the primary count and final results or between two-candidate-preferred counts and full preference distributions. The VEC does not publish explanations for these changes.

180

RECOMMENDATION 44: That the VEC reconsider its response to the previous Electoral Matters Committee's recommendation that it should 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).

181

FINDING 76: The VEC produces and publishes a lot of data about vote counting. However, stakeholders have identified a range of additional data that they would like to see, which would be helpful with the scrutiny or analysis of election results. **184**

RECOMMENDATION 45: That the VEC review the election results data it publishes and identify opportunities to publish more data and to improve the way that it publishes data, giving consideration to the suggestions set out in this section. The VEC should provide data in the same format as the Australian Electoral Commission where possible and appropriate, and should make all data available in Excel spreadsheets (as well as HTML for some data). **184**

8 Measuring the Victorian Electoral Commission’s performance

FINDING 77: The VEC discontinued several fundamental electoral participation measures around enrolment, turnout and formality in its performance measurement system for the 2022 election. These are important indicators of the effectiveness of the VEC’s programs and it is therefore important that these measures are considered as part of election management. **188**

RECOMMENDATION 46: That the VEC reinstate performance measures relating to enrolment, turnout and formality in future election planning. **188**

FINDING 78: The VEC established 20 new performance indicators for the 2022 election. While most of them were appropriate, some were unable to be measured, were unambitious, were unclear, did not measure performance meaningfully or lacked detail. **190**

RECOMMENDATION 47: That, in developing performance indicators for the 2026 state election, the VEC consider the suggestions set out in this section about what makes for better indicators. **190**

FINDING 79: The vast majority (94%) of postal vote applications at the 2022 election were made online. The VEC’s performance target for processing postal vote applications could be increased to reflect this. **191**

RECOMMENDATION 48: That the VEC adjust its performance indicator regarding processing postal vote applications to reflect the changes to processes recommended in this report and by setting a target of processing 100% of relevant applications within 24 hours of receipt.

191

FINDING 80: The VEC did not meet its performance target for election-night vote-counting speed at the 2022 and 2018 elections, despite adjusting the measure after 2018 in a way that closely matched counting speed at that election. Regular adjustment to count speed targets can diminish their value. Publishing results on election night is a core activity for which the VEC should set consistent targets.

193

RECOMMENDATION 49: That the VEC reconsider its performance indicator regarding Lower House first-preference votes counted and entered into the Election Management System on election night with the aim of establishing a target that is consistent across multiple elections.

193

FINDING 81: The previous Electoral Matters Committee recommended that the VEC improve its plans and strategies by including concrete actions, measures and quantified targets when they are released. The Commission has not done this in its recently released plans.

194

RECOMMENDATION 50: 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 and the VEC can more transparently report against those plans and strategies.

194

FINDING 82: The VEC's plan to evaluate the outcomes of its *Young people inclusion plan* explicitly excludes assessing enrolment and voting outcomes, despite the primary purpose of the plan being to increase the rate of enrolment and voting among young people.

195

RECOMMENDATION 51: That the VEC include election participation outcomes in the monitoring and evaluation of all of its access and inclusion plans.

195

FINDING 83: The VEC's report to Parliament on the 2022 state election is improved compared to previous years, with new data and analysis added. However, there remains scope for improvement in ensuring that all important matters are discussed, providing additional data, checking that data are clear, consistent and presented in a helpful way, and producing more robust analyses on some issues.

198

RECOMMENDATION 52: That, in preparing future reports to Parliament on elections, the VEC incorporate the Committee’s suggested improvements set out throughout the Committee’s report and summarised in Section 8.4 of Volume 2.

198

9 Implementing the law

FINDING 84: Multiple parties and candidates told the Committee that some election officials appeared not to have a thorough understanding of the electoral laws that apply to voting centres. This resulted in inconsistent enforcement of rules, incorrect interpretations of electoral laws and attempts to enforce rules with no basis in law.

202

FINDING 85: The requirements in the Electoral Act for material to be authorised are over 20 years old. They are impractical to enforce online and inconsistent with the provisions of the Commonwealth Electoral Act.

204

RECOMMENDATION 53: That the Government introduce legislation amending the provisions in the Electoral Act relating to the authorisation of electoral matter to:

- reduce what types of matter need to be authorised to be the same as in the Commonwealth Electoral Act
- remove the requirement to include details of the printer
- harmonise other provisions with the Commonwealth Electoral Act where appropriate
- incorporate the recommendations of the previous Electoral Matters Committee about the authorisation of electoral matter and related issues.

204

FINDING 86: The VEC’s interpretation of the legislation regarding what is allowed on how-to-vote cards was overturned by the Victorian Civil and Administrative Tribunal (VCAT) in two instances. VCAT did not consider that representations of blank ballot papers or ballot papers with some blank boxes violated the requirements for how-to-vote cards set out in the Electoral Act. Clarifying the legislation would reduce potential problems at future elections.

206

RECOMMENDATION 54: That the Government introduce legislation revising the provisions in the Electoral Act relating to misleading and deceptive matter to provide clarity about what is permitted on a how-to-vote card. This should include specific guidance on matters which have caused contention between the VEC and candidates, such as the depiction of blank boxes.

206

FINDING 87: The VEC is required to provide details about people who have applied for postal votes to parties and candidates. This allows parties and candidates to send voters information to help them make informed decisions. However, the Electoral Act and VEC procedures prevent the delivery of postal voter data to parties and candidates until ballot packs have been issued (for applications to vote by post at one specific election) or until after the close of rolls (for general postal voters). Further, current VEC practice is to not start processing election-specific postal vote applications until after the close of nominations, despite applications being open nearly two weeks earlier. Removing these barriers would allow postal voters to receive information from parties and candidates sooner.

209

RECOMMENDATION 55: That the Government introduce legislation amending section 104A of the Electoral Act to remove the requirement for the VEC to wait until it has issued ballot packs to postal voters to provide postal voter data to candidates and political parties. The Act should instead allow the VEC to provide such data as soon as it has accepted an application under Section 104(1) or 104(1A).

209

RECOMMENDATION 56: That, contingent on the Electoral Act being amended to allow it, the VEC process applications to vote at one specific election and provide these voters' data to political parties and candidates as it receives applications during the time between the issue of the writs and the close of nominations. The VEC should provide such data within 24 hours of a successful application being entered into the VEC's system.

209

RECOMMENDATION 57: That the Government introduce legislation amending the Electoral Act to require the VEC to provide parties and candidates with a complete list of general postal voters within 48 hours of the close of rolls or within 24 hours of a candidate's nomination, whichever is earlier.

210

FINDING 88: At the 2022 election, early votes cast within a voter's district were counted on election night at the early voting centre where they were cast. Early votes cast by voters outside their district were sent to the Centralised Activity Site, where they were counted in the week after election day. In one district, this contributed to a delay in determining the election result.

210

RECOMMENDATION 58: That the VEC explore ways to provide for out-of-district early votes to be counted on election night in voting centres where there is a large number of out-of-district early votes (such as those near the boundary of a district and those that service multiple districts in regional areas).

211

10 Ballot paper shortages

FINDING 89: At least 166 people were not able to cast a vote at the 2022 election due to ballot paper shortages at voting centres. The exact extent of these shortages and the number of people unable to vote as a result is uncertain. The Committee received evidence from multiple sources that there were voting centres that ran out of ballot papers that the VEC did not identify.

215

FINDING 90: The Stawell (Senior Citizens Clubrooms) voting centre ran out of ballot papers and closed at 5:20 pm on election day, 40 minutes before the official close of voting at 6 pm. The VEC under-forecast the number of ballot papers needed at this voting centre, and the voting centre manager did not request additional ballot papers in time to maintain enough stock for electors attending the voting centre.

216

FINDING 91: The VEC printed fewer ballot papers in 2022 than at elections in the early 2000s. While the VEC has explained how it allocates ballot papers to voting centres, it has not explained why it produced fewer total ballot papers in 2022 compared to earlier elections.

219

RECOMMENDATION 59: That the VEC ensure that the total number of ballot papers it produces for future elections does not contribute to ballot paper shortages.

219

FINDING 92: The VEC's internal and external communication and reporting regarding ballot paper shortages and a voting centre closing included multiple failures. These failures have resulted in this Committee, the Parliament and the Victorian community not being provided with a clear and accurate account of what occurred at the 2022 election. Such failures risk eroding the trust that the VEC relies upon to effectively administer elections.

221

FINDING 93: The VEC's decision not to discuss ballot paper shortages and voting centre closures in its report to Parliament on the 2022 election represents a significant failure to be transparent. These events should have been brought to the Parliament's attention so that the Parliament has a clear understanding of what happened at the election and of areas where attention is needed.

221

RECOMMENDATION 60: That the VEC thoroughly investigate the extent and causes of ballot paper shortages and the closure of voting centres on election day at the 2022 election and produce a report on these matters to supplement the VEC’s report on the 2022 election. This report should be provided to the Electoral Matters Committee, which will then table it in Parliament so that it is available to all members of Parliament and the public. This report should include a complete and accurate account of:

- ballot paper management plans for the 2022 election and why they failed to allocate ballot papers as needed
- all voting centres which closed during voting hours on election day
- all voting centres which ran out of ballot papers on election day
- the factors that led to voting centres running out of ballot papers and/or closing on election day
- the internal communication processes that resulted in VEC senior officials not knowing about voting centres running out of ballot papers and/or closing on election day in the days and months following the election
- the deficiencies in the VEC’s processes that led to the VEC posting inaccurate information about what occurred on social media
- actions that the VEC will be taking at future elections as a result of these incidents. **222**

RECOMMENDATION 61: That, following future elections, the VEC include information in its reports to Parliament about voting centres running out of ballot papers (including temporarily). This should include reporting, for each voting centre which runs out of ballot papers:

- how many people filled out ‘voter information reports’
- how many handwritten ballot papers were used
- when ballot paper stock was replenished, and by how much
- for how long ballot papers were not available. **222**

FINDING 94: Ballot paper shortages make it more difficult for people to vote, and result in some people not recording a vote. They also harm public confidence in elections. **223**

FINDING 95: The VEC plans to use electronic roll mark-off at future elections. This will allow the VEC to manage ballot paper stock at voting centres centrally, rather than relying on individual voting centre managers. The Committee supports this approach. **224**

RECOMMENDATION 62: That the VEC implement electronic roll mark-off across Victoria at the 2026 state election.

224

RECOMMENDATION 63: That the VEC review its systems for monitoring what is occurring at voting centres and its internal communication processes to ensure that there are appropriate systems to alert senior staff about significant incidents that occur at voting centres.

224

11 Informed voters

FINDING 96: Some people's above-the-line votes were distributed to parties and candidates that they may not have expected. While information setting out where preferences would go was publicly available, it was not always easy to interpret.

237

FINDING 97: Some group voting tickets were particularly difficult for voters to interpret. Some appeared to support a party to which preferences were unlikely to flow in practice. Others made preference flows impossible to predict due to the preferencing pattern used, which jumped between different major parties.

242

FINDING 98: The practice of coordinating preference deals between parties for a fee ('preference whispering') is seen as unethical by many people. It has also led to negative consequences, including giving an advantage to parties that are willing to pay for the service, pressuring parties to give preferences that they otherwise would not (creating group voting tickets that are less aligned with a party's ideology) and creating an incentive for parties to run candidates that have little chance of being elected, adding to the size and complexity of ballot papers.

244

FINDING 99: Research and anecdotal evidence suggest that some voters are confused by parties with similar names on ballot papers, such as 'Liberal' and 'Liberal Democrats'; and the 'Australian Labor Party—Victorian Branch' and 'Labour DLP'.

247

RECOMMENDATION 64: That the Government introduce legislation amending sections 47 and 47A of the Electoral Act to add additional restrictions requiring the VEC to refuse to register a political party's name, abbreviation or logo if they too closely resemble another party that is currently registered, or has already submitted an application for registration or change of registered name, abbreviation or logo. In drafting the legislation, the Government should consider the VEC's technical recommendation 6 in its report to Parliament on the 2022 election and sections 129 and 129A of the *Commonwealth Electoral Act 1918*. The fact that a name, abbreviation or logo had previously been registered should not mean that it can be used again if it breaches the rules.

247

FINDING 100: Participants in the Committee’s community roundtable with culturally and linguistically diverse voters suggested including colours associated with parties/ independents on ballot papers to help voters identify candidates. The Committee sees value in this suggestion. Given the number of parties in Victoria, the best way to implement this would be by allowing political parties to register a colour logo in the Register of Political Parties, which the VEC would then print in colour on ballot papers. **248**

RECOMMENDATION 65: That the Government introduce legislation amending the Electoral Act to allow political parties to register a colour logo in the Register of Political Parties, which must then be printed in colour on ballot papers. **248**

FINDING 101: If a candidate is disendorsed by a party after nomination, they cannot have their nomination withdrawn by the party that has disendorsed them. Only the candidate themselves can withdraw their nomination. If they do not do this, voters may be confused about which candidates represent a party. **248**

RECOMMENDATION 66: That the Government introduce legislation amending the Electoral Act to allow the Registered Officer of a party to withdraw the nomination of any candidate nominated as a member of that party prior to the close of nominations. **248**

FINDING 102: The number of voting centres on election day and the length of the early voting period make it difficult for all candidates to be represented by campaigners at all voting centres. This makes it harder for voters to be informed before casting their votes. **252**

FINDING 103: Some 2022 election campaigns are reported to have registered internet addresses and social media accounts in the name of rival candidates and used them to spread information against the candidates. This practice makes it more difficult for voters to find accurate information about candidates. **253**

FINDING 104: Survey data suggest that more than 7% of voters would have liked more information about candidates and parties. The VEC and other stakeholders have called for an online resource with information about candidates, parties and their policies to be created. This has been done in various other jurisdictions. Further investigations are needed to identify the most appropriate way to do this in Victoria. **257**

FINDING 105: Community forums for each district would give candidates an opportunity to present their policies to the community and meet with community members. This would help voters to be better informed before casting their votes and would help to level the playing field for candidates. **258**

12 Poor behaviour by candidates and campaigners

FINDING 106: Numerous sources told the Committee about poor behaviour by candidates and campaigners at voting centres during the 2022 election, including aggressive, harassing and intimidating behaviour. This sort of behaviour can deter people from participating in elections as a candidate, volunteer or voter. Several sources, including the VEC, believe that behaviour was worse in 2022 than at previous elections.

270

FINDING 107: Legislation currently gives the VEC limited capacity to respond to poor behaviour at voting centres.

270

FINDING 108: In addition to poor behaviour at voting centres, there were reports about people behaving inappropriately at other places during the campaign. This included threats of violence, as well as interfering with other candidates' signs, placing signs illegally and producing material appearing to come from other parties. There were also claims that local laws were used to unduly restrict people displaying political signage. None of these acts are appropriate in a fair democratic system.

272

RECOMMENDATION 67: That the Government introduce legislation establishing a right for people to display political signage on private property during an election period which cannot be overridden by local laws.

272

13 The Victorian Electoral Commission's interactions with candidates and parties

FINDING 109: Candidates and parties identified several areas where the VEC's information products and communication processes could be improved. These included providing more information on some issues, making products easier to understand, providing information earlier, ensuring that information is accurate and allowing candidates to nominate more contact people to receive information.

278

RECOMMENDATION 68: That the VEC review and improve its information products and communication processes for candidates and parties prior to the next election. This should include incorporating feedback from candidates and parties.

278

FINDING 110: The current process for registering how-to-vote cards is time-consuming and labour-intensive for the VEC, candidates, parties and other campaigners, while providing little value. Removing the registration requirement, while also introducing legislation to make it illegal to publish material falsely purporting to be from a political party or candidate, removes a burdensome process with little risk of negative consequences. **283**

RECOMMENDATION 69: That the Government introduce legislation removing the requirement in the Electoral Act that how-to-vote cards must be registered to be distributed at election-day voting centres. **283**

RECOMMENDATION 70: That the Government introduce legislation making it illegal to publish material falsely purporting to be from a political party or election candidate. The legislation should specify examples of elements that may constitute a breach of the legislation (such as names, logos and images). **283**

FINDING 111: Some voting centre venues were not suitable for campaigners, due to not having appropriate space for campaigning, shelter from the weather or toilet facilities. The VEC has proposed changes allowing it to use publicly funded buildings as early voting centres, which may help with finding more suitable venues at future elections. **285**

FINDING 112: Media engagement by the VEC during the election period included making public comments on a matter involving the Leader of the Opposition being referred to the Independent Broad-based Anti-corruption Commission (IBAC). This generated criticism towards the VEC that included political parties and members of the public questioning the VEC's impartiality. **290**

RECOMMENDATION 71: That the VEC review its communications and public engagement strategy for future elections to ensure it avoids unnecessary commentary that may lead to a perception of bias or interference with the electoral process. **290**

FINDING 113: Some parties and candidates reported feeling that some VEC staff displayed a negative attitude towards candidates and campaigners at the 2022 election, seeing them as adversaries. **292**

RECOMMENDATION 72: That the VEC ensure its training highlights the need for candidates and campaigners to be treated appropriately by election officials and that candidates and campaigners should not be seen as adversaries. **292**

14 Independents and parties

FINDING 114: Parties and independent candidates use data from the Register of Electors as part of their campaigning activities. Parties are given data regularly, but independent candidates cannot access the data until they have officially nominated. This provides an advantage to parties in getting information to electors earlier and accessing cheaper mailing services.

295

FINDING 115: The political funding and donation rules enable parties (especially large parties) to draw on sources of funding that independent candidates do not have access to. The Electoral Review Expert Panel has recommended several changes to address this issue in its *Report on Victoria's laws on political finance and electronic assisted voting*.

299

FINDING 116: In particular circumstances, the current formula used to determine the value of transferred surplus votes from successful Upper House candidates can lead to some votes counting for more than others. This is a violation of the 'one vote, one value' principle.

301

RECOMMENDATION 73: That the Government introduce legislation amending the Electoral Act to specify that transfer values for surplus votes under proportional representation should be calculated using the weighted inclusive Gregory method.

301

FINDING 117: Some independent candidates and Climate 200 called for the creation of a new type of organisation, the 'independent campaign entity' or 'independent community campaigner'. This would provide selected independents with some of the benefits that parties currently enjoy (such as funding and access to the Register of Electors). However, the Committee believes that this would just create a source of inequality between different independent candidates and would therefore not level the playing field. The Electoral Review Expert Panel has also raised concerns about this type of entity having the benefits of registered parties without the obligations (such as reporting and auditing responsibilities).

303

FINDING 118: Some aspects of the electoral system (such as the long early voting period and tight timelines within the election period) make it harder for independent candidates and smaller parties to compete with larger parties.

304

15 The implementation of previous Electoral Matters Committee recommendations

FINDING 119: The VEC provided an initial response about its intentions and three subsequent updates on its actions in response to the previous Electoral Matters Committee’s recommendations following the 2018 election. The Committee supports this approach of providing updates and being transparent about its actions. However, the VEC’s language was inconsistent, leading to possible confusion. In some cases, the VEC’s assessments of its intentions and progress did not appear to reflect its actions. **309**

RECOMMENDATION 74: That the VEC further improve its approach to providing updates on Electoral Matters Committee recommendations by:

- establishing a system of language that clearly and consistently represents the status of its work or intentions
- ensuring that its updates reflect the VEC’s actual intentions and actions (and include clear statements if the VEC has altered its view on whether or not it supports a recommendation).

309

FINDING 120: The previous Electoral Matters Committee recommended that the VEC explore ways to more objectively measure the effectiveness of its advisory groups, suggesting outcomes-based or external evaluation measures. The VEC has established new measures focussed on processes rather than outcomes or external evaluation. **311**

RECOMMENDATION 75: That the VEC establish outcomes-based (election participation) or external evaluation measures for its advisory groups. **311**

FINDING 121: After initially supporting performance indicators that measure the accuracy of vote counting, the VEC later stated that performance indicators are not an appropriate measure for this. The Committee remains of the view that reporting against targets for vote-counting accuracy is beneficial. Doing so would provide increased transparency, which can lead to higher trust in election processes. **312**

RECOMMENDATION 76: That the VEC include performance indicators that measure the accuracy of vote counting in future election plans, and report against these indicators in its reports to Parliament following elections. **312**

FINDING 122: Of the 43 recommendations directed to the VEC in the previous Electoral Matters Committee's report on the 2018 state election, 2 were not supported, 23 have been fully implemented, 2 are in progress and 16 have not been implemented or have only been partially implemented.

313

Chapter 1

Introduction

1.1 An inquiry into the 2022 state election

On 9 March 2023, the Victorian Parliament asked the Electoral Matters Committee to undertake an inquiry into ‘the conduct of the 2022 Victorian state election’.

The Committee invited the Victorian Electoral Commission (VEC), parties, candidates, experts, interested members of the public and organisations to contribute their views and share their experiences of the election. The Committee analysed publicly available data about the election and obtained additional data from the VEC. The Committee also spoke with representatives of Elections ACT (the electoral commission for the Australian Capital Territory) and the New Zealand Electoral Commission to understand more about the implementation of certain laws in those jurisdictions.

As part of its Inquiry, the Committee also considered evidence relating to the Narracan District supplementary election and the Mulgrave District and Warrandyte District by-elections held in 2023. People’s experiences at these elections have also been helpful in identifying improvements to Victoria’s system.

1.2 Criteria for reviewing the election

Based on the work of various international bodies and on its own expertise, the Committee identified four key questions that it used to review the 2022 election:

- **Was the election inclusive?**
An election is inclusive when all eligible Victorians have the chance to participate.
- **Was the election trustworthy and transparent?**
For an election to be trustworthy and transparent, the electoral commission must demonstrate that the process is fair and the results are correct.
- **Did the VEC meet its obligations?**
In conducting elections, the VEC is obliged to follow the law and is expected to meet certain standards.
- **Was the election fair?**
A fair election gives all candidates an equal opportunity to make their case to voters and to compete in the election.

These questions have provided the framework for this Inquiry and for the Committee’s recommendations.

1.3 Structure of the report

This report has been divided into two volumes.

1.3.1 Volume 1

Volume 1 outlines the major changes recommended by the Committee and their rationale. These relate to:

- improving election timelines
- equipping the VEC with the staff it needs
- managing poor behaviour by candidates and campaigners
- reforming the Upper House voting system.

Volume 1 also includes an overview of the 2022 election which provides key data and statistics.

1.3.2 Volume 2 (this volume)

This volume sets out the evidence gathered as part of this Inquiry. This includes the evidence relating to matters discussed in Volume 1 and to other matters.

This volume also includes recommendations on issues not covered in Volume 1.

The chapters of this volume are arranged around the four key questions identified in Section 1.2:

Was the election inclusive?

Chapter 2 looks at the key indicators that demonstrate how inclusive an election is—the proportion of the eligible population that is enrolled, the proportion of those people who turn out to vote and the proportion of those that complete their ballot papers formally. The chapter considers changes in these proportions between elections and what is causing those changes.

Chapter 3 examines the different ways that people could vote in 2022, including voting in person (either early or on election day), voting by post and voting by telephone.

Chapter 4 considers voting services for people with disability and assesses what more could be done to include people with disability.

Chapter 5 explores how the VEC communicated to voters about the election and whether all eligible Victorians were adequately informed about the election.

Was the election trustworthy and transparent?

Chapter 6 looks at inaccurate information about the election that circulated on social media and the VEC's efforts to correct it.

Chapter 7 explores the VEC's efforts to demonstrate that the election results can be trusted and what more could be done to reduce concerns about electoral fraud or errors.

Did the VEC meet its obligations?

Chapter 8 assesses the VEC's performance measurement system and how effectively that measures the VEC's conduct of elections.

Chapter 9 looks at how the VEC enforced and implemented various aspects of electoral law at the election, including managing voting centres, authorising electoral matter and registering how-to-vote cards.

Chapter 10 discusses the ballot paper shortages that occurred at a number of voting centres on election day in 2022, including what caused these and whether appropriate measures are in place to ensure that this does not occur again.

Was the election fair?

Chapter 11 looks at whether voters had enough information to make informed votes when they filled out their ballot papers.

Chapter 12 considers the poor behaviour of some candidates and campaigners and how that disadvantaged other candidates.

Chapter 13 examines the VEC's interactions with candidates and parties and whether those interactions provided a fair opportunity for all candidates to compete.

Chapter 14 looks at how the system treats major parties, minor parties and independent candidates differently and the impact of those differences on candidates.

Previous recommendations

Chapter 15 assesses the implementation of recommendations made by the previous Electoral Matters Committee after the 2018 state election.

1.4 The Inquiry process

Appendix A sets out in detail how the Committee conducted this Inquiry.

Overall, the Committee:

- received written submissions from 114 people, groups and organisations
- held 27 public hearings with 50 witnesses
- organised a community roundtable with members of culturally and linguistically diverse communities
- conducted a survey of members of the Victorian Parliament
- conducted a survey of voters with disability
- sought specific information from the VEC
- analysed electoral data, media articles and social media posts.

The Committee would like to thank every individual and organisation that contributed to this Inquiry. The evidence provided in submissions, at public hearings, through surveys and at the roundtable was critical for the Committee to understand what occurred at the 2022 election and how elections could be improved in the future. A wide variety of experiences and perspectives were shared during the Inquiry, which helped the Committee to get a more rounded understanding of the issues.

1.5 Investigations by other bodies

Two other bodies have also conducted investigations into the 2022 election at the same time as the Committee was conducting its Inquiry.

The VEC undertook an analysis of the election and tabled a report in Parliament with 12 key recommendations and 18 technical recommendations.¹ The Committee has commented on several of these recommendations where they relate to matters that were raised as part of this Inquiry. The Committee has not formed a view on the other recommendations.

As part of its analysis, the VEC commissioned an independent research firm (Kantar Public) to undertake surveys of voters and candidates about their experiences.² This included an online and telephone survey with a total of 2,992 voters. It also included a survey of 100 candidates and interviews with 10 party representatives.³ The Committee has drawn on the data from this research as well.

¹ Victorian Electoral Commission, *Report to Parliament on the 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023.

² Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023.

³ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, pp. 11-12.

Separately, an independent Electoral Review Expert Panel was established in 2023 to review specific elements of the Electoral Act. The Panel consisted of Elizabeth Williams PSM, the former Deputy Electoral Commissioner, and two former members of the Commonwealth Parliament—David Feeney and Helen Kroger.⁴ The review included taking written submissions, conducting a series of public forums and meeting with electoral commissions and other government bodies.⁵

Its main report was tabled in Parliament in March 2024.⁶ As with the VEC’s review of the election, the Committee has commented on some recommendations where they are relevant to matters explored through this Inquiry. However, the Committee has not formed a view on the other recommendations.

4 The panel members were selected by the Minister for Government Services, but the Committee was given a chance to veto the members. The Committee did not veto any members.

5 Electoral Review Expert Panel, *Report on Victoria’s laws on political finance and electronic assisted voting*, [Melbourne], 2023, pp. 35, 40.

6 Electoral Review Expert Panel, *Report on Victoria’s laws on political finance and electronic assisted voting*, [Melbourne], 2023.

Chapter 2

Inclusive election indicators— enrolment, turnout and formality

2.1 Introduction

Three key measures are regularly used to assess electoral participation:

- the enrolment rate (the proportion of the eligible population that is enrolled)
- the turnout rate (the proportion of enrolled voters who actually cast a vote)
- the formality rate (the proportion of ballot papers that have been filled out in accordance with the rules so that they can be counted).

The enrolment rate (looked at in Section 2.2 of this chapter) can be used to understand if there are hurdles to registering to vote and if the information on the electoral roll is accurate. The turnout and formality rates (Sections 2.3 and 2.4) can indicate whether there are hurdles preventing people from casting votes and whether the system allows people to cast their votes successfully.

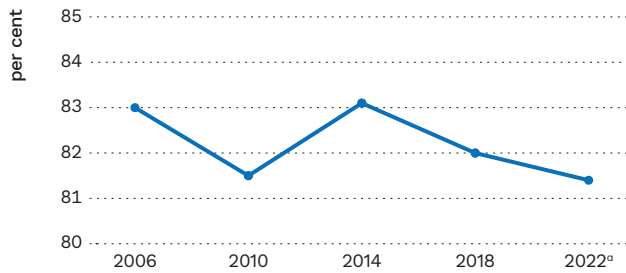
Trends over time for these three key measures give a good indication of the health of an electoral system, particularly in terms of inclusivity.

The enrolment rate continued to rise at the 2022 election and is now estimated at 97.8% of the eligible population. The enrolment rate has risen at every election since 2010.

Turnout fell for the second election in a row. Lower House turnout was 88.1%, 2 percentage points less than in 2018, and almost 5 percentage points less than the average turnout for Victoria between 2002 and 2014 (93.0%).

The formality rate was 94.5% in the Lower House in 2022, a slight increase from 2018, though lower than in each of the four elections from 2002 to 2014.

The combined result for these measures shows that 81.4% of estimated eligible Victorians cast a formal vote for the Lower House at the 2022 election. This is a reduction from 82.0% at the 2018 election and 83.1% in 2014, indicating that, despite much of the work being done to make elections more inclusive, the proportion of Victorians successfully voting is decreasing.

Figure 2.1 Proportion of eligible Victorians formally voting (Lower House)

a. 2022 figure excludes voters in Narracan District, due to the failed election.

Note: 2006 and 2010 figures rely on enrolment rates estimated at 30 June in the year following the election, whereas other years rely on figures at election time.

Source: Electoral Matters Committee based on VEC data.

Sections 2.2 to 2.4 examine the factors contributing to Victoria’s enrolment, turnout and formality rates. While there are factors driving these rates that are outside the control of the Victorian Electoral Commission (VEC), the Committee identifies several areas where action could be taken to improve the situation.

Following each election, the VEC is required to report to the Parliament on the administration of the election. As part of that report, the VEC analyses the factors impacting participation. The Committee considers that the VEC’s analysis at the 2022 election has improved compared to the 2018 election, though there remains room for further improvement. The Committee makes recommendations for improved reporting and analysis in the future.

Chapters 3, 4 and 5 consider other aspects of inclusive elections. Chapter 3 looks at the different ways that Victorians were able to cast their votes. Chapter 4 considers how the electoral system could be more inclusive for people with disability. Chapter 5 looks at how the VEC communicated with voters about the election.

2.2 Enrolment

on the electoral roll we have 98 per cent of the estimated eligible Victorian population on that roll, given direct enrolment and our programs and our work with the AEC [Australian Electoral Commission].

Warwick Gately AM, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 2.

The enrolment rate is an estimate of the proportion of eligible electors who are on the electoral roll. The VEC and Australian Electoral Commission (AEC) have a number of programs to automatically enrol people when they register or update their details with various agencies (see Section 2.2.1). They also encourage people to update their details manually (see Section 2.2.2). These programs capture most eligible electors, but there are still some who do not make it onto the roll.

Enrolment at the 2022 election was 4,394,465,¹ which is estimated to be 97.8% of eligible electors.² This is an increase from 96.6% at the 2018 election and lower rates at previous elections (see Table 2.1).

Table 2.1 Enrolment as a percentage of eligible electors—Victorian elections, 2006 to 2022

	2006	2010	2014	2018	2022
Proportion of estimated eligible population enrolled at election time (%)	93.8 ^a	92.3 ^a	94.2	96.6	97.8
National average ^b (%)	92.8	90.9	92.5	96.2	97.1
Victorian enrolment compared to national average	+1.0	+1.4	+1.7	+0.4	+0.7

a. Estimates at election time are not available for these years—these numbers are from 30 June in the year following the election.

b. Estimates from closest available date to election time.

Sources: Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 18, 114; Victorian Electoral Commission, *Response to Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election*, 27 November 2020, p. 1; Australian Electoral Commission, *Size of the electoral roll and enrolment rate 2022*, <https://www.aec.gov.au/Enrolling_to_vote/Enrolment_stats/national/2022.htm> accessed 30 May 2023; Victorian Electoral Commission, *Submission 92 (revised)*, submission to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election, 2019, pp. 1, 135; Victorian Electoral Commission, *Report to Parliament on the 2014 Victorian state election*, Melbourne, 2015, p. 120; Victorian Electoral Commission, *Annual report 2010–11*, Melbourne, 2011, p. 29.

The Committee is pleased at the very high proportion of Victorians that are enrolled to vote.

In contrast to previous elections, the VEC did not include a target regarding enrolment in its public planning or reporting on the 2022 election, nor did it include any commentary regarding why it chose to remove the indicator it had used at previous elections.³ The Committee discusses this issue and makes a recommendation in Section 8.2.1 of this volume.

The VEC has previously stated that its target is ‘to be within 1% of the national average’⁴ and it reported against this target in its annual report.⁵ The VEC met this target at the 2022 election (see Table 2.1).⁶

1 This includes 50,506 voters enrolled for the failed Narracan District election.

2 Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 18.

3 For the previous indicator, see Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 167.

4 Victorian Electoral Commission, *Response to Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election*, 27 November 2020, p. 1. See also Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 114.

5 Victorian Electoral Commission, *Annual report 2022–23*, Melbourne, 2023, p. 81.

6 Following the 2018 election and a recommendation from the Electoral Matters Committee in the 59th Parliament, the VEC adjusted its enrolment rate target from 1% higher than the national average to within 1% of the national average. This reflects the fact that, as enrolment rates in all jurisdictions have risen, a target of 1% higher than the national average became less appropriate. See Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, Melbourne, August 2020, p. 10; Victorian Electoral Commission, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election*, 27 November 2020, p. 1.

FINDING 1: Enrolment in Victoria has increased from approximately 93.8% of eligible electors in 2006 to 97.8% in 2022. This met the VEC’s enrolment rate target of being within one percentage point of the national average.

2.2.1 Direct enrolment

Since 2010 the VEC has used data from other government agencies to directly add people to the Register of Electors (see Box 2.1). The VEC reported that this ‘direct enrolment’ program uses two state-based data sources:

- the Department of Transport and Planning
- the Victorian Curriculum and Assessment Authority.⁷

Before enrolling a person based on this information, the VEC writes to the person advising them of what it plans to do. The person then has a chance to correct any details or provide a reason why they should not be enrolled.⁸

The VEC’s direct enrolment program has added more than 160,000 people to the roll:

Since 2010, the VEC has enrolled 75,392 ‘new-to-roll’ electors using VCAA [Victorian Curriculum and Assessment Authority] data and, since its inclusion in the dataset in 2011, 86,627 ‘new-to-roll’ electors using DTP [Department of Transport and Planning] datasets. Accordingly, a total of 162,019 first-time electors have been directly enrolled using Victorian-based sources.⁹

The AEC also receives data from some additional agencies and operates a similar program.¹⁰ The results are shared with the VEC.¹¹

7 Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 18. See also Victorian Electoral Commission, response to questions on notice received 26 April 2023, Attachment B, p. 11.

8 *Electoral Act 2002* (Vic) ss 23A, 26.

9 Victorian Electoral Commission, response to questions on notice received 26 April 2023, Attachment B, p. 11.

10 AEC, *Direct enrolment and update*, <https://www.aec.gov.au/Enrolling_to_vote/About_Electoral_Roll/direct.htm> accessed 14 June 2023.

11 Victorian Electoral Commission, *Annual report 2021–22*, Melbourne, 2022, p. 58.

Box 2.1 Register of Electors

The VEC maintains a permanent Register of Electors and their personal details, which is continually updated. The details on the Register of Electors on 8 November 2022 were used to create the electoral roll for the 2022 election.

The data for the Register of Electors come from:

- people filling out paper enrolment forms which they send to the VEC
 - direct enrolment (see Section 2.2.1)
 - data from the Australian Electoral Commission (AEC), which can come from electors submitting paper or online enrolment forms to the AEC^a, or the AEC's direct enrolment activities.
- a. The AEC operates a joint online enrolment system with the VEC. The VEC stopped operating its own online enrolment system during 2017–18.

Sources: Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 18; Victorian Electoral Commission, *Annual report 2018–19*, Melbourne, 2019, p. 59.

2.2.2 VEC enrolment programs at the 2022 election

The VEC facilitates Victorians enrolling or updating their enrolment through standard online and paper processes, as well as allowing enrolment and updates 'at the VEC head office, any election office, or any AEC divisional office throughout the State'.¹² All VEC election offices and AEC divisional offices were open until 8 pm on the day the roll closed.¹³

The VEC conducted an enrolment advertising campaign leading up to the close of roll, encouraging Victorians to enrol, 'particularly if they had recently turned 18 or had moved home'.¹⁴

The VEC also continued its regular enrolment activities, including collaborating with the AEC, encouraging individuals to update enrolment details via SMS and email, and sending birthday cards and brochures to 17-year-olds explaining enrolment and voting and encouraging provisional enrolment.¹⁵

¹² Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 19.

¹³ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 19.

¹⁴ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 18.

¹⁵ Victorian Electoral Commission, *Annual report 2022–23*, Melbourne, 2023, p. 80.

The VEC’s community outreach and engagement programs also include an enrolment focus for traditionally under-represented communities.¹⁶

For more on VEC communication, including enrolment messages sent through VoterAlert, see Chapter 5 of this volume.

2.2.3 Younger people and enrolment

Younger adults are generally enrolled at lower levels than other age groups and are a particular focus for enrolment campaigns. VEC reporting shows that the enrolment rate for 18-to-24-year-olds has increased by 6.2 percentage points since 2020, and the enrolment rate for this cohort exceeded the VEC’s target by 4.9 percentage points in 2023. See Table 2.2.

Table 2.2 Enrolment rate and target enrolment rate for 18-to-24-year-olds as at 30 June

Year	2019	2020	2021	2022	2023
18-24-year-old enrolment rate (%)	89.3	86.4	86.7	91.9	92.6
18-24-year-old enrolment target ^a (%)	86.0	82.2	82.6	84.5	87.7
Enrolment rate compared to target	+3.3	+4.2	+4.1	+7.4	+4.9

a. VEC set its target as ‘the Victorian enrolment rate for each identified age cohort is at least the average of the federal enrolment rate, and the states and territories, for the equivalent cohort’.

Source: Victorian Electoral Commission, *Annual report 2022–23*, Melbourne, 2023, p. 82.

The VEC claims that the enrolment rate among younger Victorians indicates that its advertising campaign, in particular its youth-targeted *DemGraphics* campaign, ‘impacted positively’, citing a higher Victorian enrolment rate among 18-to-24-year-olds than the average across other Australian jurisdictions.¹⁷

There are many factors that may be influencing enrolment levels in addition to the VEC’s advertising campaigns. Nonetheless, the level and trend in youth enrolment are both positive results. The VEC should continue its enrolment campaigns aimed at younger age groups, along with direct enrolment and other enrolment efforts, with the aim of continuing to increase the enrolment rate among younger Victorians.

FINDING 2: The enrolment rate for 18-to-24-year-olds has increased by 6.2 percentage points since 2020, and the enrolment rate for this cohort exceeded the VEC’s target by 4.9 percentage points in 2023.

¹⁶ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 52–3.

¹⁷ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 44–5.

Publishing data on enrolment by age group

Following the 2018 election, the previous Electoral Matters Committee discussed enrolment among younger people. That committee made two recommendations around publishing enrolment data by age brackets. These were aimed at providing information which would allow a better assessment of the VEC’s efforts to increase enrolment among certain age groups. The recommendations were:

- ‘that the VEC regularly publish data on the proportion of eligible electors who are enrolled, broken down by age’¹⁸
- ‘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.’¹⁹

The VEC included estimates of the proportion enrolled in each age bracket for the first time in its 2021–22 annual report,²⁰ and included targets for enrolment rates by age range in its 2022–23 report.²¹

The Committee notes that the VEC reported on enrolment using the age brackets shown in Table 2.3.

Table 2.3 Age brackets used by the VEC when reporting on enrolment rates

2021–22	2022–23
under 18 ^a	under 18 ^a
18–29	18–24
	25–29
30–69	30–34
	35–69
70 and over	70 and over

a. Provisionally enrolled electors.

Sources: Victorian Electoral Commission, *Annual report 2021–22*, Melbourne, 2022, p. 60; Victorian Electoral Commission, *Annual report 2022–23*, Melbourne, 2023, p. 82.

The age brackets used in the 2022–23 annual report are more appropriate than those used in 2021–22, as they include the 18-to-24 years-old range as a separate category.

¹⁸ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 2, p. 15.

¹⁹ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, Melbourne, August 2020, Recommendation 3, p. 15.

²⁰ Victorian Electoral Commission, *Annual report 2021–22*, Melbourne, 2022, p. 60.

²¹ Victorian Electoral Commission, *Annual report 2022–23*, Melbourne, 2023, p. 82. The VEC set its target as ‘the Victorian enrolment rate for each identified age cohort is at least the average of the federal enrolment rate, and the states and territories, for the equivalent cohort’.

That age range has been a focus of VEC advertising efforts,²² is used by the VEC for reporting on turnout,²³ is reported on by the AEC²⁴ and has been highlighted in previous Electoral Matters Committee reporting.²⁵ The Committee would further like to see the 18-to-24 bracket broken down into 18-to-19 and 20-to-24. The VEC has done this previously for turnout and the Committee would like to see the VEC use those brackets again in the future. Given the focus on enrolling people who have recently turned 18, this break-down could provide helpful information.

The Committee is concerned at the size of the 35-to-69-years-old bracket. The 35-year span of this bracket will make it difficult to draw any conclusions around enrolment efforts and age, particularly as younger voters age. A break-down of this bracket would be useful to understand if there are any trends related to generation, rather than age.

Further, the VEC publishes its turnout-by-age data in five-year age brackets (with the exception of the 18-to-19-year-old and 70-and-over brackets).²⁶ There is a benefit to enrolment and turnout data aligning, including the ability to see whether turnout results are a function of high or low enrolment among certain age groups.²⁷

The Committee therefore considers that the 18-to-24 and 35-to-69-year-old groups should be broken into smaller brackets in future reporting.

FINDING 3: The VEC reported on enrolment by age bracket and established targets for each bracket in its recent annual reporting. The age brackets used by the VEC do not align with VEC reporting on turnout and included a 35-to-69-year-old group that the Committee considers is too broad.

22 Victorian Electoral Commission, *Submission 92 (revised)*, submission to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election, 2019, p. 15. See Chapter 5.

23 Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 67.

24 Australian Electoral Commission, *National youth enrolment rate*, <https://www.aec.gov.au/Enrolling_to_vote/Enrolment_stats/performance/national-youth.htm> accessed 14 June 2023.

25 Parliament of Victoria, Electoral Matters Committee, *Inquiry into civics and electoral participation in Victorian state parliamentary elections*, August 2018, p. 32.

26 Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 67. For 2022, an age bracket of 18–24 was used for turnout, but the 18–19 and 20–24 age brackets were previously separated: Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 103. See further discussion in Section 2.3.3.

27 See Section 2.3.3.

RECOMMENDATION 1: That the VEC publish data and establish performance targets relating to the proportion of people in different age brackets who are enrolled across the following age brackets:

- under 18
- 18 to 19
- 20 to 24
- 25 to 29
- 30 to 34
- 35 to 39
- 40 to 44
- 45 to 49
- 50 to 54
- 55 to 59
- 60 to 64
- 65 to 69
- 70 and over.

2.3 Turnout

Acknowledging the identified trend of declining participation ... the VEC will scope a research program on declining electoral participation to better understand the possible causes and attitudes towards voting and non-voting. The extent to which these factors contribute to lower participation will be examined and compared to other Australian states and territories.

Victorian Electoral Commission, Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election, Melbourne, 2023, p. 101.

Turnout is a measure of the proportion of enrolled voters who cast a vote. Turnout, along with enrolment and formality, gives an indication of the health of an electoral system.²⁸

²⁸ Lower House turnout is highly predictive of Upper House turnout. Upper House turnout was within 0.09% of Lower House turnout at every Victorian election since 1999. As such, the Committee uses Lower House turnout as a measure of turnout for elections as a whole, and any references to turnout in this report that do not specify a house refer to Lower House turnout.

The VEC’s reported figures for Lower House turnout at the 2022 election were not consistent. Figures across the VEC’s website, annual report, report to Parliament on the election and submission to this Inquiry differed, with 87.12%, 87.13%, 88.03% and 88.14% reported.²⁹

In some cases, figures differed based on whether they included or excluded electors from the failed Narracan District election. One figure appears to include votes cast at the Narracan supplementary election as part of 2022 general election turnout. The Committee does not consider this a good measure, as supplementary elections typically show lower turnout than general elections. One differing figure may be due to a rounding or typographical error. The Committee encourages the VEC to be more careful in its future reporting.

The Committee will use the figure of 88.1% for Lower House turnout, which the Committee considers to be calculated using the most appropriate formula. This excludes the 50,506 electors enrolled for the failed Narracan District election and does not include the votes cast at the Narracan District supplementary election.

On this basis, Lower House turnout was 2 percentage points less than in 2018, and almost 5 percentage points less than the average turnout for Victoria between 2002 and 2014 (93.0%). The turnout rate in 2022 was the lowest since 1945.³⁰

Table 2.4 Voter turnout—Victorian elections, 2002 to 2022

	2002	2006	2010	2014	2018	2022
Turnout as a percentage of enrolled electors	93.2	92.7	93.0	93.0	90.2	88.1 ^a

a. Excludes the 50,506 electors enrolled for the failed Narracan District election.

Sources: Victorian Electoral Commission, *Writs returned as 2022 State election concludes*, media release, 16 December 2022, <<https://www.vec.vic.gov.au/about-us/media/writs-returned-as-2022-state-election-concludes>> accessed 30 May 2023; Victorian Electoral Commission, *Submission 92 (revised)*, submission to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election, 2019, p. 103; Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Melbourne, 2011, p. 111.

²⁹ 87.12%: Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 1, 5.

87.13%: Victorian Electoral Commission, *Submission 59*, p. 101; Victorian Electoral Commission, *State election statistics*, <<https://www.vec.vic.gov.au/voting/electoral-statistics/state-election-statistics>> accessed 3 May 2024.

88.03%: Victorian Electoral Commission, *Submission 59*, pp. 72, 80; Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 139–49; Victorian Electoral Commission, *Annual report 2022–23*, Melbourne, 2023, pp. 7, 56.

88.14%: Victorian Electoral Commission, *Writs returned as 2022 State election concludes*, media release, Melbourne, 16 December 2022.

³⁰ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 66.

FINDING 4: Turnout at the 2022 election was 88.1%, 2 percentage points lower than in 2018 (90.2%), almost 5 percentage points less than the average turnout between 2002 and 2014 (93.0%) and the lowest rate since 1945.

Unlike previous elections, the VEC did not include a target regarding turnout in its public planning or reporting on the 2022 election. The VEC did not include any commentary regarding why it chose to remove the indicator that it had used previously.³¹ The Committee discusses this issue and makes a recommendation in Section 8.2.1.

Declining turnout is not a uniquely Victorian trend. Elections across Australia and the world have seen falling turnout rates.³² However, Victoria's turnout relative to other Australian jurisdictions decreased at the 2018 and 2022 elections. In 2010 and 2014 Victoria had one of the highest turnout rates, but it is now middle of the pack (see Figure 2.2).

The drop in turnout across the 2018 and 2022 elections places Victoria's turnout below the most recent Australian Capital Territory, Commonwealth, South Australian and Tasmanian elections.

The VEC recognises that turnout in Victoria is low compared to other Australian jurisdictions, and is planning research to 'ascertain greater insights into the reasons for declining participation within the Victorian context'.³³

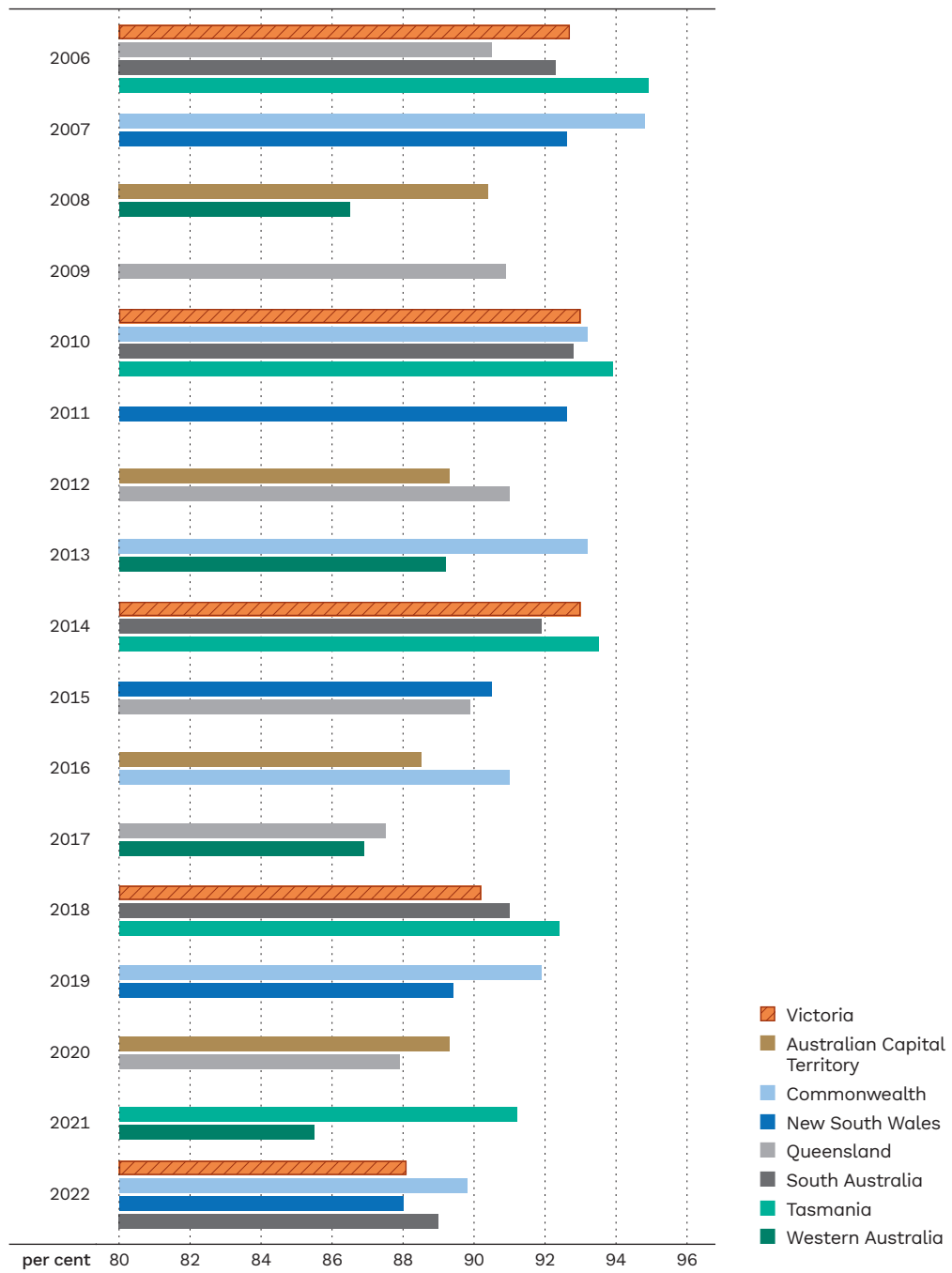
Gaining an accurate understanding of the factors influencing turnout is an important step in designing and delivering communication strategies and other programs that are effective at increasing turnout. The following sections discuss the current understanding of factors affecting turnout, including those suggested by the VEC as impacting on turnout at the 2022 election.

³¹ See, for the previous indicator, Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 167.

³² Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 66 and Victorian Electoral Commission, *Submission 59*, p. 80. See also Filip Kostelka and André Blais, 'The generational and institutional sources of the global decline in voter turnout', *World Politics*, vol. 73, no. 4, 2021, pp. 1–39, doi: 10.1017/S0043887121000149; Marc Hooghe and Anna Kern, 'The tipping point between stability and decline: trends in voter turnout, 1950–1980–2012' *European Political Science*, vol. 16, no. 4, 2017, pp. 535–552, doi: 10.1057/s41304-016-0021-7.

³³ Victorian Electoral Commission, *Submission 59*, p. 90.

Figure 2.2 Turnout across Australian jurisdictions, 2006 to 2022



Note: Lower Houses and unicameral Parliaments included only. Northern Territory excluded as turnout rate is in the 70s and therefore less comparable.

Source: Electoral Matters Committee based on data from electoral commissions.

2.3.1 VEC efforts to encourage turnout in 2022

The VEC performs various activities aimed at increasing turnout at elections. At the 2022 election, this included:

- The VEC’s advertising campaign, which included encouraging participation by the voting public broadly and young and directly enrolled voters particularly.³⁴ The VEC listed ‘increased voter turnout; increased engagement and participation of directly enrolled and young voters; and reduced rates of informal voting’ as key objectives of its campaign.³⁵ For more, see Section 5.2 of this volume.
- The VEC’s Education and Inclusion Program, which aimed to address, among other things, ‘competing needs of community members, including willingness and energy to participate in the electoral process’.³⁶ It was targeted at people ‘experiencing homelessness, those in prison serving maximum sentences of less than 5 years, people living with disability, Aboriginal communities, CALD [culturally and linguistically diverse] communities and young people’.³⁷

The VEC credits its advertising campaign with having a ‘positive impact on formal participation’ citing (among other things relating to enrolment and formality) an increase in turnout among 18-to-24-year-old directly enrolled electors between the 2018 and 2022 elections.³⁸ The VEC also stated that, for younger electors, its ‘VoterAlert service encouraged turnout and assisted to prevent the same levels of decline seen previously’.³⁹

The VEC further compares turnout in 2022 to other jurisdictions and a recent Commonwealth by-election in discussing the effectiveness of its programs at impacting declining turnout:

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%).⁴⁰

³⁴ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 43.

³⁵ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 45.

³⁶ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 52.

³⁷ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 53.

³⁸ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 45.

³⁹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 67.

⁴⁰ Victorian Electoral Commission, *Submission 59*, p. 90.

It is difficult to evaluate the effectiveness of the VEC’s efforts at increasing turnout. There are many factors that impact turnout overall. However, comparison to turnout at a Commonwealth by-election is not a good measure. By-elections traditionally exhibit lower turnout than general elections.⁴¹ The Committee further notes that turnout at Victorian elections has declined compared to other Australian jurisdictions.⁴² This is hard to reconcile with the VEC’s analysis that its work has counteracted general trends.

The Committee is comfortable with the concept that the VEC’s efforts at increasing turnout are having some positive effect. However, the continued decline in turnout across the last two elections, and Victoria’s continued fall in the rankings of turnout among Australian jurisdictions, indicate that there remains room for improvement.

Among other things, the Committee notes the importance of ensuring that the VEC’s messaging encouraging turnout does not have unintended negative consequences. The Labor Party suggested that this might have been the case during the Mulgrave District by-election, in which the VEC put out a media statement urging voters ‘to consider voting early or risk long queues on election day’.⁴³ The Labor Party was concerned that this message might ‘cast doubt in the minds of electors as to whether to vote’ and believed that this should have been considered more carefully.⁴⁴

2.3.2 Electors excused from voting

Victoria’s compulsory voting system includes fines for people who do not vote in state elections unless they have a valid explanation. While over 410,000 enrolled electors did not vote in 2022, 46.5% had excuses which were accepted (such as being overseas or ill) or were not issued with a fine for other reasons (see Table 2.5).

Table 2.5 Voters excused from compulsory voting—Victorian elections, 2010 to 2022

	2010	2014	2018	2022
Non-voters (enrolled)	252,367	266,161	396,373	411,331
Non-voters who were excused	138,992	139,923	204,921	191,113
Non-voters who were sent infringement notices	113,375	126,238	191,452	220,218

Sources: Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 85; Victorian Electoral Commission, *Submission 92 (revised)*, submission to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election, 2019, pp. 45–6; Victorian Electoral Commission, *Report to Parliament on the 2014 Victorian State election*, Melbourne, 2015, p. 39; Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian State election*, Melbourne, 2011, p. 89.

⁴¹ Victorian Electoral Commission, *Report on the Polwarth District by-election held on 31 October 2015*, Melbourne, 2016, p. 6.

⁴² See Figure 2.2 and Victorian Electoral Commission, *Submission 59*, p. 90.

⁴³ Victorian Electoral Commission, *Voters in Mulgrave District by-election urged to vote early*, media release, Melbourne, 16 November 2023.

⁴⁴ Victorian Labor Party, *Submission 82a*, p. 2.

For the first time, the VEC published data in its election report on the reasons electors were excused from voting.⁴⁵ The most common reasons⁴⁶ were:

- being out of Victoria on election day—39.3%
- illness, disability or infirmity—17.7%
- being affected by floods—10.3%
- the elector did turn up to vote but was not marked off the roll due to an error⁴⁷—6.8%
- being unable to vote for religious reasons—6.3%.⁴⁸

These data support other research indicating that being out of Victoria is a common reason for not voting in an election.⁴⁹

The VEC also provided data on the reasons given for not voting that were not accepted. The VEC analysed over 10,000 responses (see Table 2.6).

Table 2.6 Reasons given for not voting that were not accepted by the VEC

Reason given	Proportion of respondents (%)
Claimed they forgot to vote or were unaware they had to vote	28.2
Claimed they voted on election day or early or by post without evidence	24.0
Claimed they were working on election day	11.8
Claimed they were unaware that they were enrolled to vote	6.4
Claimed they did not want to vote	5.4
Claimed they did not vote because they had changed their name and/or address	4.9
Did not provide a reason	2.1
Gave another reason which was not considered valid or sufficient	17.3

Source: Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 115.

Publishing these data is a valuable start to better understanding the reasons people do not vote. The Committee encourages the VEC to continue the practice of publishing data regarding electors excused and not excused from voting. Further, the Committee encourages the VEC to use the data to inform voter turnout efforts. This should include looking at trends across elections.

⁴⁵ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 86. This follows a previous Electoral Matters Committee recommendation—Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, Melbourne, August 2020, p. 19.

⁴⁶ Excluding electors who were excused due to updates to the Register of Electors or notices returned to sender.

⁴⁷ Described in the VEC's reporting as 'Elector was issued with a ballot paper for the purposes of voting'.

⁴⁸ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 86.

⁴⁹ The Social Research Centre, *Understanding non-voters of the 2018 Victorian state election*, Melbourne, 2020, p. v.

The VEC made a determination in May 2023 regarding the reasons and excuses for failing to vote in an election. The determination outlined acceptable excuses for not voting at multiple stages of the compulsory voting enforcement process, along with acceptable evidence in support of those excuses.⁵⁰

The Committee supports this transparency initiative by the VEC. Clarity for electors in how the VEC administers its responsibilities under the Electoral Act is beneficial. While the Committee would have preferred to see this determination made ahead of the 2022 election, it is pleased that it will apply for future elections.

FINDING 5: The VEC has increased its reporting and transparency around electors who do not vote. In its 2022 election report, the VEC published details of the reasons given by people for not voting. It has issued a determination outlining acceptable excuses and evidence for failing to vote in an election. These are positive transparency initiatives that should help inform Victorians how the VEC administers its compulsory voting enforcement responsibilities and assist with understanding voter turnout.

Voters aged 70 and older

The VEC does not fine Victorians aged 70 or older who do not vote.⁵¹

The Committee notes that turnout is lower for the 70+ age group than those in their 50s and 60s (see Figure 2.3 in Section 2.3.3). The lack of compulsory voting enforcement for this age group likely contributes to the reduced turnout. The VEC's reliance on electronic communication about the election may be another factor (see Section 5.4.2 in this volume).

Victoria's ageing population is projected to result in a greater proportion of voters aged 65 and older at future elections.⁵² More electors in this age group increases the importance of actions to encourage higher turnout.

The Committee notes that there are a variety of voting channels with enhanced accessibility that are available to older Victorians, including early voting, postal voting and telephone-assisted voting (for those that are eligible).

While the Committee supports a compassionate and pragmatic approach to compulsory voting enforcement for older Victorians, efforts to improve turnout in this cohort may be beneficial. The Committee notes that older voters were not a focus for the advertising campaign at the 2022 election and much of the advertising was done

50 Victorian Electoral Commission, *Determination 001/2023: reasons and excuses for failing to vote in an election held under the Electoral Act 2002*. See also Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 77, 84.

51 Victorian Electoral Commission, *Determination 001/2023: reasons and excuses for failing to vote in an election held under the Electoral Act 2002*, p. 2.

52 Australian Bureau of Statistics, *Population projections, Australia*, <<https://www.abs.gov.au/statistics/people/population/population-projections-australia/latest-release#victoria>> accessed 13 December 2023.

through digital campaigns that are less likely to reach that demographic.⁵³ A program targeting older voters about the importance of voting and informing them about different ways that they can participate may improve participation among this group.

FINDING 6: The VEC does not fine Victorians aged 70 or older who do not vote. This likely contributes to reduced turnout for this cohort, which is lower than for Victorians aged in their 50s and 60s. Victoria’s ageing population means there will be more electors aged 70 or older at future elections, increasing the importance of encouraging high turnout among this group.

RECOMMENDATION 2: That the VEC consider a communication campaign at the next election directed towards older voters encouraging them to participate and informing them about different ways that they can vote. The campaign should be delivered in media that are appropriate for that demographic.

2.3.3 Exploring declining turnout at the 2022 and 2018 elections

The VEC notes that turnout decline is the result of multiple factors:

There is no single cause to the decline in turnout, but rather a combination of factors. Research indicates that later transition to adult milestones and a lack of trust in government play a role, as does enrolment integrity, and limited voting options for those outside of Victoria during the election.⁵⁴

Drawing on academic studies, electoral commission research, voter surveys and Victorian voting data, the VEC has identified the following factors as contributing to the declining turnout:

- high enrolment, including people who have not chosen to be enrolled but have been added through the direct enrolment program⁵⁵
- the 2022 Victorian election’s proximity to the 2022 Commonwealth election⁵⁶
- Victorians travelling overseas and interstate⁵⁷
- people not wanting to vote due to COVID-19⁵⁸

⁵³ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 43.

⁵⁴ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 66.

⁵⁵ Victorian Electoral Commission, *Submission 59*, pp. 84, 88–9.

⁵⁶ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 6; Warwick Gately AM, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 17.

⁵⁷ Victorian Electoral Commission, *Submission 59*, pp. 82–3; Sue Lang, Director, Communication and Engagement, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, pp. 17–18.

⁵⁸ Warwick Gately AM, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 17; Sue Lang, Director, Communication and Engagement, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 18.

- people not wanting to interact with campaigners at voting centres⁵⁹
- global trends towards lower turnout⁶⁰
- lower turnout among younger electors, noting a variety of factors particular to younger electors.⁶¹

The VEC has also commissioned research into non-voters and their reasons for not voting. Non-voters surveyed following the 2018 election reported their reasons for not voting as:

- being unavailable (67%)
- lacking knowledge of the election (16%)
- being unwilling to vote (7%).⁶²

In discussing voting patterns in Victoria in particular, the VEC identified three cohorts which particularly contributed to the low turnout rate in 2022:

- electors who are overseas or interstate
- directly enrolled electors
- young electors (18-to-34-year-olds).⁶³

The Committee considers these issues below.

Electors who are overseas or interstate

The VEC estimated that 200,000 electors were overseas on election day 2022, citing Commonwealth Government data that 314,730 Victorians were overseas, including children.⁶⁴ The number of these people who voted is unclear (see Section 3.4 of this volume). Only 1,150 people successfully voted through overseas drop-off locations. Additional people may have voted early before leaving or through regular post. However, it would seem that a large proportion of people travelling did not vote. This is also seen in the number of people citing being out of Victoria as an explanation for not voting (see Section 2.3.2).

⁵⁹ Warwick Gately AM, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 17; Warwick Gately AM, Electoral Commissioner, and Sue Lang, Director, Communication and Engagement, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 21. This is discussed in Section 3.3.3 of this volume, in terms of the impact on voters, and more generally in Chapter 12 of this volume.

⁶⁰ Victorian Electoral Commission, *Submission 59*, p. 80; Sue Lang, Director, Communication and Engagement, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 18; Victorian Electoral Commission, response to questions on notice received 26 April 2023, Attachment B, p. 8.

⁶¹ These factors included 'life course' impacts, disillusionment and disengagement regarding democratic and political processes and parties, lack of knowledge about voting, contextual effects, such as specific political issues or proximal elections, discontent about candidate quality and distress surrounding voting due to aggressive campaigning—Victorian Electoral Commission, *Submission 59*, pp. 81–2, 84–7.

⁶² Social Research Centre, *Understanding non-voters of the 2018 Victorian state election*, Melbourne, 2020, p. 6.

⁶³ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 66–7; Victorian Electoral Commission, *Submission 59*, p. 82.

⁶⁴ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 67.

One contributing factor is that the VEC was unable to offer in-person voting at diplomatic posts overseas in 2022.⁶⁵ In contrast, 4,883 people voted this way at the 2018 election.⁶⁶

Section 3.4 discusses the voting options available to Victorians who were interstate or overseas during the election, including the barriers to voting for these Victorians.

Sue Lang, the VEC's Director of Communication and Engagement, told the Committee that Victorians travelling during the election period would be 'more likely or more inclined to want to vote if they have an easy mechanism through which they could do that' and that there 'really is not ... a convenient and viable method of being able to vote if you are interstate and overseas during the election period'.⁶⁷

The Committee notes that the VEC advocates regulatory change to allow interstate and overseas voters to vote via telephone-assisted voting.⁶⁸ This is discussed in Section 3.7.1 of this volume.

FINDING 7: A large proportion of people who were outside Victoria during the 2022 election may not have voted. This cohort comprises a significant proportion of the people who do not vote at elections.

High enrolment and direct enrolment

There is a number of electors there who get forced onto the roll through the direct enrolment program that do not want to be there. They do not want to be located. They do not want to be bothered with that. So I would argue that group probably does not turn out.

Warwick Gately AM, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 17.

The decline in turnout at Victorian elections has roughly aligned with the increasing impact of direct enrolment⁶⁹ and the rise in Victoria's enrolment rate from 94.2% in 2014 to 97.8% in 2022 (see Table 2.1 in Section 2.2).

⁶⁵ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 63.

⁶⁶ Victorian Electoral Commission, *Report to parliament on the 2018 Victorian state election*, Melbourne, 2019, p. 57.

⁶⁷ Sue Lang, Director, Communication and Engagement, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 18.

⁶⁸ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 65; Dana Fleming, Deputy Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 15.

⁶⁹ Victorian Electoral Commission, *Submission 92 (revised)*, submission to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election, 2019, p. 72.

The VEC identified directly enrolled voters as a cohort who vote at a lower rate than the wider electorate:

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.⁷⁰

The VEC reported similar results in 2018 and 2014 (see Table 2.7).

Table 2.7 Directly enrolled voter turnout—Victorian elections, 2014 to 2022

	2014 ^a	2018 ^b	2022 ^a
Turnout among directly enrolled electors (%)	61.7	72.2	77.8
Turnout among those who managed their own enrolment (%)	-	-	90.7
Overall turnout (%)	93.0	90.2	88.1

a. Electors newly added to the roll through direct enrolment.

b. Figures for 2018 provided by the VEC in its submission to a previous Electoral Matters Committee inquiry appear to include cohorts beyond those newly added to the roll.

Sources: Victorian Electoral Commission, response to questions on notice received 26 April 2023, Attachment B, p. 11; Victorian Electoral Commission, *Submission 92 (revised)*, submission to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election, 2019, p. 72; Victorian Electoral Commission, *Direct enrolment report*, Melbourne, 2017, p. 11.

However, the VEC's inconsistent reporting of direct enrolment figures means there are limitations to the comparability of this data. The VEC cites figures for the 2022 election that include only people directly enrolled through Victorian sources.⁷¹ The figures for 2018 have been calculated from figures far greater than the total the VEC cites as being directly enrolled from Victorian sources, so may include people directly enrolled through both Victorian and Commonwealth sources or people whose address has been updated through direct enrolment.⁷²

The lack of clarity in VEC reporting regarding direct enrolment levels limits the VEC's and Committee's ability to gauge the effectiveness of the VEC's efforts to encourage directly enrolled voters to vote.

Despite the lack of clarity in reporting, it is clear that directly enrolled people vote at lower rates than the general population, and an increase in directly enrolled people on the roll therefore has a negative effect on turnout.

70 Victorian Electoral Commission, response to questions on notice received 26 April 2023, Attachment B, p. 11. See also Victorian Electoral Commission, *Submission 59*, p. 84; Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 66–7.

71 Victorian Electoral Commission, *Submission 59*, p. 101.

72 The 72.2% figure is calculated from 234,347 directly enrolled voters of 324,501 directly enrolled electors referred to by the VEC as being directly enrolled from the start of 2017 in its report to Parliament on the 2018 election—Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 102. These numbers are greater than the 162,019 new-to-roll electors that the VEC cites as being directly enrolled from Victorians sources since 2010—Victorian Electoral Commission, *Submission 59*, p. 101.

The VEC identified directly enrolled electors as a target group for its communication work around the election, targeting directly enrolled and young electors with its *DemGraphics* campaign.⁷³ VEC engagement efforts for directly enrolled electors included a VoterAlert message to 47,000 directly enrolled electors.⁷⁴

The Committee is pleased that the VEC is targeting directly enrolled electors in its turnout efforts and sees opportunities for the VEC to do more.

The VEC told the Committee in 2023 that 162,019 first-time electors were directly enrolled from Victorian-based sources from 2010 to 2023.⁷⁵ The leaves approximately 115,000 directly enrolled electors to whom the VEC did not send a VoterAlert message. This is a further group with low turnout that the VEC could target in its turnout efforts.

While the VEC will continue to increase its VoterAlert subscription rates (see Section 5.4.1 of this volume), in the meantime it should use other methods to engage with directly enrolled electors who are not subscribed. The VEC has address details for directly enrolled electors and should use these to encourage those electors to vote.

FINDING 8: Electors enrolled automatically through the direct enrolment program turn out to vote at a lower rate than electors who enrol themselves. The VEC used VoterAlert to contact 47,000 directly enrolled electors in 2022, encouraging them to vote. There are approximately 115,000 more directly enrolled electors that the VEC has contact details for and could communicate with through other means.

RECOMMENDATION 3: That, in addition to working to increase VoterAlert subscription rates to engage with directly enrolled electors, the VEC should use other communication means (such as post) to encourage increased turnout among directly enrolled electors who are not subscribed to VoterAlert.

As well as people directly enrolled through Victorian sources, there are electors on the roll who were added through Australian Electoral Commission (AEC) direct enrolment activities. The VEC reported that since 2010 there have been ‘over half a million direct enrolment transactions’ between the VEC and AEC.⁷⁶ However, the VEC told the Committee the data they receive from the AEC does not detail which electors have been directly enrolled.⁷⁷

⁷³ See Section 5.2.2 of this volume for more. This follows the previous Electoral Matters Committee recommending directly enrolled voters as a target group for participation programs, noting they form a ‘specific, large and identifiable group’ with low turnout for the VEC to target—Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, Melbourne, August 2020, p. 22.

⁷⁴ Victorian Electoral Commission, *Submission 59*, p. 84.

⁷⁵ Victorian Electoral Commission, response to questions on notice received 26 April 2023, Attachment B, p. 11.

⁷⁶ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 66.

⁷⁷ Victorian Electoral Commission, response to questions on notice received 26 April 2023, Attachment B, p. 11.

The VEC’s ability to target directly enrolled voters as part of turnout efforts is constrained by not knowing which AEC-enrolled voters were directly enrolled. Turnout efforts would be more effective if the VEC had access to this information so it could target these voters.

FINDING 9: The Australian Electoral Commission does not provide the VEC with details of which electors were enrolled through the Australian Electoral Commission’s direct enrolment program. This information would be helpful in designing and implementing VEC engagement programs aimed at increasing turnout among directly enrolled voters.

RECOMMENDATION 4: That the VEC work with the Australian Electoral Commission to receive details of which electors were enrolled through the Australian Electoral Commission’s direct enrolment program.

After steady turnout of around 93.0% across elections from 2002 to 2014, turnout has dropped almost 5 percentage points from 2014 to 2022 (see Table 2.4 above). This coincides roughly with VEC direct enrolment having a substantial impact on enrolment numbers.⁷⁸ However, inconsistencies in VEC reporting on direct enrolment figures, along with the lack of relevant information about AEC direct enrolment, mean that the Committee is unable to determine the true extent to which direct enrolment is contributing to lower turnout.

The Committee would like to see improved reporting on direct enrolment such that the VEC can quantify its impact on turnout. Better understanding and reporting on which cohorts are voting and at what rates will allow the VEC to more efficiently and effectively target its efforts to increase turnout.

FINDING 10: Direct enrolment is contributing to increased enrolment and decreased turnout. However, the extent to which direct enrolment is impacting turnout is unclear. Improved reporting around direct enrolment could help clarify this issue and enable the VEC to better target its efforts to increase turnout.

New reporting helps understand turnout among youngest voters

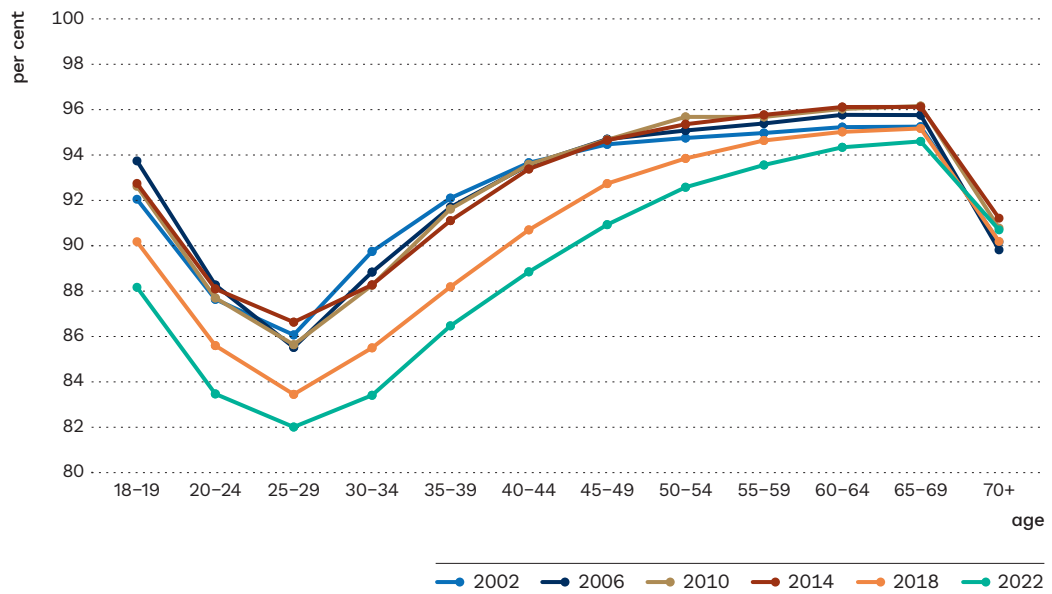
The way that turnout has traditionally been represented in Victoria is as a proportion of enrolment. Both the VEC⁷⁹ and the previous Electoral Matters Committee⁸⁰ reported using this measure, resulting in the turnout-by-age curve shown in Figure 2.3.

⁷⁸ Victorian Electoral Commission, *Submission 92 (revised)*, submission to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election, 2019, p. 72.

⁷⁹ Victorian Electoral Commission, *Submission 59*, pp. 84–5. See also Sue Lang, Director, Communication and Engagement, Victorian Electoral Commission, public hearing, Melbourne, 28 October 2019, *Transcript of evidence*, p. 10.

⁸⁰ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 41–3.

Figure 2.3 Voter turnout by age—Victorian elections, 2002 to 2022



Source: Electoral Matters Committee based on VEC data.

The VEC has improved its reporting around enrolment by publishing enrolment rates for various age cohorts (see Section 2.2.3). These data show that 18-to-24-year-old Victorians are enrolled at a lower rate than older age groups (see Table 2.8).

Table 2.8 Enrolment rate by age group

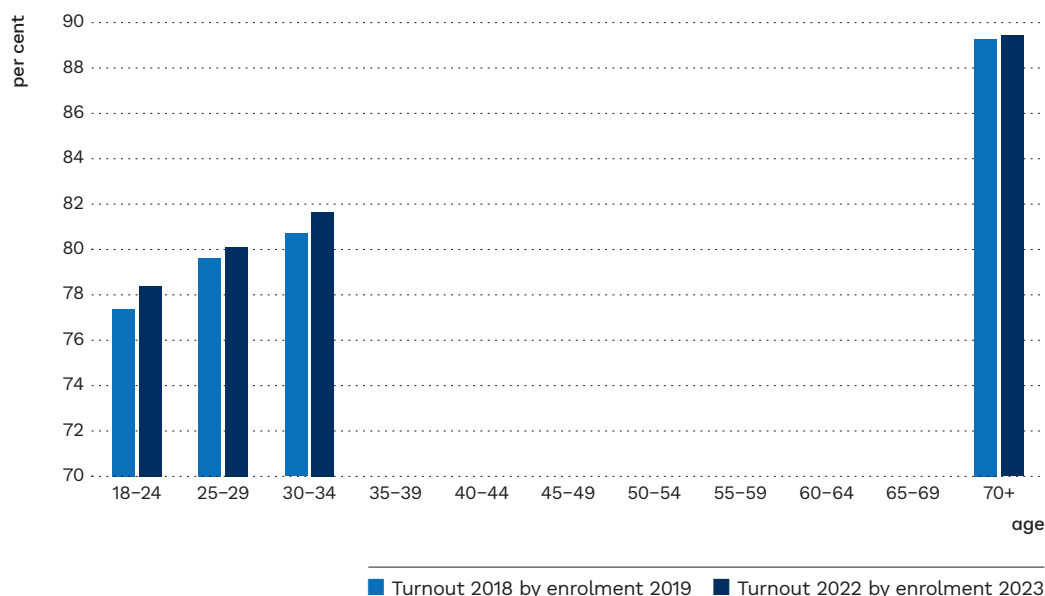
Age group	30 June 2022 (%)	30 June 2023 (%)
18-24	91.9	92.6
25-29	97.9	97.7
30-34	97.9	97.9
35-69	98.5	98.7
70 and over	98.9	98.6

Source: Victorian Electoral Commission, *Annual report 2022-23*, Melbourne, 2023, p. 82.

When correcting for the lower enrolment rate, it becomes clear that 18-to-24-year-olds participate at a much lower rate than the turnout rate suggests, while also turning out at a lower rate than all other age groups. Figure 2.4 uses VEC enrolment and turnout by age data to show turnout as a proportion of the eligible population.⁸¹

⁸¹ The Committee notes the VEC did not ‘publish and discuss turnout by age cohorts in terms of the eligible population’ as recommended by the Electoral Matters Committee of the 59th Parliament—Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, p. 44.

Figure 2.4 Turnout as a proportion of the population eligible to vote in different age groups, 2018 and 2022



Note: VEC enrolment data for the 35–69 age groups are not disaggregated into smaller age cohorts to match with VEC turnout data. This prevents analysing turnout by cohort for these age groups. The Committee has recommended the VEC provide such data in the future (see Section 2.2.3).

Sources: Victorian Electoral Commission, *Annual report 2022–23*, Melbourne, 2023, p. 82; Victorian Electoral Commission, *Submission 59*, p. 85.

This pattern aligns with previous AEC reporting regarding turnout as a proportion of the eligible population.⁸²

This contrasts with thinking that first-time voters turn out at high rates due to the novelty of the voting experience.⁸³ More likely those who are more inclined to enrol when they reach voting age are also more likely to vote. Similarly, those who are directly enrolled through the VEC’s sources of direct enrolment at that age (Department of Transport and Planning and Victorian Curriculum and Assessment Authority) have demonstrated a greater engagement with government services generally.

This analysis indicates that Victoria’s youngest voters should continue to be a target group for the VEC’s engagement activities. These activities need to focus on encouraging enrolment as well as turnout.

The Committee encourages the VEC to present and analyse turnout data across all age groups in this format in future reports to Parliament and to use what it learns to better target its engagement activities. The VEC should use turnout as a proportion of the eligible population as a tool for measuring participation among Victoria’s youngest voters in particular.

⁸² Australian Electoral Commission, *Voter turnout—2016 House of Representatives and Senate elections*, <https://www.aec.gov.au/About_AEC/research/files/voter-turnout-2016.pdf> accessed 29 April 2020, p. 14.

⁸³ Victorian Electoral Commission, *Young people inclusion plan*, Melbourne, 2021, p. 10; Sue Lang, Director, Communication and Engagement, Victorian Electoral Commission, public hearing for the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election, Melbourne, 28 October 2019, *Transcript of evidence*, p. 10.

The Committee is not suggesting that the VEC stop reporting turnout data as a proportion of enrolment. There is value in continuing established practice around turnout reporting. Any analysis of turnout as a proportion of the eligible population should be in addition to current turnout reporting practices.

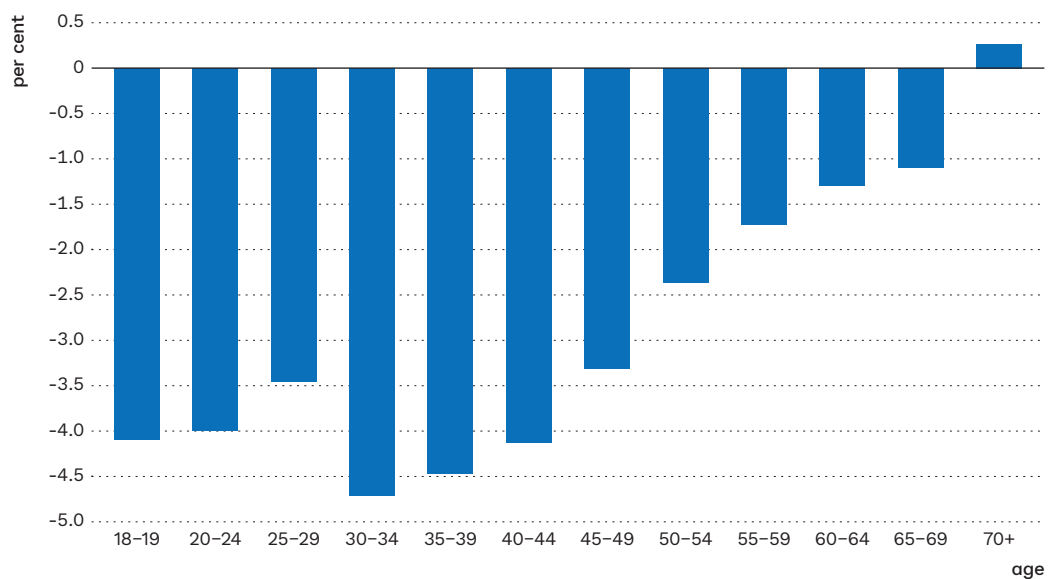
FINDING 11: People aged between 18 and 24 years old participate at a lower rate than all other age groups and should therefore continue to be a target group for the VEC’s enrolment and turnout engagement activities.

Continued drop in turnout among 30-to-44-year-old electors

The VEC cited ‘historically lower turnout rate amongst young electors’ as one factor in the overall decline in turnout. The VEC noted that, between 2018 to 2022 ‘the largest rates of decline were amongst electors in their 20s and 30s’.⁸⁴

However, looking at longer trends, it is the 30-to-44-year-old cohort that shows the greatest drop compared to earlier elections (see Figure 2.5). This was also the case following the 2018 election.⁸⁵

Figure 2.5 Change in voter turnout by age—Victorian elections (average 2002–2018 compared to 2022)



Source: Electoral Matters Committee based on VEC data.

⁸⁴ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 67.

⁸⁵ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 44–6.

Sue Lang, Director of Communication and Engagement for the VEC, told the Committee that one likely factor is generational changes in reaching milestones that are associated with political engagement. She noted:

the later transition to adult milestones experienced by young people now. So they are staying at home longer, it is taking them longer to buy their own home, they are getting married later, they are having children later. All of those milestones are typically what starts engaging a person in more active political engagement.⁸⁶

While the VEC has limited ability to counteract the influence of social change on people's decision to vote, recognising the decline among the 30-to-44-year-old cohort can be a positive step. It will allow the VEC to then design its engagement programs with this cohort in mind.

FINDING 12: Turnout among 30-to-44-year-old electors at the 2022 election dropped the most of all age groups when compared to previous elections. This was also the case at the 2018 election.

2.3.4 Improving VEC reporting on turnout

The VEC improved its reporting around turnout at the 2022 election compared to the 2018 election, but there is still more room for improvement.

The VEC provided an analysis of the turnout result at the 2022 election in its submission to this Inquiry.⁸⁷ This analysis included discussion of global trends around electoral participation, academic research on participation among young people, information about Victorians who were interstate or overseas during the election, information about direct enrolment, analysis by age groups, analysis against broader sociological trends and analysis by district. The VEC also included some analysis of the VoterAlert subscription rate and the turnout rate among younger Victorians.

The VEC also acted on some, but not all, of the recommendations that the previous Electoral Matters Committee made around participation for younger Victorians (see Chapter 15 of this volume).

The Committee commends the VEC for its work, while acknowledging that there remains room for improvement, including in the following areas:

- reporting and discussing turnout by age cohort as a proportion of eligible electors—the Committee notes that the previous Electoral Matters Committee recommended this after the 2018 election⁸⁸ and the VEC had the relevant enrolment data to support a discussion⁸⁹

⁸⁶ Sue Lang, Director, Communication and Engagement, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 18. See also Victorian Electoral Commission, *Submission 59*, pp. 84–5.

⁸⁷ Victorian Electoral Commission, *Submission 59*, pp. 80–90.

⁸⁸ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, Melbourne, August 2020, Recommendation 13, p. 44.

⁸⁹ Victorian Electoral Commission, *Annual report 2022–23*, Melbourne, 2023, p. 82.

- reporting the 18-to-19 and 20-to-24-year-old age brackets separately—this was done previously, but in 2022 an age bracket of 18-to-24 was used instead;⁹⁰ given the importance of getting younger electors to participate, reporting these brackets separately is helpful
- analysing trends across elections—for example, in relation to electors excused and not excused from voting, votes cast overseas,⁹¹ votes cast at mobile voting centres⁹² and how the availability of voting channels may have impacted turnout and postal voting rates
- increasing clarity around direct enrolment figures (see Section 2.3.3).

FINDING 13: While VEC’s reporting on turnout following the 2022 election was an improvement on its reporting after the 2018 election, there is room for further improvement.

RECOMMENDATION 5: That, in future reports to Parliament on elections, the VEC improve its reporting on turnout, including by:

- reporting and discussing turnout by age cohort as a proportion of eligible electors
- reporting turnout for 18-to-19-year-olds and 20-to-24-year-olds separately
- reporting and analysing data on the reasons electors were excused from voting
- increasing the analysis of trends across elections
- increasing clarity around direct enrolment figures and quantifying the impact on turnout.

2.3.5 Improving turnout in the future

The VEC has stated that it will commission research into electoral participation following the 2022 election, including:

- research into the reasons people did not vote at the 2022 election (a repeat of research undertaken following previous elections)⁹³
- research into the reasons for declining participation in Victoria, including a comparison to other Australian jurisdictions.⁹⁴

⁹⁰ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 67; Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 103.

⁹¹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 67.

⁹² Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 60-1.

⁹³ Victorian Electoral Commission, *Submission 59*, p. 89. See also The Social Research Centre, *Understanding non-voters of Victorian state and council elections*, Melbourne, 2018; The Social Research Centre, *Understanding non-voters of the 2018 Victorian state election*, Melbourne, 2022.

⁹⁴ Victorian Electoral Commission, *Submission 59*, p. 49; Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 101.

The VEC has also identified some specific areas as worthy of further research:

- why ‘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’
- why ‘younger, rural Victorians in border districts are not voting in increasing numbers’.⁹⁵

The Committee supports the VEC undertaking this research or engaging experts to do it.

Ultimately, though, the VEC needs to use the results of this research and other data about turnout to inform its programs. To understand what the VEC is doing with the information it gathers, the Committee would like to see the VEC provide more details about what actions it will take to address declining turnout (both in general and among specific communities). The VEC should also explain how it has responded to the data analysis conducted after the last election and to the research it has commissioned. This information should be clearly set out as part of the VEC’s public planning ahead of elections. This will improve the community’s ability to judge whether the VEC has delivered on its stated commitments regarding action to improve turnout and whether those actions are having an impact.

FINDING 14: The VEC has commissioned research into non-participation at the 2022 election and identified specific areas where research may be helpful. While research is valuable, it is important for the findings from this research to inform future actions.

RECOMMENDATION 6: That the VEC provide details of the actions it intends to take to improve turnout at the 2026 election, both generally and among specific communities, in its 2026 state election service plan. In doing this, the VEC should indicate how its planned actions respond to its analysis of turnout data from the previous election and other research on turnout.

The Committee has identified some areas where the VEC could target its engagement efforts around turnout, namely Victoria’s youngest voters, 30-to-44-year-olds and directly enrolled Victorians.

The Committee recognises that younger voters and directly enrolled voters were a focus of the VEC’s participation efforts at the 2022 election (see Section 5.2.2 of this volume). The Committee encourages the VEC to continue to focus its efforts in these areas and to take up the recommendations the Committee has made in this chapter.

⁹⁵ Victorian Electoral Commission, *Submission 59*, p. 87.

The Committee would like to see the VEC also take actions to understand and address declining turnout among the 30-to-44-year-old age group. The declining turnout of this cohort across two elections requires a response from the VEC that is targeted to the factors affecting this group.

One option for improving the participation of 30-to-44-year-olds would be establishing an advisory group and inclusion plan for this cohort, as the VEC has done for younger voters and other under-represented groups.⁹⁶ The VEC may also consider other responses, taking into account what it learns from planned research into declining participation⁹⁷ and the reasons people did not vote at the 2022 election.⁹⁸ The Committee also encourages the VEC to use other sources of data available to it, such as responses to Apparent Failure to Vote Notices and excuses provided prior to notices being sent, as recommended by the previous Electoral Matters Committee following the 2018 election.⁹⁹

The Committee's view is that the VEC is best placed to determine what approach is most appropriate, but that some action is needed to respond to declining participation among these voters, who are currently not specifically targeted by VEC programs.

FINDING 15: Victoria's youngest voters, 30-to-44-year-olds and directly enrolled voters are key groups that may benefit from targeted campaigns to improve participation in elections. The VEC has programs in place for younger voters and directly enrolled voters but not 30-to-44-year-olds.

RECOMMENDATION 7: That the VEC continue to target younger voters and directly enrolled voters and implement engagement programs aimed specifically at increasing turnout among these voters.

RECOMMENDATION 8: That the VEC identify 30-to-44-year-old electors as a target group for its inclusion and participation efforts and implement engagement programs aimed specifically at increasing turnout among these voters.

⁹⁶ Victorian Electoral Commission, *Annual report 2022–23*, Melbourne, 2023, pp. 33–5; Victorian Electoral Commission, *Young people inclusion plan*, Melbourne, 2021.

⁹⁷ Victorian Electoral Commission, *Submission 59*, p. 49; Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 101.

⁹⁸ Victorian Electoral Commission, *Submission 59*, p. 89. See also The Social Research Centre, *Understanding non-voters of Victorian state and council elections*, Melbourne, 2018; The Social Research Centre, *Understanding non-voters of the 2018 Victorian state election*, Melbourne, 2022.

⁹⁹ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 14, p. 46.

2.4 Formality

For the VEC, the story of informal voting in 2022 is largely positive. Compared with the 2018 State election, the rate of informal voting declined in both Houses. The decline occurred despite a record number of candidates, which led to larger ballot papers that were more difficult to complete.

Victorian Electoral Commission, Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election, Melbourne, 2023, p. 178.

An informal vote is a ballot paper which does not meet all of the requirements for a completed ballot. Informal votes are not counted when calculating results. Formality, along with enrolment and turnout, is a measure of the health of an electoral system.

The proportion of informal votes for the Lower House dropped from 2018 to 2022, after having risen at previous elections. Despite this positive outcome, it remains one of the highest rates among comparable Australian Lower Houses.

Informality for the Upper House was also lower in 2022 than in 2018. The 2022 election had the lowest rate of informality for the Upper House since the current voting system was introduced with the 2006 election.

VEC analysis around informality was improved compared to 2018. The VEC and the Committee have identified areas for further research and reporting around informality, as well as opportunities for targeting advertising and information campaigns in the future.

This section discusses the formality rate in both the Lower and Upper Houses (Sections 2.4.1 and 2.4.2), the VEC's analysis of the informal ballot papers for the Lower House and Upper House and factors that contribute to informality (Section 2.4.3), the VEC's efforts to improve formality (Section 2.4.4) and recommendations for improving formality at future elections (Section 2.4.5).

2.4.1 Lower House formality

there were lower informality rates overall, from 5.83% in 2018 to 5.54% in 2022 for the Legislative Assembly [Lower House] ... This marked the first time the informality rate decreased from the last election since 1996 ...

Victorian Electoral Commission, Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election, Melbourne, 2023, p. 45.

At the 2022 election, 94.5% of Lower House votes were formal and 5.5% were informal.

Overall Lower House informality fell slightly in 2022, compared to 2018. However, it remains higher than in each of the four elections from 2002 to 2014 (see Table 2.9).

Table 2.9 Lower House informal voting—Victorian elections, 2002 to 2022

	2002	2006	2010	2014	2018	2022
Percentage of vote	3.4	4.6	5.0	5.2	5.8	5.5

Sources: Victorian Electoral Commission, *Submission 92 (revised)*, submission to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election, 2019, p. 66; Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 101.

The VEC described the drop in Lower House informality from 2018 to 2022 as an ‘inflection point’¹⁰⁰ and ‘the reversal of a decades-long trend’.¹⁰¹ VEC reporting credited its advertising campaign and community outreach efforts.¹⁰²

The drop in informality from 2018 to 2022 is a positive result, and the Committee’s view is that VEC campaigns around formality are likely having a positive effect. However, the Committee does not consider a single data point to be sufficient evidence that a trend has reversed or inflected.

Victoria’s Lower House continues to have one of the highest informality rates of Australian lower houses with single-member electorates. Victoria’s 2022, 2018 and 2014 informality rates were higher than all but one¹⁰³ comparable election since 2013 (see Figure 2.6).

In its public planning for the 2022 election, the VEC did not set a target for formality. It had previously included a key performance indicator, but this was discontinued.¹⁰⁴ The Committee discusses this issue and makes a recommendation in Section 8.2.1 of this volume.

FINDING 16: Victoria’s Lower House informality rate decreased at the 2022 election compared to the 2018 election, a positive result. However, the informality rate of 5.5% in 2022 remains higher than in each of the four elections from 2002 to 2014, and one of the highest rates among comparable Australian lower houses.

¹⁰⁰ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 178.

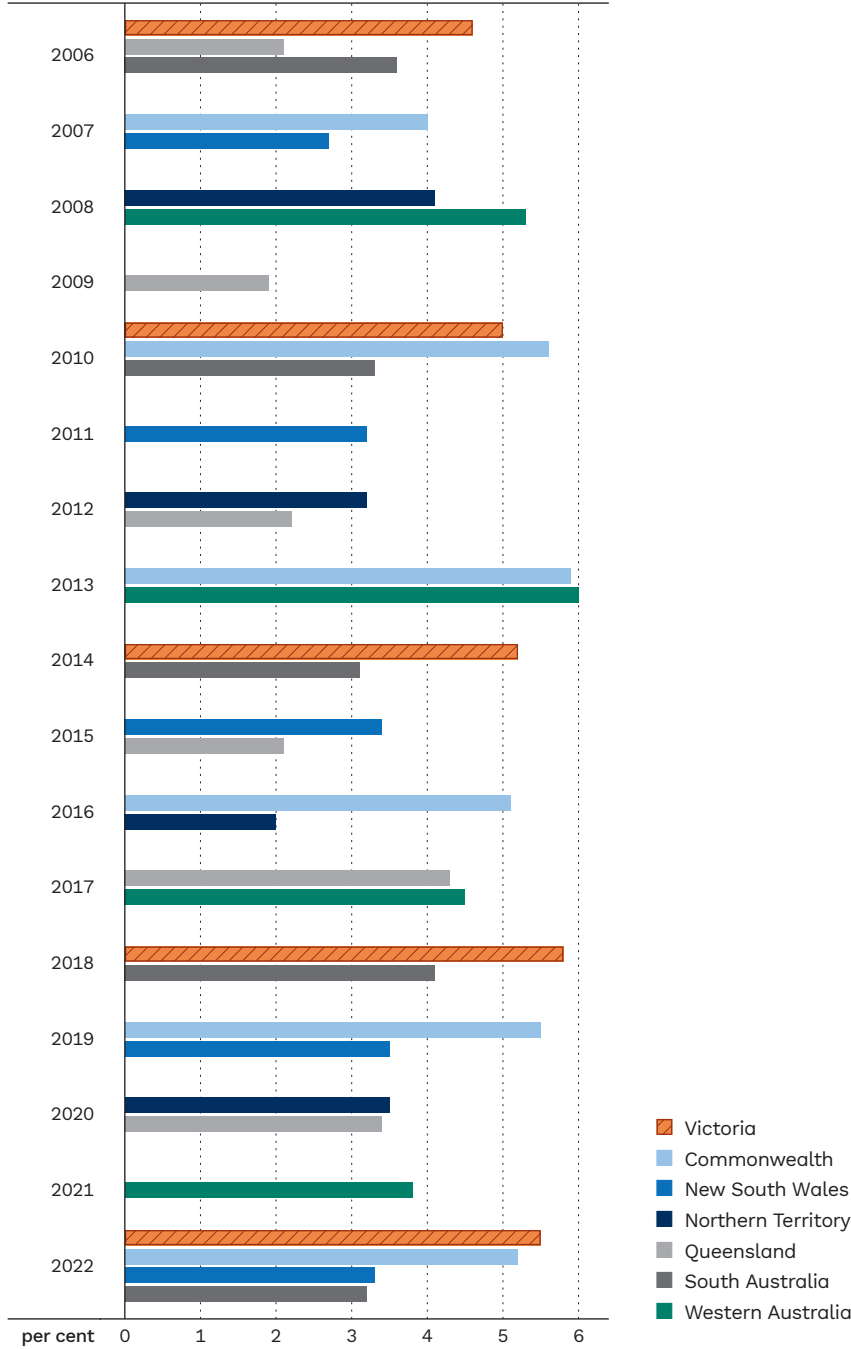
¹⁰¹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 45.

¹⁰² Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 45, 178.

¹⁰³ The 2019 Commonwealth House of Representatives election had 5.54% informality—Australian Electoral Commission, *Tally room: informal votes by state*, <<https://results.aec.gov.au/24310/Website/HouseInformalByState-24310.htm>> accessed 20 December 2023.

¹⁰⁴ See, for the previous indicator, Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 167.

Figure 2.6 Lower House informality in comparable Australian jurisdictions, 2006 to 2022



Source: Electoral Matters Committee based on data from electoral commissions.

2.4.2 Upper House formality

As for the Upper House, a decrease of 0.74 percentage points put the informal voting rate lower than any other election under the current Upper House system, which commenced in 2006.

Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 178.

At the 2022 election, 96.8% of Upper House votes were formal and 3.2% were informal. The informality rate was down from 4.0% in 2018 (see Table 2.10). Upper House informality in 2022 was the lowest result of all elections since proportional representation was introduced in 2006. This is a positive result.

Table 2.10 Upper House informal voting—Victorian elections, 2006 to 2022

	2006	2010	2014	2018	2022
Percentage of vote	4.3	3.4	3.4	4.0	3.2

Sources: Victorian Electoral Commission, *Submission 92 (revised)*, submission to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election, 2019, p. 66; Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 101.

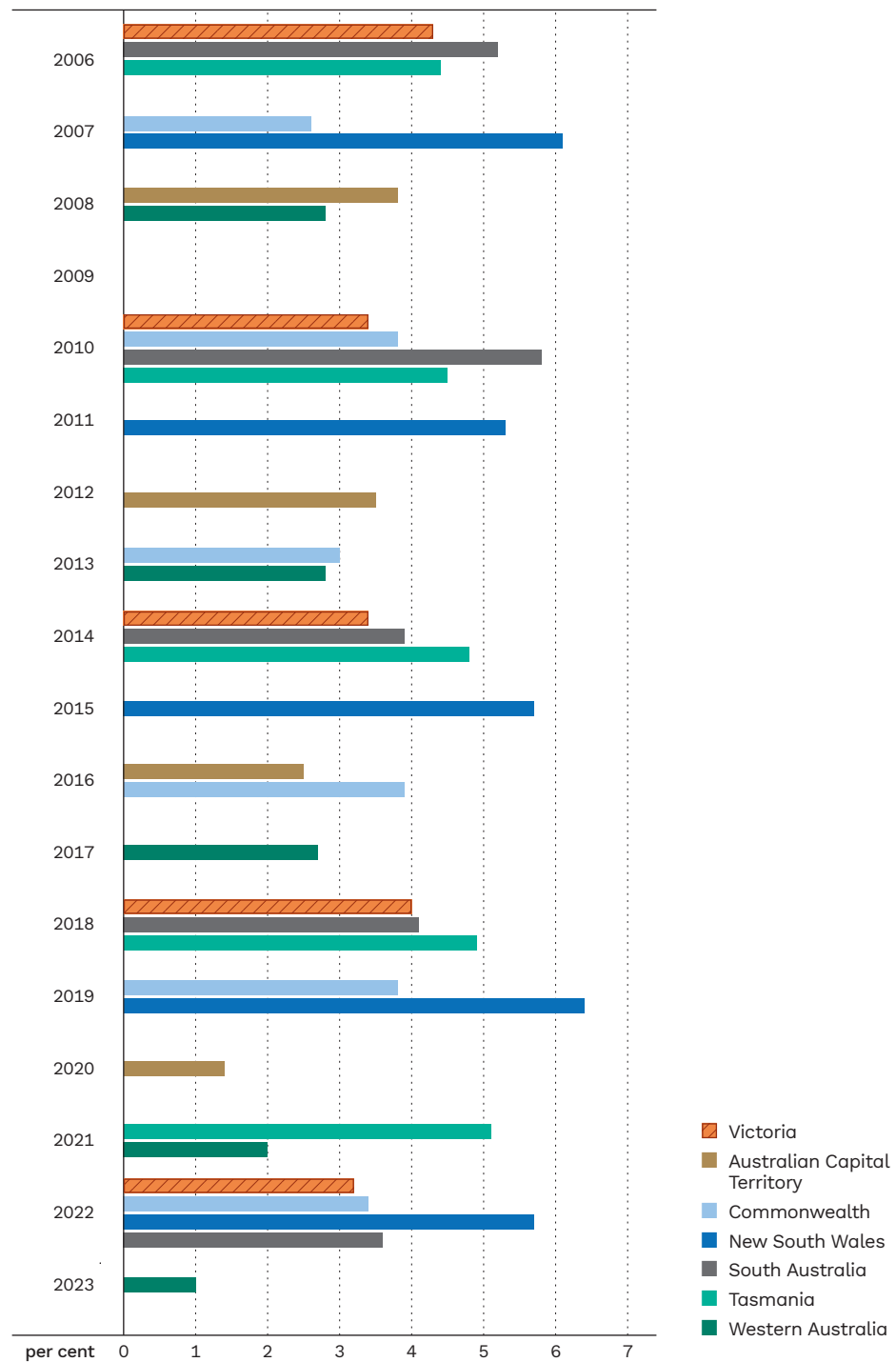
When compared to other Australian houses of parliament using proportional representation, Victoria's Upper House informality is in the middle of the range (see Figure 2.7).

As with the Lower House, the VEC did not include a target regarding Upper House formality in its public planning or reporting (see further discussion in Section 8.2.1 of this volume).¹⁰⁵

FINDING 17: Victoria's Upper House informality rate at the 2022 election was 3.2%, the lowest informality rate of Victorian elections since the current voting system was introduced at the 2006 election. Upper House formality is in the middle of the range compared to other Australian houses using proportional representation.

¹⁰⁵ See, for the previous indicator, Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 167.

Figure 2.7 Informality in Victoria’s Upper House and comparable Australian houses, 2006 to 2023



Note: Lower House data used for Tasmania and Legislative Assembly data for the ACT; Upper House data used for all other jurisdictions.

Source: Electoral Matters Committee based on data from electoral commissions.

2.4.3 Factors contributing to informality

People may vote informally for a number of reasons. Determining and understanding these reasons is important for delivering effective programs to reduce informal voting. The Committee notes that the secret vote makes it hard to know why a voter voted informally. However, there are ways to get some understanding of what is occurring and why.

The sections below explore informal voting in 2022, including:

- the rate of intentional and accidental informality
- factors generally influencing informal voting
- three particular phenomena relevant to informality in 2022:
 - an increase in the number of districts with high informality
 - a rise in the number of Lower House candidates
 - repeated high informality concentrated in certain geographic areas.

Lower House intentional and accidental informality

When analysing informal votes, an important distinction is made between accidentally and intentionally informal votes. Accidentally informal votes occur when a voter attempts to cast a formal vote but makes a mistake, for example using ticks and crosses instead of numbers. Intentionally informal votes include blank ballot papers and those with markings that make it clear the voter intended their vote not to count.

Based on the VEC's analysis of Lower House ballot papers, the Committee has calculated that 3.3% of all votes were accidentally informal. This is slightly less than in 2018, but more than at elections from 2006 to 2014 (see Table 2.11). The proportion of votes that were intentionally informal was the same as in 2018, 2.3%. This indicates that the reduction in overall informality at the 2022 election was driven by fewer people accidentally voting informally.

Table 2.11 Lower House—intentional and accidental informal votes as a percentage of all votes—Victorian elections, 2006 to 2022

	2006	2010	2014	2018	2022
Apparently intentional (including blanks) (%)	1.9	2.4	2.6	2.3	2.3
Apparently accidental (%)	2.7	2.6	2.6	3.5	3.3
Total informality (%)	4.6	5.0	5.2	5.8	5.5

Note: The way the VEC categorises informal votes in its informal vote analysis has changed over time, decreasing comparability between elections (Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 161; Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian state election*, Melbourne, 2019, p. 96). To maximise comparability, the Committee uses the VEC's figure for apparently intentionally informal ballots (including blanks) and classifies all remaining informal ballots as apparently accidentally informal. The result of this is some ballots which the VEC was unable to categorise as intentionally or accidentally informal are accounted for in the apparently accidental category.

Source: Electoral Matters Committee calculations based on VEC data.

FINDING 18: The proportion of apparently intentional informal votes for the Lower House remained steady from 2018 to 2022. Apparently accidental informal votes dropped from 3.5% to 3.3% of all votes, though the rate remains higher than at elections from 2006 to 2014.

Upper House intentional and accidental informality

It is very easy to vote for the Upper House, by placing 1 above the line. Few voters get it wrong and cast an accidental informal vote. The consequence is that almost two thirds (64.56%) of Upper House informal votes were deliberately informal.

Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 175.

The VEC performed an Upper House informal ballot paper analysis for the 2022 election, after not doing so in 2018. The Committee welcomes the return of this analysis, noting the value of the information gathered and the possibility of using such information to inform community education programs in the future.

The Committee has calculated that 1.1% of all Upper House votes were accidentally informal. This is similar to the 2014 and 2010 elections. An additional 2.1% of all ballots were apparently intentionally informal, a lower proportion than at the 2010 and 2014 elections (see Table 2.12).

Table 2.12 Upper House—intentionally and accidentally informal votes as a percentage of all votes—Victorian elections, 2006 to 2022

	2006	2010	2014	2018	2022
Apparently intentional (including blanks) (%)	2.1	2.4	2.5	n/a	2.1
Apparently accidental (%)	2.2	1.0	0.9	n/a	1.1
Total informality (%)	4.3	3.4	3.4	4.0	3.2

Note: The way the VEC categorises informal votes in its informal vote analysis has changed over time, decreasing comparability between elections (Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 161; Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian state election*, Melbourne, 2019, p. 96). To maximise comparability, the Committee uses the VEC's figure for apparently intentionally informal ballots (including blanks) and classifies all remaining informal ballots as apparently accidentally informal. The result of this is some ballots which the VEC was unable to categorise as intentionally or accidentally informal are accounted for in the apparently accidental category.

Source: Electoral Matters Committee calculations based on VEC data.

FINDING 19: Apparently intentional informal votes for the Upper House dropped from 2.5% in 2014 to 2.1% in 2022. Apparently accidental informal voting rates were similar to results in 2010 and 2014. The VEC did not perform an Upper House informal ballot paper analysis for the 2018 election.

The VEC’s informal vote analysis noted that the Upper House voting system makes it easy to cast a formal vote.¹⁰⁶ Two areas where voters more commonly made errors were:

- numbering both rows of the ‘double-decker’ ballot paper design that was required to accommodate the high number of parties contesting the election¹⁰⁷
- marking only a single square with ‘1’ below the line—9.1% of Upper House informal ballots were marked this way.¹⁰⁸

High numbers of candidates have a lesser effect on formality in the Upper House than in the Lower House, as voters only need to mark one square above the line, or number five squares below the line, no matter the number of candidates. The number of parties contesting the election, however, impacted informality by requiring all regions to have ‘double-decker’ ballot papers (see Figure 2.8). These ballot papers had two rows of parties above the line and two rows of candidates below the line.¹⁰⁹ Some voters numbered both rows and some wrote ‘1’ in each vertical pair of parties above the line, making their ballot informal.¹¹⁰

Only Northern Metropolitan Region had a ‘double-decker’ ballot paper in 2018 and this region displayed the greatest decline in informality from 2018 to 2022.¹¹¹

¹⁰⁶ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 175.

¹⁰⁷ The VEC did not quantify this type of error, noting only a ‘sizeable proportion’ of informal ballots categorised as ‘Numbers—other’ included such errors—Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 174.

¹⁰⁸ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 173.

¹⁰⁹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 171.

¹¹⁰ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 171, 174. See also William Taylor, *Submission 73*, p. 2; Thomas Killip, *Submission 90*, p. 1.

¹¹¹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 171.

Figure 2.8 Sample ‘double-decker’ ballot paper

2

Directions	Ballot paper	Sample Metropolitan Region							
<p>For your vote to count, you must vote in either one of the two ways described below.</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; border: 1px solid black; padding: 5px; vertical-align: top;"> <p style="text-align: center;">A OR</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 5px auto;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 5px auto; text-align: center;">Logo</div> <p style="text-align: center;">Party Name</p> </td> <td style="width: 33%; border: 1px solid black; padding: 5px; vertical-align: top;"> <p style="text-align: center;">B OR</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 5px auto;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 5px auto; text-align: center;">Logo</div> <p style="text-align: center;">Party Name</p> </td> <td style="width: 33%; border: 1px solid black; padding: 5px; vertical-align: top;"> <p style="text-align: center;">C OR</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 5px auto;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 5px auto; text-align: center;">Logo</div> <p style="text-align: center;">Party Name</p> </td> </tr> <tr> <td style="border: 1px solid black; padding: 5px; vertical-align: top;"> <p style="text-align: center;">D OR</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 5px auto;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 5px auto; text-align: center;">Logo</div> <p style="text-align: center;">Party Name</p> </td> <td style="border: 1px solid black; padding: 5px; vertical-align: top;"> <p style="text-align: center;">E OR</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 5px auto;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 5px auto; text-align: center;">Logo</div> <p style="text-align: center;">Party Name</p> </td> <td style="border: 1px solid black; padding: 5px; vertical-align: top;"> <p style="text-align: center;">F</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 5px auto;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 5px auto; text-align: center;">Logo</div> <p style="text-align: center;">Party Name</p> </td> </tr> </table>	<p style="text-align: center;">A OR</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 5px auto;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 5px auto; text-align: center;">Logo</div> <p style="text-align: center;">Party Name</p>	<p style="text-align: center;">B OR</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 5px auto;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 5px auto; text-align: center;">Logo</div> <p style="text-align: center;">Party Name</p>	<p style="text-align: center;">C OR</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 5px auto;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 5px auto; text-align: center;">Logo</div> <p style="text-align: center;">Party Name</p>	<p style="text-align: center;">D OR</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 5px auto;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 5px auto; text-align: center;">Logo</div> <p style="text-align: center;">Party Name</p>	<p style="text-align: center;">E OR</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 5px auto;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 5px auto; text-align: center;">Logo</div> <p style="text-align: center;">Party Name</p>	<p style="text-align: center;">F</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 5px auto;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 5px auto; text-align: center;">Logo</div> <p style="text-align: center;">Party Name</p>	<p style="text-align: center;">Either</p> <p>Place the number 1 in one, and only one of these squares to indicate your choice.</p>	
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<p style="text-align: center;">Or</p> <p>Place the numbers 1 to at least 5 in these squares to indicate your choice.</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; border: 1px solid black; padding: 5px; vertical-align: top;"> <p style="text-align: center;">A</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 5px auto;"></div> <p style="text-align: center;">CANDIDATE, Name Party Name <i>Location</i></p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 5px auto;"></div> <p style="text-align: center;">CANDIDATE, Name Party Name <i>Location</i></p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 5px auto;"></div> <p style="text-align: center;">CANDIDATE, Name Party Name <i>Location</i></p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 5px auto;"></div> <p style="text-align: center;">CANDIDATE, Name Party Name <i>Location</i></p> </td> <td style="width: 33%; 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Source: Electoral Matters Committee.

The Committee discusses the Upper House voting system and makes recommendations for change in Chapter 6 of Volume 1 of this report. The recommended changes should address the issues identified by reducing the number of candidates that stand for Upper House elections and aligning the instructions for voting above the line and below the line.

The informal vote analysis also identified 4,848 Upper House ballot papers that were incorrectly counted as informal during vote counting.¹¹² This represents 3.9% of informal Upper House ballot papers and 0.1% of all Upper House ballot papers. The VEC noted that some of this may be a result of different judgement calls on things which are not clear (such as the legibility of a number),¹¹³ but also recommended better training for election staff counting votes to address this issue.¹¹⁴ The Committee supports this recommendation. See Chapter 4 in Volume 1 for the Committee's recommendations regarding VEC training.

VEC reporting on informality as a proportion of all votes

The VEC published data regarding apparently intentional and apparently accidental informal voting as a proportion of all votes in its report to Parliament as a response to a previous Electoral Matters Committee recommendation.¹¹⁵

While it is somewhat helpful that the VEC has published these figures, there remains room for improvement. Much of the value in publishing these figures comes from incorporating them into the analysis and discussion of these major categories of informality, including through discussing trends across elections. The Committee would like the VEC to incorporate such content into its regular post-election reporting. The previous Electoral Matters Committee made a similar recommendation.¹¹⁶

FINDING 20: The VEC published apparently accidental and apparently intentional informal vote figures as percentage of all votes in its report to Parliament as part of its response to an Electoral Matters Committee recommendation. However, it did not incorporate these numbers into its analysis and discussion of trends across elections.

RECOMMENDATION 9: That the VEC publish apparently accidental and apparently intentional informal vote figures as percentage of all votes as part of its regular post-election informality reporting and incorporate those figures into its analysis and discussion of trends across elections.

¹¹² Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 174.

¹¹³ Victorian Electoral Commission, correspondence, 19 January 2024, p. 5.

¹¹⁴ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 174.

¹¹⁵ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 116.

¹¹⁶ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 8, p. 31.

General causes of informality

There are a number of potential causes of informality, both accidental and intentional. A previous Electoral Matters Committee outlined these potential causes in its *Inquiry into civics and electoral participation in Victorian state parliamentary elections*.

They can include:

- the number of candidates in a Lower House district—districts with more candidates have higher informality rates
- voter attitudes to politics and elections (which can affect intentional informality)
- the proportion of electors with a non-English-speaking background
- socio-economic factors, including social exclusion and disadvantage
- confusion about different electoral systems in state and Commonwealth elections.¹¹⁷

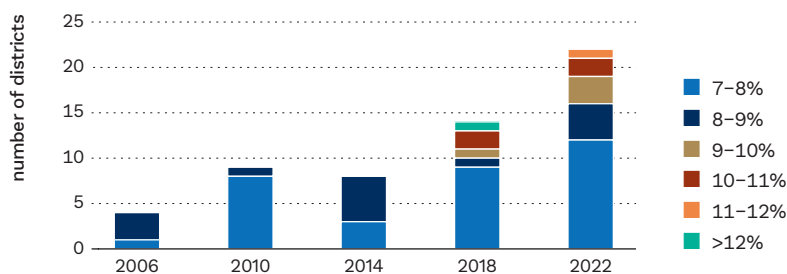
The VEC’s report to Parliament acknowledged or discussed these issues in relation to informality at the 2022 election, indicating that these general causes are present to some extent in Victorian elections.¹¹⁸

Increase in the number of districts with high informality

Despite the drop in overall informality in the Lower House from 2018 to 2022, the number of districts with high informality increased. One quarter of all districts (22) recorded informality rates greater than 7.0% in 2022, compared to 14 districts in 2018 (see Figure 2.9).

Figure 2.9 also shows that the level of informality in districts with high informality is increasing. At each of the 2006 to 2014 elections, no district had an informality rate greater than 9.0%. In 2022, six districts had informality rates greater than 9.0%.

Figure 2.9 Number of Lower House districts with greater than 7% informality—Victorian elections, 2006 to 2022



Source: Electoral Matters Committee based on VEC data.

¹¹⁷ Parliament of Victoria, Electoral Matters Committee, *Inquiry into civics and electoral participation in Victorian state parliamentary elections*, August 2018, pp. 58–9, 61–3.

¹¹⁸ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 160–79, 184–5.

The Committee notes the rise in the number of districts with high informality as a feature of the 2022 election, despite the drop in state-wide informality. This is a worrying trend, which indicates an increasingly inequality between districts in terms of formal voting.

It is not clear to the Committee what would be causing this trend, but it is something worth monitoring at future elections. It may be helpful to understand what is driving this trend and what can be done to reduce this problem.

FINDING 21: There was a greater number of districts showing high levels of informality in 2022 than at previous elections, despite the drop in state-wide informality. The cause of this is not clear. Understanding what is driving this and what can be done to address it in the future may be helpful.

Rise in the number of Lower House candidates

Statistics from local government elections indicate that the informal voting rate increases in electorates with 10 or more candidates. There is evidence of this occurring in the 2022 State election.

Victorian Electoral Commission, Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election, Melbourne, 2023, p. 161.

The total number of candidates running for the Lower House rose markedly in 2022, from an average of 503 across the 2006 to 2018 elections to 731 in 2022.¹¹⁹ The average number of candidates contesting a Lower House seat in 2022 increased by 2.6—from 5.8 in 2018 to 8.4 in 2022. See Table 2.13.

Table 2.13 Number of Lower House candidates and average per district, 2006 to 2022

Election	2006	2010	2014	2018	2022 ^a
Total number of Lower House candidates	459	502	545	507	731
Average number of Lower House candidates per district	5.2	5.7	6.2	5.8	8.4

a. Narracan District failed and supplementary elections excluded.

Source: Electoral Matters Committee based on VEC data.

The number of districts with high numbers of candidates increased markedly from the 2018 to 2022 elections. The number of districts with 8 or more candidates nearly tripled, from 20 in 2018 to 58 in 2022. See Table 2.14.

¹¹⁹ This does not include candidates at the Narracan District failed or supplementary elections.

Table 2.14 Number of districts with high numbers of candidates

Election	2010	2014	2018	2022 ^a
Number of districts with eight or more candidates	10	18	20	58
Number of districts with ten or more candidates	1	3	5	15

a. Narracan District failed and supplementary elections excluded.

Source: Electoral Matters Committee based on VEC data.

There were also fewer districts with low numbers of candidates. There were no districts with fewer than six candidates in 2022. In contrast, at least 40% of districts had fewer than six candidates in the previous three elections. See Table 2.15.

Table 2.15 Number of districts with fewer than six candidates

Election	2010	2014	2018	2022 ^a
Number of districts with fewer than six candidates	45	36	48	0
Proportion of total districts (%)	51.1	40.9	54.5	-

a. Narracan District failed and supplementary elections excluded.

Source: Electoral Matters Committee based on VEC data.

High candidate numbers are associated with voters making numbering or sequencing mistakes when filling out their ballot papers. The VEC's reporting noted a 'fairly strong positive correlation' between the number of candidates and the informality rate¹²⁰ and a 'very strong association' between informal votes with sequencing errors and the number of candidates in a district.¹²¹

The increase in candidate numbers at the 2022 election appears to have impacted informality by contributing to higher informality in districts with high numbers of candidates, particularly by increasing the incidence of people accidentally voting informally. However, the Committee notes that the state-wide informality rate dropped from 2018 to 2022 despite a state-wide increase in candidates contesting Lower House elections.

The VEC noted that knowing which districts have high numbers of candidates after the close of nominations 'may allow for changing prioritisation of information and education campaigns aimed at reducing informality where feasible'.¹²² Alterations to the election timetable could make this more feasible. See Chapter 3 in Volume 1 of this report for the Committee's discussion of the election timetable.

¹²⁰ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 161. The VEC's report on the 2018 election noted a 'strong positive correlation between certain types of informal votes and the number of candidates in a district. Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 96.

¹²¹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 167.

¹²² Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 161.

FINDING 22: There was a high number of Lower House candidates at the 2022 election, increasing from 5.8 candidates per district in 2018 to 8.4 in 2022. VEC research shows that a higher numbers of candidates is associated with higher informality, particularly apparently accidental informality. This likely contributed to increased informality in some districts in 2022. However, the state-wide increase in Lower House candidates did not result in an increase in state-wide informality.

Repeated high informality concentrated in certain geographic areas

Some areas of Victoria have repeatedly displayed high informality. Table 2.16 shows every district that has had an informality rate in the top 20 at any election since 2006. Grouping these districts geographically shows that high informality has been consistently prevalent in some areas:

- Melbourne’s south-western, western and northern suburbs
- Melbourne’s outer south-east
- some regional areas.

Table 2.16 Districts with top 20 informality rates, 2006–2022

Melbourne’s west and south-west	Melbourne’s north-west	Melbourne’s north	Melbourne’s outer south-east	Regional Victoria
Altona (1)	Niddrie (3)	Broadmeadows (5)	Clarinda (2)	Lara (1)
Derrimut (2)	Keilor (2)	Brunswick (1)	Clayton (2)	Melton (5)
Footscray (1)		Greenvale (1)	Cranbourne (5)	Mildura (3)
Laverton (1)		Kalkallo (1)	Dandenong (5)	Morwell (2)
Koroit (5)		Mill Park (2)	Frankston (1)	Ripon (2)
Point Cook (1)		Pascoe Vale (4)	Keysborough (2)	
St Albans (3)		Preston (4)	Lyndhurst (2)	
Sydenham (3)		Thomastown (5)	Mordialloc (2)	
Tarneit (2)		Yuroke (3)	Mulgrave (3)	
Werribee (3)			Narre Warren North (3)	
Williamstown (1)			Narre Warren South (2)	
			Pakenham (1)	

Notes: Numbers in parentheses show how many times a district had a top 20 informality rate at an election since 2006. Since 2006 there have been two electoral boundaries redistributions, so not all districts existed at every election, and some districts overlap. Bayswater was in the top 20 highest informality rates in 2006 and is not listed above. No other districts from the Bayswater area have displayed top 20 informality rate any election since 2006.

Source: Electoral Matters Committee based on VEC data.

These districts represent areas that the Committee and VEC are already aware of as areas with high informality.¹²³ The VEC identified ‘northern and western suburbs and the outer southeastern suburbs’ as areas with the highest informality at the 2022 election, noting the likely influence of socio-economic factors:

This distribution appears to relate to socio-economic factors, particularly proficiency in English and the number of residents speaking a language other than English, education and income.¹²⁴

The VEC’s recommended response is to continue to ‘tailor outreach programs’ based on socio-economic factors in areas of suburban Melbourne where there is high informality.¹²⁵

The Committee supports this response. The knowledge that certain geographic areas exhibit continually high informality across elections presents an opportunity for the VEC to focus its efforts in those areas.

FINDING 23: High informality is continually focussed in certain geographic areas across multiple elections—Melbourne’s south-western, western and northern suburbs, Melbourne’s outer south-east and some regional areas. The VEC is aware of this trend and intends to tailor its engagement efforts to the socio-economic demographics present in areas of suburban Melbourne in particular.

2.4.4 VEC activities to reduce informality

The VEC’s advertising and communication messages over recent elections have put various amounts of emphasis on how to vote formally. The VEC’s post-election reporting has included summaries of the messages used in communication campaigns leading up to elections:

- the 2022 advertising campaign included messaging about ‘how to enrol and vote correctly’¹²⁶ and the VEC identified ‘reduced rates of informal voting’ as a key objective of the campaign¹²⁷

¹²³ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 160. Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian state election*, Melbourne, 2019, pp. 95, 97–8; Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 47–8.

¹²⁴ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 160.

¹²⁵ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 160.

¹²⁶ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 43.

¹²⁷ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 45.

- the 2018 and 2014 election information campaigns both emphasised the ‘importance of every single vote,’ and the 2014 campaign also included ‘how to correctly complete the ballot papers’ as a ‘key message’¹²⁸
- the 2010 campaign included an objective to ‘minimise the level of informal voting’¹²⁹
- the 2006 campaign’s objectives included ‘[to] minimise the level of informal voting for the Legislative Council’ and ‘[to] increase the formal vote for the Legislative Assembly’.¹³⁰

Ongoing programs such as Passport to Democracy and the Democracy Ambassador program also have formal voting components.¹³¹

Broadmeadows informality pilot—QR codes

In Broadmeadows District, the VEC displayed QR codes on voting screens and queue signage that linked to videos in multiple languages showing people how to vote. The VEC’s aim was to determine if this could help reduce informality in a district that has regularly had high informality. The QR code was only scanned nine times.¹³²

While the low uptake is disappointing, the Committee acknowledges the VEC trialling new ways of reducing informality and encourages the VEC to continue to do so. The Committee notes that some participants at its culturally and linguistically diverse community roundtable suggested video screens showing how to vote in different languages at voting centres.¹³³

FINDING 24: In an effort to reduce informality, the VEC put QR codes linking to videos explaining how to vote in multiple languages on voting screens and queue signage in Broadmeadows District. While uptake was low, it is positive that the VEC is conducting trials like this. The Committee encourages the VEC to continue trying new ways to address informality in the future.

¹²⁸ Victorian Electoral Commission, *Submission 92 (revised)*, submission to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election, 2019, p. 15; *Report to Parliament on the 2014 Victorian state election*, Melbourne, 2015, p. 17.

¹²⁹ Victorian Electoral Commission, *Report to the Parliament on the 2010 Victorian State election*, Melbourne, 2011, p. 33.

¹³⁰ Victorian Electoral Commission, *Report to the Parliament on the 2006 Victorian State election*, Melbourne, 2007, p. 32.

¹³¹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 6, 53, 56. See also Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 58–65, 67.

¹³² Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 53.

¹³³ See Section C.3 in Appendix C in this volume.

2.4.5 Reducing informality at future elections

As noted above, Lower House informality fell at the 2022 election, after having risen at every election from 2002 to 2018. Upper House informality also fell. This is a positive result. However, Victorian Lower House informality remains high compared to other Australian jurisdictions. It is important that the VEC continue to work towards reducing informality.

Post-election survey results show that there is a desire among voters for more information about how to cast a formal vote. Approximately 4.6% of all respondents indicated that they wanted more information about how to complete ballot papers correctly. The proportion was higher for culturally and linguistically diverse (CALD) voters, at approximately 7.6% of respondents.¹³⁴ Several participants in the Committee's roundtable with people from CALD communities also noted the challenges for people from CALD backgrounds in knowing how to vote,¹³⁵ as did some respondents to the Committee's survey of voters with disability.¹³⁶

One submitter suggested a website or app where voters could determine their own preferences. The website or app would tell them whether or not what they had entered was formal and then voters could print that out to use as a personal how-to-vote card.¹³⁷

The Committee notes that the VEC already provides information about how to vote correctly as part of its communications efforts (see Section 5.2) and 34% of survey respondents who saw VEC communications recalled it including instructions for completing ballot papers correctly.¹³⁸ Still, survey responses indicate there is a need for more to be done here, particularly for CALD voters.

FINDING 25: Post-election survey results indicate that there is a desire among voters for more information about how to cast a formal vote. Culturally and linguistically diverse voters, in particular, indicated their desire for such information.

The Committee recognises the increased depth of analysis into informality published by the VEC in its report to Parliament on the 2022 election. The VEC worked with academics at the University of Adelaide and Flinders University to perform this analysis.¹³⁹ The VEC

¹³⁴ Electoral Matters Committee calculations based on data from Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, pp. 33–5.

¹³⁵ See Sections C.3 and C.7 in Appendix C in this volume.

¹³⁶ See Sections D.4.8 and D.4.13 in Appendix D in this volume.

¹³⁷ Chris Curtis, *Submission 41*, p. 15.

¹³⁸ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 21. For more on the VEC's communication about the election, see Chapter 5.

¹³⁹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 117.

also reinstated an analysis of informal Upper House ballot papers.¹⁴⁰ The VEC's reporting included a range of recommendations:

- tailoring outreach programs based on socio-economic factors and in geographic areas where informality tends to be higher (parts of suburban Melbourne)¹⁴¹
- changing information and education campaign priorities based on which districts have high numbers of candidates¹⁴²
- focusing efforts on reducing accidental informality (as opposed to intentionally informal voting)¹⁴³
- identifying countries where ticks and crosses are formal votes that have large migrant populations in Victoria to allow for information campaigns tailored to this type of informal vote.¹⁴⁴

The Committee supports these recommendations, and generally encourages the VEC to take an evidence-based approach to its improvement program around formality.

The Committee also heard various suggestions for changes that might improve formality in submissions to this Inquiry. These included:

- greater education, particularly for CALD communities¹⁴⁵
- more research into the causes of informality¹⁴⁶
- measures to reduce the number of candidates on ballot papers, including more stringent requirements for party registration,¹⁴⁷ increasing the number of people required to nominate an independent candidate,¹⁴⁸ requiring nominators for party candidates¹⁴⁹ and a sliding scale of nomination fees for Upper House candidates, with higher fees for groups or parties nominating more candidates in a region¹⁵⁰

¹⁴⁰ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 160–79.

¹⁴¹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 160.

¹⁴² Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 161.

¹⁴³ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 164.

¹⁴⁴ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 167.

¹⁴⁵ Hunter Cullen, *Submission 43*, p. 2.

¹⁴⁶ Proportional Representation Society of Australia (Victoria-Tasmania) Inc., *Submission 54*, p. 6.

¹⁴⁷ Fabio Scalia, *Submission 2*, p. 1; Adrian Astin, *Submission 34*, p. 1; Chris Curtis, *Submission 41*, p. 16; William Taylor, *Submission 73*, p. 2; Victorian Labor Party, *Submission 82*, p. 18; Thomas Killip, *Submission 90*, p. 2; Gorkay King, *Submission 108*, p. 1. See also Victorian Electoral Commission, *Report to Parliament 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 179.

¹⁴⁸ Victorian Labor Party, *Submission 82*, p. 19; Thomas Killip, *Submission 90*, p. 2.

¹⁴⁹ Thomas Killip, *Submission 90*, p. 1.

¹⁵⁰ Chris Curtis, *Submission 41*, pp. 15–16.

- allowing groups or parties to have an above-the-line square with just one candidate in a region (currently a minimum of two candidates is required to get an above-the-line square)¹⁵¹
- changing the Upper House voting system, noting that a significant proportion of informal Lower House ballots (17% in 2022) include a '1' in one box only as is allowed in Upper House above-the-line voting¹⁵²
- introducing optional preferential voting¹⁵³ or more inclusive saving provisions around ballots papers where not all boxes are filled in.¹⁵⁴

The Committee believes that measures should be introduced that require candidates and parties to ensure that they have a reasonable degree of public support before nominating or registering. Having more candidates on the ballot paper is generally correlated with higher levels of informality.¹⁵⁵ While it should not be excessively difficult to become a candidate, becoming a member of parliament is a serious matter and it is appropriate for a candidate or party to have to undertake some work and achieve some level of public support prior to nominating. The Committee therefore considers that:

- the minimum number of members required for a party to be registered should be increased from 500 to 750
- to run as an independent for the Lower House, a candidate should be required to have support from 50 people (as opposed to the current requirement of six).

In addition, the Committee's recommended change to the Upper House voting system (see Chapter 6 of Volume 1) may reduce the number of candidates for both houses in future elections, as there will be less incentive to run candidates just to make preference deals.

The Committee also encourages the VEC to continue its efforts to better understand the drivers of informality and to include candidate numbers, the rise in districts with high informality and continued high informality in certain geographic areas as part of this work. The Committee notes that the VEC is working with academics in its formality research. Sue Lang from the VEC told the Committee:

We are working closely over a three-year – in fact it will be the largest in the country and possibly the world – study on informality and why people intentionally vote informally and looking at some of the reasons for that. We are doing that with the

¹⁵¹ Chris Curtis, *Submission 41*, pp. 15–16.

¹⁵² Victorian Electoral Commission, *Report to Parliament 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 179; Thomas Killip, *Submission 90*, p. 2; Antony Green AO, *Submission 98*, pp. 19, 22.

¹⁵³ Thomas Killip, *Submission 90*, p. 2. Some stakeholders to the previous Electoral Matters Committee's inquiry into the conduct of the 2018 election also advocated for optional preferential voting—Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 37–8.

¹⁵⁴ Antony Green AO, *Submission 98*, pp. 19, 22.

¹⁵⁵ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 161.

University of South Australia and Deakin University at the moment. We are analysing all of the informal votes from the state election – not just this state election, the previous state election and council elections as well – to try and get a better fix on that.¹⁵⁶

The results of such research should inform VEC operational decisions about how and where to focus education and formality campaigns, as well as informing this Committee and the Parliament in considering potential legislative changes.

FINDING 26: The VEC provided an increased depth of analysis into informality issues following the 2022 election compared to the 2018 election. This included working with academics in undertaking the analyses. The VEC is also undertaking further work with academics to better understand the causes of informality.

RECOMMENDATION 10: That the VEC continue its efforts to better understand the drivers of informality, including through work with academics. The VEC’s research and reporting at future elections should include considering the effects of candidate numbers, the increase in the number of districts with high informality, continued high informality in certain geographic areas and the needs of people from culturally and linguistically diverse backgrounds. The VEC should use the results of this research to improve its engagement efforts around formal voting.

FINDING 27: There is a correlation between the number of candidates on a ballot paper and the informality rate. Reducing the number of candidates who have minimal public support may help to reduce informality at future elections.

RECOMMENDATION 11: That the Government introduce legislation amending the Electoral Act to:

- increase the minimum number of members required for party registration from 500 to 750
- increase the number of people required to support someone to run as an independent candidate for the Lower House from six to 50 people.

¹⁵⁶ Sue Lang, Director, Communication and Engagement, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 17.

Chapter 3

Options to help all Victorians vote

3.1 Introduction

For an election to be inclusive, it is important for all electors to have the opportunity to vote. The Electoral Matters Committee in the 59th Parliament outlined international thinking on ensuring inclusive elections.¹ This included considering the following questions:

- Are there significant legal or other hurdles to get to a polling station or otherwise cast a vote?
- Are all eligible and willing voters able to cast their vote and do so as intended?²

With these questions in mind, this chapter looks at the various voting methods available at the 2022 election. The chapter explores the services offered by the Victorian Electoral Commission (VEC), how these have changed over time and the extent to which they meet voters' needs.

The VEC provides a variety of different ways for people to vote at each election. In previous elections, most Victorians voted in person on election day. In 2022, the majority of people voted in other ways, with almost 60% of voters voting before election day, mostly by voting in person at an early voting centre or through postal voting (see Section 3.2).

Voting centre venues, particularly early voting centre venues, were a source of dissatisfaction for some voters. The Committee discusses the factors contributing to this and makes recommendations for improvements in Section 3.3.

This chapter also discusses the various other methods of voting, including issues of concern in 2022 relating to:

- in-person early voting (see Sections 3.2.1 and 3.2.2)
- interstate and overseas voting (see Section 3.4)
- voting options for COVID-19-positive voters (see Section 3.5)

¹ See, for example, Global Commission on Elections, Democracy and Security: *Deepening democracy: a strategy for improving the integrity of elections worldwide*, Geneva/Stockholm, 2012, p. 6.

² General Secretariat of the Organization of American States, *Methods for election observation: a manual for OAS electoral observation missions*, report prepared by Gerardo L. Munck, Washington DC, 2007, p. 8.

- postal and email voting, including the rise in postal voting in 2022, and the increase in general postal voter registrations (see Section 3.6)
- telephone-assisted voting (electronic assisted voting), including the VEC's recommendation to expand access to telephone-assisted voting (see Section 3.7).

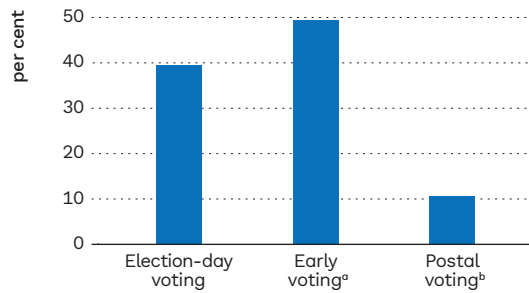
3.2 Voting options at the 2022 election

At the 2022 election, voters had access to:

- election-day voting—attending a voting centre on election day, either within or outside a voter's electorate
- early voting—attending one of 155 early voting centres in Victoria in the 12 days prior to election day
- postal voting—ballot papers were posted to voters, who filled them in and returned them by post
- email voting—ballot papers were emailed to voters, who printed them, filled them in and posted them directly to the VEC or returned them through overseas diplomatic locations such as embassies and commissions
- telephone-assisted voting—voters in certain categories could vote by telephone, making two calls (one to register for telephone-assisted voting and one to cast their vote)
- drive-through voting at one voting centre in Melton for COVID-19-positive voters and their families
- mobile voting—teams of election officials visited locations such as nursing homes, hostels, prisons, homelessness agencies and hospitals to enable electors to vote at those venues
- interstate voting—voting in person at seven locations around Australia.³

Figure 3.1 illustrates the proportion of voters using the different methods of voting at the 2022 election. Election-day voting is no longer the majority option, with just 39.4% of votes cast on election day. Nearly half of all voters (49.5%) voted early, and 10.6% of voters cast postal votes. This continues a trend seen across multiple elections, though with a particular jump in postal voting in 2022.

³ Voters were not able to vote in person outside Australia in 2022—see Section 3.4.

Figure 3.1 Use of different voting options, 2022 election

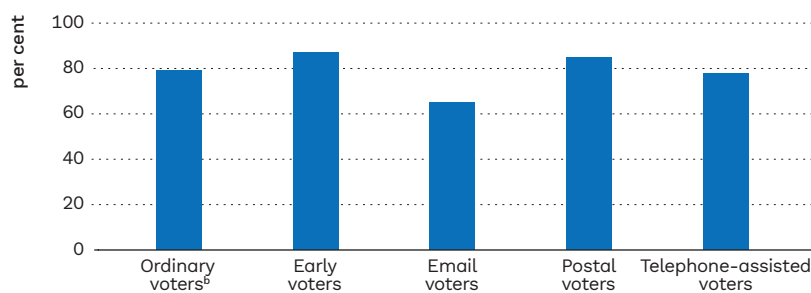
a. Includes in-person voting at early voting centres, mobile voting, early telephone-assisted voting, early COVID-19 drive-through voting and interstate voting.

b. Includes postal and email voting.

Source: Electoral Matters Committee based on VEC data.

The VEC commissioned Kantar Public to conduct an evaluation of its services at the 2022 election, which included a voter survey. Most respondents (82%) were satisfied with their overall voting experience. This was slightly less than in 2018 (84%) and less than the VEC's target of 88%.⁴

Similar levels of satisfaction were experienced regardless of the way people voted, though the proportion of early voters who were satisfied (87%) was 8 percentage points higher than ordinary voters (79%). Email voters were least likely to be satisfied (65%), as was also the case at the 2018 election.⁵ Email voting is discussed in Section 3.6.2.

Figure 3.2 Proportion of voters satisfied with their overall voting experience, 2022 election^a

a. Satisfaction is defined as a rating of 7 or more out of 10.

b. Includes absentee and provisional voters.

Source: Electoral Matters Committee based on Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 15.

⁴ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 15; Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 135. Satisfaction is defined as a rating of 7 or more out of 10.

⁵ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 15; Colmar Brunton, *Victorian Electoral Commission: evaluation of services at the 24 November 2018 Victorian State election*, report for the Victorian Electoral Commission, 2019, p. 7.

FINDING 28: While most voters surveyed (82%) were satisfied with their experience at the election, this result was slightly lower than in 2018 (84%) and lower than the VEC’s target of 88%.

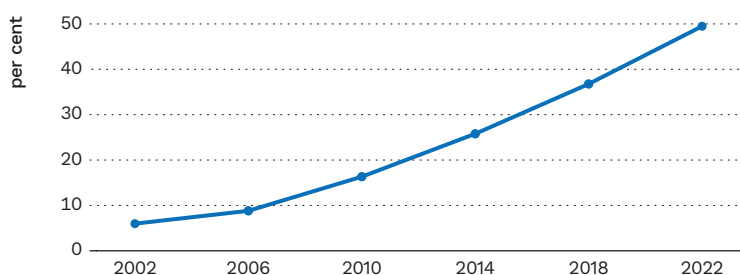
3.2.1 The continued rise of early voting

Of the total votes counted for the election, 1,891,270 votes were cast as early attendance voting either in early voting centres, by mobile teams or in interstate locations. In addition 404,850 postal votes were completed. Combined, this makes up 59.97% of the total voting for the election, showing that the trend towards early voting has been wholeheartedly embraced by the electorate.

Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 64.

At the 2022 election, the popularity of early voting continued its rise and now accounts for close to half of all votes—49.5% of all votes were early votes (predominantly at early voting centres⁶). This is up from 36.8% in 2018, 25.8% in 2014 and 16.3% in 2010 (see Figure 3.3).

Figure 3.3 Proportion of voters voting early, 2002–2022



Note: Includes mobile voting, early electronic assisted voting (via telephone-assisted voting in 2018 and 2022, see Section 3.7), early COVID drive-through voting (in 2022) and interstate/overseas attendance voting.

Source: Electoral Matters Committee based on VEC data.

As part of its evaluation of the 2022 election, Kantar Public asked early voters why they voted early. The vast majority (69%) indicated that their reason for voting early was that ‘it was more convenient for me to vote early instead of on election day’. The second most common response (18%) was ‘I did not want to be rushed/pressured’. Smaller numbers of people gave other reasons, including needing to work or being away from their electorate on election day, health reasons or wanting to vote in private.⁷

⁶ This figure also includes mobile voting, early telephone-assisted voting, early drive-through voting and interstate attendance voting.

⁷ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 56.

The rise in early voting is not unique to Victoria. Elections across Australia and New Zealand continue to see rises in early voting. In New Zealand, the Australian Capital Territory and Northern Territory, early voting now accounts for more than 50% of all votes.⁸

Early voting is now an established part of Victorian elections and its popularity continues to grow, with more people voting early in 2022 than ever before. Early voting provides a method of voting that increases the inclusivity of Victorian elections, and the Committee recognises its value. However, submitters and witnesses raised some concerns about early voting:

- The appropriateness of early voting centres in terms of the number, location and suitability of venues. The Committee discusses early and election-day voting centre venues in Section 3.3.1.
- The length of the early voting period, including its interaction with the broader election timeline, noting the proximity of the close of nominations, ballot draw and the start of early voting. The Committee discusses the length of the early voting period in Section 3.2.2 and the broader election timeline in Chapter 3 of Volume 1.

FINDING 29: Early votes accounted for 49.5% of all votes at the 2022 election. This is a higher proportion than the 36.8% of people who voted early in 2018. This continues the increase in early voting over recent Victorian elections. This trend is also evident in other Australian jurisdictions and New Zealand.

3.2.2 Length of the early voting period

Early voting at the 2022 election was available across two weeks, from Monday 14 November to Friday 25 November 2022, including Saturday 19 November (but not Sunday 20 November).

⁸ Electoral Commission SA, *Election report: 2022 South Australian state election and 2022 Bragg by-election*, Adelaide, 2023, p. 62.

Box 3.1 Early voting centres not opening due to lack of ballot papers

A total of 67 early voting centres (out of 155) did not open at the planned time of 9 am on Monday 14 November due to mechanical failures in the ballot paper printing process. All 155 early voting centres were open by 12 pm.

Due to printing issues following the close of nominations, the commencement of early voting for the 2022 State election was restricted to one early voting centre in each district (88) from 9 am on Monday 14 November 2022, with the remaining 67 returning to normal operations by 12 pm the same day.

Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 60.

The VEC outlined the challenges the current election timeline places on printing ballot papers for the start of early voting, noting there are only 67 hours (and just 5 business hours) from the close of nominations to the start of early voting.

The Committee discusses the early voting period and broader election timeline below and in Chapter 3 of Volume 1.

Sources: Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 14, 59–60; Warwick Gately AM, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 3.

Figure 3.4 shows the number of votes issued⁹ on each day of the early voting period. The most votes in a single day (271,856) were issued on the Friday immediately before election day. Almost as many were issued the day before, when extended hours were offered.

Extended hours were also offered during week one of early voting on Tuesday 15 and Thursday 17 November.¹⁰ These days with extended hours were an additional service not offered at the 2018 election.¹¹ These days recorded the most early votes issued during week one.

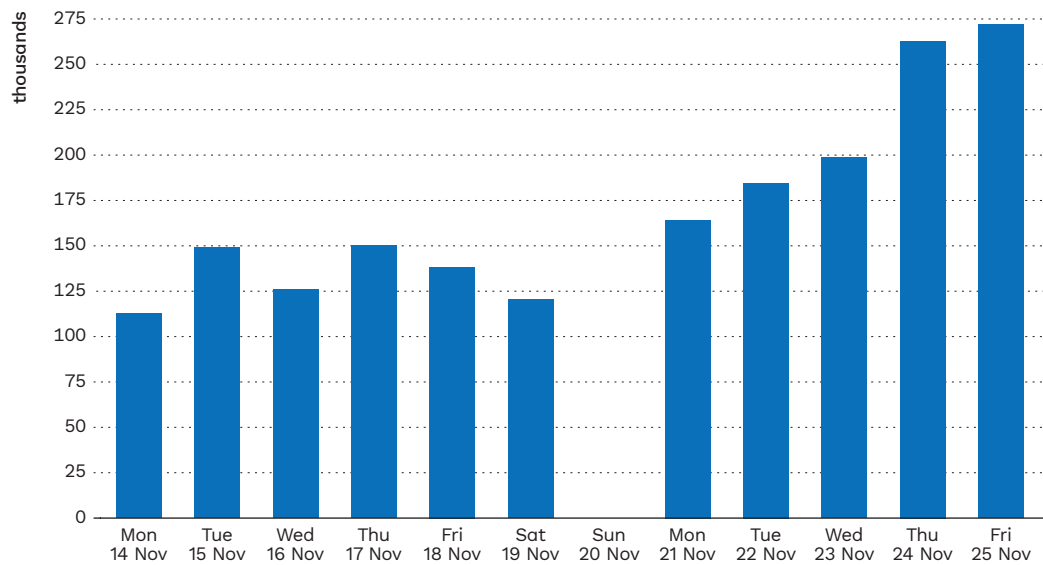
Early voting activity increased throughout the early voting period. In the first week of early voting (Monday 14 to Friday 18 November), 36.0% of votes were issued; 6.4% were issued on Saturday 19 November and 57.6% were issued in the second week (from Monday 21 to Friday 25 November).

⁹ The VEC measures the number of votes issued on each day of early voting, rather than the number of ballot papers included in the count. There may be slight differences between these numbers.

¹⁰ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 60.

¹¹ The previous Electoral Matters Committee recommended that the VEC provide extended hours on more early voting days. See Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, p. 85.

Figure 3.4 Early voting period—votes issued per day



Source: Electoral Matters Committee based on data from Victorian Electoral Commission, *Report to Parliament: 2023 Mulgrave District by-election*, Melbourne, 2024, p. 12. These figures differ from those previously published by the VEC—Victorian Electoral Commission, *Postal and early voting summary 2 December, 2022*, accessed 17 March 2023.

This pattern is similar to other elections. At the 2018 election, a smaller proportion (30.8%) of early votes were cast in the first week, and a higher proportion (60.9%) were cast in the second week.¹² At the 2022 Narracan District supplementary election and 2023 Warrandyte District by-election, there was less difference between the first and second week of early voting (39.5% vs 54.0% and 39.8% vs 52.5%). However, there was a more pronounced difference at the 2023 Mulgrave District by-election, where only three days of voting were offered in the first week (26.2% vs 64.7%).¹³

The Committee heard that there was some confusion among voters regarding early voting hours. Some noted that inconsistent opening hours caused confusion, asking instead for uniform voting times across all days of early voting.¹⁴ However, the Committee notes the popularity of the extended hours on those days where they were offered.

FINDING 30: The majority of early votes (57.6%) were cast in the second week of early voting. This is a smaller proportion than at the 2018 election (60.9%). The VEC offered three days of extended hours during early voting at the 2022 election (increased from one in 2018), which were popular among voters.

¹² Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, p. 80.

¹³ Victorian Electoral Commission, *Report to Parliament: 2023 Mulgrave District by-election*, Melbourne, 2024, p. 13. All figures in this paragraph exclude the Saturdays of the first week.

¹⁴ Louisa Willoughby, *Submission 60*, p. 2; Matthew Kirwan, *Submission 61*, p. 1.

The early voting period and the broader election timeline

Following the 2018 election, the Electoral Matters Committee in the 59th Parliament supported retaining a two-week early voting period, and further recommended that the VEC ‘provide extended voting hours on more days during the early voting period’.¹⁵

Multiple stakeholders argued for a reduced early voting period following the 2022 election, making arguments including that:

- one week should be enough for people to vote¹⁶
- there are other voting options, such as postal voting¹⁷
- most early votes are cast during the second week of early voting¹⁸
- early voting starts too close to the close of nominations, not allowing people to become familiar with candidates before voting¹⁹ or providing enough time for candidates and the VEC to prepare materials (see Section 3.1.1 in Volume 1)
- the burden on campaigners staffing voting centres was too great, with some noting a particular burden for minor parties and independents, and that this can be a barrier to entry and contribute to an uneven playing field based on resourcing levels²⁰
- political developments close to election day cannot be taken into account by those who vote early²¹
- the long period of campaigning led to increased aggression and tension amongst campaigners²²
- a longer early voting period damages community fundraising efforts on election day²³
- two weeks of early voting means an increased cost to run the election.²⁴

¹⁵ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 83, 85.

¹⁶ Trevor Smith, *Submission 20*, p. 1; Gayle Williams, *Submission 50*, p. 1; Matthew Harris, State Director, The Nationals Victoria, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 16; response to the Committee’s survey of members of Parliament—see Section B.4.8 in Appendix B of this volume.

¹⁷ Stephen Capon, *Submission 52*, p. 4; response to the Committee’s survey of members of Parliament—see Section B.4.8 in Appendix B of this volume.

¹⁸ Reuben Steen, *Submission 23*, p. 1; Stephen Capon, *Submission 52*, p. 4; response to the Committee’s survey of members of Parliament—see Section B.4.8 in Appendix B of this volume.

¹⁹ Stephen Capon, *Submission 52*, p. 5.

²⁰ Trevor Smith, *Submission 20*, p. 1; Rohanna Mohr, *Submission 49*, p. 1; Stephen Capon, *Submission 52*, pp. 3, 5; Bernadette Thomas, *Submission 67*, p. 2; The Solis Foundation, *Submission 70*, p. 1; Leonie Schween, *Submission 84*, p. 1; Austin Cram, *Submission 88*, p. 2; response to the Committee’s survey of members of Parliament—see Section B.4.8 in Appendix B of this volume.

²¹ Stephen Capon, *Submission 52*, p. 5; Michael Doyle, *Submission 58a*, p. 6; response to the Committee’s survey of members of Parliament—see Section B.4.8 in Appendix B of this volume.

²² EMILY’s List Australia, *Submission 92*, p. 2; response to the Committee’s survey of members of Parliament—see Section B.4.8 in Appendix B of this volume.

²³ Response to the Committee’s survey of members of Parliament—see Section B.4.8 in Appendix B of this volume.

²⁴ Stephen Capon, *Submission 52*, p. 5; Matthew Harris, State Director, The Nationals Victoria, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 16.

Some stakeholders prefer election-day voting to be encouraged over early voting²⁵ or recommended a return to requiring a reason for voting early.²⁶

Many of these issues were also raised following previous elections and during previous Electoral Matters Committee inquiries, with arguments made for retaining or shortening the early voting period.²⁷

The Committee surveyed members of Parliament regarding their opinion on the length of the early voting period. Of 25 responses, 4 favoured retaining the current two-week arrangement, while 21 preferred a reduction ranging from 5 to 10 days of early voting. One week or less was preferred by 18 of the 25 respondents.²⁸

The Committee notes that the VEC and others have recommended changes to the election timeline overall.²⁹ The Committee discusses and makes recommendations about the length of the early voting period as part of a wider discussion of election timelines in Chapter 3 of Volume 1.

3.3 The voting centre experience for voters

While Victorian elections include a range of methods of voting, the vast majority of voters cast their vote at a voting centre, either during the early voting period or on election day. For an election to be inclusive, it is important for these centres to be safe, accessible and efficient. Table 3.1 shows voter satisfaction with voting centres.

Table 3.1 Proportion of voters satisfied^a with election-day voting centres and early voting centres, 2014 to 2022

	2014	2018	2022
Election-day voting centres	77%	78%	77%
Early voting centres	n/a	87%	86%

a. Satisfaction is defined as a rating of 7 or more out of 10.

Note: The data in this table were gathered through online surveys. Data for all voters in 2006 and 2010, and for early voters in 2014, were collected via in-person surveys undertaken at voting centres, but the different methods appear to have had a significant impact on the result for this question. The earlier figures therefore cannot be compared with the 2022 results, so are not included.

Sources: Colmar Brunton, *Victorian Electoral Commission: evaluation of services at the 24 November 2018 Victorian State election*, report for the Victorian Electoral Commission, 2019, pp. 38, 85; Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 49.

²⁵ Carlo Toncich, *Submission 71*, Appendix, pp. 4–5.

²⁶ Leonie Schween, *Submission 84*, p. 1; Carlo Toncich, *Submission 71*, Appendix, p. 5.

²⁷ See, for a summary, Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 79–85.

²⁸ See Section B.4.8 in Appendix B of this volume.

²⁹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 13–15; Victorian Labor Party, *Submission 82*, pp. 11–15; Liberal Party of Australia (Victorian Division), *Submission 103*, p. 12.

For unsatisfied election-day voters, 'long queues/waiting times/slow service' was the most commonly cited reason for dissatisfaction, followed by the voting centre being understaffed.³⁰ For unsatisfied early voters, unwanted harassment from campaign volunteers was the most commonly cited reason, followed by 'long queues/waiting times/slow service'.³¹

The Committee notes that while both election-day and early voters cited waiting times or queues as a common reason for their dissatisfaction, it was an issue for more than double the proportion of dissatisfied election-day voters (54%) than it was for dissatisfied early voters (21%).³²

About one fifth of dissatisfied respondents for both election-day and early voting cited unhelpful or incompetent staff as a reason for their dissatisfaction (21% election-day, 18% early voters).³³

The Committee heard a range of concerns from submitters and witnesses about early and election-day voting centres. This section addresses these concerns, with a focus on three major themes:

- the appropriateness of voting centre venues—including the number of voting centres, their locations, the venue types and features of the venues (see Section 3.3.1)
- queueing at voting centres (see Section 3.3.2)
- voter interactions with campaigners—including how poor behaviour by campaigners and the number of campaigners present can impact on the voting experience (see Section 3.3.3).

Voting centres are also an important location for candidate, party and campaigner involvement in Victorian elections. The Committee discusses facilities for these groups at voting centres in Section 13.4 of this volume.

3.3.1 Voting centre venues

Voting centres are the most tangible aspect of the election for most voters and the ability to safely access a voting centre is an important part of an inclusive election. The Committee heard evidence from a range of stakeholders about voting centre numbers, voting centre locations, venue types, transport options, the appropriateness of venues for people with limited mobility and safety concerns. This section discusses that evidence and strategies to improve voting centre venues in the future. The Committee discusses voting centre accessibility for Victorians with disability in Section 4.5 of this volume.

³⁰ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 50.

³¹ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 50.

³² Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 50.

³³ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 50.

Voting centre numbers

The VEC intends to consolidate the number of election day voting centres to be able to more effectively allocate resources to early voting.

Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 64.

The VEC operated 1,765 voting centres on election day and 155 early voting centres in Victoria at the 2022 election (see Table 3.2). This was a decrease in election-day voting centres to fewer than all elections since 2006. Conversely, there were more early voting centres than ever. This reflects the VEC’s plan to increase the number of early voting centres, which included aiming for ‘at least one early voting centre in each district’ and two or more early voting centres in districts ‘where a high number of early votes are anticipated’.³⁴

Table 3.2 Number of voting centres, 2002 to 2022

	2002	2006	2010	2014	2018	2022
Early voting centres	79	77	101	100	103	155
Election-day voting centres	1,655	1,808	1,839	1,786	1,794	1,765

Sources: Victorian Electoral Commission, *Submission 92 (revised)*, submission to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election, 2019, p. 35; Victorian Electoral Commission, *Report to Parliament on the 2002 Victorian state election*, Melbourne, 2003, pp. 27, 30; Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 22, 23.

The Committee heard evidence from candidates³⁵ and members of Parliament³⁶ that there were too many voting centres, both for early voting and on election day.

Some stakeholders suggested that the number of voting centres in regional areas results in voters having to travel long distances to vote.³⁷ Submitters also argued that, in some districts, voting centres were not distributed appropriately throughout the district to match the population.³⁸

The VEC has indicated its intention to continue to increase the number of early voting centres and decrease the number of election-day voting centres in the future.³⁹ The Committee notes that this aligns with the changing patterns in voting, with more

³⁴ Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, p. 29. See also Warwick Gately AM, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 3, Ben Sutherland, Director, Elections, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 4.

³⁵ See, for example, Gayle Williams, *Submission 50*, p. 1; Matthew Kirwan, *Submission 61*, pp. 1–2; Austin Cram, *Submission 88*, p. 2.

³⁶ 18 of 25 members of Parliament who responded to the Committee’s survey preferred one early voting centre per district (see Section B.4.9 in Appendix B in this volume). See also the Hon. Steve Dimopoulos MP, Member for Oakleigh, *Submission 22*, p. 5.

³⁷ Jeannine Gough, *Submission 29*, p. 1; Veronica Monaghan, public hearing, Melbourne 25 August 2023, *Transcript of evidence*, p. 9.

³⁸ Liberal Party of Australia (Victorian Division), *Submission 103*, p. 13.

³⁹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 22, 64.

people voting early and fewer voting on election day. The VEC adopted this approach with the 2023 Warrandyte District and Mulgrave District by-elections. The VEC operated 11 election-day voting centres at the Warrandyte by-election and 10 at the Mulgrave by-election, a reduction from 21 voting centres for Warrandyte and 20 for Mulgrave provided at the 2022 state election.⁴⁰

The Committee supports the VEC's plan to reduce the number of election-day voting centres. However, with fewer voting centres, it becomes increasingly important for the VEC to ensure that the voting centres it uses are appropriate in terms of their location, facilities and accessibility. It will also be important for those voting centres to have appropriate levels of staffing and resources to ensure that waiting times do not increase and that all electors have a convenient way to vote.

Voting centre locations

the provision of appropriately accessible voting facilities is still not at the standard it should be. I would never again vote at the facility provided for in Lilydale, being the best such centre across a large part of the outer Eastern suburbs of Melbourne. I completed my voting in person, but not without fear of tipping over during the entry to the building and feeling like the carpark was a hazard to most users, especially myself.

Paul Gallagher, *Submission 16*, p. 3.

Voters need to be able to find, get to and use voting centres to exercise their democratic rights. The Committee heard a number of concerns regarding voting centre locations at the 2022 election, especially early voting centres. These concerns included:

- inappropriate locations chosen for early voting centres, such as industrial parks, shopping centres or other locations where interaction with nearby businesses and other activity caused issues⁴¹
- a lack of shelter from rain or heat⁴²
- risks to voter safety due to vehicles operating near voting centre entrances, proximity to busy roads, narrow footpaths or similar concerns⁴³

⁴⁰ Victorian Electoral Commission, *Report to Parliament: 2023 Warrandyte District by-election*, Melbourne, 2024, p. 13; Victorian Electoral Commission, *Report to Parliament: 2023 Mulgrave District by-election*, Melbourne, 2024, p. 19.

⁴¹ See, for example, Rohanna Mohr, *Submission 49*, p. 1; Victorian Trades Hall Council, *Submission 79*, pp. 4–5; Victorian Socialists, *Submission 81*, p. 5; Victorian Labor Party, *Submission 82*, pp. 9–10; The Australian Greens Victoria, *Submission 87*, p. 5; The Nationals Victoria, *Submission 100*, p. 3; Animal Justice Party, *Submission 104*, p. 5.

⁴² See, for example, Cr Sharon Gibson, *Submission 18*, p. 1; the Hon. Steve Dimopoulos MP, Member for Oakleigh, *Submission 22*, p. 3; Carly Palmer, *Submission 42*, p. 1; Gayle Williams, *Submission 50*, p. 1; Victorian Trades Hall Council, *Submission 79*, p. 6; Sally Gibson, *Submission 80*, p. 10.

⁴³ See, for example, the Hon. Steve Dimopoulos MP, Member for Oakleigh, *Submission 22*, pp. 1, 2; Paul Gallagher, *Submission 16*, pp. 1–2; The Solis Foundation, *Submission 70*, p. 1; EMILY's List, *Submission 92*, p. 2. See also Victorian Labor Party, *Submission 82a*, p. 2; Meaghan Capell, *Submission 56a*, p. 9.

- poor parking and/or poor access to public transport⁴⁴
- poor pedestrian access⁴⁵
- venues being difficult to find⁴⁶
- venues that were not accessible for voters with limited mobility.⁴⁷

Members of Parliament raised similar concerns in response to the Committee's survey. Members suggested solutions including:

- avoiding high-traffic areas
- making voter access a priority when selecting early voting centre venues
- using community venues such as sporting clubs and halls (and not venues that disrupt neighbouring businesses)
- improving parking and public transport access
- improving shelter (including through the VEC providing marquees)
- mirroring Commonwealth election venues
- improving accessibility for those with mobility issues
- avoiding residential areas.⁴⁸

Some made the point that venues used at previous elections were more appropriate. In describing sites used in 2018 and at the 2016 Commonwealth election, the Hon. Steve Dimopoulos MP submitted:

Both locations were close to Oakleigh station with multiple train lines, bus routes and an abundance of parking spaces near both sites. After getting off Dandenong Road and North Road, depending on where voters are driving from, there was a 40-speed zone and [it] had multiple pedestrian crossings. This made it both accessible, safer, and easier for voters to get to the voting centres. While I understand that certain sites used in the past may have no longer been an option or available, a site with similar characteristics would have been more appropriate.⁴⁹

⁴⁴ See, for example, Paul Gallagher, *Submission 16*, pp. 1-2; Cr Sharon Gibson, *Submission 18*, p. 1; the Hon. Steve Dimopoulos MP, Member for Oakleigh, *Submission 22*, pp. 3, 5; Rohanna Mohr, *Submission 49*, p. 1; Gayle Williams, *Submission 50*, p. 1; Matthew Kirwan, *Submission 61*, p. 1; Austin Cram, *Submission 88*, p. 2; EMILY's List, *Submission 92*, p. 2; The Nationals Victoria, *Submission 100*, p. 3; Liberal Party of Australia (Victorian Division), *Submission 103*, p. 13.

⁴⁵ See, for example the Hon. Steve Dimopoulos MP, Member of Oakleigh, *Submission 22*, p. 3; Rohanna Mohr, *Submission 49*, p. 1.

⁴⁶ See, for example Maxim Payne, *Submission 3*, p. 1; the Hon. Steve Dimopoulos MP, Member for Oakleigh, *Submission 22*, p. 3; Austin Cram, *Submission 88*, p. 2.

⁴⁷ See, for example, Maxim Payne, *Submission 3*, p. 1; Paul Gallagher, *Submission 16*, pp. 1-2; Cr Sharon Gibson, *Submission 18*, p. 1; Trevor Smith, *Submission 20*, p. 1; Victorian Trades Hall Council, *Submission 79*, p. 6.

⁴⁸ See Sections B.4.3 and B.4.4 in Appendix B of this volume.

⁴⁹ The Hon. Steve Dimopoulos MP, Member for Oakleigh, *Submission 22*, p. 4.

The Solis Foundation highlighted early voting centres in Melbourne’s east where voter safety was at risk:

The location choices for pre-poll in some areas was not convenient for voters and in some cases, such as the Oakleigh electorate, offered risks to pedestrians being hit by cars accessing nearby amenities. Similarly, the Mulgrave location required voters to line up in the middle of an actively used carpark amongst other businesses.⁵⁰

An evaluation of voter services following the 2022 election found that an inappropriate/inconvenient voting centre was four times more likely to be cited as a reason for dissatisfaction by dissatisfied early voting centre users (16%) than dissatisfied election-day voters (4%).⁵¹

Other issues related to venues were also more commonly cited by dissatisfied early voters than dissatisfied election-day voters:

- poor layout and organisation of voting centre (i.e. inaccessibility)—10% early, 4% election-day
- lack of parking—10% early, 1% election-day
- voting centre was overcrowded—6% early, 1% election-day.⁵²

Lack of shelter from the weather was an exception, where results were similar across dissatisfied election-day voters (7%) and dissatisfied early voters (6%).⁵³

The variations in these results between early and election-day voters are at least partly a result of there being other factors more commonly causing dissatisfaction at election-day voting centres than at early voting centres (such as long queues). Nonetheless, the data indicate that voters were dissatisfied with a range of aspects of the venues used for both early and election-day voting.

Voting centre venues in the future

The Committee recognises the difficulty of procuring voting centres, particularly early voting centres. This has been noted by the VEC in previous inquiries as well.⁵⁴ Ben Sutherland from the VEC stated that it had become even more challenging in 2022:

We found that fundamentally the market availability was the lowest it had ever been, particularly when we spoke about sites that provided accessibility to all electors. In that same sense we were challenged by the want for the market to produce six-month leases

⁵⁰ The Solis Foundation, *Submission 70*, p. 1.

⁵¹ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 50.

⁵² Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 50.

⁵³ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 50.

⁵⁴ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, p. 177.

as opposed to our normal three-month leases, and in turn we found that the sites that we had previously used, because of experiences delivering other events earlier in the year, were no longer open to us ...⁵⁵

One factor that may be underlying dissatisfaction with early voting centres is that the types of venues used for early voting differ from those used for election-day voting. The Electoral Act gives the VEC the power to compulsorily access schools and some buildings supported by public funds as election-day voting centres.⁵⁶ However, this only applies in relation to election day and not the early voting period.

The VEC is reliant on commercial leases for early voting centres. This results in some venues located in shopping areas and industrial parks, rather than the traditional schools and community halls used on election day. The VEC did not use any commercial sites as election-day voting centres in 2022.⁵⁷

The VEC recommended extending its power to compulsorily access ‘suitable publicly-funded venues ... for use as early voting centres, such as community facilities owned and operated by local councils’.⁵⁸

The Committee supports this recommendation. It is clear that there is strong and increasing demand for early voting, and the venues that the VEC has been able to secure are not meeting community expectations or needs. This is unlikely to improve while the VEC needs to rely on the commercial market to the extent it did in 2022.

FINDING 31: The VEC relies on commercial leases for early voting centres, rather than the traditional schools and community halls used on election day. This has resulted in some early voting centres not meeting community expectations. The VEC has recommended it be given the power to compulsorily access suitable publicly funded venues, such as community facilities owned and operated by local councils, as venues for early voting centres.

RECOMMENDATION 12: That the Government introduce legislation amending the Electoral Act to include an appropriate mechanism to require suitable publicly funded venues, such as community facilities owned and operated by local councils, to be available for use as early voting centres.

Following the 2023 Mulgrave District by-election, the VEC has also committed to broadening its site assessments. Future site assessments will extend to the environment around voting centres to identify risks to electoral participants and to put in place measures to reduce these risks. This followed concerns at one of the early

⁵⁵ Ben Sutherland, Director, Elections, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 3.

⁵⁶ *Electoral Act 2002 (Vic)* s 67.

⁵⁷ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 23.

⁵⁸ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 22.

voting centres about how people were crossing a major road adjacent to the site and about the movement of vehicles in the car park.⁵⁹ The Committee welcomes this commitment from the VEC.

The previous Electoral Matters Committee recommended that the VEC establish and report against performance indicators regarding voting centre venues:

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. These might include measures of the proportion of voting centres meeting a certain number of the VEC's selection criteria or voters' assessments as determined by the post-election evaluation. Results for these indicators should be included in future reports on state elections.⁶⁰

The VEC stated that it had actioned this recommendation with its wheelchair accessibility targets.⁶¹ As the text of the recommendation makes clear, however, the Committee intended broader measures of suitability.

Indicators such as this can be helpful in multiple ways. They can demonstrate the VEC's successes and failures. They can provide transparency around what the VEC is looking for in voting centre venues. They can also provide a solid basis from which the VEC can make recommendations for change to the Government. Properly constructed, these indicators should demonstrate if, despite the VEC's best efforts, the current model of voting centre procurement is not delivering the best result for Victorian voters and other election stakeholders. The Committee renews its call for the VEC to establish such indicators.

FINDING 32: The VEC did not satisfy the previous Committee's recommendation to include performance indicators and targets that relate to the suitability of venues used as early voting centres and election-day voting centres in its election planning and reporting.

RECOMMENDATION 13: 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. These should provide assessments of the overall suitability of voting centres across multiple criteria, including access to parking and public transport, shelter from the weather, accessibility for people with disability and appropriate space for campaigning. Results for these indicators should be included in future reports on state elections.

⁵⁹ Victorian Electoral Commission, *Report to Parliament: 2023 Mulgrave District by-election*, Melbourne, 2024, p. 16.

⁶⁰ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 33, p. 138.

⁶¹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 121.

3.3.2 Queueing at voting centres

This section details queueing at voting centres generally. The Committee notes that queueing can be particularly challenging for people with disability. The Committee discusses this issue in Section 4.5 of this volume.

Long queues or waiting times were cited by 54% of the surveyed voters who were dissatisfied with their experience at an election-day voting centre. The same reason was cited by 21% of dissatisfied early voters.⁶² Several stakeholders told the Committee about bad experiences with queueing at voting centres. Steve Dimopolous MP provided an account of long queues at both early voting centres and election-day voting centres, along with the impact this can have on voters:

There were frequently long queues at the EVCs [early voting centres] which resulting in long waiting times ...

At the Election Day ... voting centre at the Hughesdale Community Centre someone fainted while they were lining up to vote. This incident was potentially caused by the long waiting times and lack of shade at this facility. In addition to the long waiting times having an adverse health impact, it makes voting less timely and accessible and thus more difficult and disenfranchising for voters.⁶³

Other stakeholders also gave accounts of long wait times,⁶⁴ including people choosing not to vote due to the long wait.⁶⁵ Veronica Monaghan, who was a campaign manager at the 2022 election and has been involved in elections for over 20 years, told the Committee:

I think that definite lack of staff and lack of training of the staff – the queues, I have never seen anything like them. It would have been an hour and a half, I would say, early morning at Stawell West, and these are elderly people. We have an elderly population, some are on walking frames and having to stand that long, and other young families with little kids.⁶⁶

The VEC gathers information on queue times through voter surveys following each election, though the methodology used to collect the data changed in 2014.

The data indicate that the proportion of voters having to queue on election day was higher at the 2022 election than at previous elections, with the number of people queueing for 11 or more minutes increasing from 29% in 2018 to 41% in 2022 (see Table 3.3). This continues a trend of an increased proportion of voters waiting more than 10 minutes to vote on election day since 2010.

⁶² Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 50.

⁶³ The Hon. Steve Dimopoulos MP, Member for Oakleigh, *Submission 22*, p. 4.

⁶⁴ Name withheld, *Submission 31*, p. 1; Louisa Willoughby, *Submission 60*, p. 2; Victorian Trades Hall Council, *Submission 79*, p. 6; Veronica Monaghan and Chris Anderson, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, pp. 12–13.

⁶⁵ Carly Palmer, *Submission 42*, pp. 1–2.

⁶⁶ Veronica Monaghan, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, pp. 11–12. See also Chris Anderson, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 12.

Table 3.3 Queue times for election-day voters, 2002 to 2022

	2002	2006	2010	2014	2018	2022
No queue (%)	53	33	46	36	28	24
1-10 minutes (%)	n/a	53	46	42	42	32
11-20 minutes (%)	n/a	12	6	17	17	18
More than 21 minutes (%)	n/a	2	2	6	12	23

Note: The data for 2002, 2006 and 2010 are based on in-person surveys undertaken at voting centres, while the 2014, 2018 and 2022 data were gathered through online surveys, meaning that differences may be partly a result of the change in methodology.

Source: Electoral Matters Committee based on Colmar Brunton, Sweeney Research and Kantar Public survey data.

Early voting queue times show no strong trend over elections since 2002. Queue times in 2022 resembled those in 2018 (see Table 3.4). The Committee notes that, while the number of early voting centres and the number of people using them have varied considerably over time, early voters have consistently experienced less queueing than election-day voters.

Table 3.4 Queue times for early voters, 2002 to 2022

	2002	2006	2010	2014	2018	2022
No queue (%)	88	53	90	30	51	49
1-10 minutes (%)	n/a	40	9	56	36	35
11-20 minutes (%)	n/a	6 ^a	0	10	6	9
More than 21 minutes (%)	n/a		1	4	5	5

a. The 2006 survey did not break this category down.

Note: The data for 2002, 2006 and 2010 are based on in-person surveys undertaken at voting centres, while the 2014, 2018 and 2022 data were gathered through online surveys, meaning that differences may be partly a result of the change in methodology.

Source: Electoral Matters Committee based on Colmar Brunton, Sweeney Research and Kantar Public survey data.

The VEC did not implement the previous Electoral Matters Committee's recommendation to establish performance indicators around electors queueing for more than 10 minutes at early voting centres and election-day voting centres.⁶⁷ Nor did it do so when it received a similar recommendation following the 2014 election.⁶⁸

The VEC's plan for the 2022 election responded to the recommendation by noting 'the deployment of queue management technology for internal operational purposes'.⁶⁹ VEC reporting since the election uses the same language, though it lists the implementation of this recommendation as 'in progress'.⁷⁰ This designation, combined with the lack of detail the VEC has provided, makes it unclear whether the

⁶⁷ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 34, p. 138.

⁶⁸ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2014 Victorian state election*, May 2016, Recommendation 6, p. 45.

⁶⁹ Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, p. 49.

⁷⁰ Victorian Electoral Commission, *Submission 59*, pp. 114, 116; Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 124.

VEC has done anything to respond to this recommendation (see further discussion in Section 15.2.2 of this volume).

Increased election-day voting centre wait times indicate that, whatever the VEC has or has not done, the desired outcomes have not been achieved. More people are waiting for longer to vote on election day. It is time for the VEC to do something different to address this.

The Committee notes that the VEC intends to establish fewer election-day voting centres at the 2026 election, reflecting the decreasing proportion of people who vote on election day. The Committee encourages the VEC, in doing this, to find ways to reduce queueing times for voters on election day. A continued reduction in the number of election-day voting centres will be hard to justify should queue times continue to rise.

FINDING 33: The proportion of voters queueing on election day has increased significantly since 2010. More than half of election-day voters (54%) who were dissatisfied with their voting centre experience cited long queues and wait times as a reason. The VEC has not implemented previous Committee recommendations following the 2014 and 2018 elections that it establish performance indicators relating to queueing times, and it is unclear whether the VEC's plan to manage queueing through the use of queue management technology has been implemented.

RECOMMENDATION 14: That the VEC investigate and implement processes to reduce queueing times at election-day voting centres. As part of this, the VEC should include two new performance indicators in future election plans 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. Results for these indicators should be included in future reports on state elections.

3.3.3 Voter interaction with campaigners—impact on voters

To ensure free and fair access to the democratic process, it is critical that voters have positive and safe voting experiences, including during their approach to a voting centre.

Victorian Electoral Commission, Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election, Melbourne, 2023, p. 62.

This section details evidence that the Committee heard about the effect campaigners at voting centres can have on voters. This includes both poor campaigner behaviour and the simple presence of campaigners seeking to interact with voters. The Committee discusses the voting centre environment for neurodiverse people and people with sensory sensitivities in Section 4.5.2 of this volume. Poor behaviour by candidates and campaigners generally, including at voting centres, is discussed in Chapter 12 of this volume. Recommendations to address this situation can be found in Chapter 5 of Volume 1.

Many submitters, including political parties, candidates, voters and interest groups, told the Committee that interacting with campaigners at voting centres is negatively impacting on voters. Stakeholders described campaigner behaviour towards voters variously as annoying, pressuring, stalking, hassling, harassing, confronting, distressing, disrespectful and abusive.⁷¹

While many described particular campaigner behaviour that negatively impacted on voters, some stakeholders also mentioned that the sheer number of campaigners can be intimidating for voters, regardless of their behaviour.⁷²

Stakeholders described the experience for voters at voting centres as intimidating, uncomfortable and anxious.⁷³ In some cases, the Committee was told, voters would walk on the street to avoid the campaigners, putting the voters' safety in danger.⁷⁴ The Victorian Labor Party's submission stated:

there is room for improvement in terms of voter experience, with many voters feeling intimidated by the number and behaviour of campaigners around polling booths.⁷⁵

The VEC received complaints about campaigner numbers and behaviour at voting centres:

Electors reported that the number of candidates and campaign workers outside some voting centres was intimidating and made it difficult to access the centres or surrounding businesses. Some electors also reported that candidates and campaign workers behaved forcefully while campaigning, and made offensive, derogatory comments about electors and each other.⁷⁶

Warwick Gately AM, the former Electoral Commissioner, suggested that the prospect of interacting with campaigners may have prevented some people from voting:

perhaps running the gauntlet of the many, many party workers and campaign workers puts people off.⁷⁷

In the evaluation of election services performed by Kantar Public after the election, 3% of respondents who voted by post said they did so to avoid campaigners at the

⁷¹ See, for example, Sophie Paterson, *Submission 21*, p. 1; Proportional Representation Society of Australia (Victoria-Tasmania) Inc., *Submission 54*, p. 5; Robert Lim, *Submission 65*, p. 1; Bernadette Thomas, *Submission 67*, p. 1; Victorian Trades Hall Council, *Submission 79*, p. 5; Sally Gibson, *Submission 80*, p. 11; EMILY's List, *Submission 92*, p. 3.

⁷² See, for example, Sophie Paterson, *Submission 21*, p. 1; Louisa Willoughby, *Submission 60*, p. 1; Victorian Labor Party, *Submission 82*, p. 2; Austin Cram, *Submission 88*, p. 1.

⁷³ Bill Tilley MP, Member for Benambra, *Submission 38*, p. 1; Louisa Willoughby, *Submission 60*, p. 1; William Taylor, *Submission 73*, p. 2; Victorian Labor Party, *Submission 82*, p. 2; Austin Cram, *Submission 88*, p. 3.

⁷⁴ Natalie Kopas, Advocacy Manager, Animal Justice Party, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 35.

⁷⁵ Victorian Labor Party, *Submission 82*, p. 2.

⁷⁶ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 90.

⁷⁷ Warwick Gately AM, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 17. See also Warwick Gately AM, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 21.

voting centre.⁷⁸ Survey respondents who voted at early or election-day voting centres ranked the behaviour of campaigners as among the least satisfactory aspects of voting centres, with 9% rating it poorly.⁷⁹ ‘Unwanted harassment’ by campaigners was also raised as a reason for dissatisfaction by both early voters and election-day voters.⁸⁰

In a post-election survey of voters at the 2023 Warrandyte District by-election, 50.5% of respondents indicated that they ‘often feel intimidated or harassed by party workers or candidates when voting in-person’.⁸¹

The Committee is concerned at a situation where voters face these kinds of experiences at voting centres. Voting centres’ primary purpose should be to facilitate voters casting their vote. While campaigning is an important part of helping voters to make informed votes, campaigners should support, not inhibit, people casting their votes. Any behaviour that does not support voters making informed choices should not be tolerated.

The Committee’s recommendations on this issue are in Chapter 5 of Volume 1.

FINDING 34: Many Inquiry stakeholders described poor behaviour by campaigners at voting centres, and the sheer number of campaigners at voting centres, as creating an uncomfortable, intimidating and anxious environment for voters. Some voters surveyed after the election cited campaigners at voting centres as a reason for a negative voting experience or a reason to not vote in person.

3.4 Interstate and overseas voting

While the VEC 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 disenfranchises significant numbers of overseas voters.

Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 65.

⁷⁸ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 72.

⁷⁹ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 52. Based on respondents who scored it at 4 or less out of 10.

⁸⁰ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 50.

⁸¹ Victorian Electoral Commission, *Report to Parliament: 2023 Warrandyte District by-election*, Melbourne, 2024, p. 9. The VEC did not disclose how many respondents there were to this survey.

Voters who are interstate or overseas on election day have the option of:

- in-person early voting in Victoria (if in Victoria during the early voting period)
- in-person early voting at an interstate electoral commission
- in-person voting at selected locations overseas (not available in 2022)
- postal or email voting.

Voters who were out of Victoria during early voting and election day in 2022 could choose to receive their ballot papers by post or email.⁸² If voters received their ballot papers by mail, they relied on postal services being able to deliver the ballot papers to the voter in a timely manner. The Committee heard one report of a person overseas who requested a postal vote as soon as applications opened, but did not receive ballot papers until after the election.⁸³ Voters who received their ballot papers by email had to print their ballot papers and fill in the print-outs. Voters using the email voting service consistently report low satisfaction with the process (see Section 3.6.2).

The VEC noted that returning votes by post is ‘increasingly incompatible with the decline in global postal service timeframes’.⁸⁴ To address this problem, the VEC gave voters the option of returning their ballot papers to certain consular locations overseas, from which they were sent back to Victoria. However, the VEC reported that 338 (21%) of the 1,576 overseas votes that were returned through overseas drop-off locations arrived too late to be included in the count.⁸⁵ A further 88 were not admitted to the count for other reasons, meaning only 1,150 votes that came through overseas drop-off locations were counted in 2022.⁸⁶

Interstate and overseas voting options have been unstable at recent elections. In 2022, overseas voters could not vote in person. The diplomatic offices that had hosted in-person voting in the past did not do so in 2022 ‘due to ongoing concerns at Australian diplomatic posts in relation to COVID-19 protocols, increased security at venues, and issues with international movement of materials’.⁸⁷ At the 2018 election, voters could vote in person at diplomatic locations, but were not able to mail their ballot packs to diplomatic offices to be forwarded to the VEC, again due to security concerns.⁸⁸ Interstate voting options were limited in 2022 compared to previous elections, with seven in-person locations available in 2022, compared to 11 in 2018 and 2014.⁸⁹

⁸² People registered as general postal voters with overseas addresses were automatically posted ballot papers—Victorian Electoral Commission, correspondence, 19 January 2024, p. 8.

⁸³ Carlo Toncich, *Submission 71*, Appendix, p. 15.

⁸⁴ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 65.

⁸⁵ Victorian Electoral Commission, *Submission 59*, pp. 46, 83.

⁸⁶ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p.67; Victorian Electoral Commission, correspondence, 19 January 2024, pp. 8–9.

⁸⁷ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 63.

⁸⁸ Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 57.

⁸⁹ Victorian Electoral Commission, *Submission 59*, p. 83. The VEC noted COVID-19 restrictions limited interstate locations to electoral commission venues only.

Table 3.5 shows the votes cast at interstate and overseas in-person voting locations at recent elections.

Table 3.5 Voting at interstate and overseas in-person voting locations, 2010 to 2022

	2010	2014	2018	2022
Number of votes cast at in-person interstate voting locations	5,293	6,147 ^a	4,428 ^c	3,360
Number of interstate in-person voting locations	11	11	11	7
Number of votes cast at overseas in-person voting locations	5,215	6,905 ^b	4,883	0 ^d
Number of overseas in-person voting locations	34	32	34	0 ^d

- a. This figure is taken from the VEC's submission to this Inquiry. It differs from the figure reported in the VEC's report on the 2014 election (6,097).
- b. This figure is taken from the VEC's submission to this Inquiry. It differs from the figure reported in the VEC's report on the 2014 election (6,775).
- c. This figure is taken from the VEC's submission to this Inquiry. It matches the figure reported in the VEC's report on the 2018 election but differs from the VEC's report on the 2022 election (3,160).
- d. In-person voting was not available at overseas locations in 2022.

Sources: Victorian Electoral Commission, *Submission 59*, p. 83; Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian State election*, Melbourne, 2011, p. 6; Victorian Electoral Commission, *Report to Parliament on the 2014 Victorian State election*, Melbourne, 2015, p. 30; Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 57; Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 60, 63.

The VEC could improve its reporting on the number and manner of votes cast from interstate and overseas. The VEC's reporting has included some details of participation by Victorians overseas, such as the number of ballot papers returned to overseas drop-off locations (in 2022), the number of votes cast in person at overseas voting locations (in previous elections) and the number of email ballot packs distributed (though it has not always indicated how many were sent overseas as opposed to within Australia⁹⁰).

However, VEC reporting does not include a clear account of other types of overseas votes, such as overseas voters who send their postal votes directly to the VEC or the number of general postal voters who vote from overseas. The VEC has reported differing numbers for the number of interstate votes cast across multiple elections.⁹¹

VEC reporting on people voting from overseas through email ballots is also unclear. The VEC's 2022 election report notes that 8,137 voters who were overseas applied for ballot papers to be emailed to them, but does not indicate how many of those people successfully returned their ballot papers. The report indicates how many votes were

⁹⁰ The VEC did provide the figure for the 2022 election (8,137)—Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 67.

⁹¹ Victorian Electoral Commission, *Submission 59*, p. 83; Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 60; Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 57

returned via overseas drop-off locations,⁹² but does not indicate how many of these were email and how many were postal votes, nor does it indicate how many emailed ballot papers were returned by post. VEC reporting following the 2018 election was unclear on both whether the number of email voters reported (5,600) was an estimate or exact figure, and whether it included only overseas voters or both overseas and interstate voters.⁹³ The VEC's reports on the 2014 and 2010 elections do not appear to include how many votes were cast through email voting.

Reporting which gives a full account of the number of votes received from overseas along with the voting channels used would give a fuller picture of how Victorians overseas are participating in elections. This would allow the Parliament and the community to better understand the effectiveness of the VEC's efforts to serve Victorians overseas.

The VEC has worked to provide options for Victorians who are overseas or interstate during an election. However, these options are imperfect and susceptible to forces beyond the VEC's control.

The VEC recognises these issues and is recommending regulatory change to allow telephone-assisted voting to be provided to these voters.⁹⁴

The VEC has also noted the approach taken in New Zealand, where overseas voters can download voting papers using a secure online system, print them, and scan or photograph their completed papers before sending them back through the same online system. The VEC reports that 94% of overseas voters used this option at the 2020 New Zealand general election.⁹⁵

The Committee agrees that there is a need for more and better options for Victorians who are interstate or overseas during an election to vote. The Committee also recognises various risks to the solution proposed by the VEC. The Committee discusses the concept of expanding telephone-assisted voting for these and other voters in Section 3.7.1 and discusses the interaction between interstate/overseas voting and turnout in Section 2.3.3 of this volume.

FINDING 35: The voting options for Victorians who are interstate or overseas during an election are not ideal, and their availability is susceptible to factors beyond the VEC's control. VEC reporting on how many Victorians interstate and overseas vote in elections and what voting channels they use could be improved. Improved reporting would allow an analysis of trends in voting that can inform proposals to improve services to voters.

⁹² Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 63; Victorian Electoral Commission, correspondence, 19 January 2024, pp. 8–9.

⁹³ Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 103.

⁹⁴ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 65.

⁹⁵ Victorian Electoral Commission, *Response to Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election*, 27 November 2020, p. 5.

RECOMMENDATION 15: That, in future reports to Parliament on elections, the VEC more clearly account for the number of votes cast by Victorians who are interstate and overseas during an election. This reporting should include a clear account of how many votes were cast by interstate and overseas voters through each voting option available to these voters.

3.5 COVID-19-positive voters

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 [telephone-assisted voting] service, the public health orders triggering those temporary provisions in Victoria were withdrawn prior to the election.

Victorian Electoral Commission, *Submission 59*, p. 10.

The VEC planned for Victorians with COVID-19 to vote via telephone-assisted voting (TAV) at the 2022 election. Electoral Regulations allowed people who were unable to attend a voting centre on election day under public health law related to COVID-19 to access TAV.⁹⁶ However, the public health orders which required isolation and quarantine and therefore triggered access to TAV expired prior to the election, on 12 October 2022.⁹⁷

The VEC’s requests to the Government to amend the regulations to allow COVID-19-positive electors to vote by TAV were unsuccessful.⁹⁸

People who had tested positive to COVID-19 were legally allowed to vote in person at a voting centre, but the VEC recognised that ‘some voters would not feel comfortable entering a voting centre and endangering others’.⁹⁹

COVID-19-positive Victorians could access postal voting, but the postal voting application deadline of 6 pm on 23 November 2022 excluded people who tested positive between that deadline and election day.

The VEC therefore provided a drive-through voting centre in Melton for ‘COVID-19 positive electors and their families’. The centre was open on election day and the final two days of early voting, and took 519 votes.¹⁰⁰ Voters were required to provide evidence of a positive COVID-19 test to vote at the drive-through centre.¹⁰¹

⁹⁶ *Electoral Regulations 2022* (Vic) reg 51.

⁹⁷ *Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 11)* (Vic) O 4(1).

⁹⁸ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 64.

⁹⁹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 61.

¹⁰⁰ Victorian Electoral Commission, *Submission 59*, p. 48.

¹⁰¹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 61.

The VEC reported that the drive-through voting centre was much more expensive, on a per-vote basis, than telephone-assisted voting.¹⁰²

The Committee heard some criticism of this approach. This included that the VEC did not adequately plan for electors with COVID-19 to vote,¹⁰³ did not communicate early enough about voting options for COVID-19-positive people¹⁰⁴ (the facility was announced on 23 November¹⁰⁵) and that having a single drive-through voting centre in Melton advantaged Melton electors over those in other areas in Western Victoria Region.¹⁰⁶ The VEC also received complaints about voting options for people with COVID-19 generally, some of whom suggested that they should have had access to TAV.¹⁰⁷ The VEC responded to multiple social media users who criticised the options available to COVID-19 positive voters.¹⁰⁸

The Committee is satisfied that the VEC held a reasonable expectation that Electoral Regulations would allow people with COVID-19 to vote via TAV. When this changed during October, the Government did not act on the VEC's requests to allow people with COVID-19 to vote via TAV. The VEC established a drive-through voting centre in the short period between the changed TAV eligibility and election day. While it would have been helpful for there to be more options for people with COVID-19 to vote, and for the VEC's communication about these options to come earlier, those outcomes were made extremely difficult by the timelines imposed on the VEC.

The Committee notes that the VEC has recommended that eligibility for telephone-assisted voting be expanded to include people who are unwell, infirm or caring for someone at future elections.¹⁰⁹ While the Committee supports efforts to make voting more accessible, the Committee sees risks in this approach. Expanding telephone-assisted voting for these and other voters is discussed further in Section 3.7.1.

The Committee further notes that the Electoral Review Expert Panel, in its examination of electronic assisted voting, discussed this issue. The Panel noted that the VEC cannot extend access to telephone-assisted voting without a wider emergency declaration by

¹⁰² Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 61.

¹⁰³ Carlo Toncich, *Submission 71*, Appendix, p. 15; Animal Justice Party, *Submission 104*, p. 5.

¹⁰⁴ Animal Justice Party, *Submission 104*, p. 5; Natalie Kopas, Advocacy Manager, Animal Justice Party, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 40.

¹⁰⁵ Victorian Electoral Commission, *Voting option for COVID-positive voters*, media release, Melbourne, 23 November 2022.

¹⁰⁶ Carlo Toncich, *Submission 71*, Appendix, p. 15. See also Katherine Smyrk, *ABC News*, 26 November 2022, <<https://www.abc.net.au/news/2022-11-26/how-to-vote-if-you-have-covid-19-victorian-election/101700304>> accessed 22 November 2023.

¹⁰⁷ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 89.

¹⁰⁸ See, for example, Victorian Electoral Commission (@electionsvic), 'Hi [redacted], we appreciate your frustration. We encourage people to plan ahead as telephone voting will not be available for voters with COVID (under the law, it would have been available for voters required to isolate due to COVID, however isolation requirements have since lifted)', X, 13 November 2022, <<https://twitter.com/electionsvic/status/1591588181522415617>> accessed 19 January 2024; Victorian Electoral Commission (@electionsvic), 'We understand your frustration. As time was limited we had limited choice for a location. The removal of the pandemic emergency declaration voided telephone assisted voting for those with COVID and we wanted to ensure that there was still an option for those affected to vote.', X, 23 November 2022, <<https://twitter.com/electionsvic/status/1595347097221419008>> accessed 19 January 2024.

¹⁰⁹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 65.

the state or Commonwealth government.¹¹⁰ The Panel therefore recommended that the Electoral Commissioner be given the power to make an emergency determination that would allow a specified class of electors affected by an emergency to access electronic assisted voting, without a wider emergency declaration.¹¹¹

FINDING 36: The VEC planned for people with COVID-19 at election time to vote via telephone-assisted voting. Changes to pandemic orders in October 2022 removed eligibility for telephone-assisted voting for COVID-19-positive Victorians. The VEC's requests to the Government to amend regulations to allow COVID-19-positive Victorians to access telephone-assisted voting were not successful. The late change made it very difficult for the VEC to provide a method for those Victorians to vote without risking exposing others at a voting centre. The VEC provided a drive-through voting centre in Melton at short notice.

3.6 Postal voting and email voting

Any Victorian elector may apply to the VEC for a postal vote.¹¹² The VEC sends ballot papers to postal voters, which they must complete and return to the VEC. Electors in remote areas and overseas can apply for an email vote. Electors are emailed a link to ballot papers, which they must print off, fill in and post back to the VEC.

3.6.1 Postal voting

Postal votes comprised 10.6% of all votes at the 2022 election (see Table 3.6).

Table 3.6 Postal voting rates, 2002 to 2022

	2002	2006	2010	2014	2018	2022
Proportion of total votes (%)	4.3	6.3	7.4	8.3	7.6	10.6
Total number of postal votes	129,384	194,615	247,642	294,571	281,823	404,850

Note: Includes postal and email voting.

Source: Electoral Matters Committee based on VEC data.

Most postal voters (85%) reported that they were satisfied with their voting experience (see Table 3.7). Those who were dissatisfied primarily would have preferred to receive their ballot papers and information earlier.¹¹³ The majority of complaints (186 of 243)

¹¹⁰ Under the *National Emergency Declaration Act 2020* (Cth), the *Emergency Management Act 1986* (Vic) or *Public Safety Preservation Act 1958* (Vic)—*Electoral Regulations 2022* (Vic) reg 5 s.v. 'declared emergency' and 'emergency declaration'.

¹¹¹ Electoral Review Expert Panel, *Report on Victoria's laws on political finance and electronic assisted voting*, [Melbourne], 2023, pp. 357–9.

¹¹² *Electoral Act 2002* (Vic) ss 101–6.

¹¹³ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 74.

to the VEC about postal voting were about voting packs not arriving in time or at all.¹¹⁴ These results are similar to 2018.¹¹⁵

Table 3.7 Overall satisfaction^a by voter type, 2018 and 2022

Voter type	Voters satisfied (%)	
	2018	2022
Ordinary voters (includes absent and provisional voters)	81	79
Early voters	88	87
Email voters	68	65
Postal voters	83	85
Telephone-assisted voters	89	78

a. Satisfaction is defined as a rating of 7 or more out of 10.

Sources: Colmar Brunton, *Victorian Electoral Commission: evaluation of services at the 24 November 2018 Victorian State election*, report for the Victorian Electoral Commission, 2019, p. 7; Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 15.

The 2022 election was the second election at which voters could apply for a postal vote online. Most (93%) postal vote applications were made online in 2022, up from 56% in 2018.¹¹⁶ The VEC noted that this allows it to process applications more efficiently.¹¹⁷

Voters can also access a paper-based postal vote application at a post office, election office, interstate voting location or by calling the VEC.¹¹⁸ The VEC sent postal vote applications to aged care facilities and hospitals that preferred this option to a visit by a mobile voting team.¹¹⁹

The Liberal Party's submission stated that some VEC facilities and Australia Post outlets were not 'adequately equipped with applications' resulting in some people not being able to vote. The Liberal Party called on the VEC to 'assess the effectiveness of their postal vote application accessibility channels'.¹²⁰ The Liberal Party also recommended that the VEC post physical postal vote applications to voters for whom

¹¹⁴ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 88.

¹¹⁵ Victorian Electoral Commission, *Submission 92 (revised)*, submission to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election, 2019, p. 51; Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, p. 98.

¹¹⁶ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 95; Victorian Electoral Commission, response to questions on notice received 26 April 2023, Attachment B, p. 4. The 2018 figure differs from what was provided previously by the VEC (Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 89) and quoted in the previous Committee's report (Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, p. 99).

¹¹⁷ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 62.

¹¹⁸ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 62.

¹¹⁹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 60.

¹²⁰ Liberal Party of Australia (Victorian Division), *Submission 103*, p. 11.

it does not have digital contact details.¹²¹ The Committee notes the importance of paper-based forms for some members of the community and encourages the VEC to ensure that sufficient numbers of paper-based postal vote applications are available at post offices and VEC facilities in future elections. The VEC's communication to voters should also clearly inform voters how they can access paper-based postal vote applications.

The Committee notes that the VEC did not meet its target for processing postal vote applications on the day of receipt. The Committee discusses this issue in Section 8.2.4 of this volume.

FINDING 37: The postal voting rate rose to approximately 11% at the 2022 election, after being around 7–8% at the previous three elections. However, postal packs not arriving, or not arriving on time, continues to be a source of complaints and dissatisfaction with postal voting.

FINDING 38: Concerns were raised that paper-based postal vote application forms were not always available at VEC and Australia Post offices. While the vast majority of postal vote applications were made online in 2022, paper-based forms are still essential for some members of the community.

RECOMMENDATION 16: That the VEC review how it makes postal vote applications available to identify changes that would improve access, especially for Victorians that are less mobile or less computer literate.

RECOMMENDATION 17: That the VEC ensure that an adequate supply of postal vote applications is available at venues where they are offered at future elections and that its communication to voters clearly states the different ways that voters can access online and paper-based postal vote applications.

The increase in postal voting

The number of postal votes rose by 123,027 from 2018 to 2022. The postal vote rate of 10.6% of all votes at the 2022 election is up from 7.6% in 2018 and an average of 7.4% across the 2006 to 2018 elections (see Table 3.6 above).

The VEC offered some possible reasons for the increase in postal voting:

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.¹²²

¹²¹ Liberal Party of Australia (Victorian Division), *Submission 103a*, p. 2.

¹²² Victorian Electoral Commission, response to questions on notice received 26 April 2023, Attachment B, p. 4.

It is not clear to the Committee that this explanation is correct.

VEC reporting around votes received from overseas does not include the information necessary to properly judge whether the increase in postal voting was because of more Victorians overseas using postal voting (see Section 3.4). However, the number of people who voted in-person at overseas voting locations in 2018 was 4,883.¹²³ If all these people instead voted by post in 2022, they would account for only a small proportion of the 123,027 additional postal votes in 2022 compared to 2018.

In terms of ill, infirm and COVID-19-positive voters, post-election survey data indicate that the proportion of people voting by post because they were ‘unable to attend a voting centre because of health reasons’ was similar in 2022 (7%) to what it was in 2018 (9%).¹²⁴

Instead, postal voters cited convenience as the main reason for using a postal vote:

Nearly half of postal voters did so simply because it was more convenient than voting in person (47%). The next most common reason was being interstate (16%). Relatively few postal voters did so due to concerns over COVID (4%) or being impacted by flooding (3%).¹²⁵

Convenience has risen as the main reason people report using postal voting across the past three elections, from 9% in 2010 to 42% in 2018 and 47% in 2022.¹²⁶ This reflects the change to the Electoral Act ahead of the 2018 election, which allowed people to vote by post without having to declare that they could not vote on election day.¹²⁷ The proportion of survey respondents citing health reasons for voting by post has decreased from 41% in 2010 to 7% in 2022.

One factor contributing to the increase in postal voting may be that the VEC greatly reduced its mobile voting visits in 2022 compared to 2018. As a result, it distributed more postal voting applications to people in aged care and hospital settings. This was done in response to ‘the ongoing COVID-19 pandemic and an influenza epidemic’ and in consultation with aged care and healthcare sectors.¹²⁸

¹²³ Victorian Electoral Commission, *Submission 59*, p. 83.

¹²⁴ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 72; Colmar Brunton, *Victorian Electoral Commission: evaluation of services at the 24 November 2018 Victorian State election*, report for the Victorian Electoral Commission, 2019, p. 57.

¹²⁵ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 72.

¹²⁶ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 72; Colmar Brunton, *Victorian Electoral Commission: evaluation of services at the 24 November 2018 Victorian State election*, report for the Victorian Electoral Commission, 2019, p. 57; Victorian Electoral Commission, *Submission 92 (revised)*, submission to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election, 2019, p. 60.

¹²⁷ *Electoral Act 2002 (Vic)* s 98 as at 1 September 2017. This requirement was removed by the *Electoral Legislation Amendment Act 2018 (Vic)*.

¹²⁸ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 60.

The Committee does not consider the reasons put forward by the VEC to be substantial contributors for the increase in postal voting in 2022. There are further reasons, suggested by the Committee above, which may provide better explanations as drivers of the increase in postal voting. The VEC's reporting in this area could have been better.

Whatever the reasons for the rise in 2022, postal voting remains an important part of the mix of voting options for Victorians. The increase in the proportion of people voting by post in 2022 may be a one-off or the start of a trend. Either way, it is important that postal voting remains a convenient option for Victorians.

Postal votes not able to be counted

Postal ballots must be received by the VEC before 6 pm on the Friday after election day (2 December 2022), along with a declaration (on the envelope) witnessed on or before election day, to be admitted to the count.¹²⁹

There were a substantial number of postal votes returned to the VEC in time that were not able to be counted at the 2022 election. Of the 482,236 postal votes that were returned before the deadline, 77,386 (16.0%) could not be counted.

Some of these could not be counted because there was no ballot paper inside the postal voting envelope.¹³⁰ However, more than 60,000 ballots could not be counted due to a defect with the voter declaration on the ballot pack. The most common defect (77%) was electors providing no verification answer—part of a ballot security process whereby electors must provide an answer to a security question that matches one that they gave when they applied for a postal vote. A further 11% had problems with the elector's signature, 6% had an incorrect verification answer and 5% were incorrectly witnessed.¹³¹

There were also 5,002 postal votes (1.0% of all postal votes returned) received after the statutory deadline.¹³²

The Committee is concerned at the proportion of postal votes that were returned to the VEC but unable to be counted. Some of these votes were likely from people who deliberately returned empty envelopes. However, it appears that most people attempted to vote but their votes were not counted because of a mistake filling out the declarations. The VEC has indicated that it will redesign its postal ballot pack and declaration envelope with the aim of reducing errors.¹³³ The Committee supports

¹²⁹ *Electoral Act 2002 (Vic)* s 106.

¹³⁰ Victorian Electoral Commission, correspondence, 19 January 2024, p. 2.

¹³¹ Victorian Electoral Commission, correspondence, 19 January 2024, p. 2; Victorian Electoral Commission, correspondence, 23 February 2024, pp. 3–4; Victorian Electoral Commission, correspondence, 8 March 2024, p. 1. When applying for a postal vote online, electors are required to select a verification question and provide an answer. The elector must then include the same answer as part of their postal vote declaration. If the answers do not match, the ballot paper is disallowed—Victorian Electoral Commission, *Determination 007/2022: verifying the identity of an elector applying by electronic means to vote by post*, p. 2.

¹³² Victorian Electoral Commission, response to questions on notice received 26 April 2023, Attachment B, p. 4.

¹³³ Victorian Electoral Commission, correspondence, 23 February 2024, p. 4.

a redesign and encourages the VEC to complete the redesign in time to be tested by electors before the 2026 election. As part of its redesign process, the VEC should consider a survey or some other means of consultation with electors to understand why so many people were not able to correctly complete the voter declaration. Trialling the new ballot pack at a by-election would be a good test if possible.

The Committee considers that this issue should have been discussed in the VEC's report to Parliament on the election. Over 60,000 postal votes which were returned not being counted is significant. It may indicate a major problem with the existing system, which should have been brought to the Parliament's attention by the VEC. While it is good that the VEC is taking steps to address the problem, the failure to report on this issue is a serious oversight by the VEC.

The VEC has indicated that it intends to provide data for postal votes returned after the deadline at future elections.¹³⁴ The Committee welcomes this and further recommends that the VEC provide data regarding postal votes returned before the deadline that were not able to be counted and electors who were sent postal ballots but failed to return them.

In terms of returned votes that could not be counted, the VEC should provide data categorised by the reason the vote could not be counted, such as deficient declarations, envelopes with no ballot papers and any other relevant categories. Such data would be helpful in analysing trends in returned postal votes, assessing the VEC's efforts to resolve the current problems and identifying any VEC processes or communication that should be updated in response.

FINDING 39: There were 77,386 postal votes which were returned before the deadline but were not able to be counted due to declaration defects, empty postal vote envelopes or other issues. This includes over 60,000 votes that could not be counted due to the voter not completing the voter declaration on the ballot pack correctly. The VEC is looking at ways to redesign the ballot pack to reduce errors at future elections.

FINDING 40: In its report to Parliament, the VEC did not discuss the fact that over 60,000 postal votes were returned on time but not counted due to voters not correctly completing the voter declaration on the ballot pack. This is a significant issue which should have been brought to the Parliament's attention. The VEC needs to improve its reporting at future elections.

¹³⁴ Victorian Electoral Commission, correspondence, 19 January 2024, p. 10.

RECOMMENDATION 18: That the VEC provide data in future reports to Parliament on elections regarding:

- postal votes returned by the statutory deadline but not able to be counted, categorised by the reason the vote could not be counted
- electors who were sent postal ballots but failed to return them.

RECOMMENDATION 19: That, in redesigning the voter declaration on postal vote packs, the VEC seek to understand why so many voters did not correctly complete the declaration in 2022. The VEC should test and publicly report before the 2026 election on the effectiveness of its redesigned postal ballot packs at reducing elector errors. If the opportunity arises, the VEC should test the new design at a by-election.

3.6.2 Email voting

Email voting allows people ‘that were in remote areas, interstate or overseas and so would have trouble accessing timely postal facilities’ to receive their ballot papers electronically.¹³⁵ The voter must then print, complete and return the physical ballot papers to the VEC. The VEC acknowledged that, while an emailed ballot pack can provide ‘a solution to the decreasing efficacy of postal services, it remains labour intensive for the voter and requires access to a printer’.¹³⁶

The VEC sent out 12,716 email ballot packs at the 2022 election, similar to 2018 (see Table 3.8). The VEC’s reporting on email voting does not make it clear how many were completed and sent back (see Section 3.4 for more discussion of the VEC’s reporting on this issue).

Table 3.8 Email ballot packs distributed, 2010 to 2022

	2010	2014	2018	2022
Total number of email ballot packs distributed	1,212	2,603	12,268	12,716

Note: 2010 was the first election for which the VEC offered this service.

Source: Electoral Matters Committee based on VEC data.

Around 65% of email voters were satisfied with the overall voting process. This is the lowest level of satisfaction among all categories evaluated, as it was in 2018 (see Table 3.9).

¹³⁵ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 63.

¹³⁶ Victorian Electoral Commission, *Report to Parliament 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 63.

Table 3.9 Overall satisfaction^a by voter type, 2018 and 2022

Voter type	Voter satisfied (%)	
	2018	2022
Ordinary voters (includes absent and provisional voters)	81	79
Early voters	88	87
Email voters	68	65
Postal voters	83	85
Telephone-assisted voters	89	78

a. Satisfaction is defined as a rating of 7 or more out of 10.

Sources: Colmar Brunton, *Victorian Electoral Commission: evaluation of services at the 24 November 2018 Victorian State election*, report for the Victorian Electoral Commission, 2019, p. 7; Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 15.

Respondents recorded the lowest level of satisfaction with having to print their ballot papers (24% of email voters considered it unsatisfactory) and having to fold and post them (36%).¹³⁷ In line with this, the majority (64%) of respondents who were dissatisfied with email voting listed easier printing/assembling of papers as an improvement to the process. Some (29%) suggested being able to vote entirely online.¹³⁸

Despite this, 70% of email voters indicated an intention to vote this way again, a similar figure to 2018 (67%).¹³⁹ The Committee notes that this likely reflects the lack of options available to email voters, rather than their level of satisfaction with the service. Of the email voters responding to Kantar Public's questionnaire, 50% indicated that they voted in this way due to being unable to get to an overseas/interstate voting centre.¹⁴⁰

The VEC has acknowledged the shortcomings of the email voting service. The former Electoral Commissioner, Warwick Gately AM, described the email voting service as 'not really viable' in the context of Victorians overseas, saying it was 'not entirely satisfactory' and something that 'needs to be looked at'.¹⁴¹ The VEC's submission noted that improvements to the system would 'require significant investment' but did not provide any further detail.¹⁴²

The Committee agrees that the email voting system is not ideal, particularly the requirement for voters to print and return ballot papers. The service levels of postal

¹³⁷ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 61. An unsatisfactory rating is based on a score of 4 or less out of 10.

¹³⁸ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 63.

¹³⁹ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 64.

¹⁴⁰ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 60.

¹⁴¹ Warwick Gately AM, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, pp. 4-5.

¹⁴² Victorian Electoral Commission, *Submission 59*, p. 83.

services can make returning a postal vote in time to be included in the count difficult, both in Australia¹⁴³ and especially overseas.¹⁴⁴ However, in the absence of other options, it adds an avenue that Victorians interstate or overseas during the election may be able to use.

FINDING 41: Email voters were the least satisfied of all voter groups surveyed at the 2018 and 2022 elections. At both elections, having to print, fold and post ballot papers back to the VEC was a major source of dissatisfaction. Despite these shortcomings, the email voting service adds a voting channel for Victorians who are interstate or overseas during an election and who otherwise may not be able to vote.

3.6.3 The increase in general postal voter applications

There was a large increase in the number of people registered as general postal voters (GPVs) at the 2022 election—the total GPVs almost doubled from the 2018 to the 2022 elections. Almost two thirds of this rise was in GPVs who are over 70 years old. See Table 3.10.

Table 3.10 Victorians registered as general postal voters, 2006 to 2022

	2006	2010	2014	2018	2022
Over 70 years old	n/a	n/a	n/a	20,480	83,083
All other categories	n/a	n/a	n/a	78,360	111,936
Total people registered as general postal voters	41,617	51,708	54,370	98,840	195,019

Note: Registered general postal voters are automatically sent a postal vote, but may not necessarily use it, either by choosing another voting method or by not voting at all.

Sources: Victorian Electoral Commission, *Report to Parliament 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 18; Victorian Electoral Commission, *Report to Parliament on the 2014 Victorian state election*, Melbourne, 2015, p. 31.

Legislation ahead of the 2022 election prohibited anyone other than the VEC distributing election-specific postal vote applications.¹⁴⁵ This prevented political parties sending postal vote applications to voters, a practice that had been a regular feature in previous elections. The prohibition did not apply to applications to become a general postal voter.

¹⁴³ The Hon Michelle Rowland MP and Senator the Hon Katy Gallagher, *Ensuring Australia Post can deliver more for Australians*, media release, Commonwealth Government, 6 December 2023, <<https://minister.infrastructure.gov.au/rowland/media-release/ensuring-australia-post-can-deliver-more-australians>> accessed 6 February 2024.

¹⁴⁴ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 65.

¹⁴⁵ *Regulatory Legislation Amendment (Reform) Act 2022* (Vic) s 23. Applications may still be provided at post offices.

The increase in GPV registrations included a ‘surge’ in applications ‘in the 2 months before the close of rolls’.¹⁴⁶ The VEC noted that this ‘coincided with targeted campaigns by registered political parties, members of parliament and candidates’.¹⁴⁷ The VEC also reported, however, that ‘the increase in GPV applications was a result of a variety of additional factors—not limited to the activities of registered political parties, members of parliament and candidates’.¹⁴⁸

The VEC itself also contacted electors over 70 years of age and in aged care facilities to make them aware of the GPV option.¹⁴⁹

The VEC recommended that people and organisations other than electoral commissions be prohibited from distributing GPV applications.¹⁵⁰

The VEC explained that the increase in GPV applications ‘increases pressure on enrolment processes during an already pressured critical pre-election period’. The VEC also reported that it was contacted by multiple electors concerned about GPV applications pre-filled with their personal information. Further, the VEC stated that some correspondence sent to electors with GPV applications included ‘inaccurate enrolment advice’.¹⁵¹

The previous Electoral Matters Committee outlined the case for limiting the ability to distribute postal vote applications to the VEC, noting that postal vote applications being distributed by other people and organisations ‘has caused confusion for voters and undermined confidence in the impartiality of the VEC across multiple elections’.¹⁵²

This Committee believes that the same issues exist for GPV applications, and that they should only be distributed by electoral commissions. Due to the joint enrolment processes between the VEC and the Australian Electoral Commission, both electoral commissions should continue to be allowed to distribute GPV applications. All others should be prohibited.

¹⁴⁶ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 92.

¹⁴⁷ Victorian Electoral Commission, *Report to Parliament 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 92.

¹⁴⁸ Victorian Electoral Commission, *Report to Parliament 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 18.

¹⁴⁹ Warwick Gately AM, Electoral Commissioner, and Sue Lang, Director, Communication and Engagement, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, pp. 11–12.

¹⁵⁰ Victorian Electoral Commission, *Report to Parliament 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 92. See also Melissa Lowe and Felicity Frederico OAM, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 57.

¹⁵¹ Victorian Electoral Commission, *Report to Parliament 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 92.

¹⁵² Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, p. 195 (see also p. 194).

FINDING 42: There was an increase in general postal voter applications ahead of the 2022 election, driven in part by political parties and candidates distributing applications. General postal voter applications being distributed by people and organisations other than electoral commissions can cause confusion for voters and undermine confidence in the impartiality of electoral commissions.

RECOMMENDATION 20: That the Government introduce legislation amending the Electoral Act to prohibit any person or organisation other than an electoral commission from distributing general postal voter applications.

3.7 Telephone-assisted voting (electronic assisted voting)

The VEC provided electronic assisted voting through telephone-assisted voting (TAV) at the 2022 and 2018 elections.¹⁵³ This service is generally available to voters with vision impairments, motor impairments or difficulties with English, and was temporarily expanded at the 2022 election to include voters in flood-affected areas.¹⁵⁴

The VEC planned to offer TAV to people with COVID-19, but changes to public health orders removed eligibility for COVID-19-positive Victorians (for more, see Section 3.5).

In 2022, 5,476 people used TAV, more than 4.5 times as many as in 2018 (1,199).¹⁵⁵

There are likely multiple reasons for the increased use of telephone-assisted voting, including:

- COVID-19 encouraging more people to stay away from voting centres, so more people who had previously been eligible for TAV but chose to vote in person used TAV in 2022
- the ability to use TAV on election day (it was only available during early voting in 2018)—2,092 (38.2%) of the TAV votes in 2022 were cast on election day¹⁵⁶
- increased awareness of TAV in the second election of its use.¹⁵⁷

¹⁵³ As provided for by legislative change ahead of the 2018 election. At previous elections, electronic kiosks were provided at certain voting centres—Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 102–3.

¹⁵⁴ *Electoral Amendment Regulations 2022* (Vic); Victoria, *Victorian Government Gazette*, No. S 641, 12 November 2022, p. 1.

¹⁵⁵ Victorian Electoral Commission, *Report to Parliament 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 63; Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 59.

¹⁵⁶ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 63.

¹⁵⁷ Half of the candidates surveyed were aware of TAV in 2022, up from 39% in 2018—Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 128; Colmar Brunton, *Victorian Electoral Commission: evaluation of services at the 24 November 2018 Victorian State election: parties and candidates report*, report for the Victorian Electoral Commission, 2019, p. 19.

Expansion of the TAV voting service to include voters in flood-affected areas was not a major driver of the rise in its use in 2022. The VEC reported that just 7.2% of registrations for TAV were made by voters in flood-affected areas. The remaining 92.9% were from voters identifying as vision or motor impaired.¹⁵⁸

Whatever the reasons, the Committee sees the increase in use of TAV as positive.

As part of its evaluation of the 2022 election, Kantar Public asked telephone-assisted voters how they usually voted before TAV was available (TAV was first available in 2018). In response, 40% reported using postal voting, 35% early voting and 34% in-person election-day voting.¹⁵⁹

Around 78% of voters who used TAV were satisfied with their overall voting experience. Around 85% were satisfied with the TAV system itself, 90% would recommend the service to others and 81% would use it again.¹⁶⁰ These figures are lower than in 2018 and telephone-assisted voters are no longer the most satisfied cohort of voters (see Table 3.11).

Table 3.11 Overall satisfaction^a by voter type, 2018 and 2022

Voter type	Voter satisfied (%)	
	2018	2022
Ordinary voters (includes absent and provisional voters)	81	79
Early voters	88	87
Email voters	68	65
Postal voters	83	85
Telephone-assisted voters	89	78

a. Satisfaction is defined as a rating of 7 or more out of 10.

Sources: Colmar Brunton, *Victorian Electoral Commission: evaluation of services at the 24 November 2018 Victorian State election*, report for the Victorian Electoral Commission, 2019, p. 7; Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 15.

TAV voters were more likely than people voting in other ways to report that they would have liked additional information relating to voting in the election (26%).¹⁶¹ This was also the case in 2018.¹⁶² Of the TAV voters who wanted more information, 38% wanted more information about candidates and parties, something the VEC could not provide

¹⁵⁸ Victorian Electoral Commission, correspondence, 11 April 2023, p. 2.

¹⁵⁹ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 66.

¹⁶⁰ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, pp. 67–8.

¹⁶¹ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 33.

¹⁶² Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, p. 104.

(see further discussion in Section 11.7 of this volume). A substantial proportion wanted more information about how to vote (24%), when to vote (22%) and how to complete ballot papers correctly (19%).¹⁶³

Most (73%) TAV voters searched online for information about the election¹⁶⁴ and 74% were aware of the VEC's website.¹⁶⁵ Many (46%) found out about TAV from the VEC's website.¹⁶⁶ These facts suggest that providing information online can be an effective way to reach TAV voters.

FINDING 43: In 2022, 5,476 people used telephone-assisted voting, an increase from 1,199 people in 2018. However, telephone-assisted voters were less satisfied in 2022 than in 2018. Telephone-assisted voters were more likely to report that they wanted to receive additional information about the election than people voting any other way. This included information about how and when to vote and how to fill out ballot papers correctly.

RECOMMENDATION 21: That the VEC provide targeted information to telephone-assisted voters about how and when to vote, and how to fill out ballot papers correctly.

3.7.1 Expanding access to telephone-assisted voting

The VEC has recommended expanding eligibility for TAV, identifying several cohorts as candidates for expansion:

- interstate and overseas electors
- electors who are unwell, infirm or caring for someone
- electors experiencing homelessness
- electors experiencing family or domestic violence
- neurodivergent electors
- Australian Antarctic Territory electors.¹⁶⁷

¹⁶³ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 35.

¹⁶⁴ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 37.

¹⁶⁵ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 38.

¹⁶⁶ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 65.

¹⁶⁷ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 65.

The VEC argued that TAV is ‘a fit-for-purpose voting channel for electors facing barriers to participation in elections’, noting that it is ‘easily scalable, maintains the secrecy of the ballot and relies only on telephony infrastructure’.¹⁶⁸

The autism advocacy group Amaze strongly supported the VEC’s recommendation that neurodivergent electors should have access to TAV, noting the barriers that autistic voters can face at voting centres (see further discussion in Section 4.5.2 of this volume).¹⁶⁹

However, a group of academics told the Committee that TAV (like internet voting) carries a risk of ‘undetectable manipulation’ as it lacks the ability for voters or scrutineers to verify that votes are cast in accordance with voters’ wishes.¹⁷⁰ Associate Professor Vanessa Teague, of the Australian National University, told the Committee that voting using computers at voting centres that produce voter-verifiable paper records ‘is a much better solution’ for people with disability or special needs in Victoria. Associate Professor Teague noted that, while it may not be more convenient, it gives voters ‘some evidence that their ballot is what they wanted’.¹⁷¹

The Electoral Review Expert Panel¹⁷² examined electronic assisted voting as part of its inquiry. The Panel did not support significantly expanding the eligibility for TAV, as proposed by the VEC, citing concerns around trust in the electoral system and the possibility that increased use of TAV ‘could lend credence to the spurious claims of election deniers’.¹⁷³ The Panel recommended a trial expansion for voters outside of Victoria limited to, for example, voters in a particular geographic area and/or a by-election.¹⁷⁴ The Panel also supported making TAV available to Antarctic electors.¹⁷⁵

The Committee supports making voting more accessible, and notes that expanding eligibility for TAV could make voting easier for cohorts that currently face barriers to voting and are contributing to lower turnout (see Section 2.3.3). The Committee considers that an expansion of TAV is worth consideration.

¹⁶⁸ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 65.

¹⁶⁹ Amaze, *Submission 114*, pp. 1–2.

¹⁷⁰ Associate Professor Vanessa Teague, Associate Professor Damjan Vukcevic, Professor Peter J Stuckey and Dr Chris Culnane, *Submission 51*, p. 6. See also Associate Professor Vanessa Teague, Thinking Cybersecurity and Australian National University, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 41.

¹⁷¹ Associate Professor Vanessa Teague, Thinking Cybersecurity and Australian National University, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 41.

¹⁷² See Section 1.5 of this volume.

¹⁷³ Electoral Review Expert Panel, *Report on Victoria’s laws on political finance and electronic assisted voting*, [Melbourne], 2023, p. 354.

¹⁷⁴ Electoral Review Expert Panel, *Report on Victoria’s laws on political finance and electronic assisted voting*, [Melbourne], 2023, p. 356.

¹⁷⁵ Electoral Review Expert Panel, *Report on Victoria’s laws on political finance and electronic assisted voting*, [Melbourne], 2023, p. 357.

However, the VEC is proposing an expansion that would vastly increase TAV eligibility. At the 2022 election, 5,476 people voted via TAV. If all the cohorts identified by the VEC were to be eligible, usage could rise into the hundreds of thousands.¹⁷⁶

There are risks in expanding TAV eligibility to such a large extent, including:

- staffing the service at a much-increased scale, noting that the VEC found staffing a challenge at the 2022 election¹⁷⁷
- a lack of opportunity to test at scale before the 2026 election
- greater uncertainty in appropriately resourcing voting centres as a result of not knowing how many people will use TAV
- an increased need for scrutineers to be involved in a process that may service far more voters
- fraud of the kind described by Associate Professor Teague and others above
- damage to the perceived legitimacy of elections.

In addition, there is a risk of unintended and unforeseen consequences posed by making such a large change to the way that Victorians can vote.

The Committee does not support expanding access to TAV to a variety of new cohorts at this time. The Committee's view is that there are risks, costs and challenges to making such a change that have not been adequately explored. The Committee recommends that the VEC investigate these issues further so that a better-informed decision can be made.

The Committee also notes that satisfaction levels for telephone-assisted voters dropped from 2018 to 2022. It may be valuable for the VEC to further investigate and identify the reasons for this as part of its wider investigation.

The Committee does support expanding access to Australian Antarctic Territory electors. The current arrangements for these voters are complex and costly and the number of people voting from Antarctica is consistently low. Only nine votes from Antarctic electors were included in the count in 2022.¹⁷⁸

¹⁷⁶ The VEC estimates that there were around 200,000 electors overseas at the time of the 2022 election. In addition 24,679 electors were 'excused from compulsory voting enforcement ... due to illness or caring duties'—Victorian Electoral Commission, *Report to Parliament 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 65, 67. An estimated 23,860 Victorians 19-years-of-age and older were experiencing homelessness in 2021— Australian Bureau of Statistics, *20490DO001_2021 Estimating homelessness*, <https://www.abs.gov.au/statistics/people/housing/estimating-homelessness-census/2021/20490do001_2021.xlsx> accessed 24 November 2023.

¹⁷⁷ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 23–5.

¹⁷⁸ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 63, 65.

FINDING 44: The VEC recommended expanding the eligibility for telephone-assisted voting to several new cohorts that currently face barriers to voting. While the Committee supports increased voting accessibility, there are risks and issues in expanding telephone-assisted voting that have not been adequately explored, including the potential consequences of a large increase in usage. The Committee does not support the wide expansion recommended by the VEC at this time but does agree that telephone-assisted voting should be expanded to include Australian Antarctic Territory electors. The Committee believes that further expansion should be considered at a later date, after more investigation has taken place.

RECOMMENDATION 22: That the Government introduce legislation amending the Electoral Act to allow Australian Antarctic Territory electors to vote using electronic assisted voting (telephone-assisted voting).

RECOMMENDATION 23: That the VEC perform more investigation into the implications of expanding access to telephone-assisted voting as recommended in its report to Parliament on the 2022 election. This investigation should include an exploration of the risks, costs, challenges and impacts on campaigning posed by expanding access to such a large degree and a comparison of expanding telephone-assisted voting with other options for providing greater voting access for the identified cohorts.

Chapter 4

Supporting Victorians with disability to participate in elections

4.1 Introduction

To make elections inclusive, all eligible Victorians should have the opportunity to participate. Chapter 2 of this volume examines inclusiveness at the 2022 election in general and Chapter 3 examines the different voting options at the election. This chapter focuses on electoral inclusion for people with disability and some of the barriers that make it harder for them to participate.

Section 4.2 explores using data from the National Disability Insurance Scheme to include more Victorians with disability on the electoral roll.

Sections 4.3 and 4.4 consider electoral participation by people with intellectual and cognitive disability. The Victorian Electoral Commission (VEC) has done some work on supporting these Victorians to participate in elections, but there are areas where more could be done to support participation by this group.

As this is a complex area, the Committee recommends that a scoping project be undertaken to identify gaps and recommend solutions to improve the inclusion of Victorians with intellectual and cognitive disability in Victorian elections (see Section 4.4).

Section 4.5 discusses voting centre accessibility for people with limited mobility, neurodiverse voters and sensory-sensitive voters. It looks at the accessibility of voting centres and how more could be done to help voters that find standing in queues difficult. It also discusses a 'low-sensory voting trial' that the VEC conducted at the 2023 Warrandyte District by-election to cater for neurodiverse and sensory-sensitive voters. As some campaigners were unwilling to follow the guidelines set by the VEC, the Committee considers that the VEC should be given additional powers to support these efforts.

The Committee conducted a survey for Victorian voters with disability to learn more about their experiences at the 2022 election. The survey asked questions about electoral participation, support needs to participate in elections, information needs to participate in elections and changes to make voting easier. Section 4.6 outlines the key themes that emerged from the survey. Further details about the survey can be found in Appendix D of this volume.

In addition to facing barriers to participation as voters, people with disability also face barriers to campaigning or running as candidates.¹ The Committee has not been able to investigate these barriers as part of this Inquiry. However, they would be a worthwhile focus for future work.

4.2 Improving electoral roll inclusion

There is a very, very strong commitment that I have already observed in word and action from the staff of the VEC to be as inclusive as possible to ensure that everyone who is entitled to has the opportunity to exercise their democratic right. We do look at that as a really, really important factor ... I know that across the whole of the VEC that issue of removing barriers, whatever they might be, is a real priority area.

Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 31.

The VEC and Australian Electoral Commission run direct enrolment programs which automatically enrol people using data from other government agencies (see Section 2.2.1 in this volume). These agencies include the Department of Transport and Planning, the Victoria Curriculum and Assessment Authority, the Australian Taxation Office and Centrelink.

Matthew Potocnik raised the possibility of also using information held by the National Disability Insurance Agency (NDIA) as part of the National Disability Insurance Scheme (NDIS).² This could potentially include some people with disability whose details might not be registered with the agencies currently used for direct enrolment.

A further benefit of using this information would be the ability to track the participation rate by NDIS participants as a measure of the VEC's performance and the inclusivity of Victoria's elections.³

Sue Lang, the VEC's Director of Communication and Engagement, argued against using the NDIS as a source of information for direct enrolment. She cited concerns about some people being enrolled who are not eligible, as the Victorian Constitution currently makes a person ineligible to enrol if they are 'incapable of understanding the nature and significance of enrolment and voting' due to being of 'unsound mind' (see Section 4.3.1). Ms Lang told the Committee:

The issue becomes for us, then, if the person is put on the roll in that manner, how do they then vote when they are not able to speak or it is not clear how they can make a choice for whom they wish to vote? It is not up to VEC staff at voting centres to determine if somebody has the intellectual capacity to understand the nature and the significance of voting, so that is where the problem lies there.⁴

¹ See, for example, Sally Gibson, *Submission 80*, pp. 7–8; Liberal Party of Australia (Victorian Division), *Submission 103a*, p. 7.

² Matthew Potocnik, *Submission 99*, p. 4; Matthew Potocnik, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, pp. 22, 24–5.

³ Matthew Potocnik, *Submission 99a*, p. 4.

⁴ Sue Lang, Director, Communication and Engagement, Victorian Electoral Commission, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 30.

Mr Potocnik argued for an underlying principle that everybody should be included on the roll by default rather than some categories of people only being included when they make an effort to be enrolled:

we have to look at inclusion before exclusion. Basically we need to see if these people can participate, and we cannot really exclude them until they have actually been engaged to see if they can participate. So in relation to the law and in relation to the rights of these citizens, they really need to be enrolled – everyone that is over 18 years of age and that is an Australian. That is generally how it is done. If people are removed from the electoral roll because of capacity reasons, it is done retrospectively.⁵

Mr Potocnik noted the Charter of Human Rights and Responsibilities, which establishes that:

Every eligible person has the right, and is to have the opportunity, without discrimination—to vote and be elected at periodic State and municipal elections that guarantee the free expression of the will of the electors ...⁶

The Committee believes that the VEC should be erring on the side of more inclusion in the roll, rather than less. People with disability have traditionally been excluded from many parts of society.⁷ Processes that increase inclusion for this cohort are valuable. Instances of individuals being incapable of understanding the nature and significance of enrolment and voting should be dealt with on a case-by-case basis as exceptions, rather than categories of people being excluded.

The Committee recognises that there may be practical issues which need to be overcome. More work is needed to understand any privacy obstacles, legislative or otherwise, to using NDIA information as a source of direct enrolment. The fact that the NDIA is a Commonwealth body may also present barriers to its use as a direct enrolment source. There are likely other barriers too.

Nonetheless, the Electoral Commissioner noted a desire across the VEC to be as inclusive as possible and to remove barriers that stop people exercising their democratic rights. He noted that Mr Potocnik's recommendations are a possible mechanism to achieve this.⁸ The Committee agrees and urges the VEC to investigate.

FINDING 45: The VEC and Australian Electoral Commission use data from several government agencies to automatically enrol people. Data from the National Disability Insurance Agency could also be used to enrol people who might not be registered with other agencies. The data could then also be used to better understand the participation rate of people with disability.

⁵ Matthew Potocnik, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 24.

⁶ *Charter of Human Rights and Responsibilities Act 2006* (Vic) s 18(2). Noted in Matthew Potocnik, *Submission 99*, p. 4.

⁷ National People with Disabilities and Carer Council, *Shut out: the experience of people with disabilities and their families in Australia*, 2009, p. 1.

⁸ Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 31.

RECOMMENDATION 24: That the VEC explore the possibility of data from the National Disability Insurance Agency being shared with the VEC to enable direct enrolment. The VEC could also use the data to determine the electoral participation rate for people with disability.

4.3 Barriers faced by people with intellectual and cognitive disability

when you do see people who are in power and you do learn about politics and have support from support workers, a circle of support or self-advocacy groups out there that may actually bother to do some work looking at the different parties' views and looking at the how-to-vote cards from different parties and that kind of thing, and from independents, then you see that desire to vote often emerge and you see that will to vote. But when that happens what we do find is that a lot of people do want to go to the voting centre on the day in person and vote there. It may be that with a circle of support and using a supported decision-making process they have listed their preferences on a piece of paper, and it is about being supported to transfer what is on that bit of page onto the ballot paper.

Nathan Despott, Head of Policy, Research and Advocacy, Inclusion Melbourne, public hearing, Melbourne, 28 August 2023, *Transcript of evidence*, p. 4.

People with intellectual and cognitive disability can face multiple barriers to participation in elections. While some work has been done to help people with intellectual and cognitive disability vote, the Committee heard that there is a need for more.

The Committee recognises that there are some people with intellectual and cognitive disability for whom voting may not be possible. However, the Committee received evidence from several submitters that many people with intellectual and cognitive disability can participate with the correct support.

The VEC provides various resources about enrolling and voting for people with cognitive disability, their families and supporters/carers. These resources include a video, flyer and a guide for facilitators running election education sessions for people with cognitive disability.⁹ The VEC also targets people with cognitive disability as part of its Democracy Ambassador program.¹⁰

The VEC has previously partnered with La Trobe University's Living with Disability Research Centre to deliver 'mentoring sessions with disability support workers

⁹ Victorian Electoral Commission, *For families, carers and supporters: enrolment and voting: information about enrolment and voting if a person you support has a cognitive impairment, due to disabilities or age-related illnesses*, Melbourne, 2022; Victorian Electoral Commission, *Victorian State election 2022: voting is for everyone facilitation guide*, Melbourne, 2022; Victorian Electoral Commission, *Voting is for everyone*, video, 2012, <<https://www.vec.vic.gov.au/about-us/what-we-stand-for/access-and-inclusion>> accessed 2 February 2024.

¹⁰ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 53–5.

and management’ designed to ‘build democratic and electoral awareness and to demonstrate the resources available to help participants to learn about voting and making choices’.¹¹ The VEC has also participated in roundtables exploring options for increasing participation among Victorians with cognitive disability.¹²

It is not clear how effective these approaches have been at enabling electoral participation by people with cognitive disability. Dr Paul Ramcharan (a Senior Research Fellow at the University of Melbourne) told the Committee that he is not aware of any data on the participation rate for this group in Victorian or Australian elections. However, he explained, international studies indicate that ‘whilst up to 90 per cent of people with physical impairment have voted, only 46 per cent of those with intellectual or learning impairments have voted’.¹³

Submitters and witnesses to this Inquiry identified several barriers that people with intellectual and cognitive disability face to participating in elections, which are discussed in Sections 4.3.1 and 4.3.2. A way forward is proposed in Section 4.4.

4.3.1 The ‘unsound mind’ provision

Victoria’s Constitution currently states that a person who ‘by reason of being of unsound mind, is incapable of understanding the nature and significance of enrolment and voting’ cannot be enrolled to vote.¹⁴ This can be used to prevent people with intellectual and cognitive disability from participating in elections. Several suggestions have been put forward to change this.

The VEC recommended amending the Constitution to:

replace ‘being of unsound mind’ with ‘having a lack of cognitive capability, having been diagnosed by a qualified medical professional as such’.¹⁵

The VEC argued that, ‘This is consistent with recommendations from the Australian Law Reform Commission and the Human Rights Law Centre, among other legal and disability advocacy groups’.¹⁶

The Committee agrees that removing the term ‘unsound mind’ from the relevant part of Victoria’s Constitution is a positive move. The language is archaic, unclear and possibly offensive. However, there remains the need for a deeper consideration of whether it is desirable to have any provision which removes the entitlement of Victorians to

¹¹ Victorian Electoral Commission, *Submission 92 (revised)*, submission to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election, 2019, pp. 24–5. See also Victorian Electoral Commission, *Annual report 2018–19*, Melbourne, 2019, p. 64.

¹² Victorian Electoral Commission, *Annual report 2021–22*, Melbourne, 2022, p. 82.

¹³ Dr Paul Ramcharan, Scope-UoM Senior Research Fellow, University of Melbourne, public hearing, Melbourne, 28 August 2023, *Transcript of evidence*, p. 3.

¹⁴ *Constitution Act 1975 (Vic)* s 48(2)(d).

¹⁵ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 112.

¹⁶ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 112 (with source).

be on the electoral roll for reasons relating to cognitive capability. The Committee is aware of evidence that such provisions, whatever language used, may inappropriately block people from participating in the electoral system, sometimes based on a poor understanding of their decision-making capacity.¹⁷

The Commonwealth Joint Standing Committee on Electoral Matters has recommended repealing the equivalent subsections of the Commonwealth Electoral Act entirely. This means that there would be no facility for removing people from the Commonwealth electoral roll for reasons of being unable to understand the nature and significance of enrolment and voting.¹⁸ That committee's report on the 2022 Commonwealth election said the provision is 'archaic, discriminatory and arbitrary, and it disenfranchises vulnerable Australians'.¹⁹

The Committee notes that the Australian Law Reform Commission's *Equality, capacity and disability in Commonwealth laws* report highlighted a uniformity among stakeholders against establishing a new 'capacity test' to replace the 'unsound mind' provision.²⁰ The Commission's report highlighted evidence from the Public Interest Advocacy Centre and others that 'in some circumstances, people of "sound mind" do not understand the "nature and significance of enrolment and voting", but are still entitled to vote'.²¹

The Commission recommended instead an exemption from compulsory voting enforcement based on a person's inability to understand, retain and weigh information relevant to voting, and to communicate their vote.²² The Commission also recommended that the Australian Electoral Commission 'provide its officers with guidance and training, consistent with the National Decision-Making Principles, to improve support in enrolment and voting for persons who require support to vote'.²³ The Committee recognises similar arguments put forward by other Inquiry stakeholders regarding supporting decision-making, rather than assumptions that some people are not able to make decisions (see Section 4.3.2).

The Committee's recommendation on this issue is in Section 4.4.

¹⁷ Australian Law Reform Commission, *Equality, capacity and disability in Commonwealth laws*, Sydney, 2014, p. 263.

¹⁸ Parliament of Australia, Joint Standing Committee on Electoral Matters, *Conduct of the 2022 Federal election and other matters*, June 2023, p. 105 and *Commonwealth Electoral Act 1918* (Cth) ss 93(8)(a), 118(4).

¹⁹ Parliament of Australia, Joint Standing Committee on Electoral Matters, *Conduct of the 2022 federal election and other matters*, June 2023, p. 105.

²⁰ Australian Law Reform Commission, *Equality, capacity and disability in Commonwealth laws*, Sydney, 2014, pp. 266–7. The Commission's discussion paper had proposed amendments to replace the current wording of the *Commonwealth Electoral Act* (Cth) s 93(8)(a) with 'does not have decision-making ability with respect to enrolment and voting at the relevant election'—Australian Law Reform Commission, *Equality, capacity and disability in Commonwealth laws: discussion paper*, Sydney, 2014, p. 207.

²¹ Australian Law Reform Commission, *Equality, capacity and disability in Commonwealth laws*, Sydney, 2014, p. 266 (with sources).

²² Australian Law Reform Commission, *Equality, capacity and disability in Commonwealth laws*, Sydney, 2014, p. 268.

²³ Australian Law Reform Commission, *Equality, capacity and disability in Commonwealth laws*, Sydney, 2014, p. 270.

FINDING 46: The VEC has recommended replacing the language in Victoria’s Constitution that excludes people from the Register of Electors by reason of ‘being of unsound mind’ with ‘having a lack of cognitive capability, having been diagnosed by a qualified medical professional as such’. While the Committee views the term ‘unsound mind’ as being inappropriate, it is not convinced that retaining an exclusion based on cognitive capability is the right approach, noting evidence that such provisions may inappropriately prevent people from participating in elections.

4.3.2 Support to learn about politics and make decisions

Nathan Despott (Head of Policy, Research and Advocacy at Inclusion Melbourne) told the Committee that the major barriers to inclusion are not the areas where advocacy has traditionally focussed. Much advocacy has focussed on:

- the difficulty for people with intellectual and cognitive disability getting on the electoral roll
- the ‘unsound mind’ clauses in electoral legislation (see Section 4.3.1)
- people with intellectual and cognitive disability being removed from the roll
- voters with intellectual and cognitive disability not understanding what to do on election day.²⁴

Mr Despott stated that these are not the main drivers of low participation for people with intellectual and cognitive disability. Instead, he argued that the following are greater barriers:

- not enough support to learn about politics (as opposed to civics)
- not enough support to learn to make decisions
- too many people thinking people with cognitive disability are unable to learn about politics
- political culture not being ‘cognitively inclusive’
- not enough information about politics, parties and elections that people with cognitive disability can access and understand.²⁵

As part of its survey of voters with disability (see Appendix D), the Committee asked about people’s information needs. As discussed in Appendix D, there are multiple limitations to the data collected through this survey. Bearing these limitations in mind, the Committee notes that respondents who identified as ‘needing support

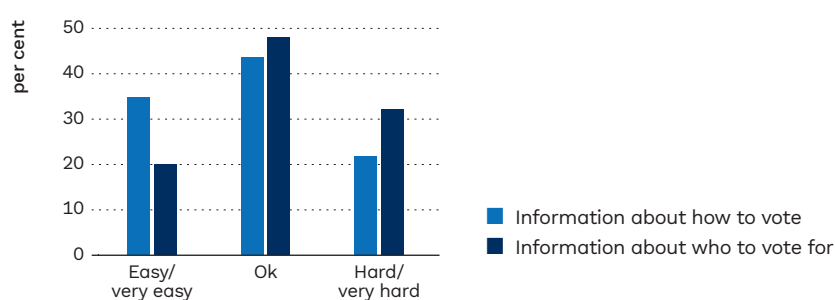
²⁴ Nathan Despott, Head of Policy, Research and Advocacy, Inclusion Melbourne, *Presentation*, supplementary evidence received 27 November 2023, p. 6; Nathan Despott, Head of Policy, Research and Advocacy, Inclusion Melbourne, public hearing, Melbourne, 27 November 2023, *Transcript of evidence*, p. 3.

²⁵ Nathan Despott, Head of Policy, Research and Advocacy, Inclusion Melbourne, *Presentation*, supplementary evidence received 27 November 2023, pp. 6–7; Nathan Despott, Head of Policy, Research and Advocacy, Inclusion Melbourne, public hearing, Melbourne, 28 August 2023, *Transcript of evidence*, p. 2; Nathan Despott, Head of Policy, Research and Advocacy, Inclusion Melbourne, public hearing, Melbourne, 27 November 2023, *Transcript of evidence*, pp. 3–4.

to understand information' were more likely to not have the information that they needed to vote in 2022 than other respondents (25.9%, compared to 14.8% of other respondents).

The Committee was interested to understand the difference in information needs between information about who to vote for (for example, a party) and information about how to vote (for example, how to fill out a ballot paper). Substantially more respondents found information about who to vote for harder to understand than information about how to vote (see Figure 4.1). This is consistent with some of the points made by Mr Despott.

Figure 4.1 How easy information was to understand at the 2022 election for voters needing support to understand information



Note: Only includes respondents who identified as 'needing support to understand information' (n=23 and 25).

Source: Electoral Matters Committee survey of voters with disability (see Appendix D in this volume).

A desire for more information about candidates, parties and their policies is not unique to people with intellectual and cognitive disability. A variety of different stakeholders have called for this. The Committee has recommended that further consideration be given to an independent organisation developing such resources for people in general (see Section 4.4 in Volume 1).

Additional work is needed to make content accessible for people with intellectual and cognitive disability and to support them in learning about politics and voting. The Committee notes the work done at Victorian elections through the I Can Vote project (see Box 4.1). Similar work has also been done in the United Kingdom.²⁶

Dr Paul Ramcharan (from the University of Melbourne) told the Committee that there is growing evidence that providing longer-term support to people with intellectual and cognitive disability enables them to make decisions, and that 'given the right support, many more people can vote'.²⁷

²⁶ Mencap, *General election 2019 easy read manifestos*, <<https://www.mencap.org.uk/get-involved/campaign-mencap/elections/general-election-2019-easy-read-manifestos>> accessed 5 March 2024.

²⁷ Dr Paul Ramcharan, Scope-UoM Senior Research Fellow, University of Melbourne, public hearing, Melbourne, 28 August 2023, *Transcript of evidence*, p. 3.

Box 4.1 I Can Vote 2022 election video campaign

I Can Vote is an electoral inclusion campaign aimed at better supporting people with cognitive disability to participate in elections. Inclusion Designlab, part of Inclusion Melbourne, coordinated the project in conjunction with a range of partners.

I Can Vote includes a range of materials and resources to support inclusive voting. For the 2022 and 2018 elections, the I Can Vote team produced videos aimed at people with cognitive disability in conjunction with political parties and candidates.

The I Can Vote team asked parties and candidates to write a script for a video, based on some prompt questions, which they then translated into easy language. Parties and candidates were then able to either film the video themselves or have I Can Vote film the video.

Most major parties, some smaller parties, and a range of independent and party candidates produced videos with I Can Vote, which were then available on its website.

Sources: Nathan Despott, Head of Policy, Research and Advocacy, Inclusion Melbourne, public hearing, Melbourne, 28 August 2023, *Transcript of evidence*, pp. 1–3; I Can Vote, *How did I Can Vote 2022 work*, Melbourne, <<https://icanvote.org.au/wp-content/uploads/2022/11/How-did-I-Can-Vote-2022-work.pdf>> accessed 13 February 2024; I Can Vote, *Meet the candidates*, <<https://icanvote.org.au/meet-the-candidates>> accessed 5 December 2023.

Matthew Potocnik described the lack of inclusion for people with disability as a systemic failing of support.²⁸ He advocated for greater support through the National Disability Insurance Scheme (NDIS) to enable people to participate:

They may not know that there is an election on. They may not know where the election is. They may not know any of this, and they require individual engagement. And they require the other one, which is equity – for perhaps somebody to actually put them on the electoral roll, engage them, get it all happening and be there on the day if they are voting on the day et cetera. It is an accountability that the NDIS must achieve to ensure these citizens participate and are included.²⁹

Mr Potocnik further recommended that, if the Register of Electors is updated with data from the NDIS (see Section 4.2 of this chapter), the register could also include information regarding NDIS participants' nominated supports and a booking arrangement for relevant service providers to support participants to enrol and vote.³⁰

²⁸ Matthew Potocnik, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, pp. 22, 23.

²⁹ Matthew Potocnik, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 23.

³⁰ Matthew Potocnik, *Submission 99a*, pp. 1–3; Matthew Potocnik, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 23.

Dr Zareh Ghazarian, a Senior Lecturer at Monash University, spoke to the Committee about the political knowledge of young people. Dr Ghazarian's words can apply equally to all Victorians, including those with cognitive disability:

Political knowledge is crucial to elections and democratic processes in order to be able to cast an informed vote. People should possess an understanding of the structures and operation of their political and electoral system, as well as an awareness of their representatives and the key policy debates. This knowledge is critical to the health of a democratic system, as it contributes to the confidence people may have to stand for election or hold decision-makers accountable.³¹

Mr Despott noted the importance of learning about politics for people with cognitive disability:

the right to vote for people with cognitive disability is actually grounded in a deeper right, and that is a right that is not realised properly or really much at all in Victoria, which is the right to have consistent support to learn about politics in a way that any other person in the general population would have, even at a basic level.³²

It is clear to the Committee that more needs to be done to support Victorians with intellectual and cognitive disability to participate in Victorian elections. The Committee's proposed next steps are set out in Section 4.4 below.

FINDING 47: People with intellectual and cognitive disability face multiple barriers to participating in elections. In addition to technical barriers, such as difficulties getting on the electoral roll, a greater barrier for some people is insufficient support to participate, including a lack of information about parties and candidates that is accessible to people with intellectual and cognitive disability and a lack of support to learn and make decisions about politics and government.

4.4 Improving electoral participation by people with intellectual and cognitive disability

there is a democratic deficit for people with cognitive disability ... it is a very big democratic deficit and ... it does not serve Victoria well not to hear those voices through the voting process.

Dr Paul Ramcharan, Scope-UoM Senior Research Fellow, University of Melbourne, public hearing, Melbourne, 28 August 2023, *Transcript of evidence*, p. 3.

While it is clear that more should be done to reduce barriers for people with intellectual and cognitive disability, this is a complicated area with many challenges. It has not been possible in this Inquiry to fully explore the topic. The Committee therefore sees

³¹ Dr Zareh Ghazarian, Senior Lecturer, Monash University, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 46.

³² Nathan Despott, Head of Policy, Research and Advocacy, Inclusion Melbourne, public hearing, Melbourne, 28 August 2023, *Transcript of evidence*, p. 2.

a need for a more in-depth investigation. There are technical changes to legislation to consider, as well as the broader issue of how people with intellectual and cognitive disability can be supported and empowered to learn and make decisions about politics and how their state is governed.

This is also an area where work needs to be done carefully to ensure the integrity of the voting system and to maintain people's confidence in the integrity of the system. As Mr Despott noted, this is a common concern and work that he has been involved with has sought to address it:

There is a lot of risk perception there. I can imagine that a lot of risks come to mind immediately when we talk about people with intellectual disability voting. A lot of our work has been to painstakingly document, assess, analyse and interrogate that risk perception.³³

He noted that both the VEC and the Victorian Equal Opportunity and Human Rights Commission have also been reluctant to be involved with work providing political information for people with cognitive disability to maintain their non-partisan status.³⁴

As a first step, Amaze (an organisation advocating for autistic people) called for research to better understand the number of people with disability currently 'excluded from voting', broken down by disability type.³⁵

Beyond that, the expertise and resources needed to support Victorians with intellectual and cognitive disability to learn and make decisions about politics are likely beyond the VEC's ability and remit. However, the VEC is an important stakeholder in this discussion, and should do what it can, whether by itself or through partnership with other organisations, to support electoral inclusion for this cohort.

The Committee recognises that the VEC has supported research into participation by people with intellectual disability in conjunction with other electoral commissions. Conclusions from that research regarding the supports people need to vote are similar to those presented to this Inquiry.³⁶

The National Disability Insurance Agency may also have a key role to play in this, as suggested by Matthew Potocnik.³⁷

Nathan Despott and Inclusion Melbourne recommended a set of next steps for better enfranchising Victorians with cognitive disability—see Figure 4.2.

³³ Nathan Despott, Head of Policy, Research and Advocacy, Inclusion Melbourne, public hearing, Melbourne, 28 August 2023, *Transcript of evidence*, p. 2.

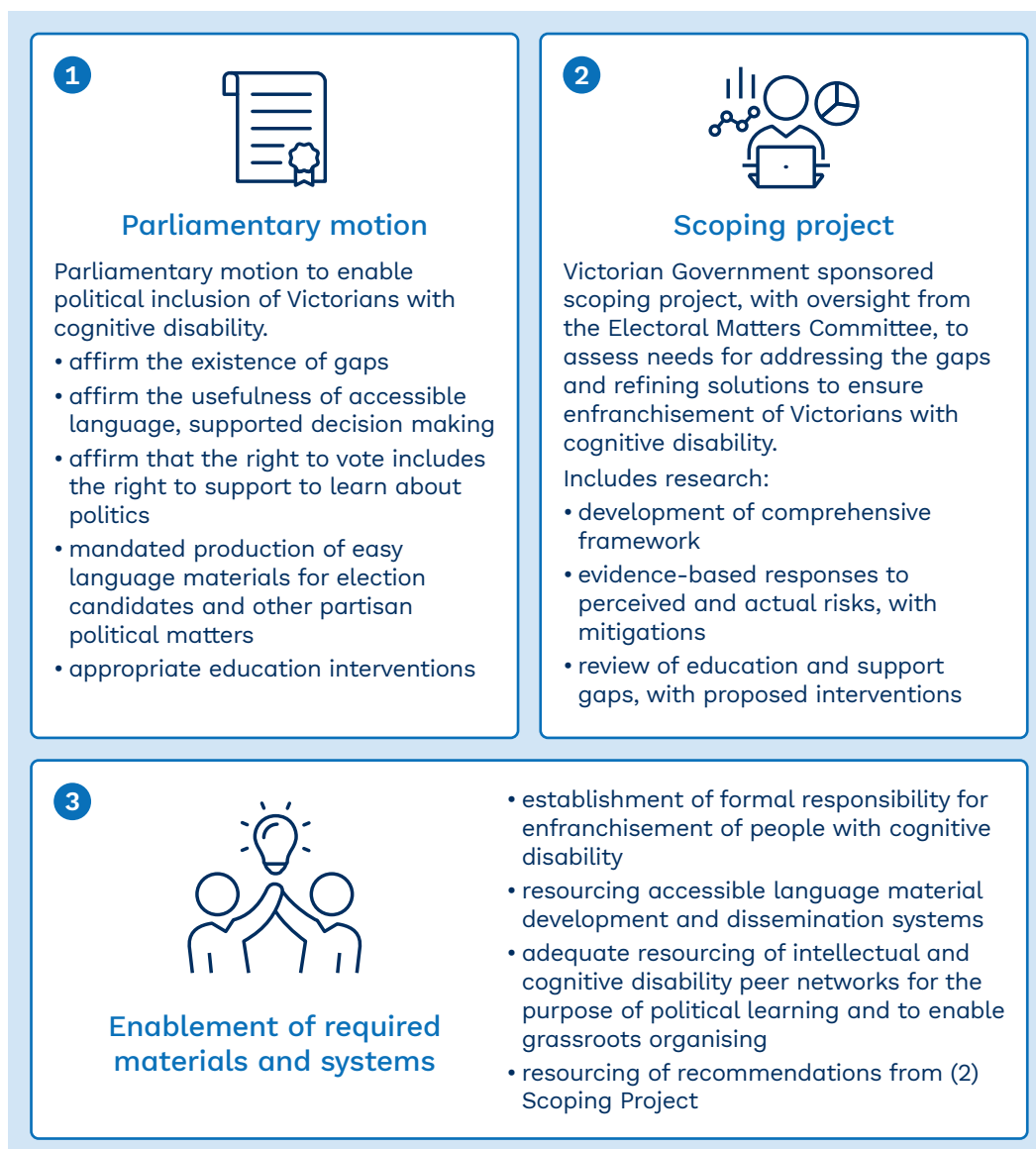
³⁴ Nathan Despott, Head of Policy, Research and Advocacy, Inclusion Melbourne, public hearing, Melbourne, 28 August 2023, *Transcript of evidence*, p. 2.

³⁵ Amaze, *Submission 114*, p. 3.

³⁶ Living with Disability Research Centre, La Trobe University, *Final report: strategies to support people with intellectual disabilities to participate in voting*, report prepared by Christine Bigby, Sophia Tipping, Emma Bould and Rebecca Thiele, Melbourne, 2019.

³⁷ Matthew Potocnik, *Submission 99*, pp. 4–5.

Figure 4.2 Inclusion Melbourne presentation—recommended next steps for enfranchising Victorians with cognitive disability



Source: Based on Nathan Despott, Head of Policy, Research and Advocacy, Inclusion Melbourne, *Presentation*, supplementary evidence received 27 November 2023, p. 17.

The Committee is supportive of aspects of this recommendation—particularly those in parts 2 and 3. It is clear to the Committee that there is need for a ‘scoping project’ or similar, as suggested by Inclusion Melbourne, to better understand how Victorians with intellectual and cognitive disability can be better supported to participate in Victorian democracy. This includes how the electoral roll can be better used, understanding and removing barriers to inclusion and what the best approach is regarding the ‘unsound mind’ provision in Victoria’s Constitution.

FINDING 48: There is a need for more to be done to reduce the barriers that people with intellectual and cognitive disability face to inclusion in elections. This is a complex area where further work is needed to identify the best approach.

RECOMMENDATION 25: That the Government fund an appropriately qualified organisation with the relevant expertise to develop a framework for improving the inclusion of Victorians with intellectual and cognitive disability in Victorian elections. This project should include, but not be limited to, investigating:

- the scale of people with disability currently not participating in elections in Victoria
- ways to remove barriers to electoral inclusion, including the need to learn about politics and decision-making
- whether the Register of Electors should be used to link people with intellectual and cognitive disability with appropriate support to vote
- whether and how information held by the National Disability Insurance Agency can be used to target support for people with intellectual and cognitive disability
- what role the National Disability Insurance Agency should play in supporting people to vote
- what role the VEC should play in supporting people with intellectual and cognitive disability to vote
- how best to reform or remove the ‘unsound mind’ provision of Victoria’s Constitution and any consequent changes that are needed, such as exempting some people with intellectual and cognitive disability from compulsory voting.

4.5 Voting centre accessibility for Victorians with disability

This section looks at two aspects of voting centre accessibility that emerged from the Committee’s evidence: physical accessibility for those with limited mobility (Section 4.5.1) and the voting centre environment for neurodiverse and sensory-sensitive voters (Section 4.5.2).

4.5.1 Accessibility for people with limited mobility

Finding venues that are accessible for voters with limited mobility is a continuing issue.³⁸ The VEC received complaints about voting centre accessibility³⁹ and some Committee stakeholders criticised the accessibility of voting centres.⁴⁰

Respondents to the Committee's survey of people with disability raised a variety of accessibility issues with their voting experience, including a lack of voting booths for wheelchair users and voting centres lacking accessible parking, ramps and rails for wheelchair users.⁴¹

Paul Gallagher told the Committee that finding a wheelchair-accessible centre was difficult:

Finding a facility that would accommodate either my wheelchair and/or motorised add-on (Tri-ride) was surprisingly challenging in the outer eastern suburbs of Melbourne.⁴²

Further, the ramps at the centre he did visit were difficult to navigate, and the accessible voting booths were 'generally a tight width and height when encountered by someone in a wheelchair'.⁴³

The VEC noted that, while its lack of ownership of election venues limits its control over accessibility, it 'modified properties or fitted temporary ramps to improve accessibility' where practicable at early voting centres.⁴⁴

There were fewer election-day Independent Wheelchair Access (IWA) and Assisted Wheelchair Access (AWA) voting centres at the 2022 election than at the 2018 election (see Table 4.1). The VEC met its target of 40% of all election-day voting centres being either IWA or AWA rated, but did not meet its target of 25% of election-day voting centres being IWA rated.⁴⁵

The VEC also aimed to have at least one IWA voting centre in each district. This was not achieved in six districts, which the VEC noted was 'due to the limited availability of suitable locations in those districts'.⁴⁶

³⁸ See Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2014 Victorian state election*, May 2016, p. 112; Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 89–90.

³⁹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 88.

⁴⁰ Maxim Payne, *Submission 3*, p. 1; Bernard Quince, *Submission 8*, p. 1; Victorian Trades Hall Council, *Submission 79*, p. 6.

⁴¹ See Sections D.4.5 and D.4.6 in Appendix D of this volume.

⁴² Paul Gallagher, *Submission 16*, p. 1.

⁴³ Paul Gallagher, *Submission 16*, p. 2.

⁴⁴ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 22, 133.

⁴⁵ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 133–4.

⁴⁶ Victorian Electoral Commission, correspondence, 11 April 2023, p. 3.

Table 4.1 Wheelchair accessible election-day voting centres, 2006 to 2022

	2006	2010	2014	2018	2022
Total election-day voting centres	1,808	1,839	1,786	1,794	1,765
Independent Wheelchair Access (IWA) voting centres	178	286	299	379	369
Assisted Wheelchair Access (AWA) voting centres	816	975	1,072	733	649
Total IWA and AWA voting centres	994	1,261	1,371	1,112	1,018
Limited or no wheelchair access voting centres	658	416	415	682	747

Note: The total of figures published by the VEC for various levels of wheelchair-accessible election-day voting centres at the 2006 and 2010 elections do not equal the figures provided for the total number of voting centres.

Sources: Victorian Electoral Commission, *Submission 92 (revised)*, submission to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election, 2019, pp. 34–5; Victorian Electoral Commission, correspondence, 11 April 2023, p. 3; Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 23.

The Committee encourages the VEC to maintain its targets for accessible voting centres and to continue efforts to find more suitable venues at future elections.

FINDING 49: There were fewer Independent Wheelchair Access and Assisted Wheelchair Access election-day voting centres at the 2022 election than at the 2018 election. The VEC met its target of 40% for Assisted Wheelchair Access election-day voting centres but did not meet its target of 25% for Independent Wheelchair Access election-day voting centres. The VEC did not meet its target of at least one Independent Wheelchair Access voting centre in each district.

The VEC increased the number of IWA and AWA early voting centres at the 2022 election, resulting in a total of 126 early voting centres with some level of wheelchair access, 46 more than in 2018 (see Table 4.2). The VEC met its target for both IWA early voting centres (25%) and for early voting centres that were either IWA or AWA rated (80%).⁴⁷

Table 4.2 Wheelchair accessible early voting centres, 2018 and 2022

	2018	2022
Total early voting centres	103	155
Independent Wheelchair Access (IWA) early voting centres	18	50
Assisted Wheelchair Access (AWA) early voting centres	62	76
Total IWA and AWA early voting centres	80	126
Limited or no wheelchair access early voting centres	23	29

Source: Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 22.

⁴⁷ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 133–4.

FINDING 50: There were more Independent Wheelchair Access and Assisted Wheelchair Access early voting centres at the 2022 election than at the 2018 election. The VEC met its targets for both Independent Wheelchair Access early voting centres (25%) and early voting centres with either Assisted or Independent Wheelchair Access (80%).

Queueing for prolonged periods can be particularly difficult for people with disability. Inquiry stakeholders reported a lack of support for people with mobility issues who do not use wheelchairs, noting in particular their difficulty standing in line for long periods and a lack of support or information from voting centre staff allowing them to access help (such as a seat or moving ahead in the queue). Leonie Schween told the Committee:

Officials did not come outside of the booth area often so they did little to assist the disabled and elderly who would often initially get in the long queue not realising they did not need to queue – they were entitled to directly access the booth area. It became the defacto role of candidates & volunteers to advise & assist the disabled.⁴⁸

Ron Townsend, who worked for the VEC at a voting centre, similarly told the Committee:

every now and then you would get someone who was infirm, could not walk, quite sick, unstable. There was no process for them to be looked after properly. People like the youngsters had to then move people past the queues to get them in there. There were not any chairs for people to sit down in, so if you were sick or elderly and you were infirm – no chairs.⁴⁹

Several respondents to the Committee’s survey of voters with disability (see Sections D.4.5 and D.4.6 in Appendix D of this volume) also identified a lack of systems to help people who cannot stand in queues for prolonged periods. Some even spoke about their experience asking election officials for assistance but being refused. For example, one respondent stated, ‘I told an electoral official that I was in great pain from having to stand while waiting in the queue and she told me that I just had to put up with it.’

Solutions that were proposed included signage indicating how voters can request more accessible waiting options, VEC officials being outside voting centres to assist and having seats available for people who need to sit while queueing.

The Committee notes that a similar issue was discussed by a previous Electoral Matters Committee following the 2014 election. That committee recommended that:

the VEC amend its Election Manager training procedures so that electoral officials provide prioritised access to voting centres for elderly electors, electors with disabilities and anyone who in the opinion of the electoral official requires assistance.⁵⁰

⁴⁸ Leonie Schween, *Submission 84*, p. 1.

⁴⁹ Ron Townsend, public hearing, Melbourne, 2 October 2023, *Transcript of evidence*, p. 6.

⁵⁰ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2014 Victorian state election*, May 2016, Recommendation 14, p. 112.

Similarly, one person with disability told the Committee about the difficulties they faced having to stand to fill out their ballot papers. They felt that staff had not been fully trained to assist.⁵¹

The Committee sees support for those who find standing difficult as an area where the VEC could improve. The VEC should consider options for improving support at voting centres for these Victorians.

FINDING 51: Some voters who have difficulty standing reported a lack of support available at voting centres to assist with queuing and completing ballot papers. They noted a lack of places to sit, a lack of attention from VEC staff to their needs and a lack of signage or other information outlining how they could get help.

RECOMMENDATION 26: That the VEC take measures to improve the support it provides to people who have difficulty standing in lines and while completing ballot papers. This may include improved staff awareness of this issue, processes at voting centres for identifying and supporting these voters while they are queueing and improved signage informing people how they can access support.

4.5.2 The voting centre environment for neurodiverse and sensory-sensitive voters

The environment at voting centres can be particularly confronting for neurodiverse people and people with sensory sensitivities.⁵² Different Journeys, a group that supports autistic people, described the situation for a voter with autism at a voting centre:

Upon arrival at the pre-poll station there are lots [of] people representing political parties all trying to talk to you, touch you, and thrust their brochures at you. They are strangers that you do not know, or trust and their anxiety provoking actions overwhelm you. Before even entering the polling centre you have been talked at, touched, and impacted by the smells of others. As an autistic you suffer complete sensory overload.

Exhausted you go into the centre with your support worker, only to experience another major barrier when your support worker is questioned about why they are there if they are not voting. The whole episode is overwhelming and ultimately you are unable to vote. This experience shapes how you consider voting for the rest of your life.⁵³

⁵¹ Name withheld, *Submission 111*, p. 2.

⁵² Paul Gallagher, *Submission 16*, p. 2; Animal Justice Party, *Submission 104*, p. 5; Different Journeys, *Submission 112*, pp. 2–3; Warwick Gately AM, Electoral Commissioner, and Sue Lang, Director, Communication and Engagement, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 21.

⁵³ Different Journeys, *Submission 112*, p. 2.

Paul Gallagher, a voter from Melbourne’s eastern suburbs, told the Committee that he would like to see designated low-sensory voting times:

The day itself, however, is particularly busy, hectic and somewhat overwhelming to my senses due to cognitive issues I experience. What I would love to see happen is the ability of voting centres to have designated times for people to enter a centre ahead of, or after hours when the sound of crowds and voices are minimised. Much like supermarkets now do during weekday mornings, the provision of more accessible times of operation are extremely valuable and helpful to someone like myself.⁵⁴

Several respondents to the Committee’s survey of voters with disability (see Section D.4.13 in Appendix D of this volume) also recommended dedicated quiet or low-sensory voting times.

Different Journeys identified some other actions that the VEC could take to support autistic people, including:

- using the Hidden Disability Program, which provides people with lanyards that staff can use to identify people who need support
- establishing separate entrances or other opportunities to avoid queues (such as booking appointments)
- training VEC staff and educating campaigners and the broader community.⁵⁵

Amaze, an organisation that advocates for autistic people, considered that having a variety of different ways of voting, such as early voting, postal voting, telephone-assisted voting and other forms, could make voting more accessible for neurodivergent voters. Amaze strongly supported the VEC’s recommendation to expand access to telephone-assisted voting to these voters (see further discussion in Section 3.7.1 of this volume). Amaze also noted a need for accessible information about how to participate using these different options.⁵⁶

Warrandyte District by-election low-sensory voting trial

The VEC ran a low-sensory voting trial at the Warrandyte District by-election in 2023. A single early voting centre held ‘low-sensory voting hours’ from 9:30 am to 2 pm on one day of early voting. During these hours the voting centre had:

- ‘natural or dimmed lighting at the venue
- reduced background noise
- extra space provided around each voting screen
- additional accessible parking spaces
- VEC staff wearing the disability sunflower “supporter” lanyard’.⁵⁷

⁵⁴ Paul Gallagher, *Submission 16*, p. 2.

⁵⁵ Different Journeys, *Submission 112*, pp. 2–3.

⁵⁶ Amaze, *Submission 114*, pp. 1–2.

⁵⁷ Victorian Electoral Commission, *Report to Parliament: 2023 Warrandyte District by-election*, Melbourne, 2024, p. 10.

The VEC also sought cooperation from campaigners to deliver low-sensory voting hours, acknowledging that interactions with campaigners can be ‘particularly difficult and confronting for people who are autistic or neurodiverse’.⁵⁸ The VEC wrote to all by-election candidates and parties asking them to:

- ‘bring a chair to sit rather than stand
- avoid speaking loudly in proximity to the early voting centre
- stay in one spot outside the early voting centre, rather than moving around
- allow voters to come to them rather than approaching voters’.⁵⁹

The VEC also advised candidates that tables would be available where they could display their how-to-vote cards. The intention of these actions was for ‘voters to have the choice as to whether they engage with campaigners’.⁶⁰

The Deputy Electoral Commissioner told the Committee that, despite writing to and briefing candidates and parties, the trial was a ‘failure’, due to the behaviour of campaigners.⁶¹ The VEC further reported that during the low-sensory voting hours, campaigner behaviour ‘led to many voters turning away and not casting their votes’.⁶²

Nathan Despott from Inclusion Melbourne commended the VEC for its emphasis on accessibility and argued that broader political and cultural issues may be behind ‘some of the ways that various other actors and agents on the day did not respect the environment that the VEC was wanting to facilitate and create’. Further, he argued that this culture may exclude certain groups.⁶³

The Liberal Party suggested that a lack of communication from the VEC to voters contributed to the trial not succeeding. The Liberal Party argued that this meant that voters who did not have low-sensory needs were also turning up to vote and engaging with campaigners at the same time.⁶⁴

Meaghan Capell, who was a campaigner at the Warrandyte District by-election, saw the trial as significantly impacting on smaller parties and independent candidates by preventing them from connecting with voters.⁶⁵

The Committee is disappointed that campaigners were not able to behave in a way that facilitated the low-sensory voting trial when asked by the VEC. The Committee believes that initiatives such as this are important to ensure that Victorian elections

⁵⁸ Victorian Electoral Commission in Meaghan Capell, *Submission 56a*, p. 34.

⁵⁹ Victorian Electoral Commission in Meaghan Capell, *Submission 56a*, p. 34.

⁶⁰ Victorian Electoral Commission in Meaghan Capell, *Submission 56a*, p. 35.

⁶¹ Dana Fleming, Deputy Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 22.

⁶² Victorian Electoral Commission, *Report to Parliament: 2023 Warrandyte District by-election*, Melbourne, 2024, p. 11.

⁶³ Nathan Despott, Head of Policy, Research and Advocacy, Inclusion Melbourne, public hearing, Melbourne, 28 August 2023, *Transcript of evidence*, p. 6.

⁶⁴ Liberal Party of Australia (Victorian Division), *Submission 103a*, p. 2.

⁶⁵ Meaghan Capell, *Submission 56a*, p. 4.

remain inclusive. Instead of supporting this, campaigner behaviour had the opposite effect, resulting in voters turning away and not casting a vote—damaging Victorian democracy. The Committee recognises the importance of voters being able to engage with campaigners at voting centres (see Section 11.5.1 in this volume) but believes that this was still possible while following the VEC’s guidance.

If campaigners are unable to support inclusivity efforts when asked, another option is for the VEC to be given the power to enforce relevant measures. The VEC asked campaigners to allow voters to come to them, rather than approaching voters. This could also be achieved by expanding the current six-metre campaigning exclusion zone to prevent campaigners from approaching voters. The Committee’s view is that, for specified low-sensory voting hours at limited times and places, it would be helpful for the VEC to have the ability to apply an extended campaigning exclusion zone.

The Committee encourages the VEC to continue its attempts to better serve all Victorians through initiatives such as the low-sensory voting trial, and asks that candidates, political parties and other campaigners do what they can to support such efforts. The VEC should also consider other changes that might assist with this sort of initiative, such as more communication with voters.

FINDING 52: The VEC ran a low-sensory voting trial at the 2023 Warrandyte by-election and asked campaigners to take simple steps to help make the voting centre more welcoming for voters who find the sensory environment of voting centres challenging. The VEC considers that the trial was a failure due to the behaviour of campaigners, which resulted in some voters turning away and not casting their vote. The Committee supports VEC efforts such as this to increase the inclusivity of elections and is deeply disappointed that campaigner behaviour prevented people from voting.

RECOMMENDATION 27: That the Government introduce legislation amending the Electoral Act to provide the VEC with the ability to apply an extended campaigning exclusion zone at specified voting centres and for specified times, so that the VEC can provide dedicated periods of low-sensory voting. This should include an obligation for the VEC to adequately inform election stakeholders, with a defined notice period, when an extended exclusion zone will apply.

4.6 Survey of Victorians with disability

The Committee invited Victorians with disability to take part in a survey as part of its Inquiry into the 2022 election. Scope Australia assisted the Committee in developing the survey, which was available online and as a downloadable easy English version. More detail regarding the survey is included in Appendix D.

The Committee recognises the limitations of this kind of evidence. The Committee received survey responses from a small sample of Victorians with disability which may not have been representative of the broader population. The Committee’s aim was not

to reach conclusions about the community as a whole, but to increase the Committee's understanding of the barriers that people with disability face and gain a further perspective on the election from Victorians with disability.

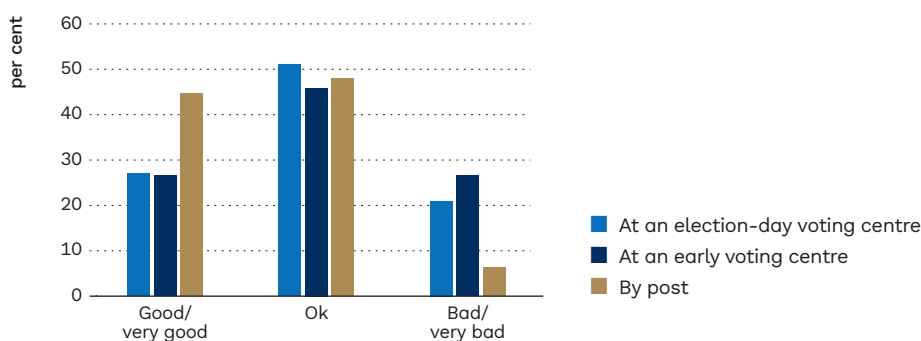
The survey asked questions about electoral participation, support needs to participate in elections, information needs to participate in elections and changes that would make voting easier.

The Committee received 119 responses to the survey, 115 of which were from people with disability. Nearly all respondents with disability were enrolled (110) and voted (109) at the 2022 election. Respondents voted through various means:

- at an early voting centre—41 respondents
- at a voting centre on election day—33 respondents
- through postal voting—31 respondents
- through telephone-assisted voting—2 respondents.

Respondents who voted by post rated their experience much more positively than those who voted at voting centres (see Figure 4.3).

Figure 4.3 Voters with disability's assessments of their voting experience



Source: Electoral Matters Committee survey of voters with disability (see Section D.4.5 in Appendix D of this volume).

Overall, 25.7% of respondents indicated that they had problems taking part in the election and 33.9% indicated that they did not have all of the support they needed to vote.

A variety of themes emerged from the survey responses to questions around negative voting experiences, support needed, problems encountered and what changes would make voting easier. These included:

- A desire to vote from home, through online voting or other non-attendance voting. The Committee notes that a number of respondents listed postal voting as a desired improvement, despite postal voting already being available to all voters. There may be a need for the VEC to better inform Victorians with disability that they can vote by post.

- A desire for information about candidates and their policies in a central, easy-to-understand format. Suggestions included standardised candidate statements provided to all households or candidate videos outlining what they stand for. This aligns with other evidence the Committee heard (see Section 11.7 of this volume).
- Improved accessibility at voting centres. This included general improvement to the accessibility of voting centres for people with low mobility, a desire for shorter queues and longer voting hours, along with:
 - better support for those who have trouble standing in line (and do not use wheelchairs) and those with invisible disability—suggested improvements included providing places to sit, improved staff awareness of this issue, processes at voting centres for identifying and supporting these voters while they are queueing and improved signage informing people how they can access support (the Committee addresses this issue in Section 4.5.1 of this chapter)
 - better staff training to help people with disability (see Chapter 4 in Volume 1)
 - better information about voting centre accessibility
 - voting centres catering to those with sensory sensitivities (see Section 4.5.2 of this chapter)
 - better infection-protection measures for COVID-19 and other diseases
 - help with the act of enrolling and voting
- improved information about voting, including clearer information on how to vote and more easy English or otherwise easy-to-understand information.

Some respondents (17.4%) said they did not have the information they needed to vote. While some needed more information about how to cast their vote, the most common response was a desire for more information was about who or what to vote for. This aligns with evidence from culturally and linguistically diverse communities about wanting to know more about candidates and what they stand for (see Section 11.7 of this volume).

Survey respondents most commonly got their information about who to vote for from a candidate or party, media or social media. In contrast, the most common source for information about how to vote was the VEC, followed by a candidate or party, then family and friends.

The Committee recognises that the VEC already provides a variety of services aimed at addressing some of the issues raised in the Committee’s survey. However, the survey results suggest that there is scope for some of these services to be improved and the Committee hopes that the VEC will note and consider the suggestions. The Committee has passed the full survey responses to the VEC (excluding respondents’ personal details).

FINDING 53: The Committee conducted a survey of Victorian voters with disability as part of its Inquiry into the 2022 election. The survey asked questions about electoral participation, support needs to participate in elections, information needs to participate in elections and changes to make voting easier. Key themes emerging from the survey included a desire for:

- the ability to vote from home—the Committee notes that the VEC should ensure it is effectively communicating postal voting and telephone-assisted voting options to Victorians with disability
- information about candidates and their policies in a central, easy-to-understand format
- improved accessibility at voting centres, including general accessibility for people with low mobility, recognition and support for those who find it difficult to stand in line or have invisible disability, better staff training, better information about voting centre accessibility, services catering for those with sensory issues, infection prevention measures and help with the act of enrolling and voting
- improved information about voting, including clearer information on how to vote and more easy English or otherwise easy-to-understand information.

RECOMMENDATION 28: That the VEC consider the suggestions from the Committee’s survey of Victorians with disability as part of developing future plans for supporting Victorians with disability to participate in elections.

Chapter 5

Communicating about the election

5.1 Introduction

An important part of the Victorian Electoral Commission's (VEC's) responsibilities is to communicate with the electorate about elections and voting. In doing this, the VEC needs to communicate in a variety of ways to reach all Victorians and needs to ensure that it is a trusted and trustworthy source of electoral information. This chapter looks at the various methods the VEC used to communicate about the 2022 election.

Section 5.2 discusses the VEC's election communication campaign, including the effectiveness of that campaign in delivering key messages (Section 5.2.1) and the element that targeted young and directly enrolled voters (Section 5.2.2).

Social media is becoming a more prominent part of the VEC's communication efforts and the VEC changed its social media strategy in important ways for the 2022 election. Section 5.3 discusses how the VEC delivered against its social media strategy, with a focus on the VEC's increased responsiveness (Section 5.3.2). Chapter 6 of this volume looks at inaccurate information about electoral processes and the VEC in social media, and the VEC's efforts to combat inaccurate information.

VoterAlert is the VEC's direct-to-voter communication tool which it uses to send SMS or email messages to Victorians. The number of Victorians subscribed to VoterAlert increased for the 2022 election and the VEC used it to deliver both mass and targeted electoral information. Section 5.4 discusses VoterAlert's use and impact at the 2022 election. The Committee recommends that the VEC continue working to increase VoterAlert subscription.

The VEC used VoterAlert, and not a physical mailout, to distribute the *EasyVote guide* (with information about how and where to vote) at the 2022 election. This resulted in some voters missing out on this important information. This Committee discusses this and recommends change in Section 5.4.2.

The Committee acknowledges that the VEC also undertakes an education and inclusion program aimed at engaging with electors that are under-represented in Victoria's electoral system. This chapter looks at communication aimed at one of the target groups of this program, culturally and linguistically diverse communities (CALD) and discusses what the Committee learned at a CALD community roundtable (Section 5.5.1), but does not closely examine the VEC's education and inclusion program.

5.2 The VEC's 2022 election communication campaign

The VEC's plan for the 2022 election stated that its advertising campaign would 'drive broad public awareness about participating in the 2022 State election' and 'will focus on communicating safe, convenient and accessible enrolment and voting options for all Victorian electors'.¹ Box 5.1 shows what the VEC identified as the advertising campaign's 'key elements'.

Box 5.1 'Key elements' of the VEC's 2022 election advertising campaign

- 'produce an advertising and communication program that is engaging and informative, that reaches a broad cross-section of audiences and communities in Victoria
- deliver clear and consistent state-wide messaging about when, where and how to enrol and vote correctly
- increase engagement and maximise participation of directly-enrolled voters and young voters
- increase media and digital literacy in voters in navigating potential misinformation or disinformation circulating during the election period
- increase VoterAlert registrations to ensure electors receiving VoterAlert notifications is maximised'.

Source: Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 43.

The VEC's communication campaign ran across multiple platforms, including television, radio, newspapers, online, social media, outdoor advertising, VoterAlert emails and messages, in-person education sessions, newsletters, communication targeted to media and messages directed to under-represented community groups.²

The VEC also provided media briefings, media releases and interviews, community outreach programs to targetted communities³ and a public enquiry service through phone and email.⁴

1 Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, p. 16.

2 Victorian Electoral Commission, *Submission 59*, p. 36.

3 People experiencing homelessness, young people, Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities and people in prisons—see Victorian Electoral Commission, *Submission 59*, p. 39.

4 Victorian Electoral Commission, *Submission 59*, pp. 35–41.

The VEC’s campaign ran across three phases—enrolment, early voting and voting correctly/voting assistance.⁵ It included four sub-campaigns ‘to address specific messages or engage targeted audiences’:

- VoterAlert registration campaign (see Section 5.4 in this chapter)
- *Sorting fact from fiction*, a media literacy campaign (see Section 6.3.2 in this volume)
- *DemGraphics*, a digital campaign targeting young and directly enrolled voters (see Section 5.2.2 in this chapter)
- *Mythbusting* and *Voting matters* campaigns aimed at increasing the participation of people experiencing homelessness.⁶

Table 5.1 shows how much money the VEC spent on election advertising across recent elections. The Committee notes the increase in advertising spend at the 2022 election compared to previous elections. The reason for this rise is unclear. However, the 2022 spend includes \$4.2 million for ‘advertising (media)’ and \$1.2 million for ‘creative and campaign development’.⁷ It is possible that the VEC has not included the creative and campaign development component in previous reporting, which provided a single figure only.⁸ It is unclear which figure regarding the 2022 election is best compared to previous elections. Whatever the case, the Committee would have liked the increase to have been explained in the VEC’s report to Parliament.

Table 5.1 VEC advertising spend by election

	2002	2006	2010	2014	2018	2022
Advertising spend (\$ million)	2.0 ^a	2.5 ^a	2.8	2.9	3.8	5.4

a. VEC reported figures differ for the 2002 and 2006 elections. Figures in the VEC’s report to Parliament on the 2010 election are higher than those in the reports to Parliament on the 2002 and 2006 elections. The table uses figures from the 2002 and 2006 election reports.

Note: these figures only cover state-election-related advertising in the financial year of the election.

Sources: Victorian Electoral Commission, *Report to Parliament on the 2002 Victorian State election*, Melbourne, 2003, p. 32; Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian State election*, Melbourne, 2007, p. 32; Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian State election*, Melbourne, 2011, p. 35; Victorian Electoral Commission, *Annual report 2014–15*, Melbourne, 2015, p. 37; Victorian Electoral Commission, *Annual report 2018–19*, Melbourne, 2019, p. 38; Victorian Electoral Commission, *Annual report 2022–23*, Melbourne, 2023, p. 45.

⁵ Victorian Electoral Commission, *Submission 59*, p. 36.

⁶ Victorian Electoral Commission, *Submission 59*, p. 36.

⁷ Victorian Electoral Commission, *Annual report 2022–23*, Melbourne, 2023, p. 45.

⁸ For the 2002 election, the VEC noted the figure provided was for ‘placement costs only’. Reporting for other elections did not include this information—Victorian Electoral Commission, *Report to Parliament on the 2002 Victorian State election*, Melbourne, 2003, p. 32.

5.2.1 Effectiveness of the VEC’s message delivery

The VEC commissioned Kantar Public to conduct an evaluation of its services at the 2022 election (see Section 1.5 of this volume). Kantar Public asked voters about their experience with VEC communications. The results indicate that:

- 75% of respondents recalled seeing or receiving information from the VEC—this was lower than at the 2018 election (85%)
- 74% of respondents who saw VEC information considered it to be effective—this was higher than at the 2018 election (70%)
- 17% of respondents stated that they would have liked to receive more information about voting.⁹

The most frequently recalled messages by voters were:

- the date of the election
- how to vote before election day
- enrolling to vote
- the importance of voting
- ‘your vote will help shape Victoria’
- instructions for completing ballot papers correctly
- where to vote on election day
- where to find more information about the election.¹⁰

These messages align well with the VEC’s aims for its campaign and the Committee’s expectations of valuable election communication.

FINDING 54: Survey evidence indicates that VEC communication was effective at delivering basic election information to most members of the Victorian community in line with the VEC’s communication aims and the Committee’s expectations. A lower proportion of survey respondents recalled seeing VEC communication material in 2022 (75%) than in 2018 (85%). A higher proportion considered VEC communication to be effective in 2022 (74%) than in 2018 (70%).

⁹ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, pp. 17, 23, 33. The most frequently requested (greater than 25% of respondents who would have liked more information) types of information were: information on candidates and parties; where to vote; how to complete my ballot papers correctly; and preferential voting—Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 34.

¹⁰ Messages recalled by more than 25% of respondents who saw communications from the VEC—Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 21.

5.2.2 DemGraphics campaign targeting young and directly enrolled voters

The VEC's *DemGraphics* campaign was 'a digital campaign targeting young and directly-enrolled voters'.¹¹ Campaign content was co-designed and tested with young people.¹²

DemGraphics included a VoterAlert message to 'almost 50,000 directly-enrolled electors' which 'detailed the importance of their vote at the upcoming election'.¹³

Awareness of the election itself among young people rose as the election neared, including a greater peak in awareness of the election (94% in 2022 vs 89% in 2018) and knowledge of the exact date (83% in 2022 vs 59% in 2018) than at the last election.¹⁴ However, awareness of VEC election advertising was lower (69%) in 2022 than in 2018 (85%).¹⁵ This suggests that factors other than VEC communications drove young people's awareness of the election.

Overall, though, the VEC reported that turnout among 18-to-24-year-old directly enrolled voters increased from 72.8% in 2018 to 75.4% in 2022,¹⁶ which is a positive outcome.

See Section 2.3 of this volume for more on the effectiveness of the VEC's initiatives aimed at increasing participation.

5.3 Social media strategy

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.

Victorian Electoral Commission, *Submission 59*, p. 41.

The VEC's *2022 State election service plan* detailed its aims around social media for the election:

The VEC will use social media platforms to convey key electoral information and continue to establish itself as an authoritative and trusted source of truth for all election-related enquiries. This will include proactively promoting key messages

¹¹ Victorian Electoral Commission, *Submission 59*, p. 36.

¹² Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 43.

¹³ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 48.

¹⁴ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 146.

¹⁵ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 144.

¹⁶ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 45.

regarding the election using rich media such as gifs, videos and infographics – as well as responding in a timely and accurate manner to an anticipated high volume of queries received from users.¹⁷

These aims are in line with previous Electoral Matters Committee findings and recommendations which encouraged the VEC to play a role as a trustworthy source of information and noted the value of the VEC answering queries through its social media accounts.¹⁸

The *2022 State election service plan* also noted the VEC's intention to distribute content through social media platforms aimed at enrolling and voting for culturally and linguistically diverse communities, young people and directly enrolled Victorians.¹⁹

The VEC's social media activity was also informed by its reputation management strategy²⁰ resulting in the VEC developing a social media response library and a social media playbook.²¹ The Committee discusses the VEC's efforts to address inaccurate information in Chapter 6.

5.3.1 Delivery against social media strategy

The VEC has greatly increased its responsiveness to queries and other commentary on social media (see Section 5.3.2), supporting the VEC's aim to establish itself as an 'authoritative and trusted source of truth for all election-related enquiries'.²²

The VEC also delivered on its aim to promote key election messages using rich media. Of the VEC's 97 original posts on X (formerly Twitter), 62 featured a photo, video or other image. Of these, 24 posts featured image-based memes or humorous images, which the previous Electoral Matters Committee found received 'considerably higher levels of engagement than other types of content produced by the VEC'.²³

One example of rich content the VEC posted was statistical information presented as engaging graphics (see, for example, Figure 5.1).

¹⁷ Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, p. 16.

¹⁸ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the impact of social media on Victorian elections and Victoria's electoral administration*, September 2021, pp. 41, 45.

¹⁹ Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, p. 17. The VEC also used social media to geo-target information for flood-affected Victorians and distribute videos made in partnership with Reconciliation Victoria—Victorian Electoral Commission, *Submission 59*, pp. 38, 41.

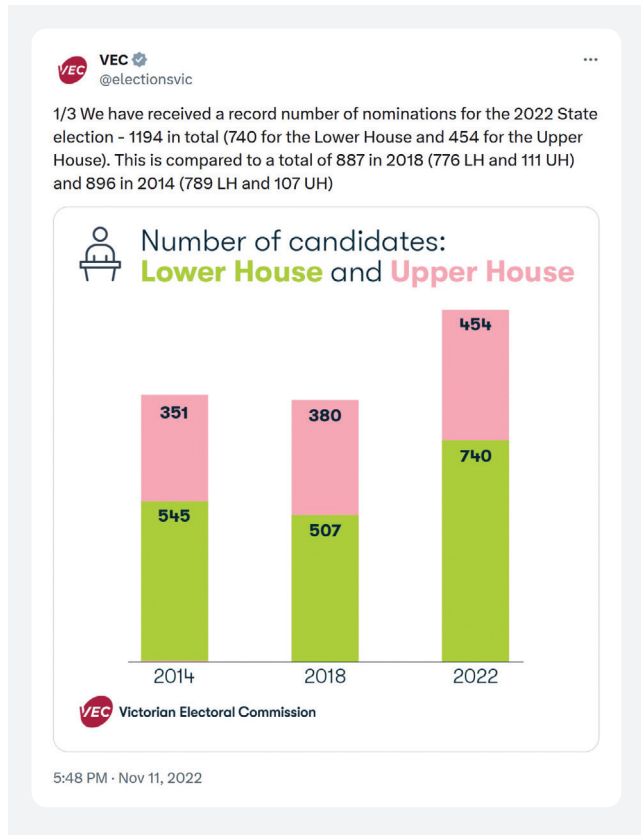
²⁰ Available at Victorian Electoral Commission, *Our electoral integrity framework*, <<https://www.vec.vic.gov.au/about-us/integrity-framework>> accessed 6 November 2023.

²¹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 48.

²² Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, p. 16.

²³ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the impact of social media on Victorian elections and Victoria's electoral administration*, September 2021, p. 40.

Figure 5.1 Example of VEC providing statistical content through social media



Source: Victorian Electoral Commission (@electionsvic), '1/3 We have received a record number of nominations for the 2022 State election - 1194 in total (740 for the Lower House and 454 for the Upper House). This is compared to a total of 887 in 2018 (776 LH and 111 UH) and 896 in 2014 (789 LH and 107 UH)', X, 11 November 2022, 5:48 pm, <<https://twitter.com/electionsvic/status/1590959689709518849>> accessed 19 January 2024.

Table 5.2 shows the volume of VEC social media activity around the election period in 2022. The VEC also published a series of videos explaining electoral processes on its YouTube channel.²⁴ As can be seen in Table 5.2, users engaged with the VEC's content and the VEC was able to grow its audience on X, Facebook and Instagram.

²⁴ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 49–50.

Table 5.2 VEC social media statistics, 1 September to 31 December 2022

	X	Facebook	Instagram
Follower increase	6,049 to 7,425	9,862 to 10,671	1,019 to 1,310
Posts	1,910	697	136
Interaction with posts	18,507 ^a	16,938 ^b	3,883 ^c

a. 2,851 reposts, 12,568 likes and 3,088 replies.

b. Combined reactions, comments and shares.

c. 1,762 likes and 2,121 comments.

Source: Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 49.

5.3.2 Increased responsiveness through social media

The VEC placed an increased focus on monitoring and responding to enquiries and other interactions on social media at the 2022 election. This included establishing a ‘dedicated social media monitoring roster’ covering 8 am to 10 pm every day from 31 October to 15 December 2023.²⁵

One of the VEC’s areas of focus was responding to inaccurate information on social media. The VEC’s work in this area is detailed in Chapter 6.

The VEC also established performance indicators around its social media activity—aiming to increase its audience reach on various platforms²⁶ and to respond to social media queries within certain timeframes.²⁷ The VEC exceeded its target in both cases (though the Committee identified a deficiency in the audience reach indicator—see Section 8.2.2).²⁸

The Committee analysed the VEC’s X posts between the issue of the writs and 1:25 am on the day after election day. The VEC made 1,017 posts in that period. This was more than three times the VEC’s activity around the 2018 election. The vast majority of the increased activity was responding to other social media users, as shown in Table 5.3.

²⁵ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 49.

²⁶ 20% increase—Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 134. See also Table 5.2.

²⁷ 80% of simple queries within two hours and complex queries within five hours—Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 136.

²⁸ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 134, 136.

Table 5.3 VEC activity on X in 2018 and 2022

Election	Total X posts	Original posts and reposts	Replies ^c
2022 ^a	1,017	97	920
2018 ^b	330	84	246

a. From day the writs were issued to 1:25 am on the day after election day.

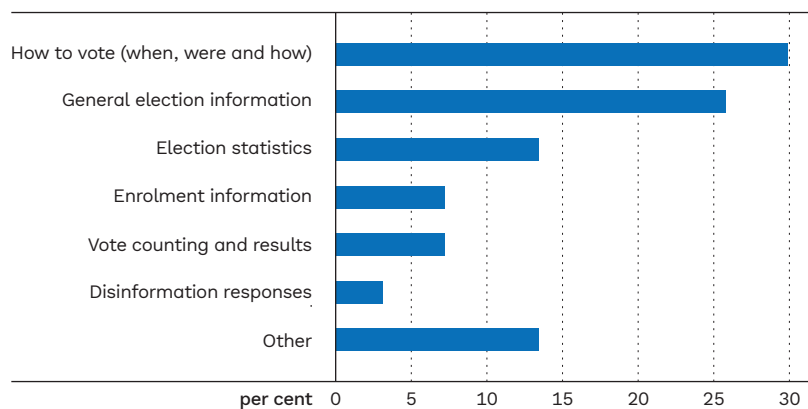
b. From the day the writs were issued to election day.

c. Includes replies to threads that were initiated by the VEC or others.

Source: Electoral Matters Committee based on data from Twitonomy.

The VEC's efforts follow work done by the Australian Electoral Commission (AEC) at the Commonwealth election six months earlier. The AEC also dedicated staff 'to rapidly answer questions from voters and monitor social media for emerging issues'.²⁹ The AEC claimed that its program's forthright and sometimes forceful responses were well received by the public and other stakeholders.³⁰

The Committee analysed 995 of the VEC's posts on X around the 2022 election,³¹ which were included in 574 threads.³² The VEC initiated 97 threads, covering topics relevant to the election, including enrolment, voting and vote counting (see Figure 5.2).

Figure 5.2 Topics of threads on X initiated by the VEC (including reposts), 2022 election period

Note: The Committee analysed VEC posts from the day the writs were issued to 1:25 am on the day after election day.

Source: Electoral Matters Committee based on data from Twitonomy.

²⁹ Australian Electoral Commission, *Annual report 2021-22*, Canberra, 2022, p. 60.

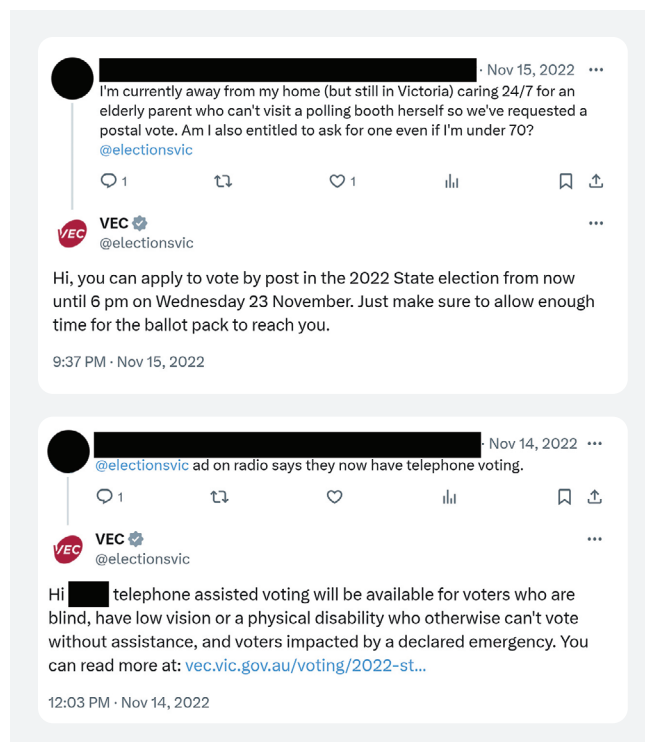
³⁰ Australian Electoral Commission, *Annual report 2021-22*, Canberra, 2022, pp. 59-60.

³¹ Twenty-two posts were in threads in which the VEC's first post was outside the period examined and so were excluded from the analysis.

³² The Committee used the online tool 'Twitonomy' (<https://www.twitonomy.com>) to download all posts by the VEC during the analysis period, then identified those that were connected through replies. Each connected conversation is counted as one 'thread'.

The other 477 VEC threads (83.1%) were initiated by other people, and the VEC replied to one or more of the posts in the thread. In 48.2% of these threads, the VEC started by responding to a question. In the remaining 51.8%, the VEC responded to a statement.³³ See, for example, Figure 5.3.

Figure 5.3 Example of VEC responses to X posts



Sources: Victorian Electoral Commission (@electionsvic), 'Hi, you can apply to vote by post in the 2022 State election from now until 6 pm on Wednesday 23 November. Just make sure to allow enough time for the ballot pack to reach you.', X, 15 November 2022, 9:37 pm, <<https://twitter.com/electionsvic/status/1592466905885200384>> accessed 8 April 2024; Victorian Electoral Commission (@electionsvic), 'Hi [redacted], telephone assisted voting will be available for voters who are blind, have low vision or a physical disability who otherwise can't vote without assistance, and voters impacted by a declared emergency. You can read more at: <https://vec.vic.gov.au/voting/2022-st...>', X, 14 November 2022, 12:03 pm, <<https://twitter.com/electionsvic/status/1591960069411069952>> accessed 8 April 2024.

The AEC's efforts provide a valuable point of comparison and show a similar pattern to the VEC. The Committee analysed a sample of 1,835 X posts by the AEC made between 14 and 20 May 2022,³⁴ which were included in 1,278 threads. Of these, 98.3% were initiated by other people, with the AEC replying to one or more of the posts in the thread. In 40.5% of these threads, the AEC started by responding to a question. In the remaining 59.5%, the AEC responded to statements.³⁵

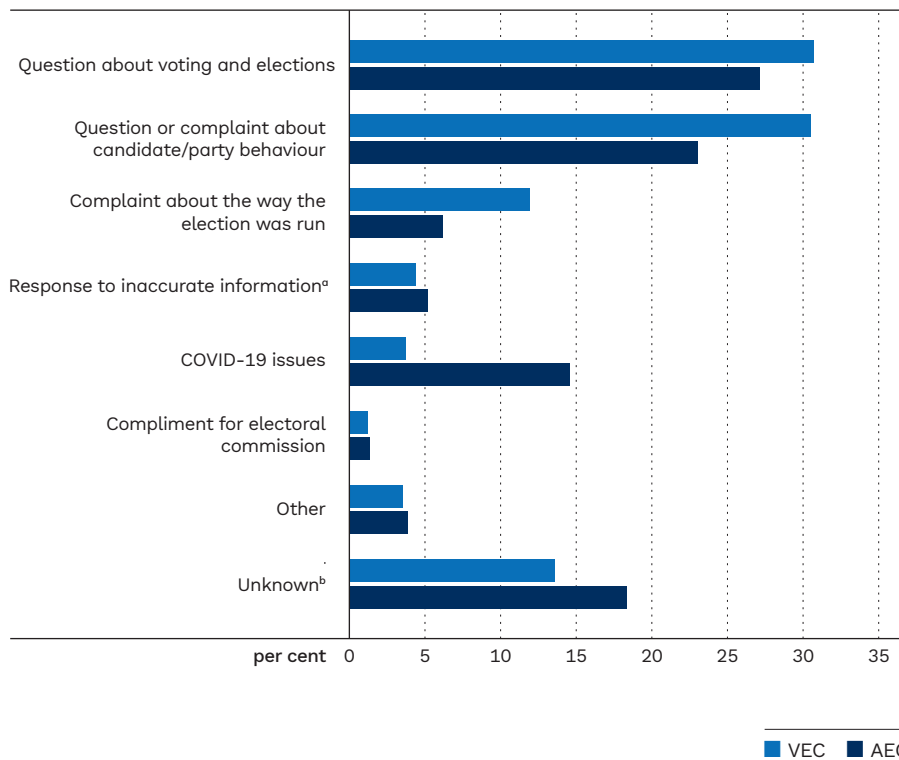
Figure 5.4 provides a break-down of the topics to which the VEC and AEC replied and illustrates a similarity in the topics.

³³ Electoral Matters Committee analysis based on data from Twitonomy.

³⁴ The 2022 Commonwealth election was held on 21 May 2022.

³⁵ Electoral Matters Committee analysis based on data from Twitonomy.

Figure 5.4 Topic of threads on X initiated by others to which the VEC or AEC replied, 2022 election periods



a. This category (and not ‘complaint about the way the election was run’) includes posts responding to claims of corruption or bias within the VEC or AEC.

b. Posts by the VEC and AEC where the original post was no longer available at the time the analysis was conducted.

Note: VEC posts from the day the writs were issued to 1:25 am on the day after election day, AEC posts from 5:05 am on 14 May to 8:27 am on 20 May 2022. The 2022 Commonwealth election was held on 21 May 2022.

Source: Electoral Matters Committee based on data from Twitonomy.

The Committee supports the approach taken by the VEC in dedicating resources to be responsive on social media. Providing accurate, responsive information to queries and other comments provides a valuable service to Victorians and contributes to the VEC’s status as an authoritative and trusted source around elections.

On one issue, ballot paper shortages and a voting centre closing early, the VEC did not provide accurate information in response to social media content. The Committee discusses this issue in Section 6.4 of this volume.

FINDING 55: The VEC’s social media activity around the 2022 election aligned well with its aims of increasing follower numbers, conveying rich electoral information, increasing its responsiveness and establishing itself as an authoritative and trusted source of truth for election queries.

5.3.3 Taking complaints through social media

One area where the VEC and AEC social media approaches differed was in responding to complaints about breaches of electoral law. Issues of candidate and party behaviour were commonly raised with both the VEC and AEC by social media users. This included complaints about candidates, parties and others breaching electoral law.

The VEC on multiple occasions directed people raising complaints through social media to fill in a form to have their complaint acted upon.³⁶ The AEC, in contrast, accepted complaints made through social media, without asking for additional information through a form (see, for example, Figure 5.5).

The VEC argued that the reason it required people to fill out a form is ‘so that complainants have an opportunity to provide us with as much detail as possible and have an avenue to receive updates from us (or remain anonymous if they wish)’.³⁷

The Committee prefers the AEC’s approach. Requiring complainants to fill out a form added a layer of bureaucracy that was not in line with the expectations of the public. The AEC provided a service that was valuable to voters and allowed for efficient action on possible breaches of electoral law.

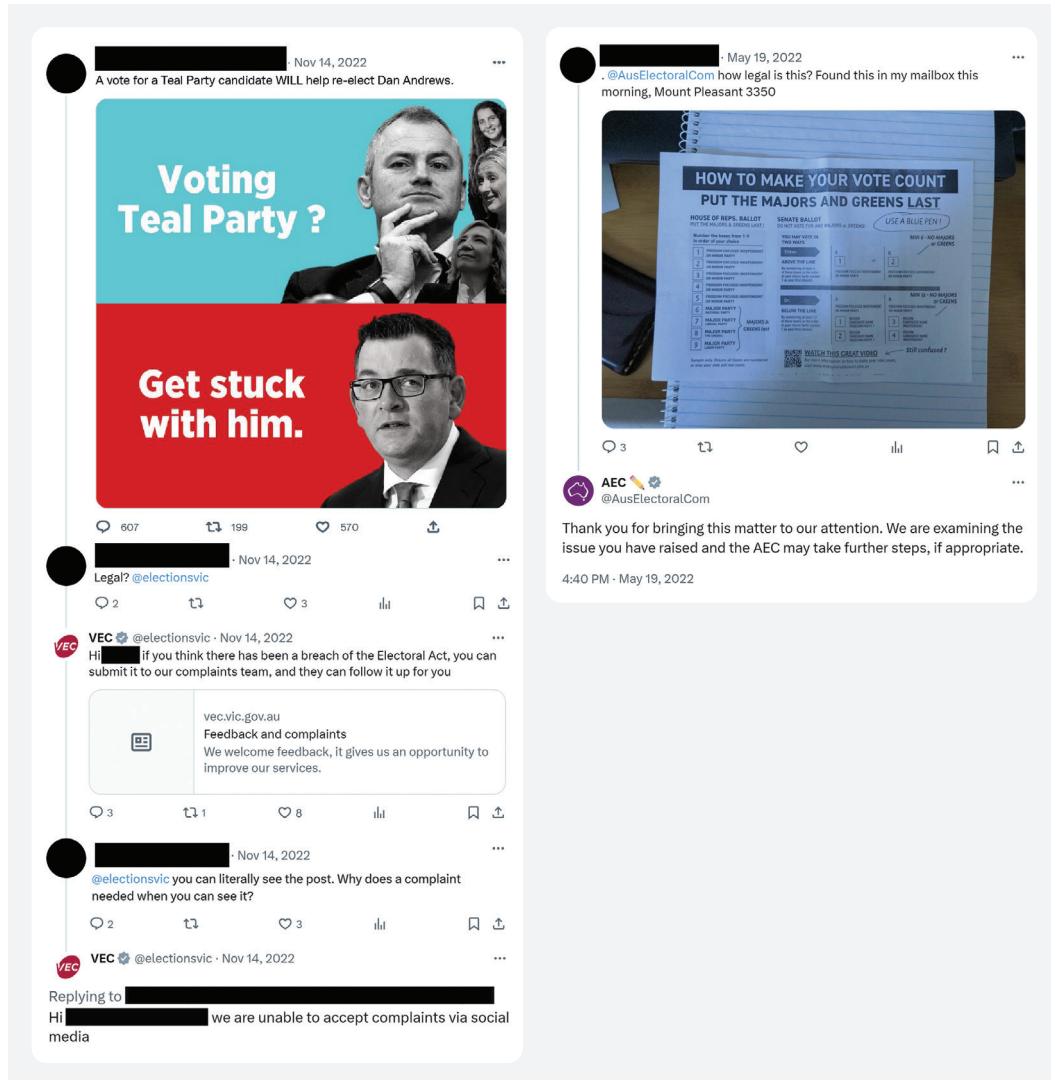
FINDING 56: The VEC directed people raising complaints through social media to fill in a form to have their complaint acted upon. The Australian Electoral Commission, in contrast, accepted and acted on complaints made through social media. The Committee prefers the Australian Electoral Commission’s approach, which provided a valuable service for voters without adding an extra layer of bureaucracy, as the VEC did.

RECOMMENDATION 29: That the VEC cease its requirement for people to fill out a form to make a complaint and instead accept complaints through other avenues, such as social media.

³⁶ Victorian Electoral Commission (@electionsvic), ‘Hi [redacted], thanks for tagging us. Could you please report any potential breaches of authorisation rules via our webform at <https://vec.vic.gov.au/about-us/complaints> ? That way it will go directly to our complaints team and they will be able to keep you updated on your complaint’, X, 26 October 2022, 6:06 pm, <<https://twitter.com/electionsvic/status/1585166038211375104>> accessed 19 January 2024; Victorian Electoral Commission (@electionsvic), ‘Hi [redacted], if you think there’s been a breach of the Electoral Act please submit it to our complaints team with our online form. They will look into it and let you know the outcome of their investigations’, X, 28 October 2022, 4:18 pm, <<https://twitter.com/electionsvic/status/1585863535686320128>> accessed 19 January 2024.

³⁷ Victorian Electoral Commission (@electionsvic), ‘Thank you for the suggestion. It’s important that we receive a formal report so that complainants have an opportunity to provide us with as much detail as possible and have an avenue to receive updates from us (or remain anonymous if they wish)’, X, 27 October 2022, 8:24 am, <<https://twitter.com/electionsvic/status/1585381905746513921>> accessed 19 January 2024.

Figure 5.5 Example of VEC and AEC responding to a complaint made through social media



Sources: Victorian Electoral Commission, (@electionsvic), 'Hi [redacted], we are unable to accept complaints via social media', X, 14 November 2022, 2:21 pm, <<https://twitter.com/electionsvic/status/1591994763615821825>> accessed 19 January 2024; Australian Electoral Commission (@AusElectoralCom), 'Thank you for bringing this matter to our attention. We are examining the issue you have raised and the AEC may take further steps, if appropriate.', X, 19 May 2022, 4:40 pm, <<https://twitter.com/AusElectoralCom/status/1527177459736649729>> accessed 19 January 2024.

5.4 VoterAlert and EasyVote guide distribution

In response to [findings that a lack of opportunity or lack of knowledge are common reasons for failing to vote], the VEC increased its advertising spend for the 2022 State election and utilised its VoterAlert reminder service.

Victorian Electoral Commission, response to questions on notice received 26 April 2023, Attachment B, p. 10.

The 2022 election was the second at which the VEC used its SMS and email reminder service, VoterAlert, to communicate with Victorians.³⁸ The VEC identified increasing VoterAlert subscriptions as a target of its communications strategy and spent \$133,049 for that purpose.³⁹

The proportion of electors subscribed to VoterAlert rose from 48.7% in 2018 to 56.7% at the 2022 election.⁴⁰

VoterAlert subscription is not distributed equally across age groups. Younger people are subscribed at much higher rates than older people (see Table 5.4).

Table 5.4 VoterAlert subscription rates by age group

Age	Total enrolment	Subscribed to VoterAlert	Proportion subscribed (%)
18–24	431,510	372,868	86.4
25–29	347,562	295,775	85.1
30–34	372,822	291,678	78.2
35–39	397,705	310,580	78.1
40–44	378,278	275,631	72.9
45–49	360,592	221,223	61.4
50–54	378,848	190,319	50.2
55–59	343,379	145,127	42.3
60–64	338,529	129,046	38.1
65–69	300,653	107,033	35.6
70+	744,587	151,589	20.4
Total	4,394,465	2,490,869	56.7

Victorian Electoral Commission, response to questions on notice received 23 October 2023, Attachment B, p. 16.

³⁸ See Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 12–13, 17–18.

³⁹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 43–4.

⁴⁰ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 134; Victorian Electoral Commission, *Submission 59*, p. 88. This exceeds the target the VEC set itself of 55.0%.

FINDING 57: Subscription rates for VoterAlert (the VEC's SMS/email communication tool) rose from 48.7% of electors at the 2018 election to 56.7% at the 2022 election. However, subscription is not distributed evenly across age groups. Younger people are subscribed at much higher rates than older people.

In 2022 the VEC used VoterAlert to send all subscribers:

- a reminder to check or update enrolment details ahead of the close of the electoral rolls
- a digital *EasyVote guide*
- an election-day message (to those who had not voted yet) 'encouraging people to vote by 6 pm' with a link to the voting centre locator.⁴¹

The VEC also used VoterAlert for more targeted communication, including to:

- people who had become citizens since the May 2022 Commonwealth election
- directly enrolled electors added to the roll since the 2020 local council elections
- people over 70 years of age eligible to register as general postal voters
- people who missed the deadlines for the close of rolls, postal vote applications or general postal voter applications
- registered overseas electors
- people in flood-affected areas
- people who appeared not to have voted (after the election).⁴²

The VEC reported that VoterAlert messages prompted website visits and other interactions:

- 700,710 users arrived at the Voting Centre Locator through a VoterAlert link (compared to 288,453 in 2018)⁴³
- 480,000 website visits followed the enrolment reminder sent to 2.4 million recipients
- 250,000 website visits came through *EasyVote guide* links following its distribution to 2.4 million recipients
- 120,000 website visits followed the election-day voting reminder
- there was a 4.8% click-through rate among 47,000 directly enrolled Victorians.⁴⁴

⁴¹ Victorian Electoral Commission, *Submission 59*, pp. 37–8. See also Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 48.

⁴² Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 43, 48.

⁴³ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 48.

⁴⁴ Victorian Electoral Commission, *Submission 59*, pp. 37–8, 84.

The VEC reported that the cost for three mass VoterAlert ‘sends’ (enrolment reminder, digital *EasyVote guide* and election day voting reminder) was \$666,000. In contrast, the production and mailout costs for the *Election guide* to every household in 2018 was \$3,388,162 (see further discussion in Section 5.4.2).⁴⁵

5.4.1 VoterAlert and participation

The VEC provided some information about VoterAlert subscription and participation. In 2018, the turnout rate for voters subscribed to VoterAlert was almost identical to the overall turnout rate.⁴⁶ The VEC reported that the turnout rate for younger voters with VoterAlert in 2022 was substantially higher than younger voters without VoterAlert (see Table 5.5).

Table 5.5 Turnout rate among younger voters at the 2022 election by VoterAlert subscription status

Age	Turnout rate for people not subscribed to VoterAlert (%)	Turnout rate for people subscribed to VoterAlert (%)
18–24	73.1	86.5
25–29	72.7	83.6
30–34	76.0	85.3
35–39	79.5	88.4

Source: Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 49.

The VEC credits VoterAlert with having a positive impact on turnout among both younger voters⁴⁷ and voters in general.⁴⁸

It is encouraging that VoterAlert subscription status correlates with a higher turnout rate among younger voters. However, this correlation does not mean that there is a causative effect. There is likely a degree of self-selection in this outcome. People who are more engaged in elections are more likely to both subscribe to VoterAlert and to vote.

The Committee further notes that the VEC did not report on turnout rates by VoterAlert subscription status in older age groups. This would be valuable information to better understand VoterAlert’s impact on turnout. The VEC should include this in future reports to Parliament.

⁴⁵ Victorian Electoral Commission, response to questions on notice received 23 October 2023, Attachment B, p. 16.

⁴⁶ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, p. 17.

⁴⁷ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 48, 67.

⁴⁸ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 5.

Despite these points of uncertainty, the Committee is pleased to see the growth of VoterAlert, both in terms of the number of Victorians subscribed and the range of messages sent. Responding to emerging events, such as the 2022 floods, and targeting cohorts such as directly enrolled voters are valuable uses of the VoterAlert service.

The VEC committed to evaluating its VoterAlert registration efforts and to continuing to increase the number of people subscribed to VoterAlert.⁴⁹ The Committee supports this commitment and continued evaluation.

FINDING 58: The VEC used VoterAlert for a range of mass and targeted communication around the 2022 election, including responding to events as they happened, such as flooding near election time. These are valuable uses of VoterAlert, which also allows direct communication at a lower price than physical mailouts. The Committee supports VEC commitments to evaluate VoterAlert registration efforts and to increase the number of people subscribed to VoterAlert.

5.4.2 EasyVote guide distribution

The VoterAlert service could work very well if it had, you know, 95 per cent of people's contact details, but it does not. So until it is improved, we cannot just ignore 50 per cent of the population of any electorate.

Stuart Smith, State Director, Liberal Party of Australia (Victorian Division), public hearing, Melbourne, 28 August 2023, *Transcript of evidence*, p. 12.

In 2018 and at previous elections, the VEC mailed an *EasyVote guide*⁵⁰ to all households.⁵¹ The Guide in 2018 included:

dates, times and voting locations; accessibility ratings for each voting centre within that district; information about early and postal voting options and telephone assisted voting; instructions on how to correctly complete both ballot papers; and interpreter contact numbers for 20 languages other than English.⁵²

In 2022 the VEC did not mail out the Guide. Instead, it was distributed electronically through the VoterAlert system (see Section 5.4.1), to which 56.7% of electors were subscribed.⁵³ This change 'saved the VEC approximately \$3 million'.⁵⁴

⁴⁹ Victorian Electoral Commission, *Submission 59*, p. 88.

⁵⁰ Called the *Election guide* in 2018—Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 34.

⁵¹ To every household in 2018, to every elector in 2014 and 2010. See Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 34; Victorian Electoral Commission, *Report to Parliament on the 2014 Victorian State election*, Melbourne, 2015, p. 17; Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian State election*, Melbourne, 2011, p. 33.

⁵² Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 34.

⁵³ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 134.

⁵⁴ Victorian Electoral Commission, *Submission 59*, p. 38.

Sue Lang, the VEC's Director, Communication and Engagement, told the Committee that mailing a paper *EasyVote guide* 'was not very effective' and cited research that people throw out, miss or do not register having received a mailed guide. Ms Lang further claimed that voters wanted to receive such information electronically. Cost considerations and the *Victorian Government digital strategy* were also cited as reasons for providing the *EasyVote guide* in digital form only.⁵⁵

The Committee notes that the research cited by the VEC was performed through the VEC's online research panel and online surveys.⁵⁶ Such research methods self-select for respondents who are digitally engaged. Those who do not access information digitally are left out completely. The Committee considers the value of research concerning the usefulness of a paper product mailed to households conducted through online surveys to be extremely limited.

In addition, post-election evaluation of *EasyVote guide* usage across elections has not been consistent.⁵⁷ This inconsistency means that the Committee is not able to confidently compare evaluation results around *EasyVote guide* usage to measure the impact of the change in delivery model in 2022.

Substantial sections of the Victorian community prefer to receive electoral information by mail—and have told the VEC that this is their preference. Even among the digitally engaged cohort of the VEC's online research panel, there is a substantial proportion (37.6% in relation to the 2022 election) of voters who indicated that postal mail is one of their preferred methods to receive information about elections.⁵⁸

There is also a limit to VoterAlert's reach at current subscription levels. Older Victorians have a lower subscription rate to VoterAlert, with only 30.8% of Victorians aged 55 and over subscribed (see Table 5.4 above) and only 26% of voters in this age bracket reporting seeing VoterAlert messages.⁵⁹ Older voters were therefore less likely to know about the *EasyVote guide* in 2022 and less able to access it.

⁵⁵ Sue Lang, Director, Communication and Engagement, Victorian Electoral Commission, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, pp. 18–19.

⁵⁶ Victorian Electoral Commission, response to questions on notice received 23 October 2023, Attachment B, p. 13. Evaluation of services surveys were conducted online following the 2022 and 2018 elections, and a combination of in-person and online following the 2014 election. See Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 11; Colmar Brunton, *Victorian Electoral Commission: evaluation of services at the 24 November 2018 Victorian State election*, report for the Victorian Electoral Commission, 2019, p. 5; Colmar Brunton, *Victorian Electoral Commission: evaluation of services at the 29 November 2014 Victorian State election*, report for the Victorian Electoral Commission, 2015, pp. 28, 139.

⁵⁷ The survey question asked about the *EasyVote guide* has not remained consistent across elections. Respondents to the 2022 survey were asked to select from a multiple response list of options where they saw or heard communication from the VEC—8% responded *EasyVote guide*. Respondents to the 2018 survey were asked the same questions (to which 18% identified the *Election guide*) but were also asked separately if they recalled reading the *Election guide* prior to the election—41% responded yes. Respondents to the 2014 survey were asked where they recalled hearing or seeing VEC communication about the election—41% responded *EasyVote guide*, some prompted and some unprompted. See Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, pp. 18–19, 168–9; Colmar Brunton, *Victorian Electoral Commission: evaluation of services at the 24 November 2018 Victorian State election*, report for the Victorian Electoral Commission, 2019, pp. 9–10, 16, Colmar Brunton, *Victorian Electoral Commission: evaluation of services at the 29 November 2014 Victorian State election*, report for the Victorian Electoral Commission, 2015, pp. 141–4.

⁵⁸ Respondents could select multiple answers. Victorian Electoral Commission, response to questions on notice received 23 October 2023, Attachment B, p. 13.

⁵⁹ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, pp. 93–4.

The VEC should not assume that because there is traditionally high turnout among older voters that a ‘mass’ communication tool (VoterAlert) that reaches fewer than one third of such voters is adequate. In fact, the Committee considers that there would be value in a communication campaign specifically targeting older voters at the next election (see Section 2.3.2).

Political party representatives told the Committee that they are concerned that some voters would not be properly informed without mailed material like the *EasyVote guide*, both at general elections and by-elections.⁶⁰ Matthew Kirwan, a candidate in the Dandenong District, explained:

There is a high level of digital illiteracy in the Dandenong District due to it being a low socioeconomic area with significant numbers of voters [who] have no or little access to the Internet or having poor digital skills. The ‘*Easy-vote*’ mailed to voters in previous elections helped such voters participate in the democratic process. One of the Dandenong District candidates chose to mail out this material to voters illustrating the need but also illustrating that the VEC should have continued to do this to make the democratic process accessible in an impartial way.⁶¹

The Labor Party argued that it was important to communicate using a variety of communication methods, including material directly mailed to people, given the complexity of the communications environment at present.⁶²

The Committee’s view is that the change to a digital-only distribution of the *EasyVote guide* was a mistake, is not supported by the research cited by the VEC, and likely resulted in voters missing out on information they rely on. While many voters wish to receive this information digitally, there is a substantial proportion who prefer a mail out.

FINDING 59: The VEC distributed its *EasyVote guide* via VoterAlert SMS and email messages at the 2022 election, after posting physical copies to households at previous elections. This change was based on inadequate research and likely resulted in voters, particularly older voters who subscribe to VoterAlert at lower rates, missing out on important information.

RECOMMENDATION 30: That the VEC ensure all electors are provided with an *EasyVote guide* at future elections. This should be achieved by mailing one to every household or through a combination of VoterAlert and physical mail distribution (with the VEC using VoterAlert and supplementing this with physical mail for all households with an elector not subscribed to VoterAlert).

⁶⁰ Victorian Labor Party, *Submission 82a*, p. 2; Liberal Party of Australia (Victorian Division), *Submission 103a*, p. 2; Stuart Smith, State Director, Liberal Party of Australia (Victorian Division), public hearing, Melbourne, 28 August 2023, *Transcript of evidence*, pp. 9–10, 11–12; Matthew Harris, State Director, The Nationals Victoria, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 14.

⁶¹ Matthew Kirwan, *Submission 61*, p. 1.

⁶² Victorian Labor Party, *Submission 82a*, p. 2.

5.5 Culturally and linguistically diverse communication

Culturally and linguistically diverse (CALD) voters were the most satisfied of all voter groups across almost all measures. Satisfaction with the overall voting experience was above average at 88%, similar to results in 2018. However, 61% of voters from CALD backgrounds had not seen VEC communications in languages other than English, though this likely relates to the fact that respondents from CALD backgrounds had high levels of English proficiency. Nonetheless, of the 1 in 10 CALD voters who saw information in languages other than English at a voting centre, 91% found it useful. As in 2018, around 90% did not require language assistance to vote, and if they did such assistance was mostly provided by family or friends. Most (61%) were aware of language lines to provide translated information and assistance over the phone, and 31% were aware of translated information available on the VEC website. Of the small number that did access in-language information, Easy English Guides on voting were the most used (84%).

Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 96.

The VEC's communication campaign included translations of the state-wide campaign across multiple channels⁶³ along with content developed specifically for CALD communities, including 75 videos 'covering how to enrol, how to vote correctly, and voting enforcement' produced in 25 languages.⁶⁴

VoterAlert content also linked to information in 25 languages⁶⁵ and was cited as a common source of election information accessed by CALD voters.⁶⁶

CALD communities were also a focus of the VEC's Education and Inclusion Program and Democracy Ambassador Program, which included online and face-to-face electoral information and enrolment sessions and a newsletter to priority community representatives.⁶⁷

Regarding spending on CALD advertising, the VEC reported that:

In recognition of the cultural diversity of Victorian voters, the VEC spent 13% of the total media placement on CALD media advertising – almost 3 times the minimum amount required by the State Government.⁶⁸

⁶³ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 43.

⁶⁴ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 55.

⁶⁵ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 48.

⁶⁶ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 20.

⁶⁷ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 52–3, 56.

⁶⁸ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 43.

The Committee notes in this context that the VEC’s overall expenditure on advertising at the election increased from \$3.8 million in 2018 to \$5.4 million in 2022.⁶⁹ Table 5.6 shows CALD-specific advertising spending at recent elections.

Table 5.6 VEC advertising targeting CALD electors at elections, 2006–2022

Election	2006	2010	2014	2018	2022
Advertising spend targeting CALD electors	\$178,187	\$305,908	\$288,856	\$332,291	\$560,326
Proportion of overall advertising spend targeting CALD electors ^a (%)	7	11	10	9	13 ^b

Note: CALD advertising spend dollar figures were provided by the VEC in correspondence to the Committee as part of this Inquiry. Data previously reported by the VEC differs for all shown elections except for 2010. In addition, following some elections, the VEC reported a dollar figure for CALD advertising but no proportion, after others it reported a proportion but no dollar figure.

- a. Calculation based on overall advertising spend and CALD advertising spend.
- b. Overall advertising spend of \$4.2 million used for this calculation. See Section 5.2 for more on VEC reporting of advertising spend at the 2022 election.

Source: Victorian Electoral Commission, correspondence, 23 February 2024, p. 3.

The Committee notes that the VEC has not been consistent in how it reports this information—reporting a dollar figure after some elections but no proportion, after other elections reporting a proportion but no dollar figure.⁷⁰ The Committee encourages more consistent reporting following future elections.

In addition to products specifically targeted at people from CALD backgrounds, CALD voters often rely on products designed for the whole population for information. As part of its post-election evaluation, Kantar Public found that:

Three fifths of CALD voters had not seen any communications from the VEC in a language other than English prior to Election Day (61%), while a further fifth were unsure if they did (17%).⁷¹

It is therefore important that all information products be designed with CALD voters in mind.

The Committee acknowledges that the VEC is doing some good work for CALD Victorians and that its spending in this area has increased over time, both as a proportion of overall advertising spend and in dollar terms.

⁶⁹ Victorian Electoral Commission, *Annual report 2018–19*, Melbourne, 2019, p. 38; Victorian Electoral Commission, *Annual report 2022–23*, Melbourne, 2023, p. 45.

⁷⁰ Victorian Electoral Commission, *Report to Parliament on the 2002 Victorian State election*, Melbourne, 2003, p. 33; Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian State election*, Melbourne, 2007, p. 32; Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian State election*, Melbourne, 2011, p. 35; Victorian Electoral Commission, *Report to Parliament on the 2014 Victorian State election*, Melbourne, 2015, p. 17; Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 29; Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 43.

⁷¹ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 81.

FINDING 60: VEC advertising spend targeted at culturally and linguistically diverse communities in 2022 was the highest of recent elections, both in total spend and as a proportion of the overall advertising spend.

5.5.1 CALD community roundtable

The Committee held a community roundtable exploring electoral communication and participation issues with Victorians from various CALD backgrounds. The roundtable was held at the Victoria University Footscray Park Campus on 5 June 2023 and explored topics including:

- getting information about elections
- VEC services
- voting and getting involved in elections
- informal voting.

A summary of the points raised at the roundtable is included in Appendix C.

The Committee recognises the limitations of this kind of evidence. The Committee spoke to a small sample of Victorians from CALD communities which may not have been representative of the broader population. In particular, all participants were proficient in English. The Committee's aim was not to reach conclusions based on hard data but to increase the Committee's understanding and gain some understanding of the experiences of CALD communities.

Themes that emerged around finding election information included that:

- mainstream TV, mail, social media and word of mouth are important communication channels
- campaign material from parties and candidates is sometimes how people find out about elections.

Participants also discussed a desire for greater access to information about early voting, confusion about where to vote and how to vote, confusion about postal voting and a reliance on how-to-vote cards in community languages for many people. The Committee was told that some people from CALD backgrounds get their information about how to fill out ballot papers from campaigners outside voting centres rather than the VEC.

While not part of the VEC's role, roundtable participants also noted there can be language barriers to finding out about candidates and what they stand for. Candidate information sessions and community forums were suggested to address this (see further discussion in Section 11.7.2).

Suggestions regarding communicating election information that emerged from the roundtable included:

- social media advertising in community languages, similar to COVID-19 advertising
- emphasising the importance of voting
- videos in community languages playing at voting centres
- using community leaders and local councils, who are trusted source of information
- information delivery targeted by demographic, e.g. face-to-face for older Victorians and social media for younger Victorians
- using direct language in written information
- VEC staff being present amongst campaigners at voting centres to explain how to vote
- using colours on ballot papers to help identify candidates (for the Committee's recommendation on this suggestion, see Section 11.4 of this volume).

The Committee recognises that the VEC already provides a variety of services aimed at addressing some of the issues raised at the community roundtable. However, the roundtable discussion suggests that there is scope for some of these services to be improved or supplemented. The Committee hopes that the VEC will note and consider these suggestions.

FINDING 61: The Committee ran a community roundtable to learn about the experience of people from culturally and linguistically diverse backgrounds at the 2022 state election. The roundtable discussed getting information about elections, VEC services, voting, getting involved in elections and informal voting. Key participant suggestions relating to communication included:

- social media advertising in community languages, following a similar model to the COVID-19 advertising strategy
- using community leaders and local councils to spread information
- having more VEC staff or resources at voting centres to help people learn how to fill out ballot papers
- using colours on ballot papers to help identify candidates
- information sessions and community forums to help people know about candidates/ parties and what they stand for
- emphasising the importance of voting.

RECOMMENDATION 31: That the VEC consider the suggestions from the Committee's culturally and linguistically diverse community roundtable as part of developing future plans for communicating with culturally and linguistically diverse communities.

Chapter 6

Social media and trust in the election

6.1 Introduction

Trust is a critical part of a healthy democracy. Trust in the system and the electoral commission is important for the community to accept the results of an election as legitimate. This chapter looks at some of the inaccurate information that circulated on social media during the election and the efforts by the Victorian Electoral Commission (VEC) to correct it and build trust in the electoral system.

Social media is an increasingly important part of elections. The Australian Election Study found that 27% of respondents used the internet to follow the 2022 Commonwealth election campaign. For voters between the ages of 18 and 24, this rose to 40%.¹ More generally, 19% of Australians use social media as their main source of news (46% of 18-to-24-year-olds).² Social media can also be a particularly important source of information for some people from culturally and linguistically diverse backgrounds.³

This chapter focuses on information about election processes and the VEC on social media. This chapter does not look at inaccurate information on social media about candidates or the need for reliable sources of information about candidates (discussed in Section 11.7 of this volume).

Section 6.2 of this chapter looks at the variety of inaccurate information that circulated in 2022 about election processes and the VEC. Many of the claims suggested that the VEC was corrupt. In some cases, people's misunderstanding of the role of the VEC also caused them to question its effectiveness.

The Committee was disappointed to see members of Parliament amplifying inaccurate information that undermined trust in the electoral system. Members can give authority to information and therefore have a duty to be cautious in what they say. While highlighting genuine problems with the VEC is entirely appropriate, members of Parliament have a particular responsibility to not undermine trust in elections without clear evidence.

1 Sarah Cameron and Ian McAllister, *Australian Election Study interactive charts*, <<https://australianelectionstudy.org/interactive-charts>> accessed 1 June 2023.

2 Sora Park et al., *Digital news report: Australia 2022*, News & Media Research Centre, University of Canberra, Canberra, 2022, p. 71.

3 See Sections C.2 and C.5 in Appendix C of this volume.

Section 6.3 of this chapter looks at the role that the electoral commission can play correcting inaccurate information and presenting accurate information online. At the 2022 Commonwealth election, the Australian Electoral Commission undertook a broad program to combat inaccurate information. The VEC undertook a similar program at the state election, along with other actions to reduce the spread of inaccurate information. The Committee commends this work and would like to see this further expanded at future elections.

The Committee also notes the importance of the VEC ensuring that everything it posts is accurate. This is important for the VEC to maintain its reputation as a reliable source. This is especially important in the context of various conspiracy theories about the VEC. The Committee was therefore disturbed to see the VEC posting inaccurate information on X (formerly Twitter). This is discussed in Section 6.4 of this chapter. The Committee strongly recommends that the VEC change its processes to ensure that this does not occur again.

The VEC currently has a good reputation. An independent evaluation of the VEC's services at the 2022 election found high levels of satisfaction with the VEC's 'delivery of secure elections', 'delivery of fair elections' and 'impartial approach to all candidates and political parties'.⁴ Similar results were found by the VEC through surveys of its online research panel.⁵ To maintain this reputation, it will be important for the VEC to continue its efforts to correct inaccurate information and to ensure that the content it posts is accurate.

To maintain people's trust, it is also important for the VEC to be transparent about what occurs during an election. Transparency enables the VEC to demonstrate that the processes have been fair and that the results are accurate. Chapter 7 looks at areas where the VEC could be more transparent to further build trust.

6.2 Inaccurate information at the 2022 state election

The Committee conducted an analysis of posts on X from the time of the 2022 state election. The Committee found a wide variety of inaccurate information about electoral processes and the VEC. The Committee also noted people posting with an inaccurate understanding of the role and powers of the VEC. This sometimes led them to believe that the VEC was corrupt because it was not doing something that they expected, though what they expected was not within the VEC's powers.

The Committee recognises that X is not the only social media platform. However, X's content is more accessible and more easily analysed than other platforms. It was also a space in which the VEC was particularly active. It has therefore formed the core of

⁴ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 16.

⁵ Victorian Electoral Commission, *Submission 59*, p. 69.

the analysis for this section. However, similar issues were also found on other social media and the Committee's recommendations are directed towards social media more broadly.

6.2.1 Inaccurate information about electoral processes and the VEC

The Committee observed posts making a wide range of inaccurate claims about electoral processes and the VEC. These claims suggested that the VEC was corrupt and was not conducting the election impartially. In most cases, it was claimed that the VEC was favouring the incumbent government.

These claims included that:

- the boundary redivision conducted prior to the election was deliberately biased
- only union members were allowed to work for the VEC at the election
- VEC staff bullied or bribed voters into voting for a particular candidate
- the draw for candidate order on ballot papers was rigged to favour the Labor Party
- votes were inaccurately counted or reported for Mulgrave District
- senior VEC staff had previously worked for senior Labor Party ministers or the Premier
- the VEC selectively enforced electoral legislation in favour of particular parties
- the VEC released a television advertisement telling people not to vote for the Liberal Party
- the VEC partnered with the World Economic Forum to count the votes (on this particular concern, see Box 6.1 in Section 6.3).

The claim about partnering with the World Economic Forum was initially posted as satire. However, it was repeated and reposted on multiple platforms, in some cases by people who appeared to believe that it was genuine.

The VEC's response to this and other claims is discussed in Section 6.3 of this chapter.

Amplification of inaccurate information by members of Parliament and candidates

The Committee notes that some of these claims were amplified by sitting members of Parliament and candidates.

The Hon. Adem Somyurek MP suggested that the Hon. Daniel Andrews had rigged the ballot draw for his district to advantage himself,⁶ though he shortly afterwards described it as ‘flippant comment’.⁷ He also posted that ‘government departments and agencies are stacked by Dan’s mates’ in relation to comments by a VEC spokesperson (see Figure 13.1 in Chapter 13 of this volume).⁸

Following the release of a video featuring Glenn Druery, who has coordinated preference deals between parties (see Section 11.2 of this volume), David Southwick MP published a Facebook post stating that ‘Daniel Andrews and Labor have been referred to the corruption commission over vote rigging’⁹ and Louise Staley was reported to have made similar posts.¹⁰ It was also reported that the Liberal candidate for Mulgrave District and the Freedom Party called for the election to be postponed, claiming that ‘the election can no longer be deemed valid’.¹¹

The Committee recognises that criticising opponents is an important part of election campaigning. However, it is not appropriate for this to be done in a way that undermines confidence in the electoral system unless there is clear evidence of electoral corruption. Electoral corruption is a very serious matter that should not be suggested lightly.

The Committee considers it unfortunate that members of Parliament are undermining trust in electoral processes. In the previous parliament, the Electoral Matters Committee noted the potentially helpful role that parties can play in setting standards

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- 6 The Hon. Adem Somyurek MP (@AdemSomyurek), ‘The bastard has rigged it. How appropriate he gets the donkey vote’, X, 11 November 2022, 1:27 pm, <<https://twitter.com/AdemSomyurek/status/1590893997467512832>> accessed 1 June 2023.
- 7 The Hon. Adem Somyurek MP (@AdemSomyurek), ‘Dan stooges grumpy that I made a flippant comment about rigging the draw. The problem is when you stack gov dept/agencies with mates including your in house lawyer into Work-safe when work safe is investigating your conduct trust in gov & it’s agencies is eroded. Dan owns that.’, X, 11 November 2022, 2:41 pm, <<https://twitter.com/AdemSomyurek/status/1590912593446961152>> accessed 5 September 2023.
- 8 The Hon. Adem Somyurek MP (@AdemSomyurek), ‘There is something rotten in the state of Victoria. When government departments and agencies are stacked by Dan’s mates institutions that should be reproach must be treated with suspicion. Trust in Vic institutions is at 3rd world country levels’, X, 18 November 2022, 2:39 pm, <<https://twitter.com/AdemSomyurek/status/1593448746284503040>> accessed 1 June 2023.
- 9 David Southwick MP, ‘#BREAKING: Daniel Andrews and Labor have been referred to the corruption commission over vote rigging. 5 confirmed investigations, another on the way.’, Facebook, 17 November 2022, 9:57 am <<https://www.facebook.com/southwickmp/posts/pfbidOn9oQcGnGVal3tnzyvn4UD6288B7aCzYEs8uH538UKePwAmZzr6Vbm3eGPVmd3vvPI>> accessed 1 June 2023. This appears to be a reference to calls by Ms Louise Staley, a member of Parliament at the time, that the Independent Broad-based Anti-corruption Commission investigate the issue—see Caroline Schelle and Paul Sakkal, ‘Upper house voting reforms in demand after leaked video highlights “gaming” of system’, *The Age*, 17 November 2022, <<https://www.theage.com.au/politics/victoria/liberals-refer-labor-to-ibac-over-preference-whisperer-video-20221117-p5bzyg.html>> accessed 8 June 2023 (a link to this article was included in a post by Mr Southwick replying to his Facebook post).
- 10 Benita Kolovos, ‘Victoria’s state election campaign has become hideously ugly. What happened to the battle of ideas?’, *The Guardian*, 18 November 2022, <<https://www.theguardian.com/australia-news/2022/nov/18/victorias-state-election-campaign-has-become-hideously-ugly-what-happened-to-the-battle-of-ideas>> accessed 15 June 2023; Paul Sakkal, ‘Coalition needs to watch its language as integrity campaign comes to a head’, *The Age*, 18 November 2022, <<https://www.theage.com.au/politics/victoria/coalition-needs-to-watch-its-language-as-integrity-campaign-comes-to-a-head-20221118-p5bzi9.html>> accessed 8 June 2023.
- 11 Paul Sakkal, ‘Coalition needs to watch its language as integrity campaign comes to a head’, *The Age*, 18 November 2022, <<https://www.theage.com.au/politics/victoria/coalition-needs-to-watch-its-language-as-integrity-campaign-comes-to-a-head-20221118-p5bzi9.html>> accessed 8 June 2023; Leonardo Puglisi (@Leo_Puglisi6), ‘Liberal candidate for Mulgrave Michael Piastrino is also going to be there & is calling for the election to be postponed @6NewsAU’, X, 18 November 2022, 11:31 am, <https://twitter.com/Leo_Puglisi6/status/1593401534229815297> accessed 8 June 2023.

for online behaviour.¹² That committee called on parties to establish codes of conduct regarding social media behaviour, including not spreading inaccurate information.¹³ The Committee considers that not undermining confidence in electoral processes and the VEC without evidence should also be a part of any such code of conduct.

FINDING 62: A variety of inaccurate claims about electoral integrity and the VEC circulated on social media during the 2022 election. In some cases, these claims were amplified by members of Parliament or candidates.

RECOMMENDATION 32: That parties establish codes of conduct for their members in relation to their behaviour on social media, as previously recommended by the Electoral Matters Committee. These codes of conduct should include not spreading inaccurate information about electoral issues and not undermining confidence in electoral processes and the VEC without clear evidence.

6.2.2 Inaccurate understandings of the role of the VEC

The Committee also observed posts which appeared to be based on an inaccurate understanding of the role of the VEC. In particular, some people seemed to believe that the VEC had a broad mandate to ensure the fairness of elections and therefore expected it to take certain actions against what they saw as inappropriate behaviour.

Some examples of these expectations included statements that the VEC should:

- take action against candidates saying inaccurate or inappropriate things about other candidates
- not allow parties with similar names to register
- not allow candidates to have Facebook pages in other candidates' names
- not allow the coordination of preference deals as practiced by Glenn Druery (see Section 11.2)
- not allow parties to misrepresent themselves.¹⁴

The Committee recognises that the VEC does not have the legal authority to undertake any of these acts. However, the VEC's failure to act was seen as evidence of bias or corruption by some people who did not understand that the VEC was not empowered to do these things.

¹² Parliament of Victoria, Electoral Matters Committee, *Inquiry into the impact of social media on Victorian elections and Victoria's electoral administration*, September 2021, pp. 235–9.

¹³ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the impact of social media on Victorian elections and Victoria's electoral administration*, September 2021, Recommendation 33, p. 239.

¹⁴ On this matter, see also Meaghan Capell, *Submission 56*, pp. 4–6.

This problem may be reduced by the community having a better understanding of the VEC's role. The VEC did some communication on this topic in 2022. This included online advertisements in which the VEC states 'Just like an umpire at the footy, it's our job to ensure all voters, candidates and political parties play by the rules'.¹⁵ The VEC should consider additional education about its role as part of future communication campaigns.

FINDING 63: Some people questioned the independence of the VEC because they did not understand its role or expected it to do things which it was not legally allowed to do.

RECOMMENDATION 33: That the VEC include more information in future communication campaigns about its role and its legislated powers.

6.3 Efforts by the VEC to combat inaccurate information

Electoral mis- and dis-information campaigns are cross-jurisdictional concerns that 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 did take preventative action through educational campaigns to debunk and 'prebunk' mis- and dis-information. These campaigns were run on traditional and social media.

Victorian Electoral Commission, Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election, Melbourne, 2023, p. 5.

The VEC tried to reduce the impact of inaccurate information on the election in several ways. These included reaching agreements with social media platforms regarding processes for dealing with inaccurate information, promoting digital literacy and addressing inaccurate information circulating online.

Overall, the VEC noted some of the challenges it faced in this space:

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.¹⁶

A special effort was made to combat the claim that the VEC was partnering with the World Economic Forum to count votes, with a variety of channels used (see Box 6.1). This provides a good example of what can be done to reduce the spread of inaccurate information.

¹⁵ Victorian Electoral Commission, advertisement, <<https://www.facebook.com/ads/library/?id=597488962108222>> accessed 25 March 2024.

¹⁶ Victorian Electoral Commission, *Submission 59*, p. 41.

Box 6.1 Efforts to combat the inaccurate claim that the VEC was partnering with the World Economic Forum to count votes

On 25 October 2022, an account which described itself as ‘Fake News in the Economic Zone Formerly Known As Australia’ made the following post:



Source: EZFKA (@auseconomicunit), “@electionsvic have announced a historic partnership with @wef to oversee and count the votes in the 2022 Victorian State Election, with many other Australian states reportedly expressing interest in their services for future elections.”, X, 25 October 2022, 7:11 pm <<https://twitter.com/auseconomicunit/status/1584819803193110528>> accessed 15 June 2023.

Images of this post were reposted on X, Facebook and Instagram. The claim that the VEC was partnering with the World Economic Forum was also repeated in other posts. In response, the VEC:

- responded to the initial post on X correcting the information
- published an original X post correcting the information
- added an item to the misinformation register on its website (see Section 6.3.2)
- reported the post to X.

(Continued)

Box 6.1 Continued

In addition, other organisations also sought to combat the claim:

- X added a note to the post stating that it ‘might contain misleading information’
- Facebook added a note to posts; the note included a link to a Reuters Fact Check about the claim
- Reuters and AAP FactCheck made posts stating that the claim was false.

Sources: Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 5; Reuters Fact Check, *Fact check: screenshot announcing new WEF role for Australia’s Daniel Andrews is fabricated*, <<https://www.reuters.com/fact-check/screenshot-announcing-new-wef-role-australias-daniel-andrews-is-fabricated-2023-10-03>> accessed 15 May 2024; Kate Atkinson, *Victorian election ‘fix’ claim is one big joke*, <<https://www.aap.com.au/factcheck/victorian-election-fix-claim-is-one-big-joke>> accessed 15 May 2024.

6.3.1 Working with social media platforms

Prior to the election, the VEC reached agreements with several social media platforms regarding inaccurate information. A *Statement of intent for the 2022 Victorian state election* was signed by the VEC and Google Australia and New Zealand, Meta, Microsoft, TikTok Australia and Twitter Australia. This set out an agreement for these parties to establish mechanisms for dealing with problematic content. Arrangements were also made with Reddit, Tencent and Snapchat for content potentially breaching electoral laws.¹⁷

The VEC made six requests for specific posts to be removed. Two of these were successful and in one additional case a label was added to indicate that the content was misleading. In the other instances, the platform did not accept the VEC’s argument and no action was taken.¹⁸

This is a relatively small number of instances compared to the total volume of posts with inaccurate information. Moreover, it is quite a low success rate, especially given the small number of requests.

¹⁷ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 47. In addition, several platforms have signed up to the *Australian code of practice on disinformation and misinformation*. This includes an agreement to ‘provide safeguards against harms that may arise from disinformation and misinformation’—Digital Industry Group Inc., *Australian code of practice on disinformation and misinformation*, updated 22 December 2022, p. 12. Some platforms have also endorsed the *Statement of intent by the Australian members of the Electoral Council of Australia and New Zealand (ECANZ) concerning electoral management arrangements with online platforms for Australian elections*—Electoral Council of Australia and New Zealand, *Publication of Australian statement of intent with online platforms*, <<https://www.ecanz.gov.au/news-and-media/publication-australian-statement-intent-online-platforms>> accessed 6 June 2023.

¹⁸ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 47.

More recently, Reset.Tech Australia investigated social media platforms' response to inaccurate information. The organisation identified 99 posts across three platforms which it considered contained false or misleading claims about Australian election processes. It then reported these posts and monitored the companies' responses. While 9 of the 25 posts on TikTok were removed, Facebook only labelled 1 of 24 posts and X took no action on any of the reported posts.¹⁹

Overall, it appears that social media platforms have generally not responded effectively to requests to take down inaccurate information about elections, despite the various agreements that have been put in place. The Electoral Matters Committee of the previous parliament recommended that working with social media platforms in the first instance was the preferred approach, with legislative intervention considered if this fails. That Committee also discussed the difficulties that Victoria and other jurisdictions can face asking large, international social media companies to comply with requests from local agencies or even to comply with local laws.²⁰

Despite these challenges, the fact that the VEC's efforts to work with social media platforms regarding problematic content have not yielded satisfactory results means that legislative provisions may now be required to force social media platforms to be more responsive. The Commonwealth Government is currently considering new legislation that may assist with this, which the VEC has provided some input to.²¹ The Victorian Government should also consider whether legislative responses to the problems may be appropriate at this point.

FINDING 64: The VEC established agreements with multiple social media platforms regarding problematic content prior to the 2022 election. Despite a large volume of inaccurate information online, the VEC only made six requests for social media posts to be removed. However, even this small number had a low success rate: two posts were removed and one post had a label added indicating that the content was misleading. The platforms refused to take action on the remaining three posts.

RECOMMENDATION 34: That the Government consider whether legislative action is needed in response to social media companies ignoring or not acceding to legitimate requests from the VEC to remove inaccurate material or other problematic content from their platforms.

¹⁹ Reset.Australia, *How do platforms respond to user-reports of electoral process misinformation? An experimental evaluation from the lead-up to Australia's referendum*, [2023], p. 9.

²⁰ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the impact of social media on Victorian elections and Victoria's electoral administration*, September 2021, pp. 77–8, 80, 180–3.

²¹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 47–8.

6.3.2 Promoting accurate information

To combat inaccurate information, the VEC launched a media literacy campaign and provided information on its website correcting some common misconceptions. These were supported by advertising in multiple languages. The VEC also responded directly to some posts containing inaccurate information and promoted its own posts with accurate information.

The campaign encouraged people to visit the VEC's website, where a misinformation register was established addressing common misconceptions (see Box 6.2).

Box 6.2 Issues addressed in the VEC's misinformation register

- The VEC uses Dominion/Scytl vote counting software.
- People who aren't vaccinated won't be able to vote.
- The VEC is an arm of the state government.
- The VEC is silencing free speech and targeting certain groups.
- The VEC uses pencils at voting centres so we can change your vote.
- Postal voting is not secret or secure.
- The VEC is perverting the course of democracy by partnering with online platforms.
- Not needing ID to enrol will lead to enrolment fraud. Anyone can change their enrolled address to somewhere they don't live.
- Applying to be a general postal voter if you're over 70 will mean you'll get a postal ballot pack for all future federal, state and local council elections.
- The 2018 state election result is not legitimate because the election writs did not carry an official seal.
- The VEC has partnered with the World Economic Forum (WEF) for the upcoming state election, allowing the World Economic Forum to oversee and count votes.
- The 2022 state election is not legitimate because the writs have not been signed and are not publicly available.
- The election will be void if less than half of people vote.

Source: Victorian Electoral Commission, *Sorting fact from fiction*, <<https://web.archive.org/web/20221125131617/https://www.vec.vic.gov.au/voting/2022-state-election/sorting-fact-from-fiction>> accessed 25 November 2022.

The register was promoted on social media,²² including advertisements in multiple languages on Facebook and Instagram in October 2022.²³

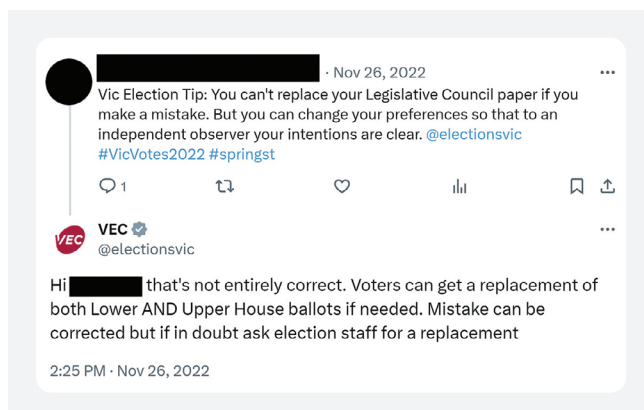
The VEC also tried to address specific pieces of inaccurate information through multiple channels. This included advertisements on Facebook and Instagram about particular issues, such as why it provides pencils for voting and whether COVID-19 vaccination status impacts voting rights²⁴ and a post on X refuting that the VEC had partnered with the World Economic Forum to count votes (see Box 6.1). The VEC's post on X about the World Economic Forum received significantly more likes and reposts than any other post from the VEC during the election period. It also became a place for discussion of multiple issues in the replies. In addition, the VEC edited Wikipedia to correct inaccurate information about the VEC there.

In a number of cases, the VEC replied directly to posts containing inaccurate information with correct information (for an example, see Figure 6.1). However, there was a very large quantity of content on social media relating to the election and the VEC was only able to respond to a small portion of it.

FINDING 65: To combat inaccurate information online, the VEC launched a media literacy campaign. This included publishing a 'misinformation register' on its website (listing common misconceptions and correcting them), online advertising in multiple languages and directly responding to some posts with inaccurate information.

- 22 See, for example, Victorian Electoral Commission, 'Have you heard something about the State election and it doesn't sound right? ...', Facebook, 15 November 2022, 5:24 pm, <<https://www.facebook.com/electionsvic/posts/pfbid036Jv9sjBqizzYcFUypnrscGMfs7dZZbsKkYrCaD3MAk727eXQInEWZHwMFZ6xXQs9l>> accessed 9 June 2023; Victorian Electoral Commission (@electionsvic), 'Have you heard something about the State election and it doesn't sound right? ...', X, 15 November 2022, 5:30 pm, <<https://twitter.com/electionsvic/status/1592404530955800576>> accessed 9 June 2023; Victorian Electoral Commission (@electionsvic), '89% of survey respondents told us they believe we should tackle election mis- and disinformation head on via various channels...!', X, 10 November 2022, 10:59 am, <<https://twitter.com/electionsvic/status/1590494202278084608>> accessed 9 June 2023.
- 23 See, for example, Meta, *Ad library*, 2024, <[https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=AU&q=1157563328183726&view_all_page_id=146307378744087&sort_data\[direction\]=desc&sort_data\[mode\]=relevancy_monthly_grouped&search_type=page&media_type=all](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=AU&q=1157563328183726&view_all_page_id=146307378744087&sort_data[direction]=desc&sort_data[mode]=relevancy_monthly_grouped&search_type=page&media_type=all)> accessed 17 May 2024; Meta, *Ad library*, 2024, <[https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=AU&q=1132548644030754&view_all_page_id=146307378744087&sort_data\[direction\]=desc&sort_data\[mode\]=relevancy_monthly_grouped&search_type=page&media_type=all](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=AU&q=1132548644030754&view_all_page_id=146307378744087&sort_data[direction]=desc&sort_data[mode]=relevancy_monthly_grouped&search_type=page&media_type=all)> accessed 17 May 2024; Meta, *Ad library*, 2024, <[https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=AU&q=1153755115547564&view_all_page_id=146307378744087&sort_data\[direction\]=desc&sort_data\[mode\]=relevancy_monthly_grouped&search_type=page&media_type=all](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=AU&q=1153755115547564&view_all_page_id=146307378744087&sort_data[direction]=desc&sort_data[mode]=relevancy_monthly_grouped&search_type=page&media_type=all)> accessed 17 May 2024.
- 24 Meta, *Ad library*, 2024, <[https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=AU&q=1539459866485599&view_all_page_id=146307378744087&sort_data\[direction\]=desc&sort_data\[mode\]=relevancy_monthly_grouped&search_type=page&media_type=all](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=AU&q=1539459866485599&view_all_page_id=146307378744087&sort_data[direction]=desc&sort_data[mode]=relevancy_monthly_grouped&search_type=page&media_type=all)> accessed 17 May 2024; Meta, *Ad library*, 2024, <[https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=AU&q=620263756251205&view_all_page_id=146307378744087&sort_data\[direction\]=desc&sort_data\[mode\]=relevancy_monthly_grouped&search_type=page&media_type=all](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=AU&q=620263756251205&view_all_page_id=146307378744087&sort_data[direction]=desc&sort_data[mode]=relevancy_monthly_grouped&search_type=page&media_type=all)> accessed 17 May 2024.

Figure 6.1 Example of the VEC responding directly to a post to correct inaccurate information



Source: Victorian Electoral Commission, (@electionsvic), 'Hi [redacted], that's not entirely correct. Voters can get a replacement of both Lower AND Upper House ballots if needed. Mistake can be corrected but if in doubt ask election staff for a replacement', X, 26 November 2022, 2:25 pm, <<https://twitter.com/electionsvic/status/1596344338149408768>> accessed 8 April 2024.

6.3.3 Evaluating the VEC's efforts

The Committee recognises the amount of effort that the VEC put into tackling inaccurate information at the 2022 election. It is very difficult to measure the effect of this sort of work. However, the Committee believes that the VEC's efforts are likely to have had a positive impact and encourages the VEC to do further work in this space at future elections.

Although the VEC responded to a significant number of posts, there were still many more posts with inaccurate information which the VEC did not respond to. Similarly, the six posts that the VEC reported to social media platforms were only a small fraction of the total number with potentially harmful inaccurate information about elections. The Committee therefore encourages the VEC to expand its efforts at future elections.

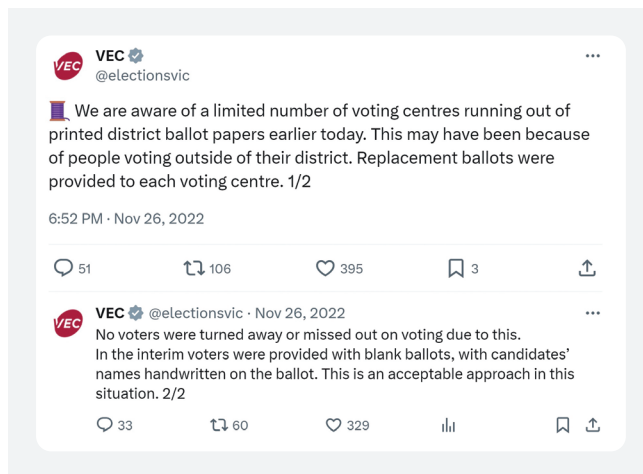
The Committee also encourages the VEC to improve its performance indicators on this issue. Although the VEC currently has two measures relating to problematic content on social media, these are both inadequate, as explained in Section 8.2.2 of this report. More robust reporting on the effectiveness of the VEC's efforts to get social media platforms to take down problematic content would be helpful for tracking the effectiveness of future efforts.

One submitter worried that this sort of program could disadvantage parties and candidates who are concerned about the Government.²⁵ The Committee acknowledges that this work needs to be done carefully and is pleased to see the VEC working together with other electoral commissions in this space,²⁶ which can help the VEC to learn from others' experience and to develop a carefully considered strategy.

6.4 Inaccurate information posted by the VEC

The Committee was disappointed to see that the VEC posted inaccurate information in some of its posts. While it is important for all public sector bodies to be accurate in what they post online, it is particularly important in a context where some people are already distrustful of the body.

The inaccurate information the VEC posted related to voting centres running out of ballot papers and closing early on election day (see Chapter 10 in this volume). On election day, the VEC posted:



Source: Victorian Electoral Commission (@electionsvic), 'We are aware of a limited number of voting centres running out of printed district ballot papers earlier today. This may have been because of people voting outside of their district. Replacement ballots were provided to each voting centre. 1/2', X, 26 November 2022, 6:52 pm, <<https://twitter.com/electionsvic/status/1596411565271842817>> accessed 6 May 2024.

²⁵ Helen Bakker, *Submission 37*, p. 1.

²⁶ Victorian Electoral Commission, *Submission 59*, pp. 102–3.

Two days later, when told about a voting centre closing early, the VEC replied:



Source: Victorian Electoral Commission (@electionsvic), '1/2 Hi [redacted], voting centres were open on election day from 8AM until 6PM. We have no reports of any closing early. We acknowledge a limited number ran out of ballot papers but these were provided with replacements...', X, 28 November 2022, 1:42 pm, <<https://twitter.com/electionsvic/status/1597058248376360966>> accessed 6 May 2024.

The VEC has subsequently revealed to the Committee that at least 166 people missed out on voting due to ballot paper shortages and at least one voting centre closed early on election day (see Sections 10.2 and 10.3).

The Committee considers it totally unacceptable for the VEC to have made inaccurate posts on such a serious issue. This probably occurred because head office was unaware of what had happened in voting centres, rather than a deliberate effort to deceive (see Section 10.5 of this volume). However, the fact that the VEC responded without properly investigating the claim is poor practice.

By denying that people missed out on voting, the VEC was able to avoid scrutiny on this issue at the time. People who stated what had happened were made to look like they were not telling the truth. In addition, posting inaccurate information has the potential to impact on the VEC's reputation as a reliable source of information and may undermine the VEC's efforts to combat inaccurate information.

It is vital that the VEC improve its processes to ensure that this does not happen again. The Committee strongly recommends that the VEC review both its internal communication processes and its procedures for responding to claims on social media.

FINDING 66: On election day and the following days, the VEC posted claims on social media that no voters had missed out on voting due to ballot paper shortages and that it was not aware of any voting centres closing early. It has subsequently emerged that at least 166 people missed out on voting due to ballot paper shortages and at least one centre closed early on election day.

RECOMMENDATION 35: That the VEC review its internal communication processes and protocols for responding to claims on social media to ensure that it does not post inaccurate information in the future. This should involve particular consideration of how to respond to claims from other users when they are telling the Commission that something occurred.

Chapter 7

Transparency and scrutiny of the election

7.1 Introduction

To provide confidence in the electoral result, people must be able to see that the election was conducted fairly and the votes were counted accurately. This requires processes to be transparent so that stakeholders can see that things are being done appropriately. It also requires clear reporting afterwards, so that the Victorian Electoral Commission (VEC) can show that no significant fraud or errors occurred.

The Committee did not receive any evidence demonstrating that the incorrect candidates were elected or that there were significant errors in the vote counting. However, submitters and witnesses to this Inquiry identified a number of improvements to the system that would provide a greater level of confidence about elections and their results.

The Committee would like to see better reporting about the VEC's efforts to detect multiple voting and to keep ballot boxes and ballot papers secure, as discussed in Sections 7.2 and 7.3 of this chapter. The VEC has improved its reporting about multiple voting but still fails to provide a thorough analysis. The VEC does not report at all on the effectiveness of its security measures for ballot boxes and ballot papers.

Section 7.4 of this chapter looks at issues arising from the use of computerised processes in running elections. While computers are an important part of running elections efficiently, computerised processes are often less transparent than manual processes. For this reason, the Committee considers that the order of candidates on ballot papers should be determined manually rather than by computer. There should also be a robust process for auditing the data entry of ballot paper preferences into vote-counting software to ensure that error rates are kept very low and to demonstrate this to stakeholders.

Section 7.5 considers the important role that scrutineers play in ensuring that results are accurate. The Committee received evidence that scrutineers were not always able to do their job properly in 2022 due to poor communication from the VEC and negative interactions with VEC staff. The Committee considers that the VEC needs to develop better processes in relation to scrutineers so that it can work together with them more effectively.

Section 7.6 explores the potential for the VEC to improve the publication of election data. In particular, the Committee would like to see the VEC providing explanations for significant discrepancies between counts. Various other analyses were also suggested

as part of this Inquiry. The VEC providing additional data during the vote-counting period and afterwards would assist with data analysis and enable greater confidence in the final election results.

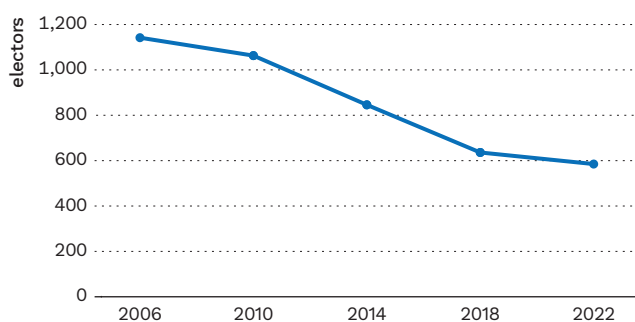
7.2 Multiple voting and electoral fraud

The risk of people voting more than once or voting in another person's name is a common concern. Some people have argued that this is relatively easy to do in Victoria, where no identification is required when voting. In practice, however, the data indicate that this does not happen in significant numbers. The VEC's reporting on this matter has improved with the 2022 election.¹ However, the Committee considers that additional details should be reported to be fully transparent.

The VEC's report to Parliament indicates that a total of 585 electors appear to have voted more than once. This is less than 0.02% of all voters and is less than in earlier elections (see Figure 7.1). Multiple voters were spread across districts, with 17 being the largest number in any one district.²

However, the VEC informed the Committee that this number does not include electors over the age of 80. The VEC identified an additional 73 electors in this age range who appear to have voted more than once at the 2022 election, bringing the actual total to 658 (still less than 0.02% of all voters).³ Figures for previous years also exclude older electors (over the age of 70 prior to 2018).⁴

Figure 7.1 Number of electors apparently voting more than once^a



a. Data for 2006–2014 exclude voters over the age of 70; data for 2018 and 2022 exclude voters over the age of 80.

Sources: Victorian Electoral Commission, response to questions on notice received 23 October 2023, Attachment B, p. 9; Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian State election*, Melbourne, 2007, p. 41; Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian State election*, Melbourne, 2011, p. 89; Victorian Electoral Commission, *Report to Parliament on the 2014 Victorian State election*, Melbourne, 2015, p. 39.

1 Details of apparent multiple voting were included in the VEC's report to Parliament on the 2022 election. This is an improvement on the 2018 election report, which did not include any data on multiple voting.

2 Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 186–7.

3 Victorian Electoral Commission, response to questions on notice received 23 October 2023, Attachment B, p. 9.

4 Victorian Electoral Commission, correspondence, 19 January 2024, p. 9.

While the Committee understands that the VEC takes a different approach to investigating apparent multiple voting by electors over the age of 80, it is not clear why they were not included in the total reported to Parliament or why there is no mention in the report that those cases have been excluded from the total. The Committee would like to see these electors included in future reports.

The VEC's reported numbers also exclude cases where a name is marked off electoral rolls more than once, but this is attributed to administrative errors on the VEC's part (such as crossing off the wrong name on the roll). In previous elections where these numbers have been reported, these numbers can be considerable (8,220 in 2006 and 5,945 in 2010).⁵ For the sake of transparency, these numbers should also be reported.

The previous Electoral Matters Committee recommended 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'.⁶ The VEC's commentary in its report to Parliament is that:

In almost all cases, an issuing officer error was found to have contributed to the elector being marked on the roll more than once. Taking into account the likelihood of clerical errors and the high evidentiary threshold required for prosecution, 7 electors remain the subject of the VEC's ongoing multiple voting inquiries.⁷

It is not clear from this exactly how many instances were explained to the VEC's satisfaction compared to how many were not satisfactorily explained but failed to reach 'the high evidentiary threshold required for prosecution'. The Committee would like to see this information included in future reports.

In addition, it would also be helpful to understand the total number of votes believed to have been cast by these electors. The impact of multiple voting is significantly greater if people are voting seven times rather than twice. This information is therefore important for understanding the full scope of the problem.

The VEC provided the Committee with information showing what voting methods were involved in each case of apparent multiple voting at recent elections. The most common methods were voting at an early voting centre and at an election-day voting centre (42.2% of cases in 2022) and voting by post and in person (31.8% of cases).⁸ The Committee would like this information included in future public VEC reporting. Understanding and reporting on what voting channels are common in apparent multiple voting cases will allow the VEC to respond in a way that accurately addresses the issue and provides transparency regarding both the issue and the VEC's response.

⁵ Victorian Electoral Commission, *Position paper: multiple voting*, Melbourne, 2014, p. 2.

⁶ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 31, p. 130.

⁷ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 85.

⁸ Victorian Electoral Commission, response to questions on notice received 23 October 2023, Attachment B, p. 9.

While the data suggest that multiple voting is not a serious issue in Victorian elections, the VEC is considering changes to the electoral roll mark-off procedure that would make multiple voting much more difficult at future elections. As discussed in Section 10.6, the VEC is looking to use networked computers for roll mark-off instead of paper rolls at future elections. This would mean that, if a person has already voted at another voting centre, that fact would be identified before a second vote could be cast in that name. If implemented, this would make it significantly harder for people to vote more than once.⁹

The VEC adopted this approach at the 2023 Warrandyte and Mulgrave District by-elections. The VEC reported that there were no cases of apparent multiple voting at those by-elections.¹⁰ The VEC also noted that electronic mark-off enabled it to identify voters who had applied for a postal vote but who then turned up to an early voting centre to vote in person. As a result, staff could cancel the postal vote on the system and it would be rejected if the voter sent it in.¹¹

While some submitters proposed requiring voters to show identification when voting to prevent electoral fraud,¹² the Committee believes that electronic roll mark-off should be sufficient to address what is a small problem.

FINDING 67: The VEC has identified 658 electors who appear to have voted more than once at the 2022 election (less than 0.02% of the total number of voters). This is fewer than in earlier elections. Proposed changes to mark voters off using an electronic rather than paper electoral roll would make multiple voting more difficult in future elections.

FINDING 68: The VEC improved its reporting about multiple voting at the 2022 election. However, additional data would be helpful after future elections to fully understand the scale and impact of the problem.

⁹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 85.

¹⁰ Victorian Electoral Commission, *Report to Parliament: 2023 Warrandyte District by-election*, Melbourne, 2024, p. 34; Victorian Electoral Commission, *Report to Parliament: 2023 Mulgrave District by-election*, Melbourne, 2024, p. 41.

¹¹ Victorian Electoral Commission, *Report to Parliament: 2023 Warrandyte District by-election*, Melbourne, 2024, p. 24.

¹² Joshua Solomon, *Submission 15*, p. 1; Meaghan Capell, *Submission 56*, pp. 6–7; Meaghan Capell, *Submission 56a*, p. 16; Meaghan Capell, *Submission 56c*, pp. 7–8.

RECOMMENDATION 36: That, in future reports to Parliament on elections, the VEC account for and report on all instances of apparent multiple voting, including:

- reporting on all apparent cases, regardless of the age of the elector
- indicating the number of cases attributed to administrative errors
- reporting on the voting method/s involved in each instance
- indicating how many cases were not explained to the VEC's satisfaction but not further pursued and why they were not further pursued
- reporting how many votes are believed to have been cast by these electors, broken down by district.

7.3 The security of ballot boxes and ballot papers

7.3.1 Ensuring that ballot boxes are not tampered with and ballot papers are not lost

Another potential risk to the integrity of an election is that ballot papers might be lost, deliberately removed from the count or that illegitimate ones might be added in. A number of safeguards are put in place to guard against these risks.¹³ However, there are still areas of concern for some stakeholders. The previous Electoral Matters Committee called for more transparency on this matter from the VEC. While some additional details were provided with the 2022 election, it was less than the previous Committee recommended and less than the current Committee expects.

Several concerns about the security of ballot papers were raised in submissions and public hearings to this Inquiry.¹⁴ However, no evidence was provided that tampering with ballot papers or ballot boxes had actually taken place.

A key check on whether there has been any interference with ballot papers is to compare the number of ballot papers with the number of people marked off the electoral roll. Significant variations between these numbers and major changes from one election to another are potential signs that something may be awry and worthy of further investigation. Table 7.1 sets out these two numbers for recent elections.

¹³ Details of the VEC's processes in 2018 can be found in Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, p. 114.

¹⁴ Meaghan Capell, *Submission 56*, p. 7; Meaghan Capell, *Submission 56a*, p. 17; Carlo Toncich, *Submission 71*, Appendix, pp. 5–6; Liberal Party of Australia (Victorian Division), *Submission 103*, p. 12; Carlo Toncich, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 2.

Table 7.1 Variations between the number of ballot papers and the number of electors marked off the roll, 2014–2022

	2014	2018	2022
Electors marked as voted ^a	3,543,653	3,780,432	3,983,134
Total ballot papers counted ^b	3,540,545	3,732,068	3,877,132
Difference	-3,108	-48,364	-106,002

a. The numbers for 2014 and 2018 vary considerably from what was reported to the Parliament in the VEC's reports on the elections. These figures have been recalculated by the VEC using the same methodology as the 2022 figure.

b. Based on the number of Lower House ballot papers for 2014 and 2018 and the number of Upper House ballot papers for 2022 to account for the failed Narracan District election (which meant that Narracan voters only voted for the Upper House).

Source: Victorian Electoral Commission, correspondence, 23 February 2024, p. 4.

The Committee notes the significant increase in the difference across the last three elections. The VEC did not note or explain the variation in its 2022 election report, despite the previous Electoral Matters Committee recommending it.¹⁵

When asked by the Committee, the VEC explained:

Of the 106,002 difference cited for 2022, 98% related to postal voting, with over 60% being returned postal votes disallowed at preliminary scrutiny due to elector error, and a further 35% being electors who applied for a postal vote but did not return the postal ballot.

... the rise in postal voting applications and availability of the Online Postal Vote Application since the 2018 State election account for the growing variance. This trend is observed in addition to a small – but regular – number of ballot papers that are not returned after being issued at voting locations and other declaration votes that are disallowed during preliminary scrutiny.¹⁶

The Committee is pleased to see that the variation can be explained. However, an explanation should have been included in the VEC's report to Parliament. Moreover, the explanation highlights a major problem with postal voting, which was also not discussed in the VEC's report but which should have been (see further discussion in Section 3.6.1 of this volume).

The previous Electoral Matters Committee also recommended other improvements to the transparency of ballot paper security arrangements. These included:

- providing details of security measures in the election service plan
- establishing and reporting on performance indicators for ballot paper security
- reporting to Parliament on the effectiveness of its measures.¹⁷

¹⁵ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 27, p. 116.

¹⁶ Victorian Electoral Commission, correspondence, 23 February 2024, p. 4.

¹⁷ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 27, p. 116.

The VEC revised its policies and introduced new security measures for 2022.¹⁸ The VEC included some details in its 2022 election service plan, which mentions establishing performance measures.¹⁹ However, the results of these measures were not reported. The Committee believes that the VEC needs to do a better job of reporting on the effectiveness of its measures to keep ballot boxes and ballot papers secure.

FINDING 69: The VEC has a range of processes in place to keep ballot boxes and ballot papers secure from interference. However, the VEC does not provide details in its election reporting about whether these processes have been effective. This includes failing to explain the discrepancies between the number of people marked off the roll as voted and the number of ballot papers included in the count.

RECOMMENDATION 37: That, in future post-election reports to Parliament, the VEC provide details about what measures it has established to ensure that ballot boxes and ballot papers are not tampered with or lost and the effectiveness of these measures. This should include explaining significant discrepancies between the total number of people marked off the electoral roll and the total number of ballot papers included in the count.

7.3.2 Other issues with the security of ballot papers

One measure which is supposed to contribute to ballot paper security is that each ballot paper is supposed to be initialled by an election official.²⁰ However, ballot papers are included in the count even if they are not initialled.²¹ In one instance, the Liberal Party noted VEC staff initialling ballot papers after they had been removed from the ballot box,²² indicating a level of confusion about the rules. Carlo Toncich argued that the requirement to initial ballot papers can cause confusion during counting and that either the requirement should be removed or the rule properly implemented.²³

Mr Toncich also called for postal ballot papers to be marked in a way that makes them clearly distinct from votes issued in a voting centre. He argued that, currently, a person could apply for a postal vote, receive the ballot paper, take it with them to a voting centre, be issued a second ballot paper at the voting centre and then deposit two ballot papers.²⁴ While he had no evidence of this actually occurring, this is a scenario that could be prevented by making postal ballot papers distinct.

The Committee agrees that these are both sensible changes.

¹⁸ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 6, 120.

¹⁹ Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, pp. 27-8.

²⁰ *Electoral Act 2002* (Vic) s 92.

²¹ Victorian Electoral Commission, *2022 State election scrutineer handbook*, Melbourne, 2022, pp. 52, 58. This is permitted under s 112(1) of the Electoral Act as long as the ballot paper has a prescribed official mark.

²² Liberal Party of Australia (Victorian Division), *Submission 103*, p. 12.

²³ Carlo Toncich, *Submission 71*, Appendix, p. 7.

²⁴ Carlo Toncich, *Submission 71*, Appendix, pp. 2-3; Carlo Toncich, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 2.

FINDING 70: Legislation currently requires ballot papers to be initialled by election officials, but allows ballot papers to be counted even if they are not initialled. This can cause confusion during counting.

RECOMMENDATION 38: That the Government introduce legislation amending the Electoral Act to remove the requirement that ballot papers be initialled by election officials.

FINDING 71: Postal votes are not currently marked in a way that readily distinguishes them from votes issued in a voting centre. This makes it difficult to tell if a postal vote has been inappropriately deposited in a ballot box.

RECOMMENDATION 39: That the VEC mark postal ballot papers in a way that makes them easily distinguishable from ballot papers issued in voting centres.

7.4 Proving the trustworthiness of computerised processes

Computers play a key role in managing the election and counting the votes. The VEC uses a bespoke software system (called the Election Management System) for many electoral functions. These include determining the order of candidates on ballot papers, calculating the results for the Upper House and conducting recheck counts for some Lower House districts.

The software is independently audited and parts of it are made available online. However, there remain concerns in the community about the ballot draw and the potential for errors inputting data.

7.4.1 Computerised ballot draws

Use of the digital ballot draw system can be interpreted as undermining the impartiality of the voting system when candidates cannot see exactly how their ballot positions were allocated.

The Solis Foundation, *Submission 70*, p. 1.

At the 2022 election, the Premier at the time was assigned the top position on his ballot paper, potentially giving him an advantage over the other candidates. Some people on social media and in submissions to this Inquiry interpreted this as evidence of electoral corruption.²⁵ The Committee has no reason to believe that this was corruption. However, it is difficult to demonstrate that a computerised ballot order draw was random, making it hard to reduce public concerns in this area.

²⁵ Name withheld, *Submission 55*, p. 1; Meaghan Capell, *Submission 56*, p. 7; Meaghan Capell, *Submission 56a*, pp. 17-18.

The VEC's code for determining candidate order on ballot papers has been independently audited and part of it was published online. However, a group of academics told the Committee that a similar independent audit appeared not to have identified certain issues with a previous version of the software.²⁶ The Committee was also told that there is no way for scrutineers and candidates to know that the published code is actually what is being run when the ballot paper order is determined.²⁷

Associate Professor Teague and her colleagues called for the VEC to:

- make more of its code publicly available
- introduce a transparent, public way (such as rolling dice) of selecting the 'seed' used by the software to generate the ballot paper order
- ensure that the seed is large enough to allow all permutations.²⁸

Other submitters, including the Liberal Party, called for the whole process of determining ballot paper order to be decided by a manual ballot draw.²⁹ This would align Victorian practice with what is done at the Commonwealth level.³⁰ The Committee agrees that a manual process would make it clear to all participants that the draw was random. This would increase the transparency of this process and therefore increase trust in the election.

FINDING 72: The Committee has no reason to doubt that the order of candidates and groups on ballot papers was determined at random at the 2022 election. However, the current computerised process makes it difficult to demonstrate that the order was determined at random.

RECOMMENDATION 40: That the Government introduce legislation amending section 74(1) of the Electoral Act to require the order of candidates and groups on ballot papers to be determined manually and not by computer.

7.4.2 Computer counts

Part of vote counting in Victoria is done with computers. The distribution of preferences is done by computer for all Upper House regions. In 2022, recheck counts and preference distributions for seven Lower House districts were also completed by

²⁶ Associate Professor Vanessa Teague, Associate Professor Damjan Vukcevic, Professor Peter J Stuckey and Dr Chris Culnane, *Submission 51*, p. 5.

²⁷ Associate Professor Vanessa Teague, Thinking Cybersecurity and Australian National University, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 42; Carlo Toncich, *Submission 71*, Appendix, p. 10.

²⁸ Associate Professor Vanessa Teague, Associate Professor Damjan Vukcevic, Professor Peter J Stuckey and Dr Chris Culnane, *Submission 51*, p. 5.

²⁹ Meaghan Capell, *Submission 56a*, p. 18; Dr Joe Garra, *Submission 57*, p. 1; Carlo Toncich, *Submission 71*, Appendix, p. 10; Liberal Party of Australia (Victorian Division), *Submission 103*, p. 8.

³⁰ *Commonwealth Electoral Act 1918* (Cth) s 213.

computer. These processes involve entering all preferences into the VEC's software, which then distributes the preferences and calculates which candidates are successful.³¹

As noted in a submission by several academics, this approach:

limits the possibility for scrutineers to observe the process, making it inherently less transparent (and consequently less trustworthy) ... There is a risk that a software error or malicious actor causes the electronic votes to diverge from the preferences expressed by voters, leading to the election of the wrong candidates.³²

They called for digital audits of these computer counts: 'This involves taking a random sample of ballot papers and comparing them with their digital versions, noting any discrepancies in order to estimate the overall error rate.'³³ Audits are required at the Commonwealth level, where the Electoral Commission must ensure that 'statistically significant samples of ballot papers' are checked during the counting period and the results published within 14 days of the return of the writ.³⁴ The group of academics argued that the Commonwealth legislation could be strengthened by including a requirement to sample randomly and a rigorous statistical methodology. They also suggested correcting errors if the error rate is large enough to alter outcomes.³⁵

Another submitter called for computer counts to be used to check the manual count, but believed that computer counts should not be used to determine the official results for Lower House districts.³⁶

The VEC explained its current processes:

- For the Upper House, the preferences for all below-the-line votes are entered twice by two different operators. If there is a discrepancy, the software alerts the second data-entry operator. In addition, the VEC undertakes audits of random batches of ballot papers and scrutineers can request that any batch of ballot papers be audited.³⁷
- For Lower House districts where computer counting is used for rechecks, the computer results can be compared to the initial manual count. In addition, the VEC undertakes audits of random batches of ballot papers and scrutineers can request audits of any batch.³⁸

³¹ Victorian Electoral Commission, *Submission 59*, pp. 53-4.

³² Associate Professor Vanessa Teague, Associate Professor Damjan Vukcevic, Professor Peter J Stuckey and Dr Chris Culnane, *Submission 51*, p. 2. See also Carlo Toncich, *Submission 71*, Appendix, p. 10.

³³ Associate Professor Vanessa Teague, Associate Professor Damjan Vukcevic, Professor Peter J Stuckey and Dr Chris Culnane, *Submission 51*, pp. 2-3.

³⁴ *Commonwealth Electoral Act 1918 (Cth) s 273AC*.

³⁵ Associate Professor Vanessa Teague, Associate Professor Damjan Vukcevic, Professor Peter J Stuckey and Dr Chris Culnane, *Submission 51*, p. 3.

³⁶ Carlo Toncich, *Submission 71*, Appendix, p. 10.

³⁷ Victorian Electoral Commission, response to questions on notice received 23 October 2023, Attachment B, pp. 2-3.

³⁸ Victorian Electoral Commission, response to questions on notice received 23 October 2023, Attachment B, p. 4.

Regarding the Lower House, the VEC indicated that the number of audits can vary considerably from one district to another. The VEC does not set a target for the number of batches that its staff should audit and scrutineers' requests in 2022 varied from zero to 70 batches in a district.³⁹ The VEC did not quantify the error rate identified in these audits, but stated that it was 'very low'.⁴⁰

The Committee would like to see more robust requirements requiring audits along with quantified reporting of the results of these audits. Two changes that are being considered for future elections would make the need for audits even more pressing:

- the VEC is considering using computerised counting in more districts at future elections,⁴¹ which would increase the impact of any problems with the computerised counting system
- changes to the group voting tickets for the Upper House (considered in Chapter 6 of Volume 1 of this report) may also increase the complexity of information that needs to be entered into the system and therefore increase the likelihood of errors.⁴²

FINDING 73: Computerised counts are used to determine the results for all Upper House regions and some Lower House districts. Some digital audits are conducted to ensure that preferences have been correctly entered. However, there is no set target for the number of audits and the results of audits are not reported publicly.

RECOMMENDATION 41: That the Government introduce legislation amending the Electoral Act to require the VEC to conduct audits of the data used in computer counts. The new provisions should include requirements that:

- the batches of votes that are audited are selected randomly
- the number of batches audited should be enough to estimate the overall error rate using a rigorous statistical methodology
- the Commission publicly report the results of these audits.

³⁹ Victorian Electoral Commission, response to questions on notice received 23 October 2023, Attachment B, pp. 5–6.

⁴⁰ Victorian Electoral Commission, response to questions on notice received 23 October 2023, Attachment B, p. 6.

⁴¹ Victorian Electoral Commission, *Submission 59*, p. 54.

⁴² Associate Professor Vanessa Teague, Thinking Cybersecurity and Australian National University, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 41.

7.5 Scrutineers at the vote count

at times it seemed that the VEC forgot that scrutineers have an important role to play in the election.

Carlo Toncich, *Submission 71*, Appendix, p. 6.

Scrutineers play an important role ensuring that votes are counted correctly. They ensure that things are done fairly, help to identify errors and provide confidence in the results. The Electoral Act specifies that candidates can appoint scrutineers to be present during various stages of the election, including ballot box opening and vote counting.⁴³ However, several scrutineers told the Committee that they were not always able to fulfill their role at the 2022 election.

Scrutineers identified multiple problems preventing them from scrutineering properly, including not receiving information from the VEC about when or where counts were taking place, not receiving enough advance warning and being treated poorly by VEC staff. Overall, the Labor Party stated:

With the notable exception of some officials, to whom we give our thanks, Victorian Labor found the attitude of VEC staff towards scrutineers to be one of hostility, obstruction and disrespect. Whilst there are, naturally, disagreements between VEC officials and scrutineers, scrutineers play an important role in the scrutiny process and have a right to observe the scrutiny and perform their functions under the Act.

At all stages, our scrutineers reported that they were made to feel as if they were a burdensome obstruction to the conduct of VEC officials, and that simple questions or requests were beyond their capacity to ask as scrutineers and to even pose such questions was an attack on the VEC. Requests for basic information were often met with petty hostility or obstructionism, and in some cases even the right of scrutineers to be present for the scrutiny was challenged by Election Managers ...⁴⁴

Specific problems that were reported to the Committee included:

- VEC staff not notifying stakeholders about vote counting taking place or giving insufficient or inaccurate information about the times and places of counting⁴⁵
- VEC staff not giving enough notice about count times⁴⁶
- VEC staff giving inaccurate information about what was going to happen⁴⁷
- scrutineers having to ask multiple people for things or being met with hostility⁴⁸

⁴³ *Electoral Act 2002 (Vic) s 76(2)*.

⁴⁴ Victorian Labor Party, *Submission 82*, p. 16.

⁴⁵ Alex Breskin, *Submission 46*, p. 3; Carlo Toncich, *Submission 71*, Appendix, p. 6; Carlo Toncich, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, pp. 2, 5; Victorian Labor Party, *Submission 82*, pp. 14, 16.

⁴⁶ Victorian Labor Party, *Submission 82*, pp. 16–17; Craig Cole, *Submission 94*, p. 2.

⁴⁷ Carlo Toncich, *Submission 71*, Appendix, p. 6; Victorian Labor Party, *Submission 82*, p. 16.

⁴⁸ Carlo Toncich, *Submission 71*, Appendix, p. 6; Carlo Toncich, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 3; Victorian Labor Party, *Submission 82*, p. 16.

- VEC staff refusing to give scrutineers information and reports, or to make batches of votes available for inspection⁴⁹
- the VEC not communicating its interpretations of formality rules in advance⁵⁰
- VEC staff asking scrutineers to leave without giving an explanation⁵¹
- inefficient processes for appointing scrutineers⁵²
- computerised recheck procedures being changed at the voting centre rather than following a pre-determined plan.⁵³

It is not clear to the Committee how wide-spread these issues were. Some sense of the scale comes from independent research commissioned by the VEC,⁵⁴ which asked a sample of candidates about scrutineering (see Table 7.2). These results show that a significant proportion of candidates was dissatisfied with the VEC's communication about vote counting and cooperation with scrutineers. The 2022 results also show a large decline from previous years in the proportion of candidates satisfied with the VEC's cooperation with scrutineers (falling from 95% to 69%).

Table 7.2 Candidates' satisfaction^a with communication about vote counting and cooperation with scrutineers

Proportion of respondents satisfied with ...	2014	2018	2022
the election manager in terms of counting the votes and keeping you informed via your scrutineers of the progressive results (%)	72	77	68
information about the counting timetable (%)	65	62	57
cooperation with scrutineers (%)	94	95	69

a. Satisfaction is defined as a rating of 7 or more out of 10.

Sources: Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, pp. 103, 130; Colmar Brunton, *Victorian Electoral Commission: evaluation of services at the 24 November 2018 Victorian State election: parties and candidates report*, report for the Victorian Electoral Commission, 2019, pp. 9, 21; Colmar Brunton, *Victorian Electoral Commission: evaluation of services at the 29 November 2014 Victorian State election*, report for the Victorian Electoral Commission, 2015, pp. 164, 181.

The VEC acknowledged that information about vote counting was often given late at night. It also acknowledged that it failed to inform candidates and parties about a two-candidate-preferred count in Pakenham District.⁵⁵ In addition, the VEC noted that scrutineers had not been able to adequately observe the recheck count in Preston District, resulting in the recheck being done a second time.⁵⁶

⁴⁹ Carlo Toncich, *Submission 71*, Appendix, p. 6; Liberal Party of Australia (Victorian Division), *Submission 103a*, p. 8.

⁵⁰ Carlo Toncich, *Submission 71*, Appendix, p. 9; Carlo Toncich, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, pp. 2-3.

⁵¹ Craig Cole, *Submission 94*, p. 2.

⁵² Carlo Toncich, *Submission 71*, Appendix, p. 4.

⁵³ Victorian Labor Party, *Submission 82*, pp. 8-9 and *Submission 82a*, p. 3.

⁵⁴ See Section 1.5 of this volume.

⁵⁵ Victorian Electoral Commission, response to questions on notice received 23 October 2023, Attachment B, p. 1.

⁵⁶ Victorian Electoral Commission, *Submission 59*, p. 53.

The Labor and Liberal parties called for ‘a broad statement, similar to that made in the *Commonwealth Electoral Act 1918*, that all proceedings at the scrutiny shall be open to the inspection of the scrutineers’.⁵⁷ The Labor Party also called for ‘a presumption of access when a scrutineer requests to view documents related to the scrutiny’.⁵⁸ Other suggestions included that:

- the Electoral Act specify a minimum notification period of two business hours for the recommencement of counting⁵⁹
- on the Sunday after election day, either new ballot papers be added to district counts or all work be adjourned until the Monday after election day (currently generally only rechecks are conducted for districts, which requires scrutineers but does not provide any more information about which candidates are likely to be successful)⁶⁰
- the VEC communicate directly with registered scrutineers rather than through candidates.⁶¹

The VEC informed the Committee that it is looking at ways to improve communication at future elections.⁶² The Committee agrees that a thorough review of the processes involved in communication about vote counting is required.

The Committee believes that a review of the VEC’s training processes is also needed, which is explored in more detail in Chapter 4 of Volume 1 of this report. Working with scrutineers should be a part of that review.

In addition, the Committee agrees that it would be helpful for the Electoral Act to give more clarity around the rights of scrutineers.

FINDING 74: Scrutineers play an important role in ensuring a transparent and trustworthy election. Some scrutineers experienced difficulties undertaking their role in 2022 due to poor communication from VEC staff, an unwillingness of VEC staff to help and some staff appearing to see scrutineers as obstructions rather than part of the democratic process. In one district, a recheck count had to be redone because scrutineers were unable to adequately observe the process.

⁵⁷ Victorian Labor Party, *Submission 82*, pp. 15–16; Liberal Party of Australia (Victorian Division), *Submission 103a*, pp. 9–10. The relevant section of the *Commonwealth Electoral Act 1918* (Cth) is section 265(1)(c): ‘All the proceedings at the scrutiny shall be open to the inspection of the scrutineers’.

⁵⁸ Victorian Labor Party, *Submission 82*, p. 17.

⁵⁹ Victorian Labor Party, *Submission 82*, pp. 16–17.

⁶⁰ Victorian Labor Party, *Submission 82*, p. 14.

⁶¹ Carlo Toncich, *Submission 71*, Appendix, p. 4.

⁶² Victorian Electoral Commission, response to questions on notice received 23 October 2023, Attachment B, pp. 1–2.

RECOMMENDATION 42: That the VEC conduct a thorough review of its processes for communicating with candidates, parties and scrutineers about vote-counting processes. This should include consulting with parties and candidates to understand the weaknesses in communication at the 2022 election and how these could be addressed at future elections.

RECOMMENDATION 43: That the Government introduce legislation amending the Electoral Act to include:

- a broad statement that all vote-counting processes and documents should be open to scrutineers
- a minimum notification period for the recommencement of vote counting.

7.6 Publishing more data about vote counting

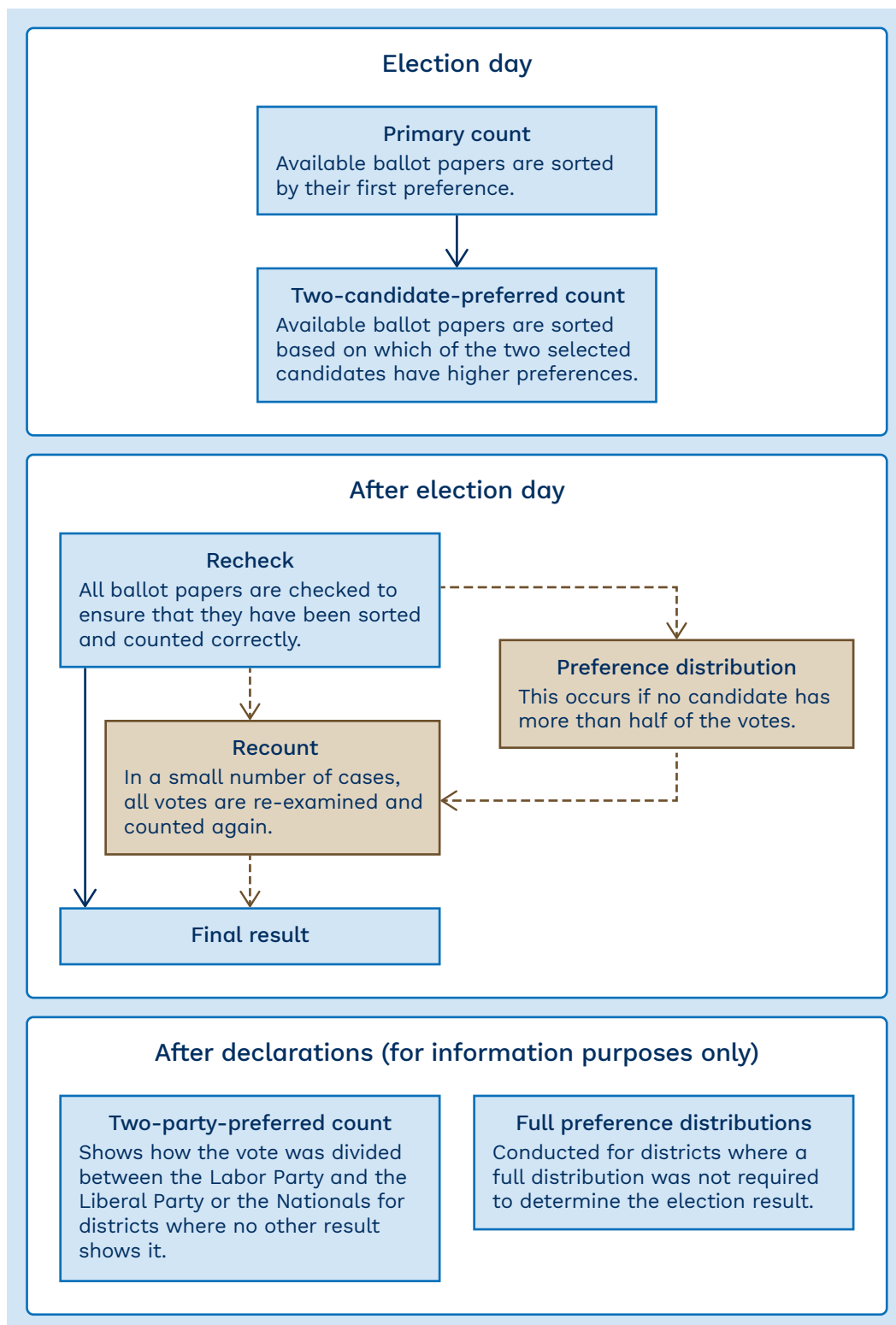
Accurate and meaningful data about vote counts allow people to understand what happened at an election. Some data can be used to look for errors in the count and can identify problems or provide assurance about the accuracy of the count. However, where there are gaps in the data or where discrepancies are unexplained, it is harder for people to be confident in the results.

There are several areas where the VEC could provide additional data or explanations to provide more clarity.

7.6.1 Explaining changes between counts

Votes are counted multiple times following an election (see Figure 7.2). In the process of counting, errors are sometimes identified and corrected. This is a regular and expected part of the process. However, it is important for the VEC to be transparent about these changes. This helps people to see that the changes are legitimate. It also makes it possible to assess the quality of the VEC's counting processes. Currently the VEC is transparent about its results, but does not explain discrepancies.

Figure 7.2 The vote-counting process



Source: Electoral Matters Committee.

7

The Electoral Matters Committee in the previous parliament recommended:

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).⁶³

The VEC's initial response was that it 'will consider how it can best provide specific information about variations of more than 200 votes between primary and recheck/recount results'.⁶⁴ However, the VEC subsequently informed the Committee that 'Upon investigation the election timeline does not support this level of granular analysis.'⁶⁵

Nonetheless, the Committee observed a number of instances of significant changes between counts at the 2022 election which warranted explanations. For example, in Pakenham District, the two-candidate-preferred count suggested that David Farrelly would be elected. However, the distribution of preferences after the recheck count elected Emma Vulin MP (see Table 7.3).

Table 7.3 Different counts for Pakenham District, 2022 state election

Candidate	Two-candidate-preferred results	Recheck results after distribution of preferences
David Farrelly	19,558	19,280
Emma Vulin	19,468	19,587

Sources: Victorian Electoral Commission, *Pakenham District results*, <<https://www.vec.vic.gov.au/results/state-election-results/2022-state-election-results/results-by-district/pakenham-district-results>> accessed 8 May 2024; Victorian Electoral Commission, *Pakenham District 2CP results by voting centre*, <<https://www.vec.vic.gov.au/results/state-election-results/2022-state-election-results/results-by-district/pakenham-district-results/pakenham-2cp-results-by-voting-centre>> accessed 8 May 2024.

A key driver of this change appears to have been votes incorrectly sorted in the primary count. The first preference total for David Farrelly was revised down by 266 between the primary count and the recheck. Emma Vulin's total was increased by 113 votes and the number of votes counted as informal was increased by 205. Smaller changes were made in relation to the other candidates.

In this case, the recheck identified hundreds of errors and the resulting corrections were sufficient to change the result. The Committee considers that some sort of explanation would be appropriate.

The Committee identified a total of 26 districts in which there were differences of greater than 200 votes for candidates' first preference totals between the primary and recheck count or for candidates' totals between two-candidate-preferred counts

⁶³ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 29, p. 125.

⁶⁴ Victorian Electoral Commission, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election*, 27 November 2020, p. 15.

⁶⁵ Victorian Electoral Commission, *Submission 59*, p. 116.

and full preference distributions.⁶⁶ Eight of these districts had differences in excess of 400 votes. These included:

- Bellarine District, where the final results suggest that over 700 votes had been attributed to the wrong candidate during the two-candidate-preferred count
- Murray Plains District, where 1,690 more votes were included in the recheck count that were not included in the primary count
- Wendouree District, where the first-preference votes were increased by 575 for one candidate and reduced by 648 for another between the primary and recheck counts
- Werribee District, where the number of informal votes increased by 605 between the primary and recheck count and the total number of votes decreased by 263; this led to one candidate's total number of first-preference votes decreasing by 442 votes and, after the election, the two-candidate-preferred count for another candidate was found to be 501 votes higher than it should have been.

While scrutineers are supposed to be able to observe the count processes and ensure that these sorts of changes are correct, scrutineers faced difficulties doing so in 2022 (see Section 7.5). There is also no mechanism currently for people to understand what happened after the event. Alex Breskin, a candidate for the Greens, noted having to guess the explanation for a significant change to the vote numbers in 2022, as he received no information from the VEC.⁶⁷

The Committee considers that the VEC should implement the previous Committee's recommendation to provide specific explanations for any significant adjustment to figures made between the primary count or two-candidate-preferred count and the final results (recheck or recount results). While it would be most valuable if explanations were published during the vote-counting process, it would also be valuable even if done after the return of the writs. This increased reporting would provide better transparency about the vote-counting process and a better understanding of the accuracy of primary vote counts.

Recording and analysing information about why mistakes were made in the initial counts at voting centres may also assist the VEC. The VEC could use this information to identify areas where changes to its training programs may reduce problems at future elections.

FINDING 75: In 26 districts, there were significant differences (more than 200 votes) in the number of votes recorded for candidates between the primary count and final results or between two-candidate-preferred counts and full preference distributions. The VEC does not publish explanations for these changes.

⁶⁶ Based on the 87 districts at the 2022 election (not including the Narracan District supplementary election) and only looking at vote totals associated with candidates (that is, not counting differences in the total votes or informal vote numbers). Indicative distribution counts used where an official full distribution count was not conducted.

⁶⁷ Alex Breskin, *Submission 46*, pp. 3-4.

RECOMMENDATION 44: That the VEC reconsider its response to the previous Electoral Matters Committee’s recommendation that it should 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).

7.6.2 Two-candidate-preferred counts

An important step in the vote-counting process is the two-candidate-preferred count (see Figure 7.2). This is a count conducted on election night to give an early indication of who is likely to form government. To conduct this count, the VEC identifies (before election day) the two candidates which it thinks are likely to receive the most votes in each district. On election night, the VEC then examines all available ballot papers to see which of those candidates is likely to win after the distribution of preferences.

The two-candidate-preferred count can be inaccurate due to either errors in the counting process or because the wrong two candidates were selected by the VEC before the count began. Where errors are identified in a recheck or recount, the two-candidate-preferred count is not updated. This can lead to discrepancies between the two-candidate-preferred results and the official results (as seen, for example, in Table 7.3).

Although the two-candidate-preferred count is not the official result, it includes important data for analysts. In particular, it breaks the results down by voting centre, which other counts do not. It is also of significant interest to the broader community, which makes the inclusion of inaccurate data problematic:

Ultimately, the two-candidate preferred count is what is of most interest to electors and media commentators more broadly. If count errors are not corrected in their most commonly understood form, then the VEC wears the risk of communicating a fundamentally different picture of the count to the outside world to what is happening in the count room. In doing so, public confidence is undermined in what is, in real terms, a robust counting process conducted by the VEC.⁶⁸

The Labor Party, Liberal Party and Antony Green AO called for recheck two-candidate-preferred counts to be conducted following the primary vote recheck.⁶⁹ The Committee recognises that this places additional pressure on a timeline that is already tight. However, it may be more practicable with changes to the timeline, as discussed in Chapter 3 of Volume 1. Acknowledging the tight timeframes, Mr Green suggested that the counts might be done after the election for seats where the results are not as close.⁷⁰

⁶⁸ Victorian Labor Party, *Submission 82*, pp. 6–7.

⁶⁹ Victorian Labor Party, *Submission 82*, pp. 6–7; Liberal Party of Australia (Victorian Division), *Submission 103a*, pp. 4–5; Cameron Petrie, Assistant State Secretary, Victorian Labor Party, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 6; Antony Green AO, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 4.

⁷⁰ Antony Green AO, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, pp. 4–5.

Where the wrong two candidates are selected for the two-candidate-preferred count, Carlo Toncich called for the two-candidate-preferred counts to be reset as soon as it becomes clear.⁷¹ The VEC noted that, in districts where the incorrect candidates had been selected, two-candidate-preferred counts were redone shortly after election day (where it was not possible to identify the successful candidate on election night).⁷²

In addition to the two-candidate-preferred count, the two-party-preferred count is also of particular public interest. The two-party-preferred count distributes the votes to just the Labor Party candidate and Coalition candidate. In most cases, the two-party-preferred is identical to the two-candidate-preferred or the distribution of preferences. However, in some cases it is not (for example, in districts where the two candidates with the most votes are Labor and Green). In these cases, the VEC conducts an additional count to get the two-party-preferred data.⁷³

The Committee is pleased to see this useful work being done by the VEC. However, the Committee would like to see some additional work to make this information easier to find on the VEC's website. The two-party-preferred count for a district might be in any of three different places, depending on the district:

- under the heading 'Results after distribution of preferences' on the district results page
- under the heading 'Two party preferred vote' on the district results page
- by following a link from the district results page labelled 'Two candidate preferred results by voting centre'.

The Committee does not consider this intuitive and suggests that the VEC redesign its webpages in a way that makes it easy for a user to find information by labelling it consistently.

7.6.3 Additional data

The VEC should have a duty as a public organisation to publish the data that it collects in an acceptable form, especially if it continues to use computers to conduct the count. This is important so that the processes of the election are transparent and that errors in publishing can be picked up quickly by a community of people who would greatly appreciate having the data published in an acceptable form.

Carlo Toncich, *Submission 71*, Appendix, p. 13.

Submitters and witnesses to this Inquiry called for the VEC to publish a variety of additional data. Some data were considered valuable for scrutiny of the vote-counting process and others for election analysis.

⁷¹ Carlo Toncich, *Submission 71*, Appendix, p. 3.

⁷² Victorian Electoral Commission, *Submission 59*, p. 53.

⁷³ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 75.

Several submitters noted data which are published by the Australian Electoral Commission but not the VEC and called for the VEC to publish this information as well. This included:

- full preference data for the Upper House⁷⁴
- progressive details for the exchange and counting of absent and postal votes⁷⁵
- break-downs of early votes by voting centre.⁷⁶

In addition, submitters called for the VEC to:

- publish the locations of voting centres so that break-downs of votes by voting centre can be interpreted (this was done for 2022 but not earlier elections)⁷⁷
- provide summary sheets regarding absent votes to parties and candidates during the count so that they can better keep track of progress⁷⁸
- conduct and publish full distributions of preferences in all districts before the return of the writs (currently the VEC stops when one candidate has more than 50% of the votes).⁷⁹

Antony Green AO also called for changes to the way that data are displayed as the count progresses, with recheck results being updated for each voting centre/count centre as the new numbers become available, rather than the entire district only being updated once all votes for the district have been counted.⁸⁰

One submitter also called for the VEC to publish all data in a useable format. Currently, some data are published in Excel spreadsheets and others in HTML. Some data are also published in a different format to what is used by the Australian Electoral Commission.⁸¹

The VEC noted that it is working on its software to enable some additional reporting.⁸² The Committee encourages the VEC to continue with this work and to meet whatever requests are practicable. The Committee particularly encourages the VEC to produce

⁷⁴ Associate Professor Vanessa Teague, Associate Professor Damjan Vukcevic, Professor Peter J Stuckey and Dr Chris Culnane, *Submission 51*, p. 3; Carlo Toncich, *Submission 71*, Appendix, p. 13; Associate Professor Vanessa Teague, Thinking Cybersecurity and Australian National University, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 41.

⁷⁵ Victorian Labor Party, *Submission 82*, p. 5; Cameron Petrie, Assistant State Secretary, Victorian Labor Party, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, pp. 5–6.

⁷⁶ Victorian Labor Party, *Submission 82*, p. 6; Antony Green AO, *Submission 98*, pp. 3–4, 6, 10; Liberal Party of Australia (Victorian Division), *Submission 103a*, p. 5; Cameron Petrie, Assistant State Secretary, Victorian Labor Party, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 5; Antony Green AO, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 2.

⁷⁷ Carlo Toncich, *Submission 71*, Appendix, p. 14.

⁷⁸ Victorian Labor Party, *Submission 82*, pp. 7–8; Cameron Petrie, Assistant State Secretary, Victorian Labor Party, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, pp. 5–6.

⁷⁹ Carlo Toncich, *Submission 71*, Appendix, p. 14; Liberal Party of Australia (Victorian Division), *Submission 103*, p. 11. See also Trevor Smith, *Submission 20*, p. 1; The Solis Foundation, *Submission 70*, p. 2.

⁸⁰ Antony Green AO, *Submission 98*, p. 6; Antony Green AO, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 2.

⁸¹ Carlo Toncich, *Submission 71*, Appendix, pp. 13–15.

⁸² Dana Fleming, Deputy Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 23.

data which are currently supplied by the Australian Electoral Commission, in a similar format where appropriate.

The Committee realises that some of the requests listed above may not be practical due to the time constraints during the vote-counting period. Ultimately, identifying which candidates have been successful before the return of the writs must be the priority for the VEC. However, improvements to the VEC's software and the timeline changes recommended in Volume 1 may reduce some of that pressure and open up some possibilities.

FINDING 76: The VEC produces and publishes a lot of data about vote counting. However, stakeholders have identified a range of additional data that they would like to see, which would be helpful with the scrutiny or analysis of election results.

RECOMMENDATION 45: That the VEC review the election results data it publishes and identify opportunities to publish more data and to improve the way that it publishes data, giving consideration to the suggestions set out in this section. The VEC should provide data in the same format as the Australian Electoral Commission where possible and appropriate, and should make all data available in Excel spreadsheets (as well as HTML for some data).

Chapter 8

Measuring the Victorian Electoral Commission's performance

8.1 Introduction

In delivering elections, the Victorian Electoral Commission (VEC) has obligations and targets that it aims to meet. Some of these are legal obligations imposed by the Parliament, others are targets set by the VEC itself. Overall, the VEC stated that it would follow three guiding principles in delivering the 2022 state election:

- follow State electoral law, and apply it impartially and equitably, with all participants in the process treated fairly and justly
- perform all tasks in a non-partisan and politically neutral manner to the highest standard of accuracy
- work to provide every elector with a quality and convenient service in which to exercise their democratic rights.¹

This chapter explores the VEC's performance measurement and reporting system for the election. Chapter 9 looks at the VEC's performance compared to obligations set out in the Electoral Act and areas where the VEC's service delivery could be improved with changes to the Electoral Act. Chapter 10 looks at a key area where the VEC failed to meet its obligations in 2022—ensuring that all electors who attended a voting centre on election day were able to vote.

Section 8.2 of this chapter focusses on the VEC's performance measurement system—particularly the election indicators that it established and reported on regarding the 2022 election.

Performance measurement systems are important management tools for ensuring that services are delivered at an appropriate standard and for identifying problem areas. The Committee is pleased to see that the VEC reviewed its performance measurement system following the 2022 election and has used what it learnt to identify actions which need to take place to support future elections.²

¹ Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, p. 1.

² Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 137–8.

Performance measurement and reporting is also important for accountability, to demonstrate that the VEC met community expectations and used public funding responsibly. The 2022 election cost \$97.9 million.³ As with every other public sector body, the VEC is obliged to demonstrate to the community and the Parliament how this money was spent and what was achieved with it.

Sections 8.2.2 and 8.2.3 discuss the new and adjusted performance indicators that the VEC established for the 2022 election and recommend various improvements to these indicators.

The VEC has reported more information about its performance measurement program following the 2022 election than following previous elections, along with indications of what actions it will take as a result of its performance. These are positive steps.

Section 8.3 discusses the VEC's performance measurement systems more broadly and notes ways in which these could be more robust. Section 8.4 discusses the VEC's report to Parliament on the election. While there is a lot of valuable information and analysis in that report, there are some areas where additional information or analysis is needed. These have been noted throughout this report and are brought together in Section 8.4.

Other ways that the VEC's performance is measured are discussed elsewhere in this report. Trends in participation are discussed in Chapter 2 of this volume and assessments of the different voting options offered in 2022 are discussed in Chapter 3. The results of the independent research by Kantar Public looking at voters', candidates' and parties' experiences and levels of satisfaction with the VEC's services are discussed throughout this report.

8.2 The VEC's election indicators

Before the 2022 election, the VEC published 35 performance indicators, with measures and targets for each indicator. The VEC reported on its performance compared to these targets after the election. The indicators were developed by an Evaluation Working Group within the VEC which aimed to align the indicators with the VEC's wider strategies and objectives.⁴

The indicators were grouped into three 'pillars' and six objectives:

1. Inspired people
 - a. Objective 1: Our organisation is inclusive, and reflects the community we serve
 - b. Objective 2: We have a sustainable workforce that is trained, equipped and supported to deliver the election

³ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 12.

⁴ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 128–30.

2. Empowered electors
 - a. Objective 3: We engage and support our stakeholders through the electoral process
 - b. Objective 4: We provide accessible services and proactively support the participation of all electors, particularly those underrepresented in the electoral process
3. Smart solutions
 - a. Objective 5: Our systems and processes are secure and compliant
 - b. Objective 6: Our systems and processes enable efficient and timely delivery of election services and results.⁵

Of the 35 indicators, 20 were new for the 2022 election and 15 were continued from 2018 (though 7 of these were adjusted slightly—either the indicator itself, or its associated target, or both). Twelve election indicators used in 2018 were discontinued.

8.2.1 Indicators not continued at the 2022 election

The VEC did not continue 12 of the indicators it used at the 2018 election in 2022. In most cases, the Committee is comfortable with the VEC's decision to discontinue the indicators. However, there were four indicators which the Committee believes should not have been discontinued. These related to enrolment, turnout and formality:

- The number of eligible electors enrolled at close of roll
- Percentage of Legislative Assembly votes counted as a proportion of total electors at the close of roll
- Informality Rate—Legislative Assembly (LH)
- Informality Rate—Legislative Council (UH).⁶

In its description of how the 2022 indicators were developed, the VEC did not provide any commentary or justification around its decision to remove these indicators.⁷ The Committee sought an explanation from the VEC, which told the Committee:

While those indicators ... importantly relate to the 'current state' of democracy in Victoria, they are influenced by external factors that cannot be controlled or influenced by the VEC (or by the VEC alone).⁸

⁵ Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, pp. 9–12. The way objectives are aligned against pillars, and the language used for some objectives and indicators is not consistent between the VEC's *2022 State election service plan* (pp. 9–12) and its *Report to Parliament on the 2022 Victorian State election and 2023 Narracan District supplementary election* (pp. 128, 131, 133–7). The Committee uses the alignment and language from the *2022 State election service plan*.

⁶ Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 167.

⁷ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 128–32.

⁸ Victorian Electoral Commission, correspondence, 23 February 2024, p. 1.

Enrolment, turnout and formality are fundamental measures for assessing the quality of an election. They demonstrate the quality of Victoria's democracy and electoral system by showing the extent of Victorians' participation in an election.

The Committee understands that these indicators are only partially within the VEC's control. However, as they are key expected outcomes from the VEC's activities, a proper understanding of the VEC's performance is not possible without these indicators. The Committee recognises that the VEC still included the relevant data in its report on the 2022 election. However, it is important for these indicators to be included within the VEC's performance measurement system and to be discussed when reporting on performance. If the reason that a performance target is not achieved is because of external factors, that can be explained in reporting. However, the VEC's role in achieving the target (or not) for these measures should also be explained.

FINDING 77: The VEC discontinued several fundamental electoral participation measures around enrolment, turnout and formality in its performance measurement system for the 2022 election. These are important indicators of the effectiveness of the VEC's programs and it is therefore important that these measures are considered as part of election management.

RECOMMENDATION 46: That the VEC reinstate performance measures relating to enrolment, turnout and formality in future election planning.

8.2.2 New indicators for the 2022 election

The VEC established 20 new election indicators for the 2022 election. They include measures around the election workforce, services to parties and candidates, VEC communications, stakeholder satisfaction, accessibility, regulating electoral content on social media, cyber security, voting methods and meeting legislated dates.⁹

While the Committee finds most new indicators appropriate, some could be improved.

One such indicator is 'Audience reach for social media posts'.¹⁰ The VEC's measure for this indicator included comparing engagement with VEC content on a variety of social media platforms at the 2018 and 2022 elections. It appears that the VEC did not have all the relevant data for 2018, and so could not complete the comparison.¹¹ The VEC should ensure it has the relevant data to assess its performance against indicators when it establishes them.

⁹ Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, pp. 9-12.

¹⁰ Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, p. 10.

¹¹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 134.

Two other indicators that could be improved are 'Number of legislated dates met' and 'Return of writs by date specified'.¹² These are both included within the objective 'Our systems and processes are secure and compliant'. The VEC is right to aim to meet legislated dates in the election timeline. However, the Committee considers that meeting legislated obligations should be a given for a public sector body and that more ambitious measures of the security and compliance of the VEC's systems and processes could be developed. If the indicator for meeting legislated dates is to be kept, it could be made more meaningful by specifying what dates the VEC is including in this measure.

Two indicators related to responding to social media posts that breached electoral rules.¹³ The VEC measured:

- the maximum time between when a user was notified about in-breach content and when either the user rectified/took down the material or the VEC reported it to the social media platform
- the proportion of take-down requests not addressed by the poster which are sent to social media platforms within 48 hours of the initial request being made to the poster.¹⁴

The indicators could be made more informative with some further details. The VEC should report on the number or proportion of instances that were resolved by user take-down/rectification versus the number reported to social media platforms. The VEC should also set a target to measure the outcomes after the VEC reported a matter to a social media platform. This additional information would provide clarity around the effectiveness of the VEC's efforts to enforce the rules about electoral matter online. These measures reflect results that are partly outside the VEC's control but are nonetheless important context for understanding the administration of an election (see further discussion on performance measures that are not fully within the VEC's control in Section 8.2.1).

The Committee notes that the VEC reported some of this information elsewhere in its reporting (see further discussion in Section 6.3.1 of this volume), but would like to see it incorporated into the performance measurement system and reported in more detail.

The VEC also established the new indicator 'Availability of different voting methods'.¹⁵ The VEC set the target at seven and reported the result as eight.¹⁶ No further details were provided. This indicator is not helpful in its current form. The lack of detail results in a lack of meaning.

¹² Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, p. 12.

¹³ 'Successful enactment of procedures for managing in-breach content on social media' and '% of matters resolved successfully when the VEC escalates take down requests to social media platforms and within agreed timeframes'—Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, p. 12.

¹⁴ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 136. Clarification of the second measure was supplied in Victorian Electoral Commission, correspondence, 16 May 2024, p. 3.

¹⁵ Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, p. 11.

¹⁶ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 134.

At the 2022 election, in-person voting at overseas locations was not available and COVID-19 drive-through voting was established as an unplanned-for option after the indicators were established. The indicator does not give insight into this, or even state what voting methods were planned for and what was delivered. The VEC should improve this indicator by including a list of the voting methods it plans to deliver, reporting which methods it delivered and explaining any discrepancies between the target and result.

FINDING 78: The VEC established 20 new performance indicators for the 2022 election. While most of them were appropriate, some were unable to be measured, were unambitious, were unclear, did not measure performance meaningfully or lacked detail.

RECOMMENDATION 47: That, in developing performance indicators for the 2026 state election, the VEC consider the suggestions set out in this section about what makes for better indicators.

8.2.3 Indicators adjusted for the 2022 election

The VEC adjusted the language and/or targets of seven indicators for 2022.

Several of these changes were minor or improved the indicator's value. For example, the VEC improved its indicator around election staff training by not limiting it to election-day staff and increased the target from 90% to 100%.¹⁷

The VEC also modified its indicator measuring the time it takes to process postal vote applications. The VEC's indicator was adjusted in 2022 to start from the Wednesday after the close of nominations.¹⁸ In contrast, the indicator in 2018 started from the close of nominations.¹⁹ This change meant that the VEC's indicator was not affected by the backlog of applications that it receives before the close of nominations.²⁰

The Committee has recommended that the VEC start accepting or rejecting applications as they arrive (before the close of nominations) to allow it to supply postal voter data to parties and candidates earlier (see Section 9.5). As a result, this indicator will need to be adjusted for future elections, as there will not be the same backlog that there currently is.

The Committee would also like to see a change to the target associated with this indicator. The VEC aimed to process 90% of relevant applications on the day that they

¹⁷ Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 165; Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, p. 9.

¹⁸ Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, p. 12.

¹⁹ Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 166.

²⁰ Electors can apply for a postal vote once the election writs are issued (*Electoral Act 2002 (Vic)* s 101(1)), but the VEC cannot send out postal ballot packs until after the close of nominations, ballot draw and production of ballot papers. At the 2022 election, there were 10 days from the issue of writs to the close of nominations—Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 7.

were received.²¹ The VEC received the vast majority of postal vote applications online in 2022 (94%),²² an increase on 2018 (56%).²³ The VEC reports that online applications are more efficient to process than paper applications.²⁴ The Committee's view is this indicator could be improved to reflect the move to online applications by setting a target of processing 100% of applications within 24 hours of receipt (rather than on the day they were received). Given that the VEC has identified challenges presented by poor postal service efficiency,²⁵ the Committee considers this an important goal to help postal voters return their ballots on time.

FINDING 79: The vast majority (94%) of postal vote applications at the 2022 election were made online. The VEC's performance target for processing postal vote applications could be increased to reflect this.

RECOMMENDATION 48: That the VEC adjust its performance indicator regarding processing postal vote applications to reflect the changes to processes recommended in this report and by setting a target of processing 100% of relevant applications within 24 hours of receipt.

8.2.4 The VEC's performance compared to targets

At both the 2014 and 2018 elections, the VEC met exactly two-thirds of its original targets.²⁶ At the 2022 election, the VEC met 22 of 35 targets (62.9%) and failed to meet 12 targets (34.3%). Whether one target was met remains unclear due to a lack of data.²⁷

In some cases where the target was not met in 2022, the VEC's performance was close to the target. The failure to meet these targets was not significant. However, there were several unmet targets which concerned the Committee. These are listed below with reference to where the Committee discusses the relevant issue in this report:

- Two indicators regarding election staff training were not met. The indicator for election officials completing online training was appropriately improved in 2022 by including more staff (it previously only covered election-day officials) and by having

²¹ Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, p. 12.

²² Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 62.

²³ Victorian Electoral Commission, response to questions on notice received 26 April 2023, Attachment B, p. 4. The Committee notes that this figure differs from that provided previously by the VEC (Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 89) and quoted in the previous Committee's report (Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian State election*, August 2020, p. 99).

²⁴ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 62.

²⁵ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 63, 65.

²⁶ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 134–5.

²⁷ Whether the target regarding social media audience reach was met remains unclear, as the VEC did not have the relevant 2018 data to compare to 2022 data. See Section 8.2.2.

its target increased from 90% to 100%.²⁸ However, only 88% of those identified for this training completed it, down from 98.5% of election-day staff in 2018.²⁹ Similarly, only 90% of relevant staff completed VEC core values training (target 100%).³⁰ The VEC's improved reporting here has allowed it to identify a problem that needs to be addressed. The Committee also received other evidence that indicates a need for improved training practices. The Committee discusses this in Chapter 4 of Volume 1.

- 75% of survey respondents recalled seeing or receiving information from the VEC—this was lower than at the 2018 election (85%)³¹ and did not meet the VEC's target of 88%³²—see Section 5.2.1 of this volume.
- The target for 'independent wheelchair accessible venues' was not met in 2014, 2018 or 2022, though the VEC improved its reporting in this area by disaggregating early voting centres and election-day voting centres³³—see Section 4.5.1 of this volume.
- Some early voting centres did not open on time for the start of early voting, resulting in the VEC missing its target (an 84% result against a 100% target)³⁴—see Section 3.2.2 in this volume.
- The VEC did not meet its target for processing postal vote applications in 2022, despite lowering the target from 100% to 90%³⁵—see Section 8.2.3 for the Committee's recommendation for improvements to this indicator.
- The VEC did not meet its overall voter satisfaction target (82% result, 88% target)³⁶, with both a lower result and target than at the 2018 election (84% result, 93% target)³⁷—see Chapter 3 for the Committee's discussion of voter satisfaction and various voting options.

²⁸ Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 165; Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, p. 9.

²⁹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 133; Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 165.

³⁰ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 133.

³¹ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 17.

³² Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 135.

³³ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 134; Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 165; Victorian Electoral Commission, *Report to Parliament on the 2014 Victorian State election*, Melbourne, 2015, p. 119.

³⁴ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 135.

³⁵ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 136; Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 166.

³⁶ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 135.

³⁷ Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 166.

A further unmet target concerned the speed of vote counting. The VEC's result (74% of voting centres with Lower House ordinary votes counted and entered into the Election Management System by 9 pm) did not meet its target of 85% and was less than at the 2018 election (88% by 9 pm). This was despite the VEC altering its indicator in a way that more closely aligned with vote-counting speed at the 2018 election. Following each of the 2018 and 2022 elections, the VEC reported that vote counting had reached the targeted amount one hour after the target time.³⁸

The Committee's view is that the value of a performance indicator can be diminished if it is regularly adjusted. The publication of results on election night is a core activity where the VEC should be expected to have consistent targets. The Committee encourages the VEC to reconsider what its aims for this indicator are across multiple future elections and establish a target that reflects this.

FINDING 80: The VEC did not meet its performance target for election-night vote-counting speed at the 2022 and 2018 elections, despite adjusting the measure after 2018 in a way that closely matched counting speed at that election. Regular adjustment to count speed targets can diminish their value. Publishing results on election night is a core activity for which the VEC should set consistent targets.

RECOMMENDATION 49: That the VEC reconsider its performance indicator regarding Lower House first-preference votes counted and entered into the Election Management System on election night with the aim of establishing a target that is consistent across multiple elections.

8.3 VEC performance measurement beyond elections

In addition to election planning, the VEC uses several other strategies and plans to guide its actions and direction. The previous Electoral Matters Committee discussed the VEC's *Strategy 2023* and *Disability access and inclusion plan 2019–2023*, noting a lack of specificity in the actions listed in these plans and a lack of quantifiable performance measures and targets to track progress against actions.³⁹ The previous Committee recommended:

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.⁴⁰

³⁸ Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 166; Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 136.

³⁹ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 139–45.

⁴⁰ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, p. 145.

The VEC has since released *Strategy 2027*—its strategic plan for 2023 to 2027⁴¹ and three further access and inclusion plans:

- *Multicultural inclusion plan*
- *Out of home action plan* (addressing people experiencing homelessness and people in prisons)
- *Young people inclusion plan*.

The VEC is also developing an *Aboriginal engagement plan*.⁴²

Strategy 2027 follows a similar format to *Strategy 2023*, and again does not include quantifiable performance measures and targets to track progress against actions.⁴³

The VEC's more recent access and inclusion plans all follow a similar format to its *Disability action and inclusion plan*, with lists of actions, many of which are not clearly defined and often lack clear and quantifiable measures and targets.⁴⁴

Each plan commits to reporting progress in the VEC's annual reports⁴⁵ and the 2022–23 annual report provides a summary of activities against the three plans listed above, plus the *Disability access and inclusion plan*. The summary notes how many actions have been delivered for each plan, along with a description of some of the activities undertaken. It does not include a list of every action within each plan, nor does it provide a clear account of the status, targets or measures (if any) used for each action.⁴⁶

FINDING 81: The previous Electoral Matters Committee recommended that the VEC improve its plans and strategies by including concrete actions, measures and quantified targets when they are released. The Commission has not done this in its recently released plans.

RECOMMENDATION 50: 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 and the VEC can more transparently report against those plans and strategies.

⁴¹ Victorian Electoral Commission, *Strategy 2027*, Melbourne, 2023.

⁴² Victorian Electoral Commission, *Aboriginal and Torres Strait Islander communities*, <<https://www.vec.vic.gov.au/about-us/what-we-stand-for/self-determination>> accessed 16 April 2024.

⁴³ Victorian Electoral Commission, *Strategy 2027*, Melbourne, 2023, pp. 5–6.

⁴⁴ Victorian Electoral Commission, *Multicultural inclusion plan 2020–2023*, Melbourne, 2020, pp. 7–10; Victorian Electoral Commission, *Out of home action plan 2021–2023*, Melbourne, 2022, pp. 10–12; Victorian Electoral Commission, *Young people inclusion plan 2021–2023*, Melbourne, 2021, pp. 12–15.

⁴⁵ Victorian Electoral Commission, *Multicultural inclusion plan 2020–2023*, Melbourne, 2020, p. 11; Victorian Electoral Commission, *Out of home action plan 2021–2023*, Melbourne, 2022, p. 13; Victorian Electoral Commission, *Young people inclusion plan 2021–2023*, Melbourne, 2021, p. 16.

⁴⁶ Victorian Electoral Commission, *Annual report 2022–23*, Melbourne, 2023, pp. 97–9.

The VEC's *Young people inclusion plan* is accompanied by a monitoring and evaluation plan which includes a program logic outlining how actions are intended to lead to various impacts and a 'process and outcome evaluation using mixed methods to determine how effectively we [the VEC] have implemented the Young People Inclusion Plan'.⁴⁷

However, the effectiveness of the monitoring and evaluation plan is likely to be severely limited by its failure to assess the primary purpose of the *Young people inclusion plan*. That primary purpose is to increase participation:

The purpose of the Young People Inclusion Plan (YPIP) is to increase the participation of younger people in formal democratic processes, indicated by the rate at which they enrol and vote at elections.⁴⁸

Despite listing changes in enrolment and voting by young people among the outcome evaluation areas, the monitoring and evaluation plan explicitly states that it will not assess electoral participation outcomes: 'The evaluation will not assess whether activities of the Young People Inclusion Plan cause enrolment and voting outcomes.'⁴⁹ As discussed in relation to these indicators more broadly (see Section 8.2.1), the Committee considers these to be major indicators that need to be considered and reported on, even if the results are partly determined by factors outside the VEC's control.

FINDING 82: The VEC's plan to evaluate the outcomes of its *Young people inclusion plan* explicitly excludes assessing enrolment and voting outcomes, despite the primary purpose of the plan being to increase the rate of enrolment and voting among young people.

RECOMMENDATION 51: That the VEC include election participation outcomes in the monitoring and evaluation of all of its access and inclusion plans.

8.4 The VEC's report to Parliament

The Electoral Act requires the VEC to prepare a report to Parliament on the administration of each election it conducts.⁵⁰ The VEC's report on the 2022 election was tabled in Parliament in October 2023. The report is substantial, contains a significant volume of data and provides a good overview of the election. It includes

⁴⁷ Victorian Electoral Commission, *Young people inclusion plan: monitoring and evaluation plan*, n.d., <<https://www.vec.vic.gov.au/-/media/c7e7e3a31d0d4f7eb18dd800673077eb.ashx>> accessed 9 February 2024, p. 2, Appendix 1.

⁴⁸ Victorian Electoral Commission, *Young people inclusion plan 2021–2023*, Melbourne, 2021, p. 6.

⁴⁹ Victorian Electoral Commission, *Young people inclusion plan: monitoring and evaluation plan*, n.d., <<https://www.vec.vic.gov.au/-/media/c7e7e3a31d0d4f7eb18dd800673077eb.ashx>> accessed 9 February 2024, p. 3.

⁵⁰ *Electoral Act 2002* (Vic) s 8(2)(b).

data and analyses that have not been included following previous elections, sometimes in response to recommendations of the previous Electoral Matters Committee. The Committee is pleased to see this improvement.

In conducting this Inquiry, the Committee has identified a number of areas where future reports could be further improved. These include:

- ensuring that all important matters are discussed
- providing additional data on some topics
- checking that all data are clear, consistent and presented in a helpful way
- producing more robust analyses, including discussions of trends across elections.

These issues are discussed in detail in different sections of this report. This section provides a summary of the points made in other chapters of this volume to provide an overview of how future reports could be improved.

There were two major problems that occurred at the 2022 election that were not discussed at all in the report:

- multiple voting centres running out of ballot papers on election day and at least one centre closing during voting hours (see Chapter 10)
- over 60,000 postal votes not being counted due to people incorrectly completing the declaration on the ballot pack (see Section 3.6.1).

The Committee considers it important for matters like these to be included in the report for the sake of transparency and so that the Parliament can be informed about issues which may need its attention. Any events which compromise people's ability to vote or have their vote counted are serious and should be highlighted.

The Committee has identified various additional data which would have been useful for understanding what occurred at the 2022 election. The Committee would like to see future reports include:

- the number of votes received from interstate and overseas, broken down according to the voting channels used (see Section 3.4)
- a break-down of the reasons why postal votes that were received by the deadline but rejected could not be counted (see Section 3.6.1)
- turnout rates for all age groups broken down by whether or not they are subscribed to VoterAlert (see Section 5.4.1)
- a variety of information about suspected multiple voters (see Section 7.2)
- what measures the VEC established to ensure that ballot boxes and ballot papers are not tampered with or lost, and the effectiveness of these measures (see Section 7.3.1).

There are also several areas where the Committee considers that the VEC's data are unclear, are inconsistent or could have been presented in a more helpful way:

- the turnout rate for 2022 was calculated and reported across different products using a variety of formulae (see Section 2.3)
- the total advertising expenditure may be calculated differently in 2022 compared to previous years and the share of advertising on culturally and linguistically diverse communities has been reported in different ways in different reports (see Sections 5.2 and 5.5)
- the VEC excluded voters over the age of 80 from its reporting on apparent multiple voting without any note informing readers that the data were incomplete; in earlier years it excluded voters over the age of 70 (see Section 7.2).

A key issue in these cases is that data have been calculated in different ways at different times. The Committee has also seen this with reporting on direct enrolment (see Section 2.3.3). Usually this is because different things were included or excluded when calculating a figure. These changes make it difficult to compare different elections and to understand trends over time. The Committee encourages the VEC to report data using consistent formulae and categorisations across elections. Where there is a good reason to change the formula or categorisation used, best practice would be to explain the change and to recalculate the figures from previous elections using the new approach where possible.

In terms of the discussion in the VEC's report, the Committee would like to see more robust analysis of trends across elections regarding:

- electors excused and not excused from voting (see Sections 2.3.2 and 2.3.4)
- the impact of the direct enrolment program on turnout (see Section 2.3.3)
- votes cast overseas (see Sections 2.3.4 and 3.4)
- votes cast at mobile voting centres (see Section 2.3.4)
- apparently accidental and apparently intentional informal vote figures as a percentage of all votes (see Section 2.4.3).

The Committee also identified areas where the VEC's analysis could have been more complete:

- the turnout rate of different age groups, which would have benefited from looking at turnout as a proportion of the eligible population (see Section 2.3.3)
- how the availability of voting channels may have impacted turnout and postal voting rates (see Sections 2.3.4 and 3.6.1)
- the reasons for the growth in postal voting at the 2022 election (see Section 3.6.1).

The Committee encourages the VEC to take these points on board when preparing future reports to Parliament.

FINDING 83: The VEC's report to Parliament on the 2022 state election is improved compared to previous years, with new data and analysis added. However, there remains scope for improvement in ensuring that all important matters are discussed, providing additional data, checking that data are clear, consistent and presented in a helpful way, and producing more robust analyses on some issues.

RECOMMENDATION 52: That, in preparing future reports to Parliament on elections, the VEC incorporate the Committee's suggested improvements set out throughout the Committee's report and summarised in Section 8.4 of Volume 2.

Chapter 9

Implementing the law

9.1 Introduction

The Electoral Act establishes the key rules for an election, both in terms of how candidates can campaign and how the Victorian Electoral Commission (VEC) conducts the election. One of the VEC's obligations is to follow these rules itself and to ensure that candidates and other participants also follow the rules.

Multiple candidates, parties and volunteers raised concerns with the Committee about the way that the VEC enforced the rules at the 2022 election. They cited examples of staff appearing not to be familiar with electoral laws, of staff giving unlawful directions, of staff failing to give lawful directions and of rules being enforced inconsistently.

Section 9.2 looks at the way electoral laws were enforced at voting centres. The Committee finds that some election officials were not sufficiently familiar with the relevant rules and that inadequate training may have played a role. Issues relating to managing poor behaviour by candidates and campaigners are not included in this section—these are discussed separately in Chapter 12 of this volume.

Sections 9.3–9.5 deal with three other areas of law that the VEC is required to administer. Section 9.3 looks at the VEC's role enforcing the legislated authorisation requirements for electoral matter. Section 9.4 looks at the standards used when registering how-to-vote cards. Section 9.5 looks at how the VEC provides postal voter data to parties and candidates. In all three cases, the Committee considers that changes to the legislation are required.

Section 9.6 looks at the way that out-of-district early votes are counted. The Committee would like to see changes to allow these votes to be counted on election night in voting centres where there is a large number of these votes.

9.2 Enforcing the law at voting centres

Numerous questions have been posed about the staffing challenges associated with marshalling a large and temporary workforce to conduct the election. Necessarily, that means there will be a mix of skills, experience and personal approaches within that pool. In our experience, and certainly that of other parties we are aware, based on submissions, there are also widely varying levels of familiarity with the Electoral Act itself. At times this resulted in unlawful directions being issued and frequently inconsistent decisions being made. The problems associated with these discrepancies were compounded by a clear lack of an escalation and resolution point within the commission, and for us, the frankly confusing and opaque complaints process.

Steph Price, Treasurer, Victorian Socialists, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, pp. 41–2.

The Committee heard from numerous stakeholders about problems with the way election officials enforced rules at voting centres. This included cases of staff not being familiar with electoral laws and staff introducing rules with no basis in the law.

Several stakeholders considered that these problems were partly caused by inadequate training of election officials. Stakeholders also suggested that inadequate training was an issue in relation to several other aspects of the election and is discussed in Chapter 4 of Volume 1 of this report.

9.2.1 The way rules were enforced

The Animal Justice Party described its experience with the enforcement of legislation at voting centres in 2022:

There was a vast array of experiences across voting centres for how queries were answered and how complaints regarding other parties were handled by VEC officials. The issues predominantly related to officials being unsure of the relevant legislation relating to ‘everyday’ areas of electoral law, such as the number and type of corflutes allowed for each party and where they could be located, the correct authorisations that were required on election materials, the rules around campaigners entering buildings to use facilities or to vote, and other similar matters relating to voting centre operations and campaigners’ behaviour.¹

Rules relating to signage seemed to be a particular difficulty at multiple voting centres. Several submissions mentioned election officials giving incorrect information about the number of signs that candidates and parties were allowed to display.²

¹ Animal Justice Party, *Submission 104*, p. 10.

² Louisa Willoughby, *Submission 60*, p. 2; Bernadette Thomas, *Submission 67*, p. 1; Victorian Socialists, *Submission 81*, pp. 7–8; The Australian Greens Victoria, *Submission 87*, p. 5. See also Liberal Party of Australia (Victorian Division), *Submission 103*, p. 14.

Louisa Willoughby, an independent candidate, noted one election official's interpretation of legislation regarding signage:

The fact that the signs are 'chosen by' the candidates/party, not 'representing' them was a point of confusion across the state and required escalation when, for example, the VEC's Berwick pre-poll manager chose to interpret the ruling as "only two signs with the photo of the lower house candidate is allowed".³

The Committee was also told of election officials enforcing rules that do not exist. One submitter described officials at two voting centres instructing campaigners to take down signs because they were not registered.⁴ The Animal Justice Party stated that campaigners at one voting centre were told that they had to pay \$75 to display materials.⁵

A lack of knowledge of the rules about signage was also noted by parties in response to a post-election survey commissioned by the VEC⁶ and by members of Parliament in the survey undertaken by the Committee (see Section B.4.5 in Appendix B).

Other areas of concern about election officials' interpretation of the rules included:

- inconsistent rulings from voting centre managers about whether parties could retrieve used how-to-vote cards for reuse, with some managers allowing it and others not⁷
- election officials specifying areas where campaigners were not allowed to campaign in addition to the six-metre zone prescribed by the Electoral Act⁸
- election officials telling campaigners that they were prohibited from walking and talking with voters⁹
- at the Narracan District supplementary election, election officials telling campaigners to stop handing out flyers at one voting centre while allowing them at another.¹⁰

These experiences suggest that multiple election officials did not have a good understanding of the laws that relate to voting centres.

³ Louisa Willoughby, *Submission 60*, p. 2.

⁴ Leonie Schween, *Submission 84*, p. 2.

⁵ Animal Justice Party, *Submission 104*, p. 10; Natalie Kopas, Advocacy Manager, Animal Justice Party, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 40.

⁶ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 141.

⁷ Trevor Smith, *Submission 20*, p. 1; Victorian Socialists, *Submission 81*, p. 8; Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 141.

⁸ Victorian Socialists, *Submission 81*, pp. 6, 8; Veronica Monaghan, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 10.

⁹ Steph Price, Treasurer, Victorian Socialists, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 43.

¹⁰ Austin Cram, *Submission 88*, p. 3.

FINDING 84: Multiple parties and candidates told the Committee that some election officials appeared not to have a thorough understanding of the electoral laws that apply to voting centres. This resulted in inconsistent enforcement of rules, incorrect interpretations of electoral laws and attempts to enforce rules with no basis in law.

9.2.2 Problems with staff training

Inadequacies with the VEC's training may have been one cause of the problems discussed in Section 9.2.1. It appeared that, in at least some cases, election officials were simply unaware of the rules. In other cases, the VEC's training materials may have been unclear or inaccurate. These issues are discussed in more detail in Section 4.2 of Volume 1.

Warwick Gately AM, the former Electoral Commissioner, recognised that there were inconsistencies between voting centres in the way that VEC staff enforced rules and noted the challenges with training the workforce:

1800 voting centres on election Saturday, every one of those with a voting centre manager, with a very short time line to train them all as well, and that cascade training down across a casual workforce – there will be inconsistencies. Look, I accept that entirely. We do everything we can, and potentially there are voting centre managers and others that we have recruited that perhaps are not up to the task, that perhaps do not understand their obligation to stay within their training guidelines. A key message I put to all our senior election officials is just that: you are there to comply, you are there to deal with the public, you are providing a service. But I do accept that there will be, from voting centre to voting centre, some different interpretation of their role and the law.¹¹

Following the 2018 election, the previous Electoral Matters Committee identified a need for a review of the VEC's training processes.¹² The current Committee considers that additional work is required in this area. This is further discussed in Section 4.2 of Volume 1.

Recognising that there will always be cases where election officials make mistakes, there also need to be clear escalation processes for disagreements between campaigners and election officials. That is, when a disagreement about the rules arises, there should be somebody with expertise that the campaigner can raise the issue with who can definitively state what is allowed and what is not. This process must enable issues to be dealt with appropriately and quickly. The Committee was told that improvements are needed in this area. This is discussed in Section 4.3 of Volume 1.

¹¹ Warwick Gately AM, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 5.

¹² Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 169–72.

9.3 Dealing with unauthorised material

One of the VEC's roles is to enforce the authorisation requirements set out in the Electoral Act for any 'electoral advertisement, handbill, pamphlet or notice'.¹³ The Act requires these materials to include the name and address of the person authorising the materials and (in some cases) details of the printer.

The VEC argued that these provisions should be revised. The VEC pointed out that the provisions were developed more than 20 years ago and suggested that they are out of date. The VEC also noted the impracticality of enforcing authorisation requirements online.¹⁴ This has resulted in an approach where the VEC only enforces the authorisation requirements in response to complaints.¹⁵ This has been seen as unfair in some cases by people who have been told they need to authorise their online content while other people with similar content had not authorised their material.¹⁶ In one case, it led to people questioning the political impartiality of the VEC.¹⁷

The VEC has called for the relevant section of the Act to be revised and synchronised with 'the more modern' requirements in the Commonwealth Electoral Act. The Commonwealth act only requires much narrower classes of electoral matter to be authorised, requires less details about the address of the person authorising the material and does not include a requirement to include the printer's details.¹⁸ The Liberal Party similarly suggested using the same definition of electoral matter in Victorian and Commonwealth legislation and removing the requirement to state who printed electoral material.¹⁹

Alternatively, Gary Maas MP suggested a campaign-material registration process to assist the VEC to act on unauthorised material.²⁰

The Committee believes that it would be appropriate for the Parliament to reconsider the provisions relating to electoral authorisation and the definition of electoral matter. Several changes were also suggested by the previous Electoral Matters Committee as part of its Inquiry into the impact of social media on Victorian elections and Victoria's electoral administration.²¹ These recommendations could be considered at the same time.

¹³ *Electoral Act 2002 (Vic)* s 83.

¹⁴ Victorian Electoral Commission, *Submission 59*, pp. 37, 62–3.

¹⁵ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the impact of social media on Victorian elections and Victoria's electoral administration*, September 2021, p. 208.

¹⁶ Name withheld, *Submission 64*, p. 1.

¹⁷ See, for example, Remy Varga, 'Andrew Bogut claims he is being "silenced" over VEC notice', *The Australian*, 20 January 2022, <<https://www.theaustralian.com.au/nation/andrew-bogut-claims-he-is-being-silenced-over-vec-notice/news-story/f1828900ca47c1d702a242420bd2eef>> accessed 20 January 2024.

¹⁸ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 78–9.

¹⁹ Liberal Party of Australia (Victorian Division), *Submission 103*, pp. 13–14.

²⁰ Gary Maas MP, Member for Narre Warren South, *Submission 101*, p. 8.

²¹ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the impact of social media on Victorian elections and Victoria's electoral administration*, September 2021, pp. 200–8.

FINDING 85: The requirements in the Electoral Act for material to be authorised are over 20 years old. They are impractical to enforce online and inconsistent with the provisions of the Commonwealth Electoral Act.

RECOMMENDATION 53: That the Government introduce legislation amending the provisions in the Electoral Act relating to the authorisation of electoral matter to:

- reduce what types of matter need to be authorised to be the same as in the Commonwealth Electoral Act
- remove the requirement to include details of the printer
- harmonise other provisions with the Commonwealth Electoral Act where appropriate
- incorporate the recommendations of the previous Electoral Matters Committee about the authorisation of electoral matter and related issues.

9.4 Registering how-to-vote cards

Another responsibility of the VEC is registering how-to-vote cards, which the VEC is required to do by the Electoral Act. During the 2022 election, there were two significant cases where the Victorian Civil and Administrative Tribunal (VCAT) overturned decisions by the VEC to not register cards. In both cases, VCAT disagreed with the VEC's interpretation of the legislation.

In the first case, the VEC rejected the cards of three independent candidates, Sophie Torney, Melissa Lowe and Dr Kate Lardner. The VEC rejected the cards because they contained images of ballot papers which only included a number 1 for the preferred candidate, with the other boxes left blank (see Figure 9.1). The VEC considered that the content of the cards could mislead an elector into copying the image and leaving boxes blank on their ballot paper, thereby breaching section 79(3) of the Electoral Act. The cards did, however, include instructions to number every box. The cards also listed the word 'independent' with the candidate, despite this not appearing on ballot papers. It was argued that this could cause an elector to think that the candidate had an independent status endorsed by the VEC.²²

²² *Torney v Victorian Electoral Commission* (2022) VCAT 1337; Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 82.

Figure 9.1 A how-to-vote card by Sophie Torney

VOTE 1
Sophie TORNEY

INDEPENDENT for KEW
INTEGRITY | STRONG ECONOMY | CLIMATE ACTION

Vote for Sophie in two easy steps:

- 1 Put a 1 next to Sophie Torney
- 2 Then number every other box in order of your choice.
(You must number every box on your ballot)

Put a number 1 for Sophie Torney and be sure to number every box.

<input checked="" type="checkbox"/>	TORNEY, Sophie Independent
<input type="checkbox"/>	SULLIVAN, Kym Independent
<input type="checkbox"/>	DAVIS, Finlay Independent
<input type="checkbox"/>	SKELTON, Lucy Australian Labor Party
<input type="checkbox"/>	SEELEY, Ann Family First Victoria
<input type="checkbox"/>	WILSON, Jess Liberal
<input type="checkbox"/>	CARTER, Jackie Australian Greens
<input type="checkbox"/>	SCHOFIELD, Ruby Animal Justice Party

Remember... number every box to make your vote count

Vote 1 Sophie Torney to make history in Kew
Sophie Torney has lived in Kew for 23 years. She is a successful businesswoman, active community leader, and mother of three.

A fresh start in Kew
sophie4kew.com.au

Authorised by S. Torney, 177 High St, Kew VIC.
Printed by Minuteman Press, 554 High St, Prahran VIC

Don't forget to also vote for climate and the environment in the upper house (on the larger ballot paper).

Source: Sophie Torney, *How to vote for Sophie* <<https://www.sophie4kew.com.au/vote4sophie>> accessed 20 January 2024.

The three candidates applied to VCAT to have the decision reviewed. Justice Quigley considered that the how-to-vote cards were not likely to mislead or deceive voters and ordered that the cards be registered.²³

In a separate matter, VCAT overturned the VEC’s decision to not register a how-to-vote card because it contained a representation of an entirely blank ballot paper.²⁴

Both the VEC and the independent candidates called for clarification of the legislation following these decisions.²⁵

23 Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 82.

24 Victorian Electoral Commission, *Submission 59*, p. 64.

25 Victorian Electoral Commission, *Submission 59*, p. 66; Melissa Lowe et al., *Submission 62*, p. 17. Concerns were also raised in one response to the Committee’s survey of members of Parliament (see Section B.4.11 in Appendix B of this volume).

The Committee's Inquiry has identified several other problems with the registration of how-to-vote cards, which are discussed in Section 13.3 of this report. In that section, the Committee recommends removing the requirement for how-to-vote cards to be registered. If the requirement is not removed, it would be appropriate for section 79 of the Electoral Act to be reviewed to incorporate VCAT's rulings.

However, even if section 79 were repealed, there would still be potential problems if how-to-vote cards are perceived as breaching the more general provisions about misleading or deceptive material (section 84 of the Electoral Act). The Committee notes that there have also been other points of disagreement between candidates and the VEC about what constitutes misleading material on how-to-vote cards.²⁶ The Committee therefore considers that it would be appropriate for this section of the Act to be reviewed to provide clarity for the VEC and candidates about what is permitted.

FINDING 86: The VEC's interpretation of the legislation regarding what is allowed on how-to-vote cards was overturned by the Victorian Civil and Administrative Tribunal (VCAT) in two instances. VCAT did not consider that representations of blank ballot papers or ballot papers with some blank boxes violated the requirements for how-to-vote cards set out in the Electoral Act. Clarifying the legislation would reduce potential problems at future elections.

RECOMMENDATION 54: That the Government introduce legislation revising the provisions in the Electoral Act relating to misleading and deceptive matter to provide clarity about what is permitted on a how-to-vote card. This should include specific guidance on matters which have caused contention between the VEC and candidates, such as the depiction of blank boxes.

9.5 Providing postal voter data to parties and candidates

The Electoral Act requires the VEC to provide the names and addresses of people who successfully apply to vote by post at a specific election to political parties and candidates.²⁷ Information about general postal voters is supplied as part of the electoral roll, which is provided to candidates after the close of rolls (with earlier extracts provided to parties and members of Parliament before an election). It is important that parties and candidates receive postal voter data in a timely manner so they can provide information about themselves to postal voters in close proximity to the VEC sending their ballot packs. This helps to ensure that postal voters can make an informed decision when they vote.

²⁶ See, for example, Stephen Capon, *Submission 52*, pp. 8–9.

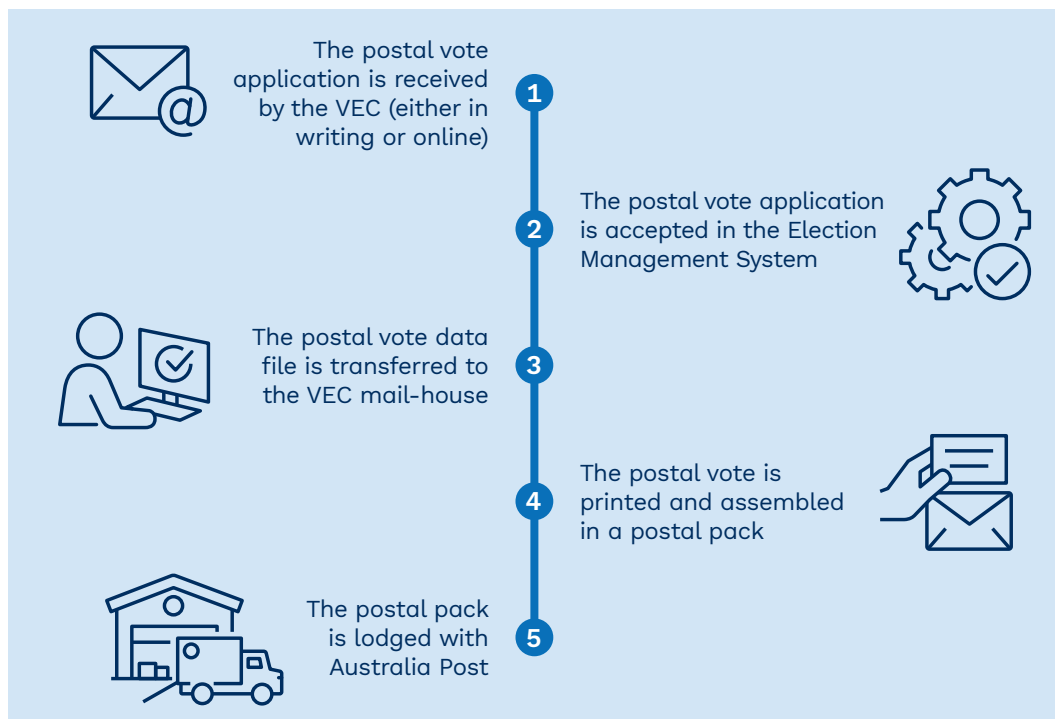
²⁷ *Electoral Act 2002 (Vic)* s 104A.

The Committee has identified three barriers which currently delay this process:

1. the wording of the Electoral Act, which specifies that the data about people who apply to vote by post at one specific election cannot be sent to parties and candidates until a ballot paper has been ‘issued’
2. the VEC’s processes for election-specific postal vote applications, which currently do not accept or reject applications and produce postal voter data for parties and candidates until after the close of nominations
3. the VEC’s processes for general postal voters, which do not pass information about recent successful applications to candidates and parties until after the close of nominations.

The VEC has not provided consistent information regarding the point in the process at which it can provide data about election-specific postal votes to parties and candidates. The VEC told a previous Electoral Matters Committee that it ‘provided parties with data at the point where files were extracted from VEC systems’ to be sent to the VEC mail-house (or head office for small print runs)—step 3 in Figure 9.2.²⁸ In more recent correspondence to this Committee, the VEC stated that the details are provided at a later stage in the process, after the ballot pack is printed and assembled—step 4 in Figure 9.2.²⁹

Figure 9.2 Steps in issuing a postal vote ballot pack



Source: Electoral Matters Committee.

²⁸ Victorian Electoral Commission, *Response to Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election*, 27 November 2020, p. 20.

²⁹ Victorian Electoral Commission, response to questions on notice received 23 October 2023, Attachment B, p. 18.

The Electoral Act specifies that the data cannot be passed on until the ballot paper has been ‘issued’.³⁰ The VEC argued that this occurs at step 4 in Figure 9.2.³¹ As a result, there can be a significant delay between when a postal vote application is received (step 1 in Figure 9.2) and when parties and candidates can receive the data. While people can apply for a postal vote as soon as the writs have been issued, the VEC cannot issue ballot packs (and therefore provide postal voter data to parties and candidates) until after the close of nominations, nearly two weeks later.

The VEC stated that, if the Electoral Act were changed to allow for postal voter data to be shared with parties and candidates before a ballot pack is issued, the earliest point at which the VEC could provide postal voter data is when the postal vote application is accepted—step 2 in Figure 9.2.³² Dana Fleming, the Deputy Electoral Commissioner, expressed a willingness to release the data earlier, should the Electoral Act allow it, noting that it would give parties and candidates more time to prepare communication to send to postal voters.³³

However, subsequent correspondence from the VEC noted ‘operational constraints’ and ‘pressures in the current timeline’ which result in the VEC not accepting or rejecting postal vote applications until after the close of nominations.³⁴ The VEC’s process means that there may be a significant gap between steps 1 and 2 in Figure 9.2.

Further, the Committee was told that postal voter data reports for parties and candidates are currently generated after postal vote data files are transferred to the VEC mail-house (step 3 in Figure 9.2), and changing this would not be simple.³⁵ The VEC stated:

Any change to bring forward the generation of the datafiles would require significant re-engineering of the current postal vote process and additional resourcing to support earlier daily processing.³⁶

The Committee supports measures that assist voters to be more informed about their choices in an election. In the case of postal voters, access to information about parties and candidates standing for election relies on parties and candidates having timely access to postal voter data in order to provide such information. While the Committee recognises the challenges outlined above, it believes that a change in legislation and VEC practice to provide data to parties and candidates earlier will benefit voters.

The Committee supports legislative and operational changes that will allow the VEC to accept or reject election-specific postal vote applications as they are received (before the close of nominations) and to provide postal voter data to parties and candidates

³⁰ *Electoral Act 2002* (Vic) s 104A(1).

³¹ Victorian Electoral Commission, response to questions on notice received 23 October 2023, Attachment B, p. 18.

³² Victorian Electoral Commission, response to questions on notice received 23 October 2023, Attachment B, p. 19.

³³ Dana Fleming, Deputy Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 21.

³⁴ Victorian Electoral Commission, response to questions on notice received 23 October 2023, Attachment B, p. 19.

³⁵ Victorian Electoral Commission, response to questions on notice received 23 October 2023, Attachment B, p. 19.

³⁶ Victorian Electoral Commission, response to questions on notice received 23 October 2023, Attachment B, p. 19.

as applications are accepted. The VEC should provide such data within 24 hours of a successful postal vote application being entered into the VEC's system.

Section 104A of the Electoral Act, which provides for election-specific postal voter data to be provided to political parties and candidates, does not apply to general postal voters.³⁷ Currently, candidates do not receive a complete list of general postal voters until the final electoral rolls are provided after the close of nominations.

This means that parties and candidates are not able to provide people who recently became general postal voters with information to inform their vote in a timely manner. The Committee considers that general postal voter information should be provided to parties and candidates as soon as practicable after the close of rolls (the deadline for general postal voter applications) rather than being delayed until after the close of nominations.

FINDING 87: The VEC is required to provide details about people who have applied for postal votes to parties and candidates. This allows parties and candidates to send voters information to help them make informed decisions. However, the Electoral Act and VEC procedures prevent the delivery of postal voter data to parties and candidates until ballot packs have been issued (for applications to vote by post at one specific election) or until after the close of rolls (for general postal voters). Further, current VEC practice is to not start processing election-specific postal vote applications until after the close of nominations, despite applications being open nearly two weeks earlier. Removing these barriers would allow postal voters to receive information from parties and candidates sooner.

RECOMMENDATION 55: That the Government introduce legislation amending section 104A of the Electoral Act to remove the requirement for the VEC to wait until it has issued ballot packs to postal voters to provide postal voter data to candidates and political parties. The Act should instead allow the VEC to provide such data as soon as it has accepted an application under Section 104(1) or 104(1A).

RECOMMENDATION 56: That, contingent on the Electoral Act being amended to allow it, the VEC process applications to vote at one specific election and provide these voters' data to political parties and candidates as it receives applications during the time between the issue of the writs and the close of nominations. The VEC should provide such data within 24 hours of a successful application being entered into the VEC's system.

³⁷ *Electoral Act 2002 (Vic)* s 104A. See also Victorian Electoral Commission, response to questions on notice received 23 October 2023, Attachment B, p. 19.

RECOMMENDATION 57: That the Government introduce legislation amending the Electoral Act to require the VEC to provide parties and candidates with a complete list of general postal voters within 48 hours of the close of rolls or within 24 hours of a candidate's nomination, whichever is earlier.

9.6 Counting out-of-district early votes

Some Inquiry stakeholders advocated for changes that would allow more early votes to be counted on election night.³⁸

The VEC's current practice is to count early votes cast within a voter's district on election night at the early voting centre where they were cast. Early votes cast outside the voter's district in 2022 were not counted on election night. Instead these votes were sent to the Centralised Activity Site, where they were counted in the week after election day.³⁹

The Labor Party's submission argued for change that would allow early votes cast out-of-district to be counted and reported on election night, rather than transferred to the Centralised Activity Site and counted after election day. The Labor Party particularly highlighted early voting centres that are 'close to the borders of districts or those in large regional centres that service multiple surrounding districts'.⁴⁰ The submission noted that in Ripon District in 2022, the later counting of out-of-district early votes contributed to a delay in determining the election result.⁴¹

The Committee's view is that change that would allow for out-of-district early votes to be counted on election night would be welcome, particularly at early voting centres where the VEC is able to predict large numbers of out-of-district early votes. The Committee understands that this may involve changes to the VEC's processes and potentially changes to legislation or regulations. The Committee considers that this is something that the VEC should explore further.

FINDING 88: At the 2022 election, early votes cast within a voter's district were counted on election night at the early voting centre where they were cast. Early votes cast by voters outside their district were sent to the Centralised Activity Site, where they were counted in the week after election day. In one district, this contributed to a delay in determining the election result.

³⁸ Carlo Toncich, *Submission 71*, Appendix, p. 2; Victorian Labor Party, *Submission 82*, p. 6.

³⁹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 70. The VEC's planning documents specified that out-of-district early vote counting would begin on Tuesday 29 November—Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, p. 34; Victorian Electoral Commission, *2022 State election: district candidate handbook*, Melbourne, n.d., p. 49.

⁴⁰ Victorian Labor Party, *Submission 82*, p. 6.

⁴¹ Victorian Labor Party, *Submission 82*, p. 6.

RECOMMENDATION 58: That the VEC explore ways to provide for out-of-district early votes to be counted on election night in voting centres where there is a large number of out-of-district early votes (such as those near the boundary of a district and those that service multiple districts in regional areas).

Chapter 10

Ballot paper shortages

10.1 Introduction

Every elector that attends a voting centre on election day should be able to cast a vote. Ensuring that this can happen is one of the Victorian Electoral Commission's (VEC's) key obligations in running an election. Unfortunately, in 2022 multiple voting centres experienced ballot paper shortages on election day, and at least one voting centre closed before the official close of voting at 6 pm. This resulted in some Victorians not being able to cast a vote.

The Committee considers this to be completely unacceptable and a significant failure in the VEC's service delivery. It is essential that measures be put in place to ensure that this does not happen again.

Sections 10.2 and 10.3 examine what happened on election day.

Section 10.4 explores the VEC's ballot paper production and allocation processes. The Committee found that the factors leading to ballot paper shortages included inaccurate allocations of ballot papers by the VEC and a failure in the system for voting centres to get more ballot papers on election day.

Section 10.5 looks at the VEC's communication around what happened. The VEC's communication about this issue has been unclear, incomplete and at times inaccurate. On election day and in the days after the election, the VEC made inaccurate public statements about what occurred (discussed separately in Section 6.4 in this volume). Senior VEC officials were unaware of issues when the Committee raised them, months after the election. The VEC's report to Parliament did not mention this issue. The VEC's failure to have appropriate processes in place to know when something like this occurred is very concerning to the Committee. The Committee is not convinced that even now the VEC knows the full extent of what occurred. The failure to report on the matter is also concerning and suggests that the VEC is not taking the matter as seriously as it should. The Committee recommends that the VEC thoroughly investigate these matters and produce a report for the Committee to supplement the VEC's report to Parliament on the 2022 election. The Committee will then table the report in Parliament.

The VEC intends to use electronic roll mark-off at all voting centres in the future, allowing ballot paper stock to be tracked and responded to centrally, rather than relying on individual voting centre managers. It is believed that this will reduce the likelihood of problems recurring in the future. The Committee supports this approach (see Section 10.6).

While this change may reduce the likelihood of the same event occurring again at a future election, the VEC should also examine what occurred with its internal processes to understand how significant problems could arise without the relevant information being passed to senior officials.

10.2 Voters unable to vote due to insufficient ballot papers

the Stawell senior citizens [centre], which was where I was giving out how-to-vote cards, ran out at approximately 4 o'clock. More arrived about 4:30 and ran out by 5. From then on the names were written off the roll but you did not have the opportunity to vote, and I was one of those that never got to vote for my member.

Chris Anderson, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 9.

The Committee's Inquiry heard from multiple sources, including a survey of members of Parliament,¹ submissions,² media reports³ and social media,⁴ that some voting centres ran out of ballot papers on election day. This included reports that some voters had to travel to multiple voting centres to vote⁵ or were unable to cast a vote.⁶

The Committee raised concerns about voting centres running out of ballot papers with VEC senior management at a public hearing in March 2023. At that stage, the Committee was told:

we are aware of a very limited number of voting centres that ran short. No voter was turned away. In fact they were provided with the opportunity to travel to other voting centres or alternatively return later in the day.⁷

The Committee told VEC officials at the public hearing about several specific voting centres which had run out of ballot papers. The VEC officials did not appear to be aware of the situation at any of these locations.⁸

In subsequent correspondence and in its submission to this Inquiry, the VEC acknowledged that one voting centre in Stawell (Lowan District) closed before the state-wide close of voting at 6 pm and identified nine voting centres that ran out of

1 See Appendix B.

2 Carly Palmer, *Submission 42*, pp. 1–2; Victorian Trades Hall Council, *Submission 79*, p. 8.

3 Sumeyya Ilanbey, Ashleigh McMillan and Tom Cowie, 'VEC turns to handwritten votes as some booths run out of printed ballots', *The Age*, 26 November 2022, <<https://www.theage.com.au/politics/victoria/vec-turns-to-handwritten-votes-as-some-booths-run-out-of-printed-ballots-20221126-p5c1hu.html>> accessed 29 November 2022.

4 See Section 6.4 in this volume.

5 Carly Palmer, *Submission 42*, pp. 1–2; Chris Anderson, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 9; Stuart Smith, State Director, Liberal Party of Australia (Victorian Division), public hearing, Melbourne, 28 August 2023, *Transcript of evidence*, p. 19; Victorian Electoral Commission, *Submission 59*, p. 105.

6 'Polling booths across the state run out of ballot papers', *3AW*, 26 November 2022, <<https://www.3aw.com.au/polling-booths-across-the-state-run-out-of-ballot-papers>> accessed 29 November 2022; Catherine Watson, 'Questions remain over poll chaos', *Bass Coast Post*, 10 December 2022, <<https://www.basscoastpost.com/news/questions-remain-over-poll-chaos>> accessed 5 December 2023.

7 Ben Sutherland, Director, Elections, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 7.

8 Public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, pp. 7–10.

ballot papers on election day, including Stawell (and an additional nine that ran low on ballot papers).⁹

The VEC also subsequently informed the Committee that there were at least 166 people state-wide who tried to vote on election day but could not because of ballot paper shortages. This number is based on the number of ‘voter information reports’ completed. Filling out a voter information report (recording that you attempted to vote but were unable) is one of several options that election officials were supposed to offer voters if they ran out of ballot papers.¹⁰

The VEC also later reported that it received 32 complaints about ballot paper shortages, of which ‘21 were able to cast a vote, 8 were excused from compulsory voting enforcement’ and the remaining three did not provide a valid excuse to be excused from compulsory voting.¹¹

The Committee notes that the nine voting centres identified by the VEC are only a fraction of the voting centres mentioned by other sources as running out of ballot papers (see Section 10.5).

It is unclear if more electors were unable to vote but did not record their intention to vote with the VEC. The Committee considers it likely that some people who were unable to wait or visit another voting centre did not fill out a voter information report. Evidence from one witness suggested that voters unable to cast a vote may have had their names marked as voted on the electoral roll at one voting centre.¹² If this is the case, it would be impossible to identify these voters.

FINDING 89: At least 166 people were not able to cast a vote at the 2022 election due to ballot paper shortages at voting centres. The exact extent of these shortages and the number of people unable to vote as a result is uncertain. The Committee received evidence from multiple sources that there were voting centres that ran out of ballot papers that the VEC did not identify.

10.3 Voting centre closing early in Lowan District

We went through all of our social media posts about any matters of ballot paper shortage, and we reconciled that against both our complaints and our voter information records. And of course as part of our evaluation more broadly, we have learned from this. We understand what went wrong, and that was a lack of oversight of the ballot paper logistics within the district.

Ben Sutherland, Director, Elections, Victorian Electoral Commission, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 36.

⁹ Victorian Electoral Commission, *Submission 59*, p. 105.

¹⁰ Victorian Electoral Commission, response to questions on notice received 26 April 2023, Attachment B, p. 3.

¹¹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 89.

¹² Chris Anderson, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 9.

The Stawell (Senior Citizens Clubrooms) voting centre ran out of ballot papers and was closed at 5:20 pm, 40 minutes before the official close of voting at 6 pm.¹³

The VEC told the Committee that it ‘under forecasted votes’ at the voting centre based on an expectation that more people would vote early at the neighbouring Ararat early voting centre in Ripon District.¹⁴ This under-forecasting is further evidenced by the need for ‘all neighbouring election day voting centres’ to request and receive additional ballot papers during election day.¹⁵

The VEC told the Committee that the voting centre manager did not request more ballot papers towards the end of election day and that the voting centre manager made the decision to close the voting centre when ballot papers ran out. The voting centre manager took details of people waiting in line when the centre closed, and people were ‘directed to attend neighbouring sites’.¹⁶

The election manager was not informed about the voting centre closing early until the day after election day. A voting centre manager deciding to close a voting centre is not consistent with VEC training and procedures.¹⁷

Dana Fleming, the Deputy Electoral Commissioner, told the Committee:

Yes, our process did not work, and ballot papers did run out at Stawell, and we have fully explained to the committee what the situation was there. That voting centre manager did the best they could in the situation they had at hand. It was their first gig, and this is the challenge the VEC faces with trying to recruit staff for essentially a one-day job. We can improve our training, and we will be looking into that – about how we can go through these issues about what to do when you are running low. The sad reality is because election day was a manual process that required that person to ring someone to say, ‘Can you please deliver me with some more voting ballot papers,’ and they were probably very busy trying to service the 150 people standing outside, they did not make that call in time or did not make that call at all. So these are matters that we are fully aware of and that the committee has rightfully discussed and enabled people to bring to our attention.¹⁸

FINDING 90: The Stawell (Senior Citizens Clubrooms) voting centre ran out of ballot papers and closed at 5:20 pm on election day, 40 minutes before the official close of voting at 6 pm. The VEC under-forecast the number of ballot papers needed at this voting centre, and the voting centre manager did not request additional ballot papers in time to maintain enough stock for electors attending the voting centre.

¹³ Victorian Electoral Commission, correspondence, 22 August 2023, pp. 2–3.

¹⁴ Victorian Electoral Commission, correspondence, 22 August 2023, p. 2.

¹⁵ Victorian Electoral Commission, response to questions on notice received 26 April 2023, Attachment B, p. 4.

¹⁶ Victorian Electoral Commission, correspondence, 22 August 2023, pp. 1, 3. The VEC notes while one ‘top up of 75 ballot papers was provided earlier in the day’, a second top up that would have ‘alleviated the shortage towards the close of voting’ was not requested—Victorian Electoral Commission, correspondence, 22 August 2023, p. 2.

¹⁷ Victorian Electoral Commission, correspondence, 22 August 2023, p. 3.

¹⁸ Dana Fleming, Deputy Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 34.

10.4 Ballot paper production and allocation

10.4.1 The VEC not printing as many ballot papers as it used to

The VEC printed approximately 10 million ballot papers for the 2022 election. This is less than previous elections for which data are available (see Table 10.1). This reduction is despite the fact that more people were enrolled to vote in 2022 than at previous elections.

Table 10.1 Ballot paper production across elections

Election	2002	2006	2010	2014	2018	2022
Ballot papers produced	25,320,000	12,281,000	12,009,000	No data	No data	10,089,895
Enrolment	3,228,466	3,353,845	3,582,232	3,806,301	4,139,326	4,394,465 ^a

a. Includes electors enrolled for Narracan District failed election.

Sources: Victorian Electoral Commission, *Submission 59*, p. 94; Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Melbourne, 2011, p. 6.

The VEC explained how it allocates ballot papers to voting centres (see Section 10.4.2 below). However, it has not explained why this process has resulted in fewer and fewer ballot papers being printed across recent elections. With the ballot paper shortages that were experienced in 2022, the Committee would like the VEC to ensure that the total number of ballot papers it prints will not be a factor in ballot paper shortages in the future.

10.4.2 Allocating ballot papers to voting centres

we anticipated more people from Stawell to travel to Ararat to early vote where they were appropriately provisioned with Lowan ballot papers. It is a circumstance where we got it wrong.

Ben Sutherland, Director, Elections, Victorian Electoral Commission, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 36.

The VEC's process for allocating ballot papers to voting centres involves many factors, including:

- historical voting data
- the availability of neighbouring voting centres
- information from the most recent Commonwealth election
- population growth forecasts from the Australian Bureau of Statistics

- enrolment statistics
- expected voting patterns, including alternative voting methods such as early and postal voting.¹⁹

Election managers provide local knowledge to adjust initial estimates, which are reviewed and endorsed as final estimates by experienced election support officers. Election managers are recommended to provide a 25% buffer above ‘final expected ballot paper estimates for each voting centre’ which they can reduce at their discretion, taking into account local factors that could impact on vote numbers.²⁰

Election managers also allocate additional ballot papers to election liaison officers, who provide ‘roving support’ to multiple voting centres, including by responding to requests for extra ballot papers.²¹

The VEC noted complexities particular to ballot paper estimates in 2022:

- 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.²²

In the case of the Stawell voting centre, the Committee heard evidence that people with local knowledge had told the VEC that its estimates for the number of ballot papers needed were too low. Veronica Monaghan was the campaign manager for the Labor candidate in Lowan and has 20 years of experience campaigning at elections. She told the Committee that she informed the VEC that their estimated vote numbers for Stawell were too low, and while the VEC raised them, it did not raise them enough. Ms Monaghan advocated for the way the VEC calculates its ballot paper estimates to change, noting that the number of votes taken at the 2022 Commonwealth election provided a better estimate than what the VEC was using.²³

¹⁹ Victorian Electoral Commission, response to questions on notice received 26 April 2023, Attachment B, p. 1.

²⁰ Victorian Electoral Commission, response to questions on notice received 26 April 2023, Attachment B, p. 2.

²¹ Victorian Electoral Commission, response to questions on notice received 26 April 2023, Attachment B, p. 2; Victorian Electoral Commission, correspondence, 22 August 2023, p. 1.

²² Victorian Electoral Commission, response to questions on notice received 26 April 2023, Attachment B, p. 2.

²³ Veronica Monaghan, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 9.

FINDING 91: The VEC printed fewer ballot papers in 2022 than at elections in the early 2000s. While the VEC has explained how it allocates ballot papers to voting centres, it has not explained why it produced fewer total ballot papers in 2022 compared to earlier elections.

RECOMMENDATION 59: That the VEC ensure that the total number of ballot papers it produces for future elections does not contribute to ballot paper shortages.

10.5 VEC reporting and communication about ballot paper shortages and a voting centre closing early

The VEC has not communicated well about ballot paper shortages and the early closing of an election-day voting centre. This includes communicating to the public and Parliament, as well as internal communication that would allow the VEC to gain an accurate understanding of the situation.

The VEC's initial responses on social media to reports of ballot paper shortages and a voting centre closing early were inaccurate and are yet to be corrected (see Section 6.4 of this volume).

The VEC appeared to have incomplete knowledge of these issues when appearing at a public hearing with the Committee in March 2023. The early closing of a Stawell voting centre appears not to have been communicated to the then Electoral Commissioner. At the public hearing on 27 March 2023, the former Electoral Commissioner stated in response to questions:

I am certainly not aware of Stawell, and you are raising some specific locations in all the discussions that I am not familiar with, but we will take it away and look at it ... Those locations – Rainbow, Stawell – that you are indicating to me, I am not familiar with.²⁴

Similarly, at that time, Ben Sutherland (the Director, Elections) was of the belief that 'No voter was turned away' from voting centres.²⁵

The Committee acknowledges that the VEC subsequently investigated these issues and provided updated information to the Committee when asked.²⁶ The VEC acknowledged that one voting centre closed early and nine voting centres ran out of ballot papers on election day.²⁷ However, there are still discrepancies between the VEC's statements and

²⁴ Warwick Gately AM, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 9.

²⁵ Ben Sutherland, Director, Elections, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 7.

²⁶ Victorian Electoral Commission, response to questions on notice received 26 April 2023, Attachment B, pp. 1–4; Victorian Electoral Commission, correspondence, 22 August 2023.

²⁷ Victorian Electoral Commission, *Submission 59*, p. 105.

other people's statements regarding both ballot paper shortages and voting centres closing.

The Committee was told that, in addition to the Stawell voting centre, a second voting centre in Lowan District was closed during election day:

Our candidate went to Concongella [Primary School] at about 2. The car park was empty and the gate into the school was locked. The VEC is totally wrong saying the booth did not close and no-one could not vote there. There are many witnesses that could be called to speak to that.²⁸

The VEC's submission reports that, while this voting centre ran low of ballot papers, the Stawell (Senior Citizens Clubrooms) voting centre was the only one that closed due to a lack of ballot papers.²⁹ VEC officials were not aware of reports that the Concongella voting centre had closed when appearing at a public hearing in August 2023.³⁰

Submissions and media reporting detailed ballot papers running low at more than one voting centre in Bass District.³¹ The VEC reported only one voting centre experiencing supply issues in Bass.³² The Committee also notes reports across social media, traditional media, submissions and a Committee survey of members of Parliament³³ that ballot papers ran out at voting centres not included in the VEC's submission. These included voting centres in Ashwood, Bass, Bellarine, Cranbourne, Croydon, Eildon, Eltham, Geelong, Gippsland South, Hastings, Lara, Lowan, Pascoe Vale, Prahran, Ringwood and Sunbury.

Because the VEC has failed to identify and communicate these issues from election day onward, it remains difficult for the Committee to have confidence in the VEC's version of events.

Further, the VEC's report to Parliament on the election does not include any acknowledgement or discussion of a voting centre closing early or ballot paper shortages at particular voting centres on election day, beyond noting some voter complaints about ballot paper shortages.³⁴ The Nationals and the Liberal Party recommended that the VEC report on ballot paper shortages by voting centre in the interest of transparency.³⁵

²⁸ Veronica Monaghan, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 10.

²⁹ Victorian Electoral Commission, *Submission 59*, pp. 94–5, 105.

³⁰ Dana Fleming, Deputy Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 35.

³¹ Austin Cram, *Submission 88*, p. 3; The Nationals Victoria, *Submission 100*, pp. 4, 103; Liberal Party of Australia (Victorian Division), *Submission 103*, p. 6; Catherine Watson, 'Questions remain over poll chaos', *Bass Coast Post*, 10 December 2022, <<https://www.basscoastpost.com/news/questions-remain-over-poll-chaos>> accessed 5 December 2023.

³² Victorian Electoral Commission, *Submission 59*, p. 105.

³³ See Section B.4.6 in Appendix B of this volume.

³⁴ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 89.

³⁵ The Nationals Victoria, *Submission 100*, p. 4; Liberal Party of Australia (Victorian Division), *Submission 103*, pp. 6–7.

The Committee believes that a thorough investigation and report by the VEC is required. The information provided by the VEC so far has not satisfied the Committee that the VEC has a clear understanding of what happened regarding ballot paper shortages and voting centre closures on election day. Moreover, the Committee considers these to be serious issues which should have been discussed in the VEC's report to Parliament. The failure to inform Parliament about what occurred is a significant failure to be transparent by the VEC and should be rectified.

The way that the VEC has communicated about these issues risks harming confidence in Victorian elections. The fact that the VEC only provided information at the Committee's prompting harms the Committee's confidence in the VEC's reporting on ballot paper issues across the state. Failures in internal communication and external communication with this Committee, the Parliament and the Victorian public generally, erode the trust the VEC needs to effectively administer elections.

FINDING 92: The VEC's internal and external communication and reporting regarding ballot paper shortages and a voting centre closing included multiple failures. These failures have resulted in this Committee, the Parliament and the Victorian community not being provided with a clear and accurate account of what occurred at the 2022 election. Such failures risk eroding the trust that the VEC relies upon to effectively administer elections.

FINDING 93: The VEC's decision not to discuss ballot paper shortages and voting centre closures in its report to Parliament on the 2022 election represents a significant failure to be transparent. These events should have been brought to the Parliament's attention so that the Parliament has a clear understanding of what happened at the election and of areas where attention is needed.

RECOMMENDATION 60: That the VEC thoroughly investigate the extent and causes of ballot paper shortages and the closure of voting centres on election day at the 2022 election and produce a report on these matters to supplement the VEC’s report on the 2022 election. This report should be provided to the Electoral Matters Committee, which will then table it in Parliament so that it is available to all members of Parliament and the public. This report should include a complete and accurate account of:

- ballot paper management plans for the 2022 election and why they failed to allocate ballot papers as needed
- all voting centres which closed during voting hours on election day
- all voting centres which ran out of ballot papers on election day
- the factors that led to voting centres running out of ballot papers and/or closing on election day
- the internal communication processes that resulted in VEC senior officials not knowing about voting centres running out of ballot papers and/or closing on election day in the days and months following the election
- the deficiencies in the VEC’s processes that led to the VEC posting inaccurate information about what occurred on social media
- actions that the VEC will be taking at future elections as a result of these incidents.

RECOMMENDATION 61: That, following future elections, the VEC include information in its reports to Parliament about voting centres running out of ballot papers (including temporarily). This should include reporting, for each voting centre which runs out of ballot papers:

- how many people filled out ‘voter information reports’
- how many handwritten ballot papers were used
- when ballot paper stock was replenished, and by how much
- for how long ballot papers were not available.

10.6 Plan for the future

Victorians expect to be able to vote at their nearest voting centre. When they are unable to do this, voting becomes more difficult. Some electors may be unable to vote at all due to factors such as a lack of time or difficulty getting to another voting centre. Ballot paper shortages risk distorting election outcomes if not all electors are able to cast their votes.

Ballot paper shortages reduce public confidence in elections. The Victorian Trades Hall Council's submission noted that a voting centre running out of ballot papers 'erodes the confidence' that voters have in being able to vote at their closest voting centre.³⁶ Carly Palmer's submission stated that her difficulty in voting due to ballot paper shortages reduced her confidence in the validity of elections.³⁷

This impact on public confidence has been exacerbated by the way the VEC communicated about ballot paper shortages (see Section 10.5 above). It is essential that the VEC take appropriate steps to ensure that this does not occur again.

FINDING 94: Ballot paper shortages make it more difficult for people to vote, and result in some people not recording a vote. They also harm public confidence in elections.

The VEC has told the Committee that it is 'deeply disappointed at the events of Stawell (Senior Citizens Clubrooms)' voting centre. Further, the VEC has stated that it will seek to avoid ballot paper shortages in the future by using electronic roll mark-off:

The experience of this election demonstrates the monitoring of consumption of ballot papers is best managed centrally. This can be facilitated by transitioning to electronic roll mark off on election day by deploying laptops to each issuing point within each election day voting centre. This would provide the VEC visibility in real time of the election day voting centres consumption rate, so that emerging issues can be responded to well in advance of the sites progressing to a shortage – without the VCM [voting centre manager] needing to identify a possible shortfall and then communicate that to the EM [election manager].³⁸

The VEC trialled electronic mark-off at the 2023 Narracan District supplementary election and the 2023 Warrandyte and Mulgrave District by-elections and found that this approach did allow it to monitor ballot paper numbers. The VEC has included the cost of expanding this service to all districts in its appropriation request for the 2026 election.³⁹

The Committee supports the VEC implementing electronic roll mark-off at future elections. This should remove the reliance on individual voting centre managers to manage ballot paper stock on election day. This will help to reduce the likelihood of ballot papers shortages affecting future elections, as well as reducing the risk of multiple voting (see Section 7.2 in this volume).

However, the 2022 election has highlighted a fundamental problem with the VEC not knowing what is happening in the field and having poor internal communication about incidents at voting centres. While electronic roll mark-off may reduce the likelihood

³⁶ Victorian Trades Hall Council, *Submission 79*, p. 8.

³⁷ Carly Palmer, *Submission 42*, p. 1.

³⁸ Victorian Electoral Commission, correspondence, 22 August 2023, p. 3.

³⁹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 59; Victorian Electoral Commission, *Report to Parliament: 2023 Warrandyte District by-election*, Melbourne, 2024, p. 23; Victorian Electoral Commission, *Report to Parliament: 2023 Mulgrave District by-election*, Melbourne, 2024, p. 30.

of voting centres running out of ballot papers, other problems will emerge at future elections where it is important for VEC senior staff to know what is happening at voting centres. The VEC needs to review its systems for monitoring what is occurring in the field and its internal communication processes more generally to ensure that it is aware of serious incidents that occur.

FINDING 95: The VEC plans to use electronic roll mark-off at future elections. This will allow the VEC to manage ballot paper stock at voting centres centrally, rather than relying on individual voting centre managers. The Committee supports this approach.

RECOMMENDATION 62: That the VEC implement electronic roll mark-off across Victoria at the 2026 state election.

RECOMMENDATION 63: That the VEC review its systems for monitoring what is occurring at voting centres and its internal communication processes to ensure that there are appropriate systems to alert senior staff about significant incidents that occur at voting centres.

Chapter 11

Informed voters

11.1 Introduction

For an election to be fair, it is important that the system provides a level playing field for all candidates. This chapter and the following chapters look at Victoria's electoral system with this in mind. Overall, the Committee considers that Victoria's system does provide reasonable opportunities for all candidates. However, the Committee has identified some areas where improvements could be made:

- this chapter explores barriers that make it hard for voters to be informed about who they can vote for and how their vote will be counted
- Chapter 12 considers the behaviour of candidates and campaigners and how some candidates have tried to get an advantage over others through poor behaviour
- Chapter 13 looks at the way that the Victorian Electoral Commission (VEC) interacts with candidates and parties and how this could be improved
- Chapter 14 examines the ways that the system treats major parties, minor parties and independents differently.

To be fully informed when they vote, voters need:

1. to understand what candidates their vote will be counted towards based on how they mark their ballot papers
2. accurate information about those candidates.

Participants in this Inquiry stated that there were barriers to both of these things that make it harder for people to be informed when they vote.

It was suggested that group voting tickets make it hard for people to know who their Upper House vote elects, as votes are sometimes distributed to candidates that voters would not expect. While group voting tickets are published, many people do not examine them. Even if people do look at group voting tickets, they can be difficult to interpret. The Committee discusses issues related to this in Section 11.2 of this chapter. The Committee believes that the solution to this is a major reform of Upper House voting, which is discussed in Chapter 6 of Volume 1 of this report.

Other factors make it hard for voters to be informed about candidates and parties and what they stand for. Section 11.3 looks at research and anecdotal evidence which indicate that similar-sounding party names may confuse some voters. The Committee considers that Victoria's laws should be reviewed to reduce this confusion. Section 11.4 considers changes to make a candidate's party affiliation more clear.

Section 11.5 looks at the challenges for candidates and parties with providing information to voters at voting centres. Section 11.6 looks at how some election participants have made it more difficult for voters to find information about other candidates online.

Overall, the Committee considers that it would help voters if there were more reliable sources of accurate information about candidates and parties. Section 11.7 looks at ways that this information could be made available. Further work to identify the appropriate body to host this information is recommended in Section 4.4 of Volume 1.

Some submitters argued that the length of time between the close of nominations and the election was not long enough for voters to research and rank candidates to make an informed vote.¹ Potential changes to the election timeline are discussed in Chapter 3 of Volume 1.

11.2 Confusion caused by group voting tickets

A significant number of submissions to this Inquiry expressed concern about the operation of group voting tickets in Upper House voting. Group voting tickets determine how votes are distributed when people vote ‘above the line’ for the Upper House. Many submitters to this Inquiry believed that voters did not understand how their votes would be distributed when they voted above the line. The Committee considers this to be a serious concern—if voters do not understand how their vote will be counted, the integrity of the democratic system is undermined.

Voters in Victoria are presented with a ballot paper for the Upper House on which there are two ways to vote (see Figure 11.1). Voters can choose to vote:

- above the line, by selecting one party or group
- below the line, by giving preferences to five or more individual candidates.

If people vote above the line, then the vote is converted into a below-the-line vote following a ‘group voting ticket’ determined by the party or group selected. Group voting tickets are decided before the election and must include preferences for every candidate below the line.

¹ Hunter Cullen, *Submission 43*, p. 1; Polipedia, *Submission 68*, p. 5; Prabha Kutty, *Submission 98*, p. 1; name withheld, *Submission 111*, pp. 2–3.

Figure 11.1 Sample Victorian Upper House ballot paper

Directions	Ballot paper	Sample Metropolitan Region		
<p>For your vote to count, you must vote in either one of the two ways described below.</p> <p>Either</p> <p>Place the number 1 in one, and only one of these squares to indicate your choice.</p>	<p>A OR</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 5px auto; text-align: center;">Logo</div> <p>Party Name</p>	<p>B OR</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 5px auto; text-align: center;">Logo</div> <p>Party Name</p>	<p>C</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 5px auto; text-align: center;">Logo</div> <p>Party Name</p>	
<p>Or</p> <p>Place the numbers 1 to at least 5 in these squares to indicate your choice.</p>	<p>A</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin-bottom: 5px;"></div> <p>CANDIDATE, Name Party Name <i>Location</i></p> <div style="border: 1px solid black; width: 40px; height: 40px; margin-bottom: 5px;"></div> <p>CANDIDATE, Name Party Name <i>Location</i></p> <div style="border: 1px solid black; width: 40px; height: 40px; margin-bottom: 5px;"></div> <p>CANDIDATE, Name Party Name <i>Location</i></p> <div style="border: 1px solid black; width: 40px; height: 40px; margin-bottom: 5px;"></div> <p>CANDIDATE, Name Party Name <i>Location</i></p> <div style="border: 1px solid black; width: 40px; height: 40px;"></div> <p>CANDIDATE, Name Party Name <i>Location</i></p>	<p>B</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin-bottom: 5px;"></div> <p>CANDIDATE, Name Party Name <i>Location</i></p> <div style="border: 1px solid black; width: 40px; height: 40px; margin-bottom: 5px;"></div> <p>CANDIDATE, Name Party Name <i>Location</i></p>	<p>C</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin-bottom: 5px;"></div> <p>CANDIDATE, Name Party Name <i>Location</i></p> <div style="border: 1px solid black; width: 40px; height: 40px; margin-bottom: 5px;"></div> <p>CANDIDATE, Name Party Name <i>Location</i></p> <div style="border: 1px solid black; width: 40px; height: 40px; margin-bottom: 5px;"></div> <p>CANDIDATE, Name Party Name <i>Location</i></p> <div style="border: 1px solid black; width: 40px; height: 40px; margin-bottom: 5px;"></div> <p>CANDIDATE, Name Party Name <i>Location</i></p> <div style="border: 1px solid black; width: 40px; height: 40px;"></div> <p>CANDIDATE, Name Party Name <i>Location</i></p>	<p>UNGROUPED</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin-bottom: 5px;"></div> <p>CANDIDATE, Name <i>Location</i></p> <div style="border: 1px solid black; width: 40px; height: 40px; margin-bottom: 5px;"></div> <p>CANDIDATE, Name <i>Location</i></p> <div style="border: 1px solid black; width: 40px; height: 40px; margin-bottom: 5px;"></div> <p>CANDIDATE, Name <i>Location</i></p> <div style="border: 1px solid black; width: 40px; height: 40px;"></div> <p>CANDIDATE, Name <i>Location</i></p>

Source: Electoral Matters Committee.

It was argued that the preferences in group voting tickets do not necessarily align with what voters expect. Instead, people suggested that the preferences are often determined by deals between parties and that these deals are driven by electoral advantage rather than ideology. Group voting tickets are published on the VEC’s website and are available in voting centres. However, it was claimed that people do not look at them and that they are difficult to interpret.

As a result, some people vote without understanding how their preferences will be distributed. It was argued that, in some cases, people’s votes end up counting towards candidates that they do not expect or would not want their vote to count towards. This is explored in Sections 11.2.1 and 11.2.2.

Section 11.2.3 looks at how preferences deals have been coordinated between different parties for a fee. This was highlighted by many who saw this as morally questionable and undemocratic. It was seen to have several negative effects, including:

- advantaging parties that are willing to pay for this service over parties that do not
- pressuring parties to give preferences that they did not want to
- increasing the number of candidates on ballot papers.

The Committee agrees that these are weaknesses in the system. Chapter 6 in Volume 1 of this report includes further discussion about changing the Upper House voting system.

11.2.1 Preferences being directed to parties that voters might not expect

How preferences were distributed in 2022

The Victorian system funnels voters' preferences towards parties they never would support and has been repeatedly exploited to produce unfair and undemocratic outcomes.

Errol Hunt, *Submission 14*, p. 1.

A major concern with group voting tickets is that the preferences in a ticket may not align with what voters expect. Many submitters to this Inquiry believed that the preferences selected by some parties in their group voting tickets were a result of preference deals rather than a reflection of similar ideologies. Figure 11.2 sets out which parties above-the-line votes contributed to electing at the 2022 election.

The Committee has not made any assumptions about whether these results are what voters would have expected. It is also important to understand that there are often limited candidates still in the count towards the end of a count and that a party's vote may go to a candidate that is low in the party's preferences. However, it has been noted that the pattern of preference flows in Victoria is different from what is seen in the Commonwealth Upper House, where there are no group voting tickets and voters must choose their preferences. As Ben Raue explained:

Comparisons between elections conducted using GVTs [group voting tickets] and those using voter-allocated above-the-line voting shows that voters for minor parties tend to give their preferences to better-known parties with similar ideological positions. Voters for small left-wing parties tend to give preferences to Labor and the Greens, rather than other small left-wing parties, let alone minor parties with different political platforms.²

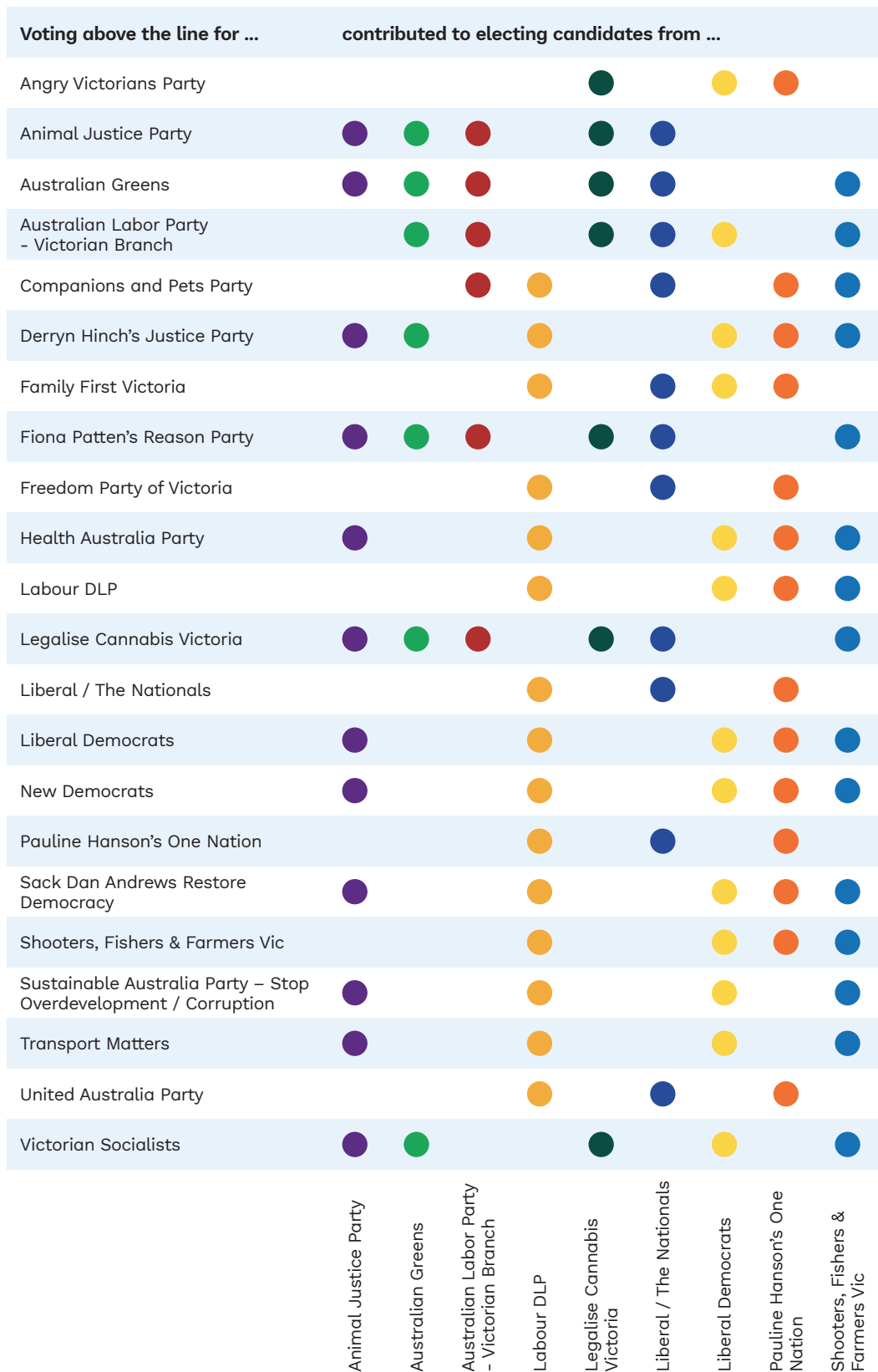
This can also be seen in Lower House voting in Victoria, where significant proportions of minor-party voters give their second preferences to major parties.³

In contrast, as can be seen in Figure 11.2, the group voting tickets for minor parties in Victoria tend to direct preferences to other minor parties rather than the major parties.

² Ben Raue, *Submission 39*, pp. 5–6. See also Antony Green AO, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 3.

³ An analysis of six Lower House districts identified that more than 47.7% of voters for independents and minor parties gave their 2nd preferences to the Labor Party, Liberals, Nationals or Greens (the analysis only provided details of 2nd preferences flows where those flows were greater than 10% of the votes)—Committee analysis based on the analysis of Antony Green AO, *Antony Green's election blog* <<https://antonygreen.com.au>> accessed 24 April 2024.

Figure 11.2 Which parties above-the-line votes contributed to electing at the 2022 election



Source: Electoral Matters Committee calculations based on VEC data.

Where multiple minor parties have coordinated their preferences, this has led to candidates being elected who received very small numbers of first-preference votes. This was seen especially at the 2018 Victorian election, where two candidates who received less than 1% of the first-preference votes were elected based on flows from multiple parties. In contrast, candidates with much higher proportions of the first-preference votes were not elected because few above-the-line votes were directed towards them.⁴ Many people considered this to be an unrepresentative result.

This did not occur in 2022 to the same extent as it did in 2018. The candidates elected with the lowest proportion of first-preference votes were Georgie Purcell MLC and Jeff Bourman MLC, who received 1.5% and 2.9% of the first-preference votes in their regions. However, the difference between 2018 and 2022 was because not as many minor parties coordinated their preferences, rather than because the system was any different. Similar results to 2018 may occur again in the future. As Ben Raue told the Committee:

The absurdly disproportional results we have seen in the past were less noticeable in 2022 because of a change in preference strategy from the minor parties. These parties split into at least three separate groups, preferencing amongst themselves but then favouring larger parties over the other minor party groupings. In particular a number of small left-wing minor parties included Labor and the Greens in their preference arrangements, although still favoured each other over their larger ideological neighbours.

Yet there is no reason to be confident that the change in strategy in 2022 will be repeated in the future.⁵

Did voters understand where their votes would be distributed?

There was some debate among participants in this Inquiry as to whether or not these results were what voters intended. It was argued that many voters do not look at group voting tickets prior to making their selection. Some believed that, even if voters did choose to look at group voting tickets, they were difficult to interpret.

Chris Curtis argued that ‘Voters freely choose to use group voting tickets, so it makes no sense whatsoever to claim that they produce results that “are out of step with the intentions of voters”.’⁶ Group voting tickets were available to any voter who wished to examine them—the VEC published all tickets on its website and they were available in all voting centres on request. Figure 11.3 provides an example of how the VEC publishes the information about preference flows in group voting tickets.

4 How this occurred is discussed in Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 206–11.

5 Ben Raue, *Submission 39*, p. 6. See also Travis Jordan, *Submission 53*, p. 3; The Australian Greens Victoria, *Submission 87*, p. 1; Dr Kevin Bonham, *Submission 89*, pp. 4–5; Antony Green AO, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 5.

6 Chris Curtis, *Submission 41*, p. 45.

Group A Voting Ticket
Victorian Socialists

Group A Voting Ticket
Victorian Socialists

By placing the single figure 1 in the square above the name of this group, you adopt the ticket as marked below the line.

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	AH	AI	AJ	AK	AL	AM	AN	AO	AP	AQ	AR	AS	AT	AU	AV	AW	AX	AY	AZ	BA	BB	BC	BD	BE	BF	BG	BH	BI	BJ	BK	BL	BM	BN	BO	BP	BQ	BR	BS	BT	BU	BV	BW	BX	BY	BZ	CA	CB	CC	CD	CE	CF	CG	CH	CI	CJ	CK	CL	CM	CN	CO	CP	CQ	CR	CS	CT	CU	CV	CW	CX	CY	CZ	DA	DB	DC	DD	DE	DF	DG	DH	DI	DJ	DK	DL	DM	DN	DO	DP	DQ	DR	DS	DT	DU	DV	DW	DX	DY	DZ	EA	EB	EC	ED	EE	EF	EG	EH	EI	EJ	EK	EL	EM	EN	EO	EP	EQ	ER	ES	ET	EU	EV	EW	EX	EY	EZ	FA	FB	FC	FD	FE	FF	FG	FH	FI	FJ	FK	FL	FM	FN	FO	FP	FQ	FR	FS	FT	FU	FV	FW	FX	FY	FZ	GA	GB	GC	GD	GE	GF	GG	GH	GI	GJ	GK	GL	GM	GN	GO	GP	GQ	GR	GS	GT	GU	GV	GW	GX	GY	GZ	HA	HB	HC	HD	HE	HF	HG	HH	HI	HJ	HK	HL	HM	HN	HO	HP	HQ	HR	HS	HT	HU	HV	HW	HX	HY	HZ	IA	IB	IC	ID	IE	IF	IG	IH	II	IJ	IK	IL	IM	IN	IO	IP	IQ	IR	IS	IT	IU	IV	IW	IX	IY	IZ	JA	JB	JC	JD	JE	JF	JG	JH	JI	JJ	JK	JL	JM	JN	JO	JP	JQ	JR	JS	JT	JU	JV	JW	JX	JY	JZ	KA	KB	KC	KD	KE	KF	KG	KH	KI	KJ	KK	KL	KM	KN	KO	KP	KQ	KR	KS	KT	KU	KV	KW	KX	KY	KZ	LA	LB	LC	LD	LE	LF	LG	LH	LI	LJ	LK	LL	LM	LN	LO	LP	LQ	LR	LS	LT	LU	LV	LW	LX	LY	LZ	MA	MB	MC	MD	ME	MF	MG	MH	MI	MJ	MK	ML	MM	MN	MO	MP	MQ	MR	MS	MT	MU	MV	MW	MX	MY	MZ	NA	NB	NC	ND	NE	NF	NG	NH	NI	NJ	NK	NL	NM	NN	NO	NP	NQ	NR	NS	NT	NU	NV	NW	NX	NY	NZ	OA	OB	OC	OD	OE	OF	OG	OH	OI	OJ	OK	OL	OM	ON	OO	OP	OQ	OR	OS	OT	OU	OV	OW	OX	OY	OZ	PA	PB	PC	PD	PE	PF	PG	PH	PI	PJ	PK	PL	PM	PN	PO	PP	PQ	PR	PS	PT	PU	PV	PW	PX	PY	PZ	QA	QB	QC	QD	QE	QF	QG	QH	QI	QJ	QK	QL	QM	QN	QO	QP	QQ	QR	QS	QT	QU	QV	QW	QX	QY	QZ	RA	RB	RC	RD	RE	RF	RG	RH	RI	RJ	RK	RL	RM	RN	RO	RP	RQ	RR	RS	RT	RU	RV	RW	RX	RY	RZ	SA	SB	SC	SD	SE	SF	SG	SH	SI	SJ	SK	SL	SM	SN	SO	SP	SQ	SR	SS	ST	SU	SV	SW	SX	SY	SZ	TA	TB	TC	TD	TE	TF	TG	TH	TI	TJ	TK	TL	TM	TN	TO	TP	TQ	TR	TS	TT	TU	TV	TW	TX	TY	TZ	UA	UB	UC	UD	UE	UF	UG	UH	UI	UJ	UK	UL	UM	UN	UO	UP	UQ	UR	US	UT	UU	UV	UW	UX	UY	UZ	VA	VB	VC	VD	VE	VF	VG	VH	VI	VJ	VK	VL	VM	VN	VO	VP	VQ	VR	VS	VT	VU	VV	VW	VX	VY	VZ	WA	WB	WC	WD	WE	WF	WG	WH	WI	WJ	WK	WL	WM	WN	WO	WP	WQ	WR	WS	WT	WU	WV	WW	WX	WY	WZ	XA	XB	XC	XD	XE	XF	XG	XH	XI	XJ	XK	XL	XM	XN	XO	XP	XQ	XR	XS	XT	XU	XV	XW	XX	XY	XZ	YA	YB	YC	YD	YE	YF	YG	YH	YI	YJ	YK	YL	YM	YN	YO	YP	YQ	YR	YS	YT	YU	YV	YW	YX	YY	YZ	ZA	ZB	ZC	ZD	ZE	ZF	ZG	ZH	ZI	ZJ	ZK	ZL	ZM	ZN	ZO	ZP	ZQ	ZR	ZS	ZT	ZU	ZV	ZW	ZX	ZY	ZZ
1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35	5	30	48	14	19	37	56	1	26	41	32	54	12	28	21	23	52	46	39	5	3	50	35																																																																																																																																						

Others argued that this information was difficult to find or difficult to interpret. For example, Matthew Harris from The Nationals told the Committee:

Someone voting for party A, shall we say – unless they go onto the commission’s website, download the group voting ticket and study it – would have no idea that their vote is likely to end up with party Z. It is hard enough for political professionals like me and others to try and unravel what may or may not happen if someone votes for a certain party under a group voting ticket system. For an ordinary voter who does not spend their time looking at this stuff, there is basically no way they really know where their vote is going to end up.⁷

The Committee agrees that group voting tickets are not easy for most people to interpret. There are some tickets where this is particularly the case, as the preferencing pattern looks like it favours one party but in practice would favour another party. Some tickets have complex patterns which make it impossible to predict which party a vote may be distributed to. Examples of these are discussed in Section 11.2.2.

In addition, the Victorian Pride Lobby noted that group voting tickets make it hard for advocacy groups to make recommendations about who to vote for in the Upper House. The system makes it difficult to recommend a way to vote above the line that ensures preferences do not flow to candidates that the advocacy group does not support.⁸

Even if voters do look at group voting tickets and understand how to read them, they may not understand that lower preferences on group voting tickets can often play key roles in deciding who gets elected. For example, at the 2022 election, the fifth person elected in one region was determined by the 32nd preference on the Labor group voting ticket.⁹ In another region, it was determined by the 25th preference.¹⁰ Similar situations occurred at the 2018 election, when 20th, 22nd and 26th preferences on group voting tickets played key roles in determining who was elected.¹¹ The importance of these later preferences may not be obvious to all voters. As a result, voters may not carefully consider them before deciding to vote above the line.

Glenn Druery and the Sack Dan Andrews Restore Democracy Party

Concerns about group voting tickets were enhanced in 2022 by the public release of a video featuring Glenn Druery (known as ‘the Preference Whisperer’), who has coordinated preferences between parties for a fee in Victorian elections (see further discussion in Section 11.2.3 of this chapter). In a copy of this video supplied to the media and the Committee, Mr Druery appears to state:

Let me tell you about Sack Dan Andrews [party] ... It’s one of mine ... I looked all over their social media [this appears to be a reference to the Freedom Party of Victoria].

⁷ Matthew Harris, State Director, The Nationals Victoria, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 18.

⁸ Victorian Pride Lobby, *Submission 75*, p. 2.

⁹ Western Metropolitan Region.

¹⁰ South-Eastern Metropolitan Region.

¹¹ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, p. 213.

I could have called it the Pro Jet-Trails Party. I could have called it the Port Arthur Conspiracy. I could have called it the Wacko Crazy Lunatics Party. But I didn't. Every other post was 'sack Dan Andrews', 'sack Dan Andrews', 'sack Dan Andrews'. Ah ha! We're going to form a Sack Dan Andrews Party. We did, me and my allies.

That's been formed because, if that gets a decent draw, it's going to completely usurp Clive [Palmer's United Australia Party], One Nation and poor little Aidan [McLindon's Freedom Party of Victoria].

... it will be very clear in the next week who I'm backing with Sack Dan. You'll get a big surprise.¹²

Christopher Burson from the Angry Victorians Party noted that there may be some embellishment in Mr Druery's statements.¹³ The Committee asked Mr Druery to appear before the Committee to speak for himself, but he declined.

The group voting tickets of the Sack Dan Andrews Restore Democracy Party were discussed by several submitters to this Inquiry. Some believed that the votes were designed to flow to the Labor Party.¹⁴ Some submitters suggested that the preferences from the Sack Dan Andrews Restore Democracy Party went to parties that would support Labor.¹⁵ In either case, it was argued that the party was misleading or deceiving voters, who would expect the preferences to flow to parties that would oppose the Hon. Daniel Andrews.

Box 11.1 explores the preferences in the group voting tickets of the Sack Dan Andrews Restore Democracy Party. As can be seen, Labor candidates in most regions received low preferences. However, there are some cases where Labor candidates had relatively high preferences and some regions where Labor candidates have higher preferences than Coalition candidates, which may not have been what voters expected.

Regardless of how the intentions of the Sack Dan Andrews Restore Democracy Party and Mr Druery are interpreted, the situation highlights that there is nothing in the system stopping someone from setting up a party with a misleading name in order to funnel preferences to another party. While the preference flows for above-the-line votes are publicly available, voters must take the time to find and understand them to know what is occurring. As discussed in Section 11.2.2, it is also possible to set up group voting tickets in a way that may confuse some people looking at them. The preferences for the Sack Dan Andrews Restore Democracy Party are certainly far from straightforward (see Box 11.1).

¹² Video supplied to the Committee by the Angry Victorians Party, 15 August 2023.

¹³ Christopher Burson, President, Angry Victorians Party, public hearing, Melbourne, 30 October 2023, *Transcript of evidence*, p. 7.

¹⁴ Name withheld, *Submission 6*, p. 1; name withheld, *Submission 30*, p. 1. See also Joshua Solomon, *Submission 15*, p. 1; John O'Brien, *Submission 45*, p. 1.

¹⁵ Meaghan Capell, *Submission 56*, pp. 4–6; Meaghan Capell, *Submission 56a*, pp. 2–4, 13; William Taylor, *Submission 73*, p. 1.

Box 11.1 The Sack Dan Andrews Restore Democracy Party

It has been suggested that the Sack Dan Andrews Restore Democracy Party directed its preferences through group voting tickets towards the Labor Party or parties that would support the Labor Party.

The table below analyses the party's group voting tickets.

Region	Preferences for Labor Party candidates	Preferences for Coalition candidates	Total candidates in region	Candidates to which preferences were ultimately distributed
Eastern Victoria	20, 53-56	9, 44-47	56	Jeff Bourman (Shooters, Farmers and Fishers)
North-Eastern Metropolitan	43, 52, 54-56	5, 44-46, 53	56	Hugh Dolan (Labour DLP) ^a
Northern Metropolitan	49-53	33-37	58	Adem Somyurek (Labour DLP)
Northern Victoria	35-39 (ticket 1) 46-50 (ticket 2)	46-50 (ticket 1) 35-39 (ticket 2)	55	Georgie Purcell (Animal Justice Party) and Rikkie-Lee Tyrrell (Pauline Hanson's One Nation)
South-Eastern Metropolitan	40, 42-45 (ticket 1) 46, 41, 47-49 (ticket 2)	46, 41, 47-49 (ticket 1) 40, 42-45 (ticket 2)	56	David Limbrick (Liberal Democrats)
Southern Metropolitan	45-49	40-44	54	Clifford Hayes (Sustainable Australia Party) ^a
Western Metropolitan	48-52	15, 59-62	62	Bernie Finn (Labour DLP) ^a
Western Victoria	7, 40, 42, 44, 47	39, 41, 43, 45, 46	57	Stuart Grimley (Derryn Hinch's Justice Party) ^a

a. not elected.

Source: Electoral Matters Committee based on VEC data. See also the analysis in Chris Curtis, *Submission 41*, pp. 21-2.

The party gave higher preferences to Labor candidates than Coalition candidates in some regions and gave higher preferences to Coalition candidates in other regions. In most regions, the preferences for both Labor and Coalition candidates were towards the end of the party's preferences, after numerous minor party candidates.

In practice, above-the-line votes for the Sack Dan Andrews Restore Democracy Party did not actually count towards the election of Labor Party candidates in any region (see the final column in the table).

(Continued)

Box 11.1 Continued

The Committee does not know what the party's strategy was in setting its preferences. However, if its strategy had been to funnel votes to the Labor Party, it failed in every region.

Nonetheless, the Committee notes the genuine concerns that a party could be established with a deceptive name and be used to direct votes to parties that the voter did not want to support. Given the preference patterns set out above, the Committee also notes how challenging it would have been for voters to predict which major party their votes were most likely to be distributed to.

Following the release of the video featuring Mr Druery, there was some media attention on the issue of group voting tickets. The VEC issued a media release stating:

Voters are reminded that they can control their own preferences when voting for their Upper House region if they vote below the line this State election.

Electoral Commissioner, Warwick Gately, acknowledged concern in the community following extensive media coverage today regarding preference deals.

'Negotiating preferences using the group voting ticket (GVT) system is not prohibited under electoral laws,' Mr Gately said, 'However, the ticket only applies if a voter votes above the line on their Upper House ballot paper by numbering a '1' next to their most preferred group.

'You can control where your preferences flow if you vote below the line instead of above the line. To do this, you must number at least 1 to 5 below the line and can continue numbering if you wish.'¹⁶

Overall, the rate of people voting below the line in 2022 increased slightly compared to previous elections (9.4%, up from 8.8% in 2018). However, the vast majority of voters still voted above the line. Chris Curtis argued that this suggests voters were not unhappy with group voting tickets. He noted that voting below the line in Victoria only requires five preferences and is therefore not particularly time consuming. Therefore, he believed that voters are not pressured into voting above the line by the system.¹⁷

Heston Russell from the Angry Victorians Party, however, argued that most voters were unaware of the situation, despite the media coverage about Mr Druery and the VEC's efforts.¹⁸ Ben Raue also argued that not everybody was aware of the issue and

¹⁶ Victorian Electoral Commission, *Reminder that voters control their own Upper House preferences if voting below the line*, media release, Melbourne, 17 November 2022.

¹⁷ Chris Curtis, *Submission 41*, pp. 10, 45–6.

¹⁸ Heston Russell, Public Relations and Strategy Manager, Angry Victorians Party, public hearing, Melbourne, 30 October 2023, *Transcript of evidence*, p. 12.

noted that many parties encouraged people to vote above the line in their how-to-vote cards.¹⁹ He told the Committee that one of the reasons so many people vote above the line is that they do not have much time to devote to politics:

it is pretty easy to vote below the line if you do not really care who you vote for. If you just want to number the first five boxes you find, yes, it is easy. If you want to cast an informed vote – if you want to think about who you are voting for and decide how you mark your own preferences – then it is more effort ... most voters are not getting below the line [information], are not getting how-to-votes that say that. You have got to seek that information out. It is not about people being fooled. It is not about people being stupid. I think generally there are a lot of voters who do not have a lot of time to devote to politics. They are intelligent people, but they either do not have the time or – it is also not a reasonable expectation for people to devote that amount of time.²⁰

In addition, Mr Raue noted that it is still easier in Victoria to vote above the line than below the line, encouraging people to vote that way. Overall, he argued that the proportion of people voting above the line is not a good way to judge whether or not people are in favour of above-the-line voting.²¹

Distrust in the system

Overall, the Committee accepts that group voting tickets can lead to votes being distributed to parties that the voter does not expect. This can lead to a lack of confidence in the electoral system. As Martin Shield told the Committee, this can extend to the Lower House as well as the Upper House:

I think there is a general problem of voters having an idea that their vote may go off and do something that they do not know is happening, and they do not quite understand how that is happening. That leads to an element of distrust in the voting system, even in the lower house. We get situations where in the lower house we have a voting system where no vote can be directed in a way that the voter did not direct it, but when you talk to voters about casting their vote in the lower house you often have them raising concerns that, for example, if they were to vote one for the Greens and then vote two for another party, would their vote really go to that party? Maybe there has been a secret deal done, maybe their vote will go somewhere else, so there is this level of distrust and lack of confidence in the voting system, which is a real problem and undermines people's faith not just in their upper house vote but in what happens to their vote in the lower house as well. We have got the experience of that lack of trust being manipulated by messages, where political parties might say, 'There's been a secret deal between this party and that party. If you vote for party A, then even though their how-to-vote suggests that you vote for party B next, your vote is going to go off to party C because there is a secret deal.' Voters kind of have an idea that there is some kind of problem,

¹⁹ Ben Raue, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 32.

²⁰ Ben Raue, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 33.

²¹ Ben Raue, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, pp. 32–3.

so they are easily able to be manipulated by those kinds of arguments, even when they are numbering their own boxes in the lower house.²²

The current system also encourages other behaviour which may lead people to distrust the system, including deceit in preference negotiations and establishing parties whose main purpose is to channel votes to other parties.²³

The Committee considers that change is important for the health of Victorian democracy and people's confidence in the electoral system. The Committee's suggested changes to the Upper House system are set out in Chapter 6 of Volume 1.

FINDING 96: Some people's above-the-line votes were distributed to parties and candidates that they may not have expected. While information setting out where preferences would go was publicly available, it was not always easy to interpret.

11.2.2 Group voting tickets that are difficult to interpret

Some parties also created group voting tickets that would be difficult for people to interpret. Some required a good understanding of how proportional representation works in practice to predict what would happen. In other cases, it was impossible to predict what would happen, as it would vary considerably depending on who other people voted for.

In some cases, group voting tickets may have appeared to be favouring a party which they did not favour in reality. Figure 11.4 shows the Liberal Democrats' group voting ticket in Northern Victoria Region. It appears to give a high preference to the Coalition, with the Coalition's first candidate (the Hon. Wendy Lovell MLC) receiving the 3rd preference. However, in practice, the first Coalition candidate was almost guaranteed to be elected at the beginning of the count, before the Liberal Democrats' preferences were distributed. As a result, the preference for Ms Lovell would be skipped and the vote would be distributed to the next preference. The next 36 preferences were all minor parties. This means that, although one Coalition candidate had a high preference, in practice the ticket favoured minor parties and the Coalition would not receive votes until the 40th preference.

The votes for the Liberal Democrats in this region ended up counting towards the election of minor party candidates—Georgie Purcell MLC (Animal Justice Party), the 6th preference, and Rikkie-Lee Tyrrell (Pauline Hanson's One Nation), the 34th preference.

²² Martin Shield, State Director, The Australian Greens Victoria, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 23.

²³ Gorkay King, *Submission 108*, p. 1; Sustainable Australia Party, *Submission 109*, p. 2.

Figure 11.4 Group voting ticket for the Liberal Democrats in Northern Victoria Region

A	28 WARNER, Kim Health Australia Party Altona	29 MORAN, Shaun Health Australia Party Dareen	B	38 SHARP, Melanie Fiona Patton's Reason Party Warburton	39 CHAPMAN, Callum Fiona Patton's Reason Party Pascoe Vale	C	18 KNIGHT, Josh Shooters, Fishers & Farmers VIC Berwick	19 WATKINS, Peter Shooters, Fishers & Farmers VIC Chapelton	D	14 BARNES, Laura Companions and Pets Party Derrin	15 BRITTON, Robert Companions and Pets Party Lara	E	54 HOCKING, Karen Victorian Socialists Shepparton	55 DYNES, Emma Victorian Socialists Geelong	F	16 MILLER, Adam Legalise Cannabis Victoria Caulfield North	17 MCINALLY, Christopher Legalise Cannabis Victoria North Bendigo	G	36 SHAW, Geoff United Australia Party St Albans	37 SUARES, Elijah United Australia Party Traralgon	H	44 SYMES, Jacyn Australian Labor Party – Victorian Branch Broadford	45 MCWHINNEY, James Australian Labor Party – Victorian Branch Bendigo	46 MILLS, Gareth Australian Labor Party – Victorian Branch Stathfield/Sage	47 KRAMMAER, Rahm Australian Labor Party – Victorian Branch Warran	48 BRIDGES, Mitch Australian Labor Party – Victorian Branch Wodonga	I	3 LOVELL, Wendy Liberal Shepparton	40 BROAD, Gaelle The Nationals Seewick	41 WILLAR, Amanda Liberal Mount Macedon	42 FISHER, Liz The Nationals Browns Plains	43 MERKEL, Jillian Liberal Benalla	J	1 QUILTY, Tim Liberal Democrats West Wodonga	2 MOLESWORTH, Tim Liberal Democrats Alesandra	K	4 JONES, Mark Angry Victorians Party West Wodonga	5 TOMLIN, Melanie Angry Victorians Party Benalla
L	20 MAXWELL, Toni Deryn Hitch's Justice Party Wangarilly	21 HERRON, John Deryn Hitch's Justice Party Roddells Creek	M	8 CEYLAN, Yasemin Sack Dan Andrews Restore Democracy Hailam	9 ORHAN, Makeda Sack Dan Andrews Restore Democracy Patterson Lakes	N	49 SINCLAIR, Cate Australian Greens Glenice	50 THOMPSON, Lenka Australian Greens Kyrieton	51 THESING, Reb Australian Greens Astrabourne	52 STOREY, Rosemary Australian Greens St Andrews	53 CHAPMAN, Robin David Australian Greens Redesdale	O	22 CHIVERS, Ian Sustainable Australia Party – Stop Overdevelopment / Corruption Portland West	23 DOBSON, Allan Sustainable Australia Party – Stop Overdevelopment / Corruption Williamstown	P	10 SHARMA, Erin New Democrats West Wodonga	11 CHOPRA, Bijesh New Democrats Craigieburn	12 DER, Kuldeep New Democrats Craigieburn	13 RANA, Ravinder Singh New Democrats Woollet	Q	24 COWIE, Scott Transport Matters Wodonga	25 CULLEN, Neil Transport Matters Wodonga	R	34 TYRELL, Rikke-Lee Pauline Hanson's One Nation Invergradon	35 EDWARDS-SCOTT, Nadine Pauline Hanson's One Nation Drouin West	S	6 PURCELL, George Animal Justice Party Kyrieton	7 MCGOLDRICK, Michelle Animal Justice Party Spring Gully	T	26 ROYAL, Mark Labour DLP Sanbury	27 MCPHEE, Ross Labour DLP Patterson Lakes	U	32 NEIL, Christopher Alan Freedom Party of Victoria Gisborne	33 WALLENBORN, Hank N. Freedom Party of Victoria Merzein	V	30 WHITE, Michael Family First Victoria Zeechworth	31 NORRTON-SMITH, Carol Family First Victoria Zeechworth	

Source: Electoral Matters Committee.

Derryn Hinch's Justice Party in North-Eastern Metropolitan Region was similarly difficult to interpret (see Figure 11.5). It gave a 20th preference to the first Liberal candidate, which was higher than the preferences for any Labor or Greens candidates. This might lead a voter to think that their vote had a chance of being passed to the Liberal Party. However, as in the previous example, the first candidate for the Liberals was almost guaranteed to be elected before the preferences of Derryn Hinch's Justice Party would be distributed. As a result, the vote would pass to other parties. In this case, it would pass to minor parties and then the Greens and Labor Party before it passed to a Liberal candidate. In fact, with the exception of the preference for the first Liberal candidate, which had a negligible chance of counting, the Liberal candidates had the last preferences for Derryn Hinch's Justice Party in this region. In this case, a group voting ticket that looks like it preferences the Liberal Party above the Greens and Labor Party, in practice preferences the Greens and Labor before the Liberal Party.

Ultimately, the above-the-line votes for Derryn Hinch's Justice Party in this region counted towards Hugh Dolan (Labour DLP), the 23rd preference, who was not elected.

In other cases, it would have been impossible for a voter to predict which major party their vote would flow to based on the group voting ticket, as the flow would be dependent on who others voted for. Health Australia's group voting ticket in Western Metropolitan Region provides an example of this (see Figure 11.6). The preferences jump between the Greens, the Liberal Party and the Labor Party and do not follow the order of preferences given by the parties. As a result, the vote could end up counting towards the Greens, the Liberals or the Labor Party first, depending on how many votes these candidates received from other voters. The pattern of preferences in this case would have made it very difficult for voters to predict which major party their vote was most likely to be distributed to.

These parties were all towards the end of Health Australia's preferences and, in practice, Health Australia's votes in this region were not distributed past their 3rd preference (Bernie Finn, Labour DLP). However, the Committee considers it potentially problematic that voters had no way of knowing which major party their vote would count towards, if it came down to those parties.

Figure 11.5 Group voting ticket for Derryn Hinch's Justice Party in North-Eastern Metropolitan Region

A	5 MUNRO, Leesa Michelle Health Australia Party Williamstown	6 HICKS, Andrew Health Australia Party St Helena	B	23 DOLAN, Hugh Labour D/P Port Melbourne	24 VAN DER ENDE, Brenton Labour D/P Wonga Park	25 TSINGOPOULOS, George Labour D/P Port Melbourne	26 TRA, James Labour D/P Epping	C	15 JAISINGHANI, Darshan Lal New Democrats Glen Waverley	16 GARG, Rajat New Democrats Craigieburn	17 NARANG, Pushdeep New Democrats Truganina	D	9 TESA, Maya Liberal Democrats Ethan	10 LAV, Josh Liberal Democrats Templestowe	E	18 EDWARDS, Wally Angry Victorians Party Clifton Hill	19 GIANFRIDDO, Joe Angry Victorians Party Mabeyr East	F	11 BANHIDY, Chris Shooters, Fishers & Farmers Vic Blackburn South	12 HANSON, Hugh Shooters, Fishers & Farmers Vic Moolap	G	1 THOMPSON, Judith Derryn Hinch's Justice Party Bayswater North	2 PHILPOTT, Annette Derryn Hinch's Justice Party Melbourne	H	27 COBANKARA, Serife Sack Dan Andrews Restores Democracy Ringwood	28 COBANKARA, Husyin Sack Dan Andrews Restores Democracy Ringwood	I	29 MOORE, Lucas Victorian Socialists Heidelberg Heights	30 KOPSCHENA, Jillian Victorian Socialists Burdora	J	31 SPRINGLE, Nina Fiona Paton's Reason Party Noble Park	32 CAIRNS, Francis Fiona Paton's Reason Party Wollert	K	21 RED, Craig Companions and Pets Party Goolie	22 JONES, Julia Companions and Pets Party Bulwerbrook	L	33 RICHARDSON, Peter Pauline Hanson's One Nation Mooroolbark	34 TURNER, William Pauline Hanson's One Nation Reservoir	M	13 DELFORCE, Chris Animal Justice Party Southbank	14 ALEKSOV, Angel Animal Justice Party Princes Hill	N	35 WALLIS, Nicholas Legalise Cannabis Victoria Croydon	36 NEGRI, Anna Legalise Cannabis Victoria Mount Pleasant	O	48 LEANE, Shaun Australian Labor Party - Victorian Branch Doncaster East	49 TERPSTRA, Sorib Australian Labor Party - Victorian Branch Heidelberg	50 GADANI, Nidhara Australian Labor Party - Victorian Branch Vermont	51 JAVED, Rena Shahid Australian Labor Party - Victorian Branch Epping	52 SIMPSON, Kieran Australian Labor Party - Victorian Branch Blackburn North	P	7 CORCORAN, Jack Sustainable Australia Party - Stop Overdevelopment / Corruption Surrey Hills	8 CLOW, William Sustainable Australia Party - Stop Overdevelopment / Corruption Burdora	Q	20 BACH, Matthew Liberal Surrey Hills	53 MCGOWAN, Nick Liberal Templestowe Lower	54 LANGFORD, Kristen Liberal Surrey Hills	55 LING, Irene Liberal Scoresby	56 HOUQUET, Sally Liberal Morr Albert	R	43 PIGIELLI, Ali Australian Greens Ethan	44 SUN, Sophia Australian Greens Doncaster	45 CHASE, Liz Australian Greens Diamond Creek	46 COOKSON, Asher Australian Greens Richmond	47 NEWMAN, Sarah Australian Greens Burwood	S	37 CAMERON, Alister Family First Victoria Blackburn South	38 Van STRUIP, Nina Family First Victoria Belgrave South	T	3 BARTON, Rod Transport Matters Maribyrnong	4 GUEST, Kim Transport Matters Bulleen	U	39 CHEESMAN, Greg Freedom Party of Victoria Loch Sport	40 HEATHERICH, Daniela Freedom Party of Victoria Wonga Park	V	41 SCAGLIONE, Nathan United Australia Party Templestowe	42 ZIMOWIC, Irene United Australia Party Frankston
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Source: Electoral Matters Committee.

Figure 11.6 Group voting ticket for Health Australia in Western Metropolitan Region

A	30 BULLER, Darren Family First Victoria Barnosburn	31 FILMER, Mary Family First Victoria Werrbee	47 THIRKETTLE-WATTS, David Fiona Patten's Reason Party Ascensor	13 JESSUP, Bert Sustainable Australia Party - Stop Overdevelopment / Travertre	15 VICKERS, Ken Shooters, Fishers & Farmers VIC Sunshine West	10 ACKERMAN, Fred Taylors Lakes	42 DEBHING, Moira Liberal Taylors Hill	49 ETTERSHPANK, David Legalise Cannabis Victoria Kensington	32 TREHERNE, Craig Companions and Pets Party Lara	33 BRITTON, Mary Companions and Pets Party Lara	34 VAN BREE, Ursula Pauline Hanson's One Nation Mernda	35 VRONIS, Frank Pauline Hanson's One Nation Aspendale	36 CUTHBERTSON, Andrew United Australia Party Surrey Hills	37 BANSAL, Ibeepak United Australia Party Tarnet		
B	48 MILLWARD, Barry Fiona Patten's Reason Party Preston	14 BILIC, Dennis Sustainable Australia Party - Stop Overdevelopment / Coronation Melbourne	16 ASHBY, Geoff Shooters, Fishers & Farmers VIC Coorag North	12 BARROW, Mark Biolonic Ridge	44 HAQUE, Golam Liberal Caroline Springs	54 LUU, Trung Sunshine North	50 MENTA, Raffaela Legalise Cannabis Victoria Keter Park	59 BRAY, Sarah Australian Greens Footscray	60 MERAE MLEOD, Isabelle Australian Greens Sunbury	61 DANIES, David Australian Greens Kensington	62 VARO, Pierre Australian Greens West Footscray					
C	11 WATKINS, Meg Animal Justice Party Wandana Heights	20 CURISO, Anthony Liberal Democrats Sunshine North	1 GOLDEN, Isaac Health Australia Party Riddells Creek	3 FINN, Bernie Labour DLP Bulla	26 PALKURI, Samson Suek Dan Andrews Restore Democracy Wyndham Vale	27 VALAZ, Burch Suek Dan Andrews Restore Democracy Springvale	22 SULLIVAN, Peter Derryn Hinch's Justice Party Aspendale	51 WALSH, Liz Victorian Socialists Meadstone	52 MYLVAGANAM, Aran Victorian Socialists Dandenong	24 LOWINGER, Daniel Transport Matters Caulfield North	25 COLLINS, Greg Transport Matters Asot Vale	28 VILLAGONZALO, Walter Hoppers Crossing	29 ALCORO, Sam Vermont	39 MCCBRIDE, John Freedom Party of Victoria Hoppers Crossing	40 MCCBRIDE, Dan Freedom Party of Victoria Hoppers Crossing	
D	17 CUMMING, Catherine Angry Victorians Tarnville	18 ROBINSON, Adam Angry Victorians Doeber Park	19 ZALME, Jennifer Angry Victorians Park Kingsville	23 DARGENT, Jean-Marie Derryn Hinch's Justice Party Melbourne	2 GOLDEN, Leah Health Australia Party Sunbury	4 LE, Thi Kim-Lien Labour DLP Footscray	23 DARGENT, Jean-Marie Derryn Hinch's Justice Party Melbourne	2 GOLDEN, Leah Health Australia Party Sunbury	24 LOWINGER, Daniel Transport Matters Caulfield North	25 COLLINS, Greg Transport Matters Asot Vale	28 VILLAGONZALO, Walter Hoppers Crossing	29 ALCORO, Sam Vermont	39 MCCBRIDE, John Freedom Party of Victoria Hoppers Crossing	40 MCCBRIDE, Dan Freedom Party of Victoria Hoppers Crossing		
E	5 VAGHELA, Kaushalya Virjibhai New Democrats Tarnet	6 SHAIK, Mohammed Ousain New Democrats Tarnet	7 BISHNOI, Arif Mubeshummar New Democrats Tarnet	8 PALKURI, Anitha Jyothi New Democrats Wyndham Vale	9 MALHOTRA, Yash Kumar New Democrats Truganina	3 FINN, Bernie Labour DLP Bulla	4 LE, Thi Kim-Lien Labour DLP Footscray	22 SULLIVAN, Peter Derryn Hinch's Justice Party Aspendale	51 WALSH, Liz Victorian Socialists Meadstone	52 MYLVAGANAM, Aran Victorian Socialists Dandenong	24 LOWINGER, Daniel Transport Matters Caulfield North	25 COLLINS, Greg Transport Matters Asot Vale	28 VILLAGONZALO, Walter Hoppers Crossing	29 ALCORO, Sam Vermont	39 MCCBRIDE, John Freedom Party of Victoria Hoppers Crossing	40 MCCBRIDE, Dan Freedom Party of Victoria Hoppers Crossing
F	30 BULLER, Darren Family First Victoria Barnosburn	31 FILMER, Mary Family First Victoria Werrbee	47 THIRKETTLE-WATTS, David Fiona Patten's Reason Party Ascensor	13 JESSUP, Bert Sustainable Australia Party - Stop Overdevelopment / Travertre	15 VICKERS, Ken Shooters, Fishers & Farmers VIC Sunshine West	10 ACKERMAN, Fred Taylors Lakes	42 DEBHING, Moira Liberal Taylors Hill	49 ETTERSHPANK, David Legalise Cannabis Victoria Kensington	32 TREHERNE, Craig Companions and Pets Party Lara	33 BRITTON, Mary Companions and Pets Party Lara	34 VAN BREE, Ursula Pauline Hanson's One Nation Mernda	35 VRONIS, Frank Pauline Hanson's One Nation Aspendale	36 CUTHBERTSON, Andrew United Australia Party Surrey Hills	37 BANSAL, Ibeepak United Australia Party Tarnet		
G	43 THOMAS, Bernadette Australian Greens Tarnville	59 BRAY, Sarah Australian Greens Footscray	60 MERAE MLEOD, Isabelle Australian Greens Sunbury	61 DANIES, David Australian Greens Kensington	62 VARO, Pierre Australian Greens West Footscray	49 ETTERSHPANK, David Legalise Cannabis Victoria Kensington	42 DEBHING, Moira Liberal Taylors Hill	49 ETTERSHPANK, David Legalise Cannabis Victoria Kensington	32 TREHERNE, Craig Companions and Pets Party Lara	33 BRITTON, Mary Companions and Pets Party Lara	34 VAN BREE, Ursula Pauline Hanson's One Nation Mernda	35 VRONIS, Frank Pauline Hanson's One Nation Aspendale	36 CUTHBERTSON, Andrew United Australia Party Surrey Hills	37 BANSAL, Ibeepak United Australia Party Tarnet		
H	43 THOMAS, Bernadette Australian Greens Tarnville	59 BRAY, Sarah Australian Greens Footscray	60 MERAE MLEOD, Isabelle Australian Greens Sunbury	61 DANIES, David Australian Greens Kensington	62 VARO, Pierre Australian Greens West Footscray	49 ETTERSHPANK, David Legalise Cannabis Victoria Kensington	42 DEBHING, Moira Liberal Taylors Hill	49 ETTERSHPANK, David Legalise Cannabis Victoria Kensington	32 TREHERNE, Craig Companions and Pets Party Lara	33 BRITTON, Mary Companions and Pets Party Lara	34 VAN BREE, Ursula Pauline Hanson's One Nation Mernda	35 VRONIS, Frank Pauline Hanson's One Nation Aspendale	36 CUTHBERTSON, Andrew United Australia Party Surrey Hills	37 BANSAL, Ibeepak United Australia Party Tarnet		
I	43 THOMAS, Bernadette Australian Greens Tarnville	59 BRAY, Sarah Australian Greens Footscray	60 MERAE MLEOD, Isabelle Australian Greens Sunbury	61 DANIES, David Australian Greens Kensington	62 VARO, Pierre Australian Greens West Footscray	49 ETTERSHPANK, David Legalise Cannabis Victoria Kensington	42 DEBHING, Moira Liberal Taylors Hill	49 ETTERSHPANK, David Legalise Cannabis Victoria Kensington	32 TREHERNE, Craig Companions and Pets Party Lara	33 BRITTON, Mary Companions and Pets Party Lara	34 VAN BREE, Ursula Pauline Hanson's One Nation Mernda	35 VRONIS, Frank Pauline Hanson's One Nation Aspendale	36 CUTHBERTSON, Andrew United Australia Party Surrey Hills	37 BANSAL, Ibeepak United Australia Party Tarnet		
J	43 THOMAS, Bernadette Australian Greens Tarnville	59 BRAY, Sarah Australian Greens Footscray	60 MERAE MLEOD, Isabelle Australian Greens Sunbury	61 DANIES, David Australian Greens Kensington	62 VARO, Pierre Australian Greens West Footscray	49 ETTERSHPANK, David Legalise Cannabis Victoria Kensington	42 DEBHING, Moira Liberal Taylors Hill	49 ETTERSHPANK, David Legalise Cannabis Victoria Kensington	32 TREHERNE, Craig Companions and Pets Party Lara	33 BRITTON, Mary Companions and Pets Party Lara	34 VAN BREE, Ursula Pauline Hanson's One Nation Mernda	35 VRONIS, Frank Pauline Hanson's One Nation Aspendale	36 CUTHBERTSON, Andrew United Australia Party Surrey Hills	37 BANSAL, Ibeepak United Australia Party Tarnet		
K	43 THOMAS, Bernadette Australian Greens Tarnville	59 BRAY, Sarah Australian Greens Footscray	60 MERAE MLEOD, Isabelle Australian Greens Sunbury	61 DANIES, David Australian Greens Kensington	62 VARO, Pierre Australian Greens West Footscray	49 ETTERSHPANK, David Legalise Cannabis Victoria Kensington	42 DEBHING, Moira Liberal Taylors Hill	49 ETTERSHPANK, David Legalise Cannabis Victoria Kensington	32 TREHERNE, Craig Companions and Pets Party Lara	33 BRITTON, Mary Companions and Pets Party Lara	34 VAN BREE, Ursula Pauline Hanson's One Nation Mernda	35 VRONIS, Frank Pauline Hanson's One Nation Aspendale	36 CUTHBERTSON, Andrew United Australia Party Surrey Hills	37 BANSAL, Ibeepak United Australia Party Tarnet		
L	43 THOMAS, Bernadette Australian Greens Tarnville	59 BRAY, Sarah Australian Greens Footscray	60 MERAE MLEOD, Isabelle Australian Greens Sunbury	61 DANIES, David Australian Greens Kensington	62 VARO, Pierre Australian Greens West Footscray	49 ETTERSHPANK, David Legalise Cannabis Victoria Kensington	42 DEBHING, Moira Liberal Taylors Hill	49 ETTERSHPANK, David Legalise Cannabis Victoria Kensington	32 TREHERNE, Craig Companions and Pets Party Lara	33 BRITTON, Mary Companions and Pets Party Lara	34 VAN BREE, Ursula Pauline Hanson's One Nation Mernda	35 VRONIS, Frank Pauline Hanson's One Nation Aspendale	36 CUTHBERTSON, Andrew United Australia Party Surrey Hills	37 BANSAL, Ibeepak United Australia Party Tarnet		
M	5 VAGHELA, Kaushalya Virjibhai New Democrats Tarnet	6 SHAIK, Mohammed Ousain New Democrats Tarnet	7 BISHNOI, Arif Mubeshummar New Democrats Tarnet	8 PALKURI, Anitha Jyothi New Democrats Wyndham Vale	9 MALHOTRA, Yash Kumar New Democrats Truganina	22 SULLIVAN, Peter Derryn Hinch's Justice Party Aspendale	26 PALKURI, Samson Suek Dan Andrews Restore Democracy Wyndham Vale	22 SULLIVAN, Peter Derryn Hinch's Justice Party Aspendale	51 WALSH, Liz Victorian Socialists Meadstone	52 MYLVAGANAM, Aran Victorian Socialists Dandenong	24 LOWINGER, Daniel Transport Matters Caulfield North	25 COLLINS, Greg Transport Matters Asot Vale	28 VILLAGONZALO, Walter Hoppers Crossing	29 ALCORO, Sam Vermont		
N	11 WATKINS, Meg Animal Justice Party Wandana Heights	41 KOPAS, Nat Animal Justice Party Derrimut	41 KOPAS, Nat Animal Justice Party Derrimut	20 CURISO, Anthony Liberal Democrats Sunshine North	21 ROCHE, Liam Liberal Democrats Albion Meadows	3 FINN, Bernie Labour DLP Bulla	26 PALKURI, Samson Suek Dan Andrews Restore Democracy Wyndham Vale	22 SULLIVAN, Peter Derryn Hinch's Justice Party Aspendale	51 WALSH, Liz Victorian Socialists Meadstone	52 MYLVAGANAM, Aran Victorian Socialists Dandenong	24 LOWINGER, Daniel Transport Matters Caulfield North	25 COLLINS, Greg Transport Matters Asot Vale	28 VILLAGONZALO, Walter Hoppers Crossing	29 ALCORO, Sam Vermont		
O	20 CURISO, Anthony Liberal Democrats Sunshine North	21 ROCHE, Liam Liberal Democrats Albion Meadows	20 CURISO, Anthony Liberal Democrats Sunshine North	21 ROCHE, Liam Liberal Democrats Albion Meadows	20 CURISO, Anthony Liberal Democrats Sunshine North	3 FINN, Bernie Labour DLP Bulla	26 PALKURI, Samson Suek Dan Andrews Restore Democracy Wyndham Vale	22 SULLIVAN, Peter Derryn Hinch's Justice Party Aspendale	51 WALSH, Liz Victorian Socialists Meadstone	52 MYLVAGANAM, Aran Victorian Socialists Dandenong	24 LOWINGER, Daniel Transport Matters Caulfield North	25 COLLINS, Greg Transport Matters Asot Vale	28 VILLAGONZALO, Walter Hoppers Crossing	29 ALCORO, Sam Vermont		
P	1 GOLDEN, Isaac Health Australia Party Riddells Creek	2 GOLDEN, Leah Health Australia Party Sunbury	1 GOLDEN, Isaac Health Australia Party Riddells Creek	2 GOLDEN, Leah Health Australia Party Sunbury	1 GOLDEN, Isaac Health Australia Party Riddells Creek	3 FINN, Bernie Labour DLP Bulla	26 PALKURI, Samson Suek Dan Andrews Restore Democracy Wyndham Vale	22 SULLIVAN, Peter Derryn Hinch's Justice Party Aspendale	51 WALSH, Liz Victorian Socialists Meadstone	52 MYLVAGANAM, Aran Victorian Socialists Dandenong	24 LOWINGER, Daniel Transport Matters Caulfield North	25 COLLINS, Greg Transport Matters Asot Vale	28 VILLAGONZALO, Walter Hoppers Crossing	29 ALCORO, Sam Vermont		
Q	3 FINN, Bernie Labour DLP Bulla	4 LE, Thi Kim-Lien Labour DLP Footscray	3 FINN, Bernie Labour DLP Bulla	4 LE, Thi Kim-Lien Labour DLP Footscray	3 FINN, Bernie Labour DLP Bulla	3 FINN, Bernie Labour DLP Bulla	26 PALKURI, Samson Suek Dan Andrews Restore Democracy Wyndham Vale	22 SULLIVAN, Peter Derryn Hinch's Justice Party Aspendale	51 WALSH, Liz Victorian Socialists Meadstone	52 MYLVAGANAM, Aran Victorian Socialists Dandenong	24 LOWINGER, Daniel Transport Matters Caulfield North	25 COLLINS, Greg Transport Matters Asot Vale	28 VILLAGONZALO, Walter Hoppers Crossing	29 ALCORO, Sam Vermont		
R	26 PALKURI, Samson Suek Dan Andrews Restore Democracy Wyndham Vale	27 VALAZ, Burch Suek Dan Andrews Restore Democracy Springvale	26 PALKURI, Samson Suek Dan Andrews Restore Democracy Wyndham Vale	27 VALAZ, Burch Suek Dan Andrews Restore Democracy Springvale	26 PALKURI, Samson Suek Dan Andrews Restore Democracy Wyndham Vale	26 PALKURI, Samson Suek Dan Andrews Restore Democracy Wyndham Vale	26 PALKURI, Samson Suek Dan Andrews Restore Democracy Wyndham Vale	22 SULLIVAN, Peter Derryn Hinch's Justice Party Aspendale	51 WALSH, Liz Victorian Socialists Meadstone	52 MYLVAGANAM, Aran Victorian Socialists Dandenong	24 LOWINGER, Daniel Transport Matters Caulfield North	25 COLLINS, Greg Transport Matters Asot Vale	28 VILLAGONZALO, Walter Hoppers Crossing	29 ALCORO, Sam Vermont		
S	22 SULLIVAN, Peter Derryn Hinch's Justice Party Aspendale	23 DARGENT, Jean-Marie Derryn Hinch's Justice Party Melbourne	22 SULLIVAN, Peter Derryn Hinch's Justice Party Aspendale	23 DARGENT, Jean-Marie Derryn Hinch's Justice Party Melbourne	22 SULLIVAN, Peter Derryn Hinch's Justice Party Aspendale	22 SULLIVAN, Peter Derryn Hinch's Justice Party Aspendale	22 SULLIVAN, Peter Derryn Hinch's Justice Party Aspendale	22 SULLIVAN, Peter Derryn Hinch's Justice Party Aspendale	51 WALSH, Liz Victorian Socialists Meadstone	52 MYLVAGANAM, Aran Victorian Socialists Dandenong	24 LOWINGER, Daniel Transport Matters Caulfield North	25 COLLINS, Greg Transport Matters Asot Vale	28 VILLAGONZALO, Walter Hoppers Crossing	29 ALCORO, Sam Vermont		
T	51 WALSH, Liz Victorian Socialists Meadstone	52 MYLVAGANAM, Aran Victorian Socialists Dandenong	51 WALSH, Liz Victorian Socialists Meadstone	52 MYLVAGANAM, Aran Victorian Socialists Dandenong	51 WALSH, Liz Victorian Socialists Meadstone	51 WALSH, Liz Victorian Socialists Meadstone	26 PALKURI, Samson Suek Dan Andrews Restore Democracy Wyndham Vale	22 SULLIVAN, Peter Derryn Hinch's Justice Party Aspendale	51 WALSH, Liz Victorian Socialists Meadstone	52 MYLVAGANAM, Aran Victorian Socialists Dandenong	24 LOWINGER, Daniel Transport Matters Caulfield North	25 COLLINS, Greg Transport Matters Asot Vale	28 VILLAGONZALO, Walter Hoppers Crossing	29 ALCORO, Sam Vermont		
U	28 VILLAGONZALO, Walter Hoppers Crossing	29 ALCORO, Sam Vermont	28 VILLAGONZALO, Walter Hoppers Crossing	29 ALCORO, Sam Vermont	28 VILLAGONZALO, Walter Hoppers Crossing	28 VILLAGONZALO, Walter Hoppers Crossing	26 PALKURI, Samson Suek Dan Andrews Restore Democracy Wyndham Vale	22 SULLIVAN, Peter Derryn Hinch's Justice Party Aspendale	51 WALSH, Liz Victorian Socialists Meadstone	52 MYLVAGANAM, Aran Victorian Socialists Dandenong	24 LOWINGER, Daniel Transport Matters Caulfield North	25 COLLINS, Greg Transport Matters Asot Vale	28 VILLAGONZALO, Walter Hoppers Crossing	29 ALCORO, Sam Vermont		
V	24 LOWINGER, Daniel Transport Matters Caulfield North	25 COLLINS, Greg Transport Matters Asot Vale	24 LOWINGER, Daniel Transport Matters Caulfield North	25 COLLINS, Greg Transport Matters Asot Vale	24 LOWINGER, Daniel Transport Matters Caulfield North	24 LOWINGER, Daniel Transport Matters Caulfield North	26 PALKURI, Samson Suek Dan Andrews Restore Democracy Wyndham Vale	22 SULLIVAN, Peter Derryn Hinch's Justice Party Aspendale	51 WALSH, Liz Victorian Socialists Meadstone	52 MYLVAGANAM, Aran Victorian Socialists Dandenong	24 LOWINGER, Daniel Transport Matters Caulfield North	25 COLLINS, Greg Transport Matters Asot Vale	28 VILLAGONZALO, Walter Hoppers Crossing	29 ALCORO, Sam Vermont		
W	39 MCCBRIDE, John Freedom Party of Victoria Hoppers Crossing	40 MCCBRIDE, Dan Freedom Party of Victoria Hoppers Crossing	39 MCCBRIDE, John Freedom Party of Victoria Hoppers Crossing	40 MCCBRIDE, Dan Freedom Party of Victoria Hoppers Crossing	39 MCCBRIDE, John Freedom Party of Victoria Hoppers Crossing	39 MCCBRIDE, John Freedom Party of Victoria Hoppers Crossing	26 PALKURI, Samson Suek Dan Andrews Restore Democracy Wyndham Vale	22 SULLIVAN, Peter Derryn Hinch's Justice Party Aspendale	51 WALSH, Liz Victorian Socialists Meadstone	52 MYLVAGANAM, Aran Victorian Socialists Dandenong	24 LOWINGER, Daniel Transport Matters Caulfield North	25 COLLINS, Greg Transport Matters Asot Vale	28 VILLAGONZALO, Walter Hoppers Crossing	29 ALCORO, Sam Vermont		
X	55 BLANDHORN, Lizzie Australian Labor Party - Victorian Branch Pascoe Vale	56 MELHEM, Cesar Australian Labor Party - Victorian Branch Caroline Springs	55 BLANDHORN, Lizzie Australian Labor Party - Victorian Branch Pascoe Vale	56 MELHEM, Cesar Australian Labor Party - Victorian Branch Caroline Springs	55 BLANDHORN, Lizzie Australian Labor Party - Victorian Branch Pascoe Vale	55 BLANDHORN, Lizzie Australian Labor Party - Victorian Branch Pascoe Vale	26 PALKURI, Samson Suek Dan Andrews Restore Democracy Wyndham Vale	22 SULLIVAN, Peter Derryn Hinch's Justice Party Aspendale	51 WALSH, Liz Victorian Socialists Meadstone	52 MYLVAGANAM, Aran Victorian Socialists Dandenong	24 LOWINGER, Daniel					

The group voting tickets for the Sack Dan Andrews Restore Democracy Party (see Box 11.1) were similarly difficult to interpret. In some cases, they gave higher preferences to first candidates from Labor or the Coalition, which were almost certain to be skipped because they would be elected before the votes for the Sack Dan Andrews Restore Democracy Party were distributed. These preferences were therefore misleading to people who do not understand the details of proportional representation vote counting. In some regions, the party mixed the preferences for different candidates from Labor and the Coalition, meaning that which party the vote would be distributed to would vary depending on how many votes those candidates had received at the point when the Sack Dan Andrews Restore Democracy Party's votes were distributed.

While most group voting tickets were straight-forward to interpret, these examples show that some could be confusing to voters. In particular, it can be difficult for voters to know which major party is preferred, which may be a key concern for some voters. As a result, it was not always feasible for voters to make informed choices when voting above the line, even if they took the time to look at the group voting tickets.

FINDING 97: Some group voting tickets were particularly difficult for voters to interpret. Some appeared to support a party to which preferences were unlikely to flow in practice. Others made preference flows impossible to predict due to the preferencing pattern used, which jumped between different major parties.

11.2.3 'Preference whispering'

Multiple submitters to this Inquiry raised concerns about the activities of Glenn Druery, known as 'the Preference Whisperer'. They considered it wrong that he was coordinating preference deals between parties in exchange for money.

In the video provided to the Committee by the Angry Victorians Party, Mr Druery appears to explain his business model:

If you win, you'll give me 55k [\$55,000] ... Everybody gives me 5k [\$5,000] as a member of 'the family' ... What I would suggest you do if you win is—I know my way around the Parliament, I know my way around legislation, I know all the players. I would urge you to take me on as an advisor and consultant. You can pay me through the administration fund and I'd be charging you roughly a thousand dollars a week. And I think you probably only need me for a year and a couple of weeks ... You can't pay me out of the admin fund for electoral work and I would not seek that. That's not appropriate. But I think new guys like you need advice and I give advice to lots of pollies [politicians].²⁴

²⁴ Video supplied to the Committee by the Angry Victorians Party, 15 August 2023.

In relation to these arrangements, Martin Shield from the Greens told the Committee:

To say “I will organise a block of votes for you in exchange for you giving me a job” I would have thought would be clear to all of us is utterly unethical and should not be allowed.²⁵

Many other submitters expressed similar views.

One consequence of this practice is that parties that are willing to pay Mr Druery have an advantage over parties that are unwilling to pay.²⁶ The Committee was also told that having somebody coordinate preferences has led to ‘standover tactics’ which might push parties to preference parties that are not who they would otherwise select:

So we are talking about a situation where you sit down and talk to someone and they are issuing threats. They are saying, ‘If you don’t do what I am telling you to do, then I will use my influence over these parties to make sure that your party is destroyed.’ And so as we are negotiating with small parties that might share a lot of values with us, they are saying to us, ‘Well, we’re actually too scared to enter into any kind of agreement with you as to the distribution of preferences, because if we do that, then Druery’s told us he will have us last and we won’t be able to be elected.’²⁷

In addition, this practice encourages parties to run more candidates than they would do otherwise.²⁸ The more regions and districts a party runs candidates in, the more bargaining power it has for preference deals with other parties. Group voting tickets may also lead to a larger number of parties, as similar parties have less incentive to merge than they would in a different system where preferences were less reliable. The system may also encourage people to run parties established only to funnel votes to other parties.²⁹

Having more candidates and parties leads to larger ballot papers, which can increase the informality rate (see Section 2.4.3 in this volume). Parties may also encourage people to run as candidates that have little chance of being elected, but are merely there to enable preference deals. Representatives from the Angry Victorians Party stated that parties sometimes did not tell these candidates the situation and that they would end up spending their own money trying to get elected without understanding that they had little chance of success.³⁰

²⁵ Martin Shield, State Director, The Australian Greens Victoria, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 31.

²⁶ National Shooting Council, *Submission 25*, pp. 1–2; Meaghan Capell, *Submission 56*, p. 3.

²⁷ Martin Shield, State Director, The Australian Greens Victoria, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 26.

²⁸ The Australian Greens Victoria, *Submission 87*, p. 2.

²⁹ Ben Raue, *Submission 39*, p. 5; Gorkay King, *Submission 108*, p. 1; Antony Green AO, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 1; Dr Kevin Bonham, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 13.

³⁰ Christopher Burson, President, and Heston Russell, Public Relations and Strategy Manager, Angry Victorians Party, public hearing, Melbourne, 30 October 2023, *Transcript of evidence*, pp. 13–14.

Multiple submitters considered the practice unethical. Some believed that Mr Druery’s actions breached current laws, arguing that he was deceiving people.³¹ The Committee’s understanding is that coordinating preferences for a fee does not breach any laws.

Some submitters did not see the practice as problematic. Chris Curtis argued that there was no reason why parties should not be able to seek advice on their campaigns, though he noted the risk of preference whisperers giving unethical advice and therefore suggested that they be registered and required to follow a code of conduct.³² Malcolm Mackerras AO also held ‘a favourable view’ of Mr Druery’s business.³³

The Committee considers that coordinating preference deals for payment has led to negative consequences for candidates and voters. However, the Committee considers that laws preventing the coordination of preference deals would be problematic. Consultants can be beneficial, especially for new parties. Preventing people from giving advice about the electoral system or facilitating discussions between parties could disadvantage some parties. Ultimately, the changes to the Upper House voting system that the Committee has recommended in Chapter 6 of Volume 1 would mean that there is less incentive for preference coordination.

FINDING 98: The practice of coordinating preference deals between parties for a fee (‘preference whispering’) is seen as unethical by many people. It has also led to negative consequences, including giving an advantage to parties that are willing to pay for the service, pressuring parties to give preferences that they otherwise would not (creating group voting tickets that are less aligned with a party’s ideology) and creating an incentive for parties to run candidates that have little chance of being elected, adding to the size and complexity of ballot papers.

11.3 Confusion caused by party names

Some submitters suggested that parties with similar names may have confused some voters. In particular, they noted:

- the Liberal Party (which appeared as simply ‘Liberal’ on ballot papers) and Liberal Democrats
- the Labor Party (which ran as ‘Australian Labor Party—Victorian Branch’) and ‘Labour DLP’.

One submitter suggested that this similarity might be particularly confusing for people with lower levels of English.³⁴

³¹ Name withheld, *Submission 55*, p. 2; Meaghan Capell, *Submission 56*, pp. 3–4; Meaghan Capell, *Submission 56a*, pp. 13–15, 19. See also Christopher Burson, President, Angry Victorians Party, public hearing, Melbourne, 30 October 2023, *Transcript of evidence*, p. 8.

³² Chris Curtis, *Submission 41*, p. 17; see also Meaghan Capell, *Submission 56a*, p. 12.

³³ Malcolm Mackerras AO, *Submission 1*, p. 3.

³⁴ Gorkay King, *Submission 108*, p. 1.

One submitter claimed that parties were deliberately encouraging this confusion.³⁵ Carlo Toncich told the Committee:

there were people canvassing for votes for the Labour DLP who were saying, ‘No, no, we are Labor,’ which is sort of technically correct if they want to call themselves the Labour DLP and campaign that way, you know, as a Labour party ... [but] purposeful confusion was what it was. It is saying, ‘Oh, yeah, we’re the Labor Party,’ and then I am standing about five people back saying, ‘Do you want to vote for Daniel Andrews’s Labor Party?’ And they are like, ‘Oh, no, we’ve already got the Labor card’ because they have taken this Labour DLP one, confusing it for the Australian Labor Party.³⁶

The VEC undertook an analysis of voting patterns to identify any evidence of confusion. The VEC compared the votes for the Liberal Democrats when they appeared before the Liberal Party on ballot papers to their results when the Liberal Party appeared first. The hypothesis was that, if Liberal Democrats appeared first on a ballot paper, some voters might select them thinking that they had selected the Liberal Party and not realise that the Liberal Party appeared later. This would lead to a boost in votes for the Liberal Democrats when they appeared before the Liberal Party on ballot papers. The same analysis was done with Labour DLP and the Labor Party.

The analysis found that:

- for the Upper House, Labour DLP received almost 2% more first-preference votes when they appeared before the Labor Party and the Liberal Democrats received 1.6% more when appearing before the Liberal Party
- for the Lower House, Labour DLP candidates received an average of 1% more first-preference votes when placed above Labor Party candidates, but no effect was found with respect to the Liberal Democrats and Liberal Party.³⁷

In addition, the VEC’s research identified 1,604 Upper House votes where voters marked the above-the-line squares for both the Labor Party and Labour DLP or both the Liberal Party and Liberal Democrats. The VEC suggested that, ‘These appear to have been voters who were confused by the similar names of the parties, and who decided to hedge their bets by voting for both.’³⁸ As a result, all of these votes were informal and were not counted towards any candidates.

While the VEC notes several limitations to its research,³⁹ the research suggests that there is some degree of confusion caused by these similarly named parties.

The Electoral Act currently prohibits the registration of a political party if the VEC believes that it ‘so nearly resembles the name of another registered political party

³⁵ Carlo Toncich, *Submission 71*, Appendix, p. 3.

³⁶ Carlo Toncich, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 3.

³⁷ Victorian Electoral Commission, *Submission 59*, pp. 70–1. See also the comments about other jurisdictions from Stuart Smith, State Director, Liberal Party of Australia (Victorian Division), public hearing, Melbourne, 28 August 2023, *Transcript of evidence*, pp. 17–18.

³⁸ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 174.

³⁹ Victorian Electoral Commission, *Submission 59*, p. 70.

that it is likely to be confused with, or mistaken for, that name'.⁴⁰ Similar legislation at the Commonwealth level is more specific and includes prohibiting the registration of a party if its name or its abbreviation contain a word that is in the name or abbreviation of an already-registered party (with some exceptions).⁴¹ Some submitters called for Victoria to introduce similar legislation.⁴²

Chris Curtis argued against parties using slogans as names 'as a way of winning votes from those who don't look behind the name'. He mentioned 'Sustainable Australia Party – Stop Overdevelopment/Corruption' and 'Sack Dan Andrews Restore Democracy' as examples.⁴³ Mr Curtis suggested a tighter limit on party names, restricting them to 27 letters/spaces, with five of those required to be 'party'.⁴⁴

John O'Brien noted the concerns about Sack Dan Andrews Restore Democracy (see Box 11.1) and suggested that misleading advertising provisions should apply to party names.⁴⁵

The VEC called for the laws about party names to be tightened in its 'technical recommendation 6':

Amend sections 47 and 47A of the Electoral Act to insert provisions compelling the VEC to refuse an application for the registration of a political party, or to refuse an application for a registered political party to change its registered name, abbreviation or logo if, in the opinion of the VEC, the name, abbreviation or logo of the political party—

- is or resembles the name, abbreviation or logo of another political party which has a pending application for registration, where the other political party submitted its application first
- is or resembles the name, abbreviation or logo to which a registered political party has submitted an application to change its registered name, abbreviation or logo, where that registered political party submitted its application first
- is or resembles the registered name, abbreviation or logo of a political party which was at one point registered within the past 10 years
- contains 'MP', 'MLA' or 'MLC'
- is likely to lead an elector to mistakenly believe that the political party has a connection or relationship with a registered political party or parties.⁴⁶

⁴⁰ *Electoral Act 2002 (Vic) s 47.*

⁴¹ *Commonwealth Electoral Act 1918 (Cth) s 129(3).*

⁴² Liberal Party of Australia (Victorian Division), *Submission 103*, p. 14; Gorkay King, *Submission 108*, p. 1.

⁴³ Chris Curtis, *Submission 41*, p. 16. See also Martin Shield, State Director, The Australian Greens Victoria, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 25.

⁴⁴ Chris Curtis, *Submission 41*, pp. 16–17.

⁴⁵ John O'Brien, *Submission 45*, p. 1.

⁴⁶ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, Technical Recommendation 6, pp. 110–11.

The Committee supports the VEC’s proposal with some adjustments. The Committee would like to see the restrictions go further, not allowing a registration that includes a word used in the name of another party (with some exceptions), as in Commonwealth legislation. If a party has been deregistered but later applies to register again, the rules should apply to this party as well. The fact that a name had previously been registered should not mean that it can be used again if it breaches the rules.

FINDING 99: Research and anecdotal evidence suggest that some voters are confused by parties with similar names on ballot papers, such as ‘Liberal’ and ‘Liberal Democrats’; and the ‘Australian Labor Party—Victorian Branch’ and ‘Labour DLP’.

RECOMMENDATION 64: That the Government introduce legislation amending sections 47 and 47A of the Electoral Act to add additional restrictions requiring the VEC to refuse to register a political party’s name, abbreviation or logo if they too closely resemble another party that is currently registered, or has already submitted an application for registration or change of registered name, abbreviation or logo. In drafting the legislation, the Government should consider the VEC’s technical recommendation 6 in its report to Parliament on the 2022 election and sections 129 and 129A of the *Commonwealth Electoral Act 1918*. The fact that a name, abbreviation or logo had previously been registered should not mean that it can be used again if it breaches the rules.

11.4 Confusion about party affiliation

To ensure that voters understand whom they are voting for, it is important for them to understand if a candidate is associated with a party. Two areas were identified during this Inquiry where this could be made clearer—allowing parties to use their colours on ballot papers and ensuring that candidates who are disendorsed by a party do not have that party’s name printed with them (where possible).

At the Committee’s community roundtable with culturally and linguistically diverse voters, it was suggested that each party/independent should have an associated colour which is included on the ballot paper (see Section 5.5.1 and Appendix C in this volume). This would make communication about who to vote for easier and make it easier for voters to find the candidate or party on the ballot paper that they wish to support. This would also reflect the existing advertising practices of some parties.

The Committee considers that this may be beneficial. It would be difficult for each party and independent in Victoria to have a unique colour, as 23 parties contested the 2022 election, as well as varying numbers of independents in different electorates. However, it may be feasible to print party logos on ballot papers in a colour chosen by each party to match with their branding. This would help voters to identify candidates more easily by associating the colours they have seen in advertising with the colour

of logos next to names on ballot papers. The Committee considers that this idea is worthwhile and would like to see legislative change to allow this to happen.⁴⁷

FINDING 100: Participants in the Committee’s community roundtable with culturally and linguistically diverse voters suggested including colours associated with parties/ independents on ballot papers to help voters identify candidates. The Committee sees value in this suggestion. Given the number of parties in Victoria, the best way to implement this would be by allowing political parties to register a colour logo in the Register of Political Parties, which the VEC would then print in colour on ballot papers.

RECOMMENDATION 65: That the Government introduce legislation amending the Electoral Act to allow political parties to register a colour logo in the Register of Political Parties, which must then be printed in colour on ballot papers.

There is also a possibility that voters may be confused if a candidate nominated as part of a party is disendorsed by that party after nomination.

Currently in this situation, the candidate themselves is required to withdraw their nomination to be removed from the ballot paper.⁴⁸ The Labor Party argued that the Registered Officer of a party should be able to remove any candidate of that party from the ballot paper prior to the close of nominations.⁴⁹ This would not stop the candidate from nominating as an independent. However, it would allow the party to easily withdraw the nomination of a person who has been disendorsed by their party so they do not appear on the ballot paper as a party candidate.

The Committee considers that this is an appropriate suggestion.

FINDING 101: If a candidate is disendorsed by a party after nomination, they cannot have their nomination withdrawn by the party that has disendorsed them. Only the candidate themselves can withdraw their nomination. If they do not do this, voters may be confused about which candidates represent a party.

RECOMMENDATION 66: That the Government introduce legislation amending the Electoral Act to allow the Registered Officer of a party to withdraw the nomination of any candidate nominated as a member of that party prior to the close of nominations.

⁴⁷ Sections 45(4)(a), 51(2A)(a) and 74(5) of the *Electoral Act 2002 (Vic)* require parties to provide a black and white logo for printing on ballot papers.

⁴⁸ *Electoral Act 2022 (Vic)* s 71(1).

⁴⁹ Victorian Labor Party, *Submission 82*, p. 19.

11.5 Campaigning at voting centres

Voting centres provide campaigners with a last opportunity to highlight key messages to voters. It is important that candidates have access to this opportunity to ensure that voters can be informed when they cast their votes. Submitters to this Inquiry highlighted several aspects of voting centre arrangements which make it difficult for voters to be fully informed about all candidates.

Poor behaviour by some campaigners can also made it hard for other campaigners to interact with voters. This is discussed in Section 12.2 of this volume.

11.5.1 The importance of campaigners at voting centres

Independent candidate Stephen Capon noted the importance of campaigning and handing out how-to-vote cards at voting centres:

You know that most people have little or no idea about yourself and/or your party if you are with one of the minor parties. They likely don't know the main policies you're campaigning on, and this could be your one opportunity of putting that information into a voter's hands.

You also know that the vast majority of people are likely to vote according to how-to-vote cards (though that has lessened over the years), or are likely to use the how-to-vote cards as a guideline, with perhaps switching a couple of parties around based on personal preference.

Therefore, you know that if you don't get your paper into their hands, the chances of them voting for you (and if you're in a party, according to how the party wants them to vote) is very slim. Comparatively, with the card in hand, they still might vote for another candidate, but you know you did all that you could, and that your odds were better as a result of handing out the how-to-vote cards.

In short, candidates are going to want to hand out how-to-vote cards because it gives the voter a better understanding of the candidate, their (party's) policies, and increases the likelihood of getting that person's votes.⁵⁰

An analysis of the votes in seven districts found that 29.7% of votes in these districts fully matched with how-to-vote cards. In two districts, it was over 39%.⁵¹ This suggests that how-to-vote cards are useful to a sizeable portion of voters. Where there are a large number of candidates, some voters may particularly rely on how-to-vote cards for guidance. If candidate numbers continue to increase, how-to-vote cards may become increasingly important for voters.⁵²

⁵⁰ Stephen Capon, *Submission 52*, pp. 1–2.

⁵¹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 180.

⁵² Austin Cram, *Submission 88*, p. 1.

In addition, a survey conducted by the VEC of voters at the Warrandyte District by-election found that 32.9% of respondents liked ‘the fact that we have party workers and candidates outside a voting centre’.⁵³ The Animal Justice Party cited research from the 2019 Commonwealth election that found that 11% of voters made up their mind about who to vote for on election day.⁵⁴

For some voters, campaigners are also an important source of information about how to fill out ballot papers so that their vote is formal.⁵⁵

11.5.2 The number of voting centres

Several submitters argued that there were too many voting centres on election day, making it difficult to supply enough campaigners to inform voters.⁵⁶ Philip Lillingston argued:

it is quite unreasonable and unfair to deny the voter the opportunity to, if they so wish, make contact at the polling station with all independent candidates or political party’s representatives, so as to become more informed of their policies and/or candidate.⁵⁷

Some saw this as particularly difficult for smaller parties and independents, providing an advantage to larger parties.⁵⁸

Some submitters argued for a reduction in the number of election-day voting centres. This would make it easier for campaigners to be present at more centres. It was also argued that there would be other advantages to reducing the number of voting centres, including:

- a reduction in costs
- less chance of voting centres running out of ballot papers
- increased ballot paper security
- fewer voting centre managers would be needed and the ones that are needed could be trained more thoroughly.⁵⁹

⁵³ Victorian Electoral Commission, *Report to Parliament: 2023 Warrandyte District by-election*, Melbourne, 2024, p. 9. The VEC did not disclose how many respondents there were to this survey.

⁵⁴ Animal Justice Party, *Submission 104*, p. 7, citing Katherine Murphy, ‘Post-election research shows 11% of voters made up their mind on polling day’, *The Guardian*, 4 June 2019, <<https://www.theguardian.com/australia-news/2019/jun/04/post-election-research-shows-11-of-voters-made-up-their-mind-on-polling-day>> accessed 13 December 2023.

⁵⁵ Bernadette Thomas, *Submission 67*, p. 2; community roundtable with people from culturally and linguistically diverse background (see Sections C.3 and C.7 of Appendix C). Ms Thomas notes, however, that the information provided by campaigners is not always accurate.

⁵⁶ Philip Lillingston, *Submission 40*, p. 3; Rohanna Mohr, *Submission 49*, p. 1; Gayle Williams, *Submission 50*, p. 1; Dr Joe Garra, *Submission 57*, p. 1; The Solis Foundation, *Submission 70*, p. 3; Sally Gibson, *Submission 80*, p. 9; Leonie Schween, *Submission 84*, p. 2; The Nationals Victoria, *Submission 100*, p. 4; Veronica Monaghan, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 9.

⁵⁷ Philip Lillingston, *Submission 40*, p. 3.

⁵⁸ Philip Lillingston, *Submission 40*, p. 3; Gayle Williams, *Submission 50*, p. 1; Dr Joe Garra, *Submission 57*, p. 1.

⁵⁹ Philip Lillingston, *Submission 40*, pp. 1–5; Matthew Kirwan, *Submission 61*, pp. 1–2; Sally Gibson, *Submission 80*, p. 9; The Nationals Victoria, *Submission 100*, p. 4.

The decreasing number of people voting on election day was noted, along with the fact that some election-day voting centres had low turnouts.⁶⁰ The Nationals argued that some voting centres in towns with early voting centres had low turnouts. The number of voting centres in these towns could therefore be reduced with minimal impact on voters.⁶¹

Similarly, it was argued that the early voting period should be reduced to make it easier to have campaigners at voting centres. Having a 12-day early voting period was also seen as a factor which disproportionately disadvantaged minor parties and independents (see Section 14.4 in this volume).

The VEC has stated that it intends to reduce the number of election-day voting centres in the future (see Section 3.3.1 in this volume). The Committee supports this. However, with a decreased number of voting centres, it becomes increasingly important to ensure that the remaining centres have suitable facilities for voters and campaigners and are adequately resourced to ensure that waiting times do not increase. The Committee would also like to see changes to the election timeline, as set out in Chapter 3 of Volume 1 of this report.

11.5.3 Difficulties accessing how-to-vote cards

The Liberal Party raised concerns about access to how-to-vote cards in small regional voting centres, where parties and candidates may not have the resources to send campaigners to hand out how-to-vote cards. The Liberal Party suggested that how-to-vote cards should be made available through the VEC or some other mechanism at these voting centres.⁶² Similar ideas were also proposed by various other stakeholders.⁶³

Having the VEC provide facilities for how-to-vote cards would reduce the pressure on parties and candidates to have volunteers at all voting centres. It would also help to reduce the number of people campaigning at voting centres, which has been noted as a problem by multiple people (see Sections 3.3.3 and 12.2.1 of this volume).

In addition, this may fit more closely with what voters prefer. The VEC conducted a post-election survey of voters at the 2023 Warrandyte District by-election about their preferred way to get information normally presented by campaigners at voting centres. The results found that having information on tables or attached to the voting screen were the most preferred options (see Figure 11.7).

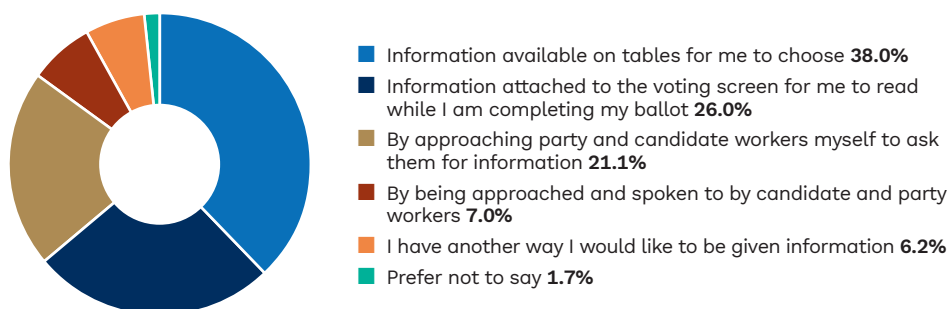
⁶⁰ Matthew Kirwan, *Submission 61*, pp. 1–2.

⁶¹ The Nationals Victoria, *Submission 100*, p. 4. See also Veronica Monaghan, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 9.

⁶² Liberal Party of Australia (Victorian Division), *Submission 103*, p. 7.

⁶³ Sophie Paterson, *Submission 21*, p. 1; Rosalind Hustler, *Submission 24*, p. 1; Michael Fuery, *Submission 48*, p. 5; Stephen Capon, *Submission 52*, p. 2; Austin Cram, *Submission 88*, p. 1.

Figure 11.7 How voters would prefer to receive information normally presented by campaigners



Note: Survey of voters at the 2023 Warrandyte District by-election. Survey conducted through the VEC's online research panel. The VEC did not disclose how many respondents there were to this survey.

Source: Victorian Electoral Commission, *Report to Parliament: 2023 Warrandyte District by-election*, Melbourne, 2024, p. 9.

However, there would be a number of practical difficulties with this sort of approach. The volume of how-to-vote cards at elections is large (there were 1,526 registered cards in 2022).⁶⁴ If there is no system for registering how-to-vote cards at future elections (as recommended by the Committee in Section 13.3.2 of this volume), a system for determining what should be displayed in each voting centre would have to be devised. Display facilities may become a focus for conflict between candidates wishing to vie for the best positions.

The Committee is reluctant to add additional responsibilities to VEC staff and complexity to voting centres, which can already be very busy. The Committee therefore does not consider that it would be practical to give the VEC responsibility for providing voters with how-to-vote cards.

The Committee also notes that the VEC's plans to reduce the number of election-day voting centres (see Section 3.3.1 of this volume) will reduce the number of volunteers needed to hand out how-to-vote cards. This should reduce some of the pressure on candidates and parties.

FINDING 102: The number of voting centres on election day and the length of the early voting period make it difficult for all candidates to be represented by campaigners at all voting centres. This makes it harder for voters to be informed before casting their votes.

11.6 Preventing candidates and parties from using internet addresses and social media names

Some 2022 campaigns acquired internet addresses or social media accounts with a rival candidate's name, therefore preventing that candidate from using them. This can make it hard for voters to find information about the candidate.

⁶⁴ Victorian Electoral Commission, *Submission 59*, p. 29.

The Committee was told that internet addresses with three variations on an independent candidate's name had been registered by a political party to prevent the independent from using them.⁶⁵ The Committee was also told that these domains were diverted to a rival candidate at one point.⁶⁶ Similarly, the Labor Party was reported to have set up a Facebook page under the name of Matthew Guy MP (the Leader of the Opposition) which was used to advertise messages against Mr Guy.⁶⁷

In the case of internet addresses, the Committee was told that the body managing Australian addresses (.au Domain Administration) can intervene, but that it can take up to 90 days, which is too long in an election campaign.⁶⁸ In the case of the Facebook page, it was reported that Facebook removed the page because 'it did not clearly communicate that it is not the official Matthew Guy page, which may be misleading to some users'. The page was reinstated it when the page was clearly marked as satire.⁶⁹

Felicity Frederico OAM suggested that, if a candidate code of conduct is introduced (see Section 5.2 in Volume 1), it should prohibit practices such as this.⁷⁰ The Committee believes that this would be appropriate. The Committee's recommendation that it be made illegal to publish material falsely purporting to be from another party or candidate (see Section 13.3.2 of this volume) would also help with this situation.

FINDING 103: Some 2022 election campaigns are reported to have registered internet addresses and social media accounts in the name of rival candidates and used them to spread information against the candidates. This practice makes it more difficult for voters to find accurate information about candidates.

11.7 Sources for accurate information about candidates and parties

A number of stakeholders suggested that there is a need for easy-to-find, accurate sources of information about candidates and parties. This issue has been raised in previous inquiries with the Committee.

65 Jan Cooper, *Submission 47*, p. 2; Melissa Lowe et al., *Submission 62*, p. 30; Felicity Frederico OAM, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 66.

66 Melissa Lowe et al., *Submission 62*, p. 30.

67 Josh Butler, 'Facebook reinstates Victorian Labor's "Matthew Guy" page used for election attack ads after marking it as satire', *The Guardian*, 25 November 2022, <<https://www.theguardian.com/australia-news/2022/nov/25/facebook-reinstates-victorian-labors-matthew-guy-page-used-for-ad-attacks-after-marking-it-as-satire>> accessed 1 February 2024; David Southwell, 'Dan Andrews' campaign spent \$115,000 on a bizarre dirty election trick using a Facebook page in the name of his rival to pump out vicious attack ads - until it suddenly vanished', *Daily Mail Australia*, 20 November 2022, <<https://www.dailymail.co.uk/news/article-11448883/Dan-Andrews-Labor-spends-big-Matthew-Guy-Facebook-Page-attack-Victorian-Liberal-leader.html>> accessed 1 February 2024.

68 Melissa Lowe et al., *Submission 62*, p. 21; Felicity Frederico OAM, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 66.

69 Josh Butler, 'Facebook reinstates Victorian Labor's "Matthew Guy" page used for election attack ads after marking it as satire', *The Guardian*, 25 November 2022, <<https://www.theguardian.com/australia-news/2022/nov/25/facebook-reinstates-victorian-labors-matthew-guy-page-used-for-ad-attacks-after-marking-it-as-satire>> accessed 1 February 2024.

70 Felicity Frederico OAM, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 66.

Some people called for an online source of information that voters could visit to learn about the candidates in their electorates. Others suggested public meetings in which candidates could speak and meet voters.

11.7.1 A single online source of information

The crux of my submission is that it is impossible, under the current electoral processes, for citizens to make a well-informed decision on the most suitable candidate to represent them in the Upper House, and measures must be taken to rectify this situation.

The voter is placed in this impossible situation mainly because there is a dearth of any meaningful information on the respective candidates that can be easily accessed and read, so as to enable the voter to assess the relative merits of each candidate and make an informed decision when they vote.

Prabha Kutty, *Submission 97*, p. 1.

Several submitters to this Inquiry called for the creation of an online information resource about candidates, parties and their policies. For example, Michael Fuery suggested:

Once the candidate ballot draw is conducted, then a relevant HTV [how-to-vote] card-equivalent page could be assigned to each candidate, accessible through the app. Furthermore a short video of each candidate giving a brief statement of their platform and priorities could be included. These electronic resources would be the responsibility of parties and independents and would be supplied to the VEC for approval and certification, uploaded via a secure portal.⁷¹

The 2022 post-election survey by Kantar Public (see Section 1.5 in this volume) found that 7.1% of respondents would have liked more information on candidates and parties.⁷² A similar result was found through the Committee's survey of voters with disability (see Section D.4.8 in Appendix D in this volume), with 7.8% of respondents saying they needed more information about who or what to vote for.

Information about parties and candidates can be particularly difficult to find for some groups of people. Participants from culturally and linguistically diverse backgrounds in community forums after the 2018 election called for a trusted and unbiased source of information about candidates.⁷³ Multiple voters with disability completing the Committee's survey also called for information about candidates and their policies

⁷¹ Michael Fuery, *Submission 48*, p. 5. See also Meaghan Capell, *Submission 56a*, p. 17; Prabha Kutty, *Submission 97*, p. 3.

⁷² Electoral Matters Committee calculations based on Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, pp. 33–4 (17% of voters would have liked additional information and 42% of those people would have liked additional information on candidates and parties).

⁷³ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 52–3.

in a central, easy-to-understand format (see Section 4.6 in this volume)⁷⁴ and the Committee heard that there is a need for more support for people with cognitive disability to learn about politics (see Section 4.3.2).

The VEC has previously tried to help people find information about who to vote for through its programs. At the 2018 election, one of the VEC's performance measures reported on the proportion of VEC workshop participants who knew how to find out who to vote for.⁷⁵ This performance measure is no longer reported on, though other measures about the VEC's workshops have continued.⁷⁶ It is not clear whether the VEC's program has changed to remove this content or whether the VEC is just no longer reporting on this aspect.

The Committee is aware that some other organisations are working to bring together information about candidates, parties and their policies:

- the Parliamentary Budget Office provided an independent analysis of the financial impact of parties' election commitments, including an 'election commitment tracker', which brought all the publicly announced election commitments of parties together in one place⁷⁷
- Polipedia used artificial intelligence to gather data about candidates and bring it together on one site—the organisation stated that it received 25,000 visitors to its website in the lead up to the 2022 election, with visitors spending between 5 and 8 minutes on the site on average⁷⁸
- Inclusion Melbourne worked with parties and candidates to create the I Can Vote website, hosting videos and other resources in easy language about candidates, parties and voting (see further details in Section 4.3.2 in this volume).⁷⁹

Each of these organisations noted challenges that it had experienced. The Parliamentary Budget Office suggested that improvements could come from it being the sole supplier of election costings, so that all costings are on a comparable basis. It also called for major parties to be required to publicly release reports from the Parliamentary Budget Office before the election, which is not currently a requirement.⁸⁰ Polipedia noted that there were many candidates with little or no information about themselves publicly available and recommended that candidates be required to

⁷⁴ See also name withheld, *Submission 111*, p. 2.

⁷⁵ Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 167.

⁷⁶ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 134.

⁷⁷ Parliamentary Budget Office, *Report of operations for the Victorian 2022 general election*, Melbourne, 2023 (=Parliamentary Budget Office, *Submission 13*, Attachment 1), p. 11.

⁷⁸ Polipedia, *Submission 68*, p. 3.

⁷⁹ Nathan Despott, Head of Policy, Research and Advocacy, Inclusion Melbourne, public hearing, Melbourne, 28 August 2023, *Transcript of evidence*, p. 2; Cameron Bloomfield, Peer Leader, Rainbow Rights and Advocacy, and Nathan Despott, Head of Policy, Research and Advocacy, Inclusion Melbourne, public hearing, Melbourne, 27 November 2023, *Transcript of evidence*, pp. 3, 4.

⁸⁰ Parliamentary Budget Office, *Report of operations for the Victorian 2022 general election*, Melbourne, 2023 (=Parliamentary Budget Office, *Submission 13*, Attachment 1), pp. 17–18.

provide basic information to the VEC.⁸¹ Nathan Despott noted that not all major parties completed the process of producing material for I Can Vote.⁸²

There remains a need for an organisation that is officially designated as a place where voters can go to find information about candidates, parties and their policies. Such an organisation could also facilitate communication between parties, candidates and other projects that target particular groups of voters, such as I Can Vote or culturally and linguistically diverse groups.

In the Australian Capital Territory (ACT), the Electoral Commission is required to publish statements from candidates on its website. These are similar to the candidate statements published by the VEC for local council elections. Damian Cantwell AM CSC, the ACT's Electoral Commissioner, told the Committee about his experience with candidate statements in the ACT:

At an official level I certainly was against hosting it, for fear of being seen, rightly or wrongly, as not being entirely impartial, as is an absolute necessity for any electoral body. But having said that, my experience post 2020 was that I got some feedback that it was quite useful for voters to review the candidate statements to get a good sense of who was who.⁸³

Representatives of both ACT Labor and the Canberra Liberals told the Committee that they considered candidate statements to be useful. However, they also noted that not all voters will take the time to go to a website to seek out information. Online information therefore does not take away the need for other forms of communication from parties and candidates to voters.⁸⁴

One problem with candidate statements is that they do not necessarily enable a clear comparison between candidates:

It is very difficult to compare all the candidates equally, as every candidate writes their own blurb or has their staff write their own blurb. It would be interesting to get an online comparison between the candidates that list the issue and how they would vote on that issue - similar to comparing whether two phones have USB charging ports or not. The online tool would mean [people] could look up issues they are interested about, without getting overwhelmed by information and long sentences.⁸⁵

This sort of approach has been used in New Zealand, where two websites publish information about parties and candidates—Vote Compass and policy.nz. These websites are both run independently of the electoral commission and use different

⁸¹ Polipedia, *Submission 68*, pp. 6–8.

⁸² Nathan Despott, Head of Policy, Research and Advocacy, Inclusion Melbourne, public hearing, Melbourne, 28 August 2023, *Transcript of evidence*, pp. 1–2; Nathan Despott, Head of Policy, Research and Advocacy, Inclusion Melbourne, public hearing, Melbourne, 27 November 2023, *Transcript of evidence*, pp. 4, 6.

⁸³ Damian Cantwell AM CSC, Electoral Commissioner, Elections ACT, public hearing, Melbourne, 5 February 2024, *Transcript of evidence*, p. 8.

⁸⁴ Ash van Dijk, Secretary, ACT Labor, and Adam Wojtonis, Director, Canberra Liberals, public hearing, Melbourne, 5 February 2024, *Transcript of evidence*, p. 13.

⁸⁵ Respondent to the Committee's survey of voters with disability—see Appendix D in this volume.

approaches to bring together information in a way that facilitates comparison. With Vote Compass, users complete an online survey and their responses are compared to information provided to Vote Compass by major parties in relation to selected policy issues to provide the user with information about which party or parties their views align with. Policy.nz brings together publicly available information and information supplied to policy.nz by candidates and displays it in a variety of ways. This includes being able to select a policy issue and see different parties' positions and exploring the backgrounds and priorities of individual candidates.⁸⁶

Vote Compass has also been used for Australian Commonwealth elections and some state elections, including Victoria in 2014.⁸⁷

The Committee has not formed a view on the best approach to publishing information about parties and candidates. One submitter suggested it be determined by a citizens' panel.⁸⁸ The Committee considers that further research to identify the most effective and helpful approach would be appropriate. This is explored further in Section 4.4 of Volume 1.

FINDING 104: Survey data suggest that more than 7% of voters would have liked more information about candidates and parties. The VEC and other stakeholders have called for an online resource with information about candidates, parties and their policies to be created. This has been done in various other jurisdictions. Further investigations are needed to identify the most appropriate way to do this in Victoria.

11.7.2 Community forums

Some submitters suggested that the VEC host at least one 'town hall' meeting in each district. This would provide all candidates with an opportunity to share their platforms and would give voters a chance to connect with the candidates. It would also level the playing field somewhat, by giving all candidates a chance to be heard and not just those with a larger budget.⁸⁹

Stephen Capon, an independent candidate, attempted to organise a public meeting for his district but with limited success. He explained:

I initially tried to get the local council (Casey Council) to host a town hall, which they did not want to do (given it was coming from an individual candidate). As such, I decided to run my own Town Hall – the local council refused to even moderate such a meeting, again for fear of impartiality.

⁸⁶ See further discussion in Kristina Temel, Manager, Legal and Policy, New Zealand Electoral Commission, public hearing, Melbourne, 5 February 2024, *Transcript of evidence*, p. 3.

⁸⁷ Vote Compass, *Past Vote Compass initiatives*, <<https://votecompass.com/#past>> accessed 3 April 2024.

⁸⁸ Prabha Kutty, *Submission 97*, pp. 2–3.

⁸⁹ Stephen Capon, *Submission 52*, p. 10; Meaghan Capell, *Submission 56a*, p. 17; Christopher Burson, President, Angry Victorians Party, public hearing, Melbourne, 30 October 2023, *Transcript of evidence*, pp. 2–3.

And even when I had hired the venue, organised a livestream of the meeting, the Labor candidate was unable to attend any of the 4 scheduled meetings, and the Liberal candidate was instructed by his party to not attend. Given this is the attitude the Major Parties show to the Minor Parties and Independents, any such Town Halls must be hosted by the VEC to give it the gravitas required to get the recalcitrant parties to attend.⁹⁰

Christopher Burson from the Angry Victorians Party outlined several possible benefits from public meetings organised by the VEC:

Even if you were to have \$4 million and you were smashing somebody's Facebook but then they turned up to a debate and then they were like, 'Well, these two have talked, and I actually prefer that person over that person,' it does not matter how much money they have. The VEC could actually hold a debate in each electorate, and then if people turn up, they turn up, and if they do not, they do not. But at least there would be something that was organised by the VEC that everybody got a chance to speak at, and then it would eliminate paper candidates because they would not show up, for starters, because that is not what you do as a paper candidate – your job is to be hidden and just get votes to preference and work for the [preference] whisperer. And then if you got rid of all the volunteers and that sort of stuff, at least it would be less intimidating on the day when people are just trying to hand stuff to you. You would be like, 'Well, I spoke to that guy. I've actually seen him. I've actually spoken to him. I know who they are. I'm going to vote for them.'⁹¹

The idea of the VEC organising community forums with candidates was also suggested as a way of helping people from culturally and linguistically diverse backgrounds to make informed votes. This was proposed in the roundtables held by the Committee after both the 2022 election (see Section C.5 in Appendix C) and the 2018 election.⁹²

The Committee agrees that community forums for each district, in which all candidates are invited to speak, could help voters to be more informed when casting their votes. Consideration could also be given to opportunities for Upper House candidates, though the size of some regions might make in-person events impractical for voters to attend.

Whether the VEC or another body is best placed to organise and facilitate such forums is a topic that would require further investigation. The Committee has recommended that this investigation take place as part of a new inquiry (see Section 4.4 of Volume 1).

FINDING 105: Community forums for each district would give candidates an opportunity to present their policies to the community and meet with community members. This would help voters to be better informed before casting their votes and would help to level the playing field for candidates.

⁹⁰ Stephen Capon, *Submission 52*, p. 10.

⁹¹ Christopher Burson, President, Angry Victorians Party, public hearing, Melbourne, 30 October 2023, *Transcript of evidence*, pp. 2-3.

⁹² Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, p. 52.

11.7.3 Other proposed information disclosure

A variety of other suggestions were made during this Inquiry about disclosures from candidates and parties that would help voters to be better informed. These included:

- parties releasing all policies before voting begins⁹³
- parties disclosing more about their internal workings through annual reports including ‘at a minimum, current officeholders and senior staff, current membership figures, a schedule of membership fees and privileges and the results of internal elections’⁹⁴
- disclosing if campaigners handing out electoral material are paid⁹⁵
- requiring all candidates to produce videos or pamphlets which are distributed to voters.⁹⁶

The Committee believes that all of these would be beneficial for voters and encourages parties and candidates to consider these ideas.

⁹³ Meaghan Capell, *Submission 56*, p. 7; Meaghan Capell, *Submission 56a*, p. 17.

⁹⁴ Travis Jordan, *Submission 53*, p. 6.

⁹⁵ The Solis Foundation, *Submission 70*, p. 3.

⁹⁶ Survey of voters with disability (see Appendix D of this volume).

Chapter 12

Poor behaviour by candidates and campaigners

12.1 Introduction

Part of ensuring that an election is fair is protecting voters from being intimidated or deceived by parties, candidates or campaigners. It is also important that candidates and their supporters are not prevented from campaigning by the behaviour of other campaigners.

Every election sees a certain amount of poor behaviour. However, the Committee heard from multiple sources about an increased level of poor behaviour in 2022. For example, Gary Maas MP told the Committee:

I am used to the usual figurative and verbal sparring that goes with being a candidate, especially in a bitterly fought election. In 25 years, I have never felt that my safety, in doing my job, or that of campaign supporters had been compromised, though. That was until the 2022 Victorian State Election.¹

Bill Tilley MP described the election as ‘one of the most bitter, divisive, and antagonistic campaigns of my 16 years in politics’.² The Deputy Electoral Commissioner agreed with Mr Tilley’s assessment and told the Committee:

There is no doubt that the climate has changed over the past three elections and in particular this one. I went and reviewed the data ... and there has been nearly a tripling of complaints election on election in relation to party worker and candidate behaviour.³

Overall, the Victorian Electoral Commission (VEC) received 278 formal complaints that it categorised as about ‘the conduct of campaign workers, candidates or political parties’ at the 2022 election.⁴ In contrast, the VEC received only 103 complaints about the conduct of candidates and campaign workers at the 2018 election and 28 at the 2014 election.⁵

Section 12.2 of this chapter looks at the poor behaviour seen at voting centres. In particular, it notes the worrying trend of intimidating behaviour towards campaigners and voters. The section notes that the VEC has little capacity to deal

1 Gary Maas MP, Member for Narre Warren South, *Submission 101*, p. 2.

2 Bill Tilley MP, Member for Benambra, *Submission 38*, p. 1.

3 Dana Fleming, Deputy Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 22.

4 Victorian Electoral Commission, *Submission 59*, p. 59.

5 Victorian Electoral Commission, *Report to Parliament on the 2018 Victorian State election*, Melbourne, 2019, p. 79. It is not clear that complaints have been categorised using the same methodology from one year to the next.

with problematic behaviour. The Committee discusses the impact of this behaviour on voters in Section 3.3.3 in this volume.

Section 12.3 considers poor behaviour in other places. There were multiple reports of people interfering with other candidates' signs and putting signs up illegally. Some stakeholders indicated that local laws had unduly interfered with people's right to display political signage. There were also claims of people producing material appearing to come from other parties. Disturbingly, some stakeholders reported threats of violence during the election campaign.

Section 12.4 notes that poor behaviour occurs online at elections. However, the work to properly understand what occurred online in 2022 has not been done and the Committee received little evidence on this matter through submissions. This is an area where more research would be beneficial.

Recommendations to improve candidates' and campaigners' behaviour and to manage poor behaviour when it occurs are discussed in Chapter 5 in Volume 1 of this report.

12.2 Poor behaviour at voting centres

It's that time again – another four years have passed, and it's time to spend half an hour (or less, you hope) standing in line, before you number your ballots, put it in the box, and can forget the whole ordeal for another four years. You drive down to the centre, and as you walk towards the entrance, you can see them all waiting for you, vultures about to descend and attack you. You try and walk briskly, avoiding making eye contact, hoping to slip past them all.

You make your way closer to the entrance, when you see out of the corner of your eye, one of the vultures start to approach you, arm outstretched, paper in hand. They start to block your way, hoping you'll give in and grab their card. As they continue talking, voice buzzing in your ear, you see the others have spotted you, and make their way in for their pound of flesh.

Before you know it, you're hemmed in, surrounded; what feels like a hundred voices yammering at you from all sides, 20 arms and papers in your face. You'd never been a big fan of crowded places, and now you're trapped – there's no escape from the wall of bodies around you. You try and push through them, seeing a gap in their encirclement, only to have another person come around and fill the gap.

What should have been a 10 second walk now takes 60, and your nerves are on-edge, heart pumping, and hairs on-end before you finally cross over the magic line, and make your way inside the centre. You didn't really want to vote, and after today's experience, that feeling has only been reinforced. Why did they have to attack and yell at you like that?

Stephen Capon, *Submission 52*, p. 1.

Campaigning at voting centres plays an important role in our democratic system. It provides campaigners an opportunity to provide information to voters and express their support for particular candidates. Campaigning also provides voters with the opportunity to speak with candidates and their representatives if they wish to do so. The importance of campaigning at voting centres is discussed in more detail in Section 11.5.1 in this volume.

Ensuring that campaigners and voters can interact safely and effectively is therefore important for both candidates and voters. If campaigners are prevented from interacting with voters, that can put them at a disadvantage.

12.2.1 Problems at the 2022 election

Multiple sources reported poor behaviour at voting centres by candidates and other campaigners in 2022. This included:

- being loud, aggressive and pushy towards voters when handing out how-to-vote cards or trying to talk to voters⁶
- harassing and being aggressive towards other campaigners⁷
- racial vilification and sexist comments⁸
- having excessive numbers of campaigners at a voting centre⁹
- putting up more signage than was allowed (or related things such as balloons and bunting)¹⁰

6 Maxim Payne, *Submission 3*, p. 1; Marcia Simons, *Submission 10*, p. 1; Sophie Paterson, *Submission 21*, p. 1; Rosalind Hustler, *Submission 24*, p. 1; name withheld, *Submission 44*, p. 1; Michael Fuery, *Submission 48*, p. 3; Rohanna Mohr, *Submission 49*, p. 1; Gayle Williams, *Submission 50*, p. 1; Meaghan Capell, *Submission 56a*, p. 7; Louisa Willoughby, *Submission 60*, p. 1; Robert Lim, *Submission 65*, p. 1; Bernadette Thomas, *Submission 67*, p. 1; Annemarie McCabe, *Submission 69*, p. 1; Victorian Trades Hall Council, *Submission 79*, p. 5; Leonie Schween, *Submission 84*, p. 1; EMILY's List Australia, *Submission 92*, p. 3; Chris Ford, State Secretary, Victorian Labor Party, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 5; response to the Committee's survey of members of Parliament—see Section B.4.1 in Appendix B of this volume.

7 Maxim Payne, *Submission 3*, p. 1; Alex Breskin, *Submission 46*, p. 1; Jan Cooper, *Submission 47*, p. 3; Michael Fuery, *Submission 48*, p. 1; Meaghan Capell, *Submission 56a*, p. 7; Melissa Lowe et al., *Submission 62*, pp. 20, 26–8, 31; Bernadette Thomas, *Submission 67*, p. 1; Victorian Trades Hall Council, *Submission 79*, pp. 4–5; Gary Maas MP, Member for Narre Warren South, *Submission 101*, pp. 3–6; Liberal Party of Australia (Victorian Division), *Submission 103*, p. 9; Animal Justice Party, *Submission 104*, p. 8; Jess Wheelock, Head of Campaigns and Engagement, The Australian Greens Victoria, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 27; Natalie Kopas, Advocacy Manager, Animal Justice Party, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 35; response to the Committee's survey of members of Parliament—see Section B.4.1 in Appendix B of this volume.

8 Alex Breskin, *Submission 46*, p. 1; Michael Fuery, *Submission 48*, p. 2; EMILY's List Australia, *Submission 92*, p. 3; Jess Wheelock, Head of Campaigns and Engagement, The Australian Greens Victoria, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, pp. 23, 27.

9 Marcia Simons, *Submission 10*, p. 1; Bill Tilley MP, Member for Benambra, *Submission 38*, p. 1; Rohanna Mohr, *Submission 49*, p. 1; William Taylor, *Submission 73*, p. 2; Leonie Schween, *Submission 84*, p. 1; Gary Maas MP, Member for Narre Warren South, *Submission 101*, p. 4; Ron Townsend, public hearing, Melbourne, 2 October 2023, *Transcript of evidence*, pp. 4, 5; Christopher Burson, President, Angry Victorians Party, public hearing, Melbourne, 30 October 2023, *Transcript of evidence*, p. 2; response to the Committee's survey of members of Parliament—see Section B.4.1 in Appendix B of this volume.

10 Bill Tilley MP, Member for Benambra, *Submission 38*, p. 2; response to the Committee's survey of members of Parliament—see Section B.4.1 in Appendix B of this volume.

- distributing material in zones where campaigning is not allowed¹¹
- handing out potentially defamatory material or saying things that were not true about other parties¹²
- physically blocking other campaigners from accessing voters¹³
- talking over the top of other campaigners¹⁴
- taking photographs and video of other campaigners without permission¹⁵
- distributing unauthorised material¹⁶
- accusing VEC staff of corruption.¹⁷

One candidate described the situation at the early voting centre in Mulgrave District:

As Daniel Andrews' seat this became a lightning rod for anti-Dan campaigners and frequently had 15+ people for Ian Cook's campaign alone staffing the booth. On the final night of prepoll voting I counted 43 people in total handing out how to vote material across all parties.

The excessive number of volunteers for certain campaigns (principally Cook and the Freedom party) led to an atmosphere that was intimidating for voters and volunteers for other parties. On multiple occasions I witnessed volunteers harassing voters, including but not limited to uninvited physical contact (forcible hand shaking), attempting to block other parties from delivering how to vote materials to voters and haranguing the crowd via megaphone.¹⁸

Ron Townsend, who worked in the early voting centre, similarly described the situation:

when you have got the Liberals and Labor and maybe Ian Cook – especially Ian Cook, because it was just so plain, in-your-face at Mulgrave that he had far too many people there intimidating people with their handout cards. When you walked in towards the

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- 11 Alex Breskin, *Submission 46*, p. 1; Melissa Lowe et al., *Submission 62*, p. 29. Sally Gibson (*Submission 80*, p. 12) noted that the edge of the exclusion zone was not always marked clearly by the VEC and recommended marking it clearly to assist campaigners.
- 12 Alex Breskin, *Submission 46*, p. 1; Austin Cram, *Submission 88*, p. 2. See also Shaun McDonough, *Submission 95*, pp. 1–2.
- 13 Alex Breskin, *Submission 46*, p. 1; Meaghan Capell, *Submission 56a*, p. 7; Louisa Willoughby, *Submission 60*, p. 1; Bernadette Thomas, *Submission 67*, p. 1; Leonie Schween, *Submission 84*, p. 1; EMILY's List Australia, *Submission 92*, p. 3; Gary Maas MP, Member for Narre Warren South, *Submission 101*, p. 4; Animal Justice Party, *Submission 104*, p. 7; Martin Shield, State Director, The Australian Greens Victoria, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 23; response to the Committee's survey of members of Parliament—see Section B.4.1 in Appendix B of this volume.
- 14 Alex Breskin, *Submission 46*, p. 1; Rohanna Mohr, *Submission 49*, p. 1; Meaghan Capell, *Submission 56a*, p. 7.
- 15 Jan Cooper, *Submission 47*, p. 2; Melissa Lowe et al., *Submission 62*, pp. 20, 21, 26, 31; Gary Maas MP, Member for Narre Warren South, *Submission 101*, p. 4; Jess Wheelock, Head of Campaigns and Engagement, The Australian Greens Victoria, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 27; Felicity Frederico OAM, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 67; Hugo Timms, 'Tim Pallas accused of "assaulting" candidate in Werribee', *news.com.au*, 16 November 2022, <<https://www.news.com.au/national/victoria/politics/tim-pallas-accused-of-assaulting-candidate-in-werribee/news-story/13c78369eeeb15872cbfd323574e42ee>> accessed 4 March 2024; response to the Committee's survey of members of Parliament—see Section B.4.1 in Appendix B of this volume.
- 16 Gary Maas MP, Member for Narre Warren South, *Submission 101*, pp. 4, 6; response to the Committee's survey of members of Parliament—see Section B.4.1 in Appendix B of this volume.
- 17 Victorian Trades Hall Council, *Submission 79*, p. 5; Alex Sinnott, 'Claims of dirty state poll tactics', *Geelong Advertiser*, 5 January 2023, p. 7.
- 18 Louisa Willoughby, *Submission 60*, p. 1.

Mulgrave area, there was a gate over this end and a gate over there, and they had guys over there and you had to get past the guys at the other end as well. And people were shaken. We had a couple of people there who were crying because they got flustered by being bullied.¹⁹

The Committee has not investigated the specific claims set out above about Mulgrave District or other voting centres. However, the Committee notes that the claims have been made by multiple different people and parties.

The VEC also noted poor behaviour at voting centres. On the fourth day of the early voting period, the VEC put out a media release stating that the Electoral Commissioner ‘was extremely disappointed by instances of poor behaviour by some party workers and campaign volunteers at a handful of early voting centres’ and called for ‘all election participants to be patient, respectful and courteous to each other’.²⁰ The VEC also issued directions to limit the number of campaigners at two voting centres.²¹

The Committee recognises that only a minority of campaigners exhibited poor behaviour. As one submitter noted, ‘Most parties, volunteers and candidates behaved well, and there were many instances of friendship and camaraderie between rivals on the booths.’²²

However, the sort of behaviour discussed above has the potential to deter people from participating as a candidate, volunteer or voter. As a group of independent candidates told the Committee, ‘Unless there is fundamental change in the behaviour during elections, many of us would not subject ourselves or our supporters to such an intimidating and unsafe environment again.’²³ The impact on voters is discussed in Section 3.3.3 of this volume.

12.2.2 The VEC’s response

The former Electoral Commissioner explained the VEC’s approach to managing poor behaviour:

the election manager will encourage cooperation. If that does not occur, we will go to the party or the candidate. If that does not occur, then the election manager will go and contact VicPol [Victoria Police]. There were instances of that ... And I also believe that one party was asked by the acting electoral commissioner to attend the VEC, and their behaviour was discussed at length and personally.²⁴

¹⁹ Ron Townsend, public hearing, Melbourne, 2 October 2023, *Transcript of evidence*, p. 5.

²⁰ Victorian Electoral Commission, *Poor behaviour blemishes commencement of early voting*, media release, Melbourne, 17 November 2022.

²¹ Victorian Electoral Commission, *Submission 59*, p. 60.

²² Maxim Payne, *Submission 3*, p. 1.

²³ Melissa Lowe et al., *Submission 62*, p. 21.

²⁴ Warwick Gately AM, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 12.

To help with these situations, the VEC established an electoral compliance team during the election period. This team was staffed with ‘experienced electoral law and regulatory experts’ and assisted VEC staff with possible breaches of electoral law, including poor behaviour by campaign workers. The VEC stated that it intended to ‘expand the capacity’ of the team at future elections.²⁵

The VEC also worked with Victoria Police before the election to establish referral procedures, coordinate police responses and educate police about election issues.²⁶

The Committee received some submissions praising VEC staff for the way they dealt with these issues.²⁷ However, some people did not consider the VEC’s responses adequate. For example, the Committee was told:

The VEC response to poor behaviour and intimidating tactics was less than ideal. This usually involved the reprimand of all candidates and volunteers instead of targeting the offending individuals or groups.²⁸

One candidate stated:

Some VEC managers had difficulty ‘managing’ volunteers. This may require improved training in conflict resolution and a very clear understanding of the rules for volunteers at election booths. Communications to parties may also assist with this, and perhaps a volunteer registration process to enable each VEC manager to be sure that all volunteers understand what they can and can’t do at a polling booth and pre-poll booth.²⁹

A representative of the Animal Justice Party explained that:

by the time a voter got inside – and this is direct feedback from voters – and called attention to something, if the VEC official came outside, everything was already over. They sort of just stayed at the entrance for 5 minutes and then went back inside, so there was not really anything deterring the behaviour from happening again ...³⁰

Gary Maas MP stated that, ‘the VEC’s management of these behaviours was at best, limited and at its worst, completely ineffective’.³¹

The Committee recognises that legislation gives the VEC relatively little power to respond to poor behaviour by campaigners as it occurs. Section 174 of the Electoral Act gives election managers and election officials the power to have disruptive people removed from voting centres. Section 152 makes various acts of interference with

25 Victorian Electoral Commission, *Submission 59*, p. 60.

26 Victorian Electoral Commission, *Submission 59*, p. 67.

27 Louisa Willoughby, *Submission 60*, p. 1; Gary Maas MP, Member for Narre Warren South, *Submission 101*, p. 4; response to the Committee’s survey of members of Parliament—see Section B.4.5 in Appendix B of this volume.

28 Melissa Lowe et al., *Submission 62*, p. 28.

29 Bernadette Thomas, *Submission 67*, p. 1.

30 Natalie Kopas, Advocacy Manager, Animal Justice Party, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 35. See also Ron Townsend, public hearing, Melbourne, 2 October 2023, *Transcript of evidence*, p. 8.

31 Gary Maas MP, Member for Narre Warren South, *Submission 101*, p. 6.

political liberty a crime, such as hindering people from exercising their political rights, influencing a person's vote by violence or intimidation and subjecting campaigners to violence and intimidation.

However, the Electoral Act does not give the VEC the power to enforce the provisions in Section 152. The only way for the VEC to take action is to launch a prosecution. As the VEC notes:

Bringing a matter to prosecution is very serious and stressful for the person being prosecuted and is resource intensive for the VEC. Investigations into alleged offences may take many months to finalise, in some cases more than a year, and even more time to prosecute. This means that from the public's perception, offenders appear to not experience consequences, which compromises public confidence in electoral integrity and the VEC as a regulator.³²

Similarly, the VEC did not consider that it has the power to prevent some of the inappropriate behaviour listed in Section 12.2.1. For example, the VEC told the Committee, '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.'³³

The limited powers given to the VEC mean that Victoria Police is required in some instances. Although the VEC worked with the Police before the election,³⁴ Stuart Smith from the Liberal Party suggested that there may be a need for further work informing the Police about what to expect at an election, based on his experience at the Warrandyte District by-election in 2023.³⁵ Martin Shield, the State Director for the Greens, spoke about buck-passing between the Police and the VEC:

So they tend to do things like say, 'Oh, well, if you think that something wrong's happening here, you can call the police.' But of course if you call the police, the police say, 'Well, it's an election campaign, you should talk to the VEC.' So there is this problem with nobody having the expertise and the clear responsibility to be the appropriate place to deal with these complaints, to actually have some resources to support people who have had a difficult experience and to be able to take action, if action is appropriate.³⁶

³² Victorian Electoral Commission, *Report to Parliament on the 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 81.

³³ Victorian Electoral Commission, *Submission 59*, p. 98.

³⁴ Victorian Electoral Commission, *Submission 59*, p. 67.

³⁵ Stuart Smith, State Director, Liberal Party of Australia (Victorian Division), public hearing, Melbourne, 28 August 2023, *Transcript of evidence*, p. 17. In response to the Committee's survey, a member of Parliament similarly reported that Victoria Police had 'a distinct lack of knowledge of the law' when they required intervention—response to the Committee's survey of members of Parliament—see Section B.4.11 in Appendix B of this volume.

³⁶ Martin Shield, State Director, The Australian Greens Victoria, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 24.

One member of Parliament told the Committee that, once campaigners became aware of VEC officials' limited power in enforcing rules at voting centres, the voting centre became a 'free-for-all'.³⁷

The Deputy Electoral Commissioner argued that there is currently a gap in the VEC's powers. She noted that there is no action that election officials can take in between asking people to change their behaviour and having them removed from the voting centre. She called for powers such as formal warnings and fines to enable a graduated response.³⁸

In its report to the Parliament, the VEC has called for legislative changes to introduce:

- limitations to how campaigners can interact with voters at voting centres
- a new offence prohibiting someone removed from a voting centre from returning
- powers for the VEC to issue infringement notices, cautions, warnings and enforceable undertakings for less serious offences.³⁹

Other suggestions put forward in this Inquiry included:

- limiting the number of campaigners allowed at a voting centre⁴⁰
- more rules around behaviour at voting centres or more power to the VEC to govern behaviour⁴¹
- an enforceable code of conduct to which campaigners must agree⁴²
- a registration process for campaigners, which may include a requirement for campaigners to be aware of what is allowed at voting centres⁴³
- VEC staff having more presence outside voting centres to manage behaviour or even dedicated staff employed to enforce rules⁴⁴

³⁷ Response to the Committee's survey of members of Parliament—see Section B.4.5 in Appendix B of this volume.

³⁸ Dana Fleming, Deputy Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 22. See also Gary Maas MP, Member for Narre Warren South, *Submission 101*, p. 4.

³⁹ Victorian Electoral Commission, *Report to Parliament on the 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 62, 81.

⁴⁰ Marcia Simons, *Submission 10*, p. 1; Meaghan Capell, *Submission 56a*, p. 8; Dr Joe Garra, *Submission 57*, p. 1; Louisa Willoughby, *Submission 60*, pp. 1–2; Robert Lim, *Submission 65*, p. 1; The Solis Foundation, *Submission 70*, p. 3; William Taylor, *Submission 73*, p. 2; EMILY's List Australia, *Submission 92*, p. 3; Gary Maas MP, Member for Narre Warren South, *Submission 101*, p. 8; Liberal Party of Australia (Victorian Division), *Submission 103*, p. 10; Animal Justice Party, *Submission 104*, pp. 7, 9; response to the Committee's survey of members of Parliament—see Section B.4.2 in Appendix B of this volume.

⁴¹ Marcia Simons, *Submission 10*, p. 1; Robert Lim, *Submission 65*, p. 1; Sally Gibson, *Submission 80*, p. 12; Victorian Labor Party, *Submission 82*, p. 9; Gorkay King, *Submission 108*, p. 1; response to the Committee's survey of members of Parliament—see Section B.4.2 in Appendix B of this volume.

⁴² Melissa Lowe et al., *Submission 62*, p. 21; Victorian Labor Party, *Submission 82*, p. 10; Animal Justice Party, *Submission 104*, pp. 8–9.

⁴³ Bernadette Thomas, *Submission 67*, p. 1; EMILY's List Australia, *Submission 92*, p. 3; Gary Maas MP, Member for Narre Warren South, *Submission 101*, p. 8; response to the Committee's survey of members of Parliament—see Section B.4.2 in Appendix B of this volume.

⁴⁴ The Solis Foundation, *Submission 70*, pp. 2–3; Victorian Labor Party, *Submission 82*, p. 11; Leonie Schween, *Submission 84*, p. 1; Animal Justice Party, *Submission 104*, pp. 8–9; Cameron Petrie, Assistant State Secretary, Victorian Labor Party, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, pp. 4, 9; Ron Townsend, public hearing, Melbourne, 2 October 2023, *Transcript of evidence*, p. 4.

- training for VEC staff on managing conflict, de-escalating conflict and removing people from voting centres⁴⁵
- anti-racism and anti-discrimination training for VEC staff⁴⁶
- a clear escalation point within the VEC to raise concerns about problematic behaviour⁴⁷
- a direct line of communication between the VEC and parties' registered officers, so that the registered officers could be alerted to problems with campaigners and VEC officials could be notified about problems with staff⁴⁸
- prohibiting people from handing out how-to-vote cards, but making them available in some other way (e.g. on a wall, in each voting booth or electronically)⁴⁹
- prohibiting people from handing out how-to-vote cards and not making them available at voting centres in any other way⁵⁰
- prohibiting people from campaigning on one day during the early voting period⁵¹
- prohibiting campaigners from talking to people once they are in a queue to enter the voting centre⁵²
- conducting the whole election by postal voting⁵³ or electronic voting⁵⁴
- making security services available to remove people from voting centres when necessary⁵⁵
- recording behaviour outside early voting centres on closed-circuit televisions to regulate behaviour and provide evidence of poor behaviour⁵⁶
- reducing the early voting period to reduce the build-up of tensions amongst campaigners.⁵⁷

45 Bernadette Thomas, *Submission 67*, p. 1; Victorian Trades Hall Council, *Submission 79*, p. 5; Sally Gibson, *Submission 80*, pp. 14–15; Victorian Labor Party, *Submission 82*, p. 10.

46 The Australian Greens Victoria, *Submission 87*, p. 5; Jess Wheelock, Head of Campaigns and Engagement, The Australian Greens Victoria, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 25.

47 The Solis Foundation, *Submission 70*, pp. 2–3; Victoria Labor Party, *Submission 82*, p. 9; Steph Price, Treasurer, Victorian Socialists, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 45.

48 Liberal Party of Australia (Victorian Division), *Submission 103a*, p. 6.

49 Sophie Paterson, *Submission 21*, p. 1; Rosalind Hustler, *Submission 24*, p. 1; Michael Fuery, *Submission 48*, p. 5; Stephen Capon, *Submission 52*, p. 2; Austin Cram, *Submission 88*, p. 1; Christopher Burson, President, Angry Victorians Party, public hearing, Melbourne, 30 October 2023, *Transcript of evidence*, p. 2.

50 Proportional Representation Society of Australia (Victoria-Tasmania) Inc., *Submission 54*, p. 5; Dr Stephen Morey, President, Proportional Representation Society of Australia (Victoria-Tasmania) Inc., public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 39.

51 William Taylor, *Submission 73*, p. 2.

52 Dr Joe Garra, *Submission 57*, p. 1; response to the Committee's survey of members of Parliament—see Section B.4.2 in Appendix B of this volume.

53 Annemarie McCabe, *Submission 69*, p. 1.

54 Sally Gibson, *Submission 80*, p. 13.

55 Victorian Trades Hall Council, *Submission 79*, p. 6; Animal Justice Party, *Submission 104*, p. 9.

56 Sally Gibson, *Submission 80*, p. 12.

57 EMILY's List Australia, *Submission 92*, p. 1; response to the Committee's survey of members of Parliament—see Section B.4.2 in Appendix B of this volume.

Ultimately, the Committee agrees that the current legislative provisions are not sufficient to manage poor behaviour at voting centres. Changes need to be made. These are explored in Chapter 5 of Volume 1 of this report. Chapter 4 of Volume 1 considers whether the VEC is the best organisation to manage poor behaviour by candidates, parties and campaigners.

FINDING 106: Numerous sources told the Committee about poor behaviour by candidates and campaigners at voting centres during the 2022 election, including aggressive, harassing and intimidating behaviour. This sort of behaviour can deter people from participating in elections as a candidate, volunteer or voter. Several sources, including the VEC, believe that behaviour was worse in 2022 than at previous elections.

FINDING 107: Legislation currently gives the VEC limited capacity to respond to poor behaviour at voting centres.

12.3 Poor behaviour in other places

There were also reports of various forms of poor behaviour occurring at other places during the election period. The Committee heard multiple accounts of poor behaviour relating to election signage, with people placing signs in places where they were not allowed or interfering with other people's signs.

Disturbingly, the Committee also heard of threats of violence towards candidates and others.

Regarding signage, reports were made about people:

- removing other candidates' signs⁵⁸
- vandalising or defacing other candidates' signs⁵⁹
- putting up signs on public property (and, in some cases, making it impossible to remove the signs without damaging public property)⁶⁰
- putting up more signs on private properties than were allowed by local laws.⁶¹

58 Melissa Lowe et al., *Submission 62*, pp. 20, 26, 28; Sally Gibson, *Submission 80*, p. 14; Ian Royall, 'Labor MP responds to "cowards" who defaced her election billboards with offensive messages', *Herald Sun*, 12 October 2022, <<https://www.heraldsun.com.au/news/victoria/state-election/labor-mps-election-billboards-daubed-with-swastikas-and-offensive-messages/news-story/07bbe1dccc4093bb4bdc1b005cd8a6385>> accessed 8 February 2024; Shannon Deery, 'Electoral signs row', *Herald Sun*, 26 October 2022, p. 7; 'Sign thefts: Teal identity faces scrutiny', *Herald Sun*, 28 October 2022, p. 6.

59 Melissa Lowe et al., *Submission 62*, p. 29; Sally Gibson, *Submission 80*, p. 14; Ian Royall, 'Labor MP responds to "cowards" who defaced her election billboards with offensive messages', *Herald Sun*, 12 October 2022, <<https://www.heraldsun.com.au/news/victoria/state-election/labor-mps-election-billboards-daubed-with-swastikas-and-offensive-messages/news-story/07bbe1dccc4093bb4bdc1b005cd8a6385>> accessed 8 February 2024; Shannon Deery, 'Electoral signs row', *Herald Sun*, 26 October 2022, p. 7.

60 Melissa Lowe et al., *Submission 62*, pp. 20, 26; Robert Lim, *Submission 65*, p. 1.

61 Name withheld, *Submission 86*, p. 3.

The Labor Party claimed that a local council had illegally removed signs for the Labor Party that were on private property and called for signage rules under the Electoral Act to override local government rules.⁶² The Committee agrees that the right to support a candidate or party by displaying signage on private property should not be unduly restricted by local laws.

Another issue that was reported was parties producing material which used other parties' colours and logos to make it appear that the material was from that party.⁶³ Although the previous Electoral Matters Committee recommended changes to the Electoral Act prohibiting this,⁶⁴ this does not currently breach the Act.

The Committee is also aware of claims about threats of violence towards candidates and campaigners. The chief of staff for one independent candidate told the Committee:

During the course of the election a man purporting to be an anti-abortion activist attempted on two separate occasions to burn down the office of [candidate] Sophie Torney and repeatedly sought to intimidate volunteers. During his second arson attempt I caught him and attempted to chase him away. At which point he drew a knife on me and chased me around the local area whilst threatening to kill me. Police seemed unaware of the significance of political violence in the context of an election and seemed unconcerned by the repeat incidents and their increasingly violent nature.⁶⁵

Another submission noted a member of the public speaking loudly at a voting centre about wishing to harm a candidate.⁶⁶ EMILY's List stated that its volunteers had experienced physical threats to their safety.⁶⁷ One member of Parliament indicated that they observed a candidate at a voting centre 'describing how he would kill the Premier',⁶⁸ while one candidate was widely reported as calling for the Premier at the time to be turned into 'red mist', a phrase suggesting he be killed.⁶⁹ The Committee unequivocally believes that there is no place for threats of violence in Victoria's democracy.

62 Victorian Labor Party, *Submission 82*, p. 19; Cameron Petrie, State Secretary, Victorian Labor Party, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 9. See also Steph Price, Treasurer, Victorian Socialists, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 44. Regarding conflict about signage, see Danny Tran, Richard Willingham and Kyra Gillespie, 'Victorian Labor accuses "Greens-dominated" council of sabotage in tightly fought Northcote', *ABC News*, 22 November 2022, <<https://www.abc.net.au/news/2022-11-22/labor-greens-northcote-darebin-council-billboard-dispute/101683762>> accessed 23 January 2024.

63 Leonardo Puglisi, 'Labor sending out leaflets using Liberal colours and logo in seat they could lose to The Greens', *6 News*, 25 November 2022, <<https://www.6newsau.com/post/labor-sending-out-leaflets-using-liberal-colours-and-logo-in-seat-they-could-lose-to-the-greens>> accessed 23 January 2024.

64 Parliament of Victoria, Electoral Matters Committee, *Inquiry into the impact of social media on Victorian elections and Victoria's electoral administration*, September 2021, Recommendation 12, p. 126.

65 Melissa Lowe et al., *Submission 62*, p. 28.

66 William Taylor, *Submission 73*, p. 2.

67 EMILY's List Australia, *Submission 92*, p. 3.

68 Response to the Committee's survey of members of Parliament—see Section B.4.1 in Appendix B of this volume.

69 See, for example, Rebecca Borg and Brianna Travers, 'No charges will be laid against MP Catherine Cumming for her "red mist" comment', *Herald Sun*, 22 November 2022, <<https://www.heraldsun.com.au/news/victoria/mp-told-protesters-give-anyone-here-in-the-army-a-job-to-blow-someone-up-and-they-will/news-story/1ab37802c75ac867a0783b9ff17665d4>> accessed 23 January 2024.

Smaller issues such as interfering with other candidates' signs are also inappropriate in a democracy and the Committee would like to see more done to prevent these sorts of acts. This is discussed further in Chapter 5 of Volume 1.

FINDING 108: In addition to poor behaviour at voting centres, there were reports about people behaving inappropriately at other places during the campaign. This included threats of violence, as well as interfering with other candidates' signs, placing signs illegally and producing material appearing to come from other parties. There were also claims that local laws were used to unduly restrict people displaying political signage. None of these acts are appropriate in a fair democratic system.

RECOMMENDATION 67: That the Government introduce legislation establishing a right for people to display political signage on private property during an election period which cannot be overridden by local laws.

12.4 Poor behaviour online

In 2021, the previous Electoral Matters Committee completed an Inquiry into the impact of social media on Victorian elections and Victoria's electoral administration. The final report made 33 recommendations.⁷⁰ The Government responded to these recommendations in 2022, with most supported in principle.⁷¹ However, little has been done by the Government to implement the recommendations.

The recommendations included:

That the Government fund a suitably qualified organisation to analyse and report on social media activity during the 2022 Victorian election campaign and subsequent election campaigns. Preliminary findings should be publicly available in real-time during the election period so that voters have a clearer idea about what forces shape the social media environment and narratives around Victorian elections, including the way people and organisations are campaigning.

This work should analyse, bring to light and report on:

- advertising by political parties, candidates and other politically active groups
- coordinated campaigns to promote political messages
- high-intensity accounts and their impact on political discussion
- the use of bots and fake accounts
- other activities intended to manipulate what political messages social media users see.

⁷⁰ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the impact of social media on Victorian elections and Victoria's electoral administration*, September 2021.

⁷¹ Government of Victoria, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the impact of social media on Victorian elections and Victoria's electoral administration*, 23 March 2022.

The Government should take lessons from similar work done in Queensland and Europe as described in this report, particularly with regards to working with platforms to ensure that analysts have access to data and partnering with local journalists.⁷²

As far as the Committee is aware, no such analysis was conducted. In the absence of this work, it is hard to know the extent of problematic online behaviour during the 2022 election. The Committee did not specifically call for evidence on this topic and only received a small amount of evidence through submissions.⁷³

The Committee encourages the Government to do further work in this space, including monitoring and reporting on social media activity around elections, to better understand behaviour at future elections and what needs to be addressed.

⁷² Parliament of Victoria, Electoral Matters Committee, *Inquiry into the impact of social media on Victorian elections and Victoria's electoral administration*, September 2021, Recommendation 29, p. 219.

⁷³ Poor online behaviour was noted in Melissa Lowe et al., *Submission 62*, p. 20.

Chapter 13

The Victorian Electoral Commission's interactions with candidates and parties

13.1 Introduction

An important part of the Victorian Electoral Commission's (VEC's) role is working with candidates and parties and helping them navigate the electoral system. For the election to be fair, the VEC needs to provide clear communication, establish effective processes and build good relationships with all candidates and parties. The VEC needs to treat all election participants well and without bias.

Several concerns about the VEC's interactions with candidates and parties were raised as part of this Inquiry.

Section 13.2 explores the VEC's efforts to inform candidates and parties about election arrangements. All candidates and parties need clear and timely information from the VEC to effectively contest the election, but this can be particularly important for new participants, who may be more reliant on VEC guidance.

Section 13.3 examines the process of registering how-to-vote cards. This takes place in a tight timeframe at a busy period of the election. The Committee was told that this process is time-consuming and onerous, and provides little benefit. Ultimately, the Committee considers that the requirement to register how-to-vote cards should be removed from the Electoral Act, which would resolve these issues.

Section 13.4 discusses the fact that some voting centres did not have appropriate facilities for campaigners. This has been an ongoing challenge for the VEC and remains an area where change is needed.

Section 13.5 considers a specific incident at the 2022 election. Nine days before the election, the VEC made comments in a radio interview about the Leader of the Opposition at the time. These comments undermined the relationship between the VEC and some parties and caused community concern about the impartiality of the VEC. The Committee considers that there are important lessons for the VEC to learn from this experience to prevent similar incidents at future elections.

More generally, some submitters believed that some VEC staff did not value candidates, parties and their volunteers as important parts of Victoria's electoral system. This problem is explored in Section 13.6.

According to a post-election survey, candidates' satisfaction with the services provided by the VEC has decreased compared to the previous election. The survey found that 68% of candidates were satisfied in 2022, compared to 89% in 2018.¹ The decreased satisfaction with the VEC may be the result of the issues that are discussed in this chapter.

13.2 Informing candidates and parties about election arrangements

Clear communication about the election is crucial for ensuring that all candidates and parties can fully participate. The survey of candidates commissioned by the VEC and the evidence received by the Committee both suggest that there is scope for improvement.

The VEC provided a number of standard products to candidates and parties, including briefings for parties, online information sessions for independent candidates, bulletins providing updates, candidate information kits (including a candidate handbook) and a scrutineer handbook.²

A survey of candidates found varying levels of satisfaction with these products (see Table 13.1). In all cases where an equivalent question was asked in both 2018 and 2022, the levels of satisfaction declined between the two elections.

Some of the specific feedback received in the survey included that:

- more transparency about electoral boundary changes was needed
- the VEC's website was difficult to navigate
- more updates on how-to-vote card rules were needed following the Victorian Civil and Administrative Tribunal's (VCAT's) rulings disagreeing with the VEC's interpretation of the rules (see Section 9.4 of this volume).³

Some candidates also commented that the candidate information kit/handbook and information about how-to-vote card registration were difficult to understand.⁴

1 Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 101. Satisfaction in this case is defined as a rating of 7 or more out of 10.

2 Victorian Electoral Commission, *Submission 59*, pp. 26–7.

3 Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 102.

4 Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, pp. 106, 111.

Table 13.1 Candidates' satisfaction with VEC communication products, 2018 and 2022

Measure	Proportion of candidates satisfied with product ^a (%)	
	2018	2022
Effectiveness of Candidate Information Kit/Handbook	81	78
Helpfulness of Independent Candidate Information Session	100	50 ^b
Satisfaction with information on process for disclosing political donations	-	64
Helpfulness of information on how-to-vote card registration requirements	-	68
Satisfaction with information and resources about electoral boundary changes	-	57
Usefulness of the VEC's website for candidates	-	65
Satisfaction with usefulness of the VEC's hotline/phone enquiry line	84	56
Satisfaction with information about the vote counting timetable	62	57
Usefulness of candidate bulletins/circulars	72	65

a. Satisfaction is defined as a rating of 7 or more out of 10. Responses are counted only from candidates who accessed the information.

b. There were only 8 responses to this question in 2022, so the results may not be representative.

Sources: Colmar Brunton, *Victorian Electoral Commission: evaluation of services at the 24 November 2018 Victorian State election*, report for the Victorian Electoral Commission, 2019, pp. 21-37; Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, pp. 106-31.

Some similar concerns were also raised in submissions to this Inquiry. For example, Stephen Capon identified additional information that he believed should be provided about registering how-to-vote cards.⁵ Carlo Toncich suggested additional information that could be included in the scrutineer handbook.⁶ On the other hand, the Animal Justice Party provided positive feedback about the VEC's briefing sessions.⁷

The Committee was also told about problems with the communication of key pieces of information. One submitter received conflicting information about the location of ballot draws.⁸ Another received conflicting information about registering how-to-vote cards.⁹ Multiple submitters noted problems with the communication of information about the location and timing of vote counting (see Section 7.5 in this volume). Some advocated for voting centre locations to be publicised earlier.¹⁰

The Labor Party also called for a process to add additional contact people to receive information such as candidate bulletins. Currently, the VEC will only send information

⁵ Stephen Capon, *Submission 52*, pp. 9-10.

⁶ Carlo Toncich, *Submission 71*, Appendix, p. 9.

⁷ Animal Justice Party, *Submission 104*, p. 12.

⁸ Louisa Willoughby, *Submission 60*, p. 1.

⁹ Victorian Trades Hall Council, *Submission 79*, p. 8.

¹⁰ Victorian Trades Hall Council, *Submission 79*, p. 8; Victorian Socialists, *Submission 81*, p. 7; Animal Justice Party, *Submission 104*, p. 12.

to the candidate and one contact person. The Labor Party told the Committee that it had observed numerous instances of the VEC refusing to pass information to any other contacts.¹¹

To ensure a fair electoral process, it is essential that the VEC communicate with candidates and parties in a clear, accurate, accessible and timely manner. The feedback in the survey commissioned by the VEC and in submissions to this Inquiry suggest that there is scope for improvement.

FINDING 109: Candidates and parties identified several areas where the VEC's information products and communication processes could be improved. These included providing more information on some issues, making products easier to understand, providing information earlier, ensuring that information is accurate and allowing candidates to nominate more contact people to receive information.

RECOMMENDATION 68: That the VEC review and improve its information products and communication processes for candidates and parties prior to the next election. This should include incorporating feedback from candidates and parties.

13.3 Registering how-to-vote-cards

The Electoral Act prohibits campaigners from handing out how-to-vote cards at voting centres on election day unless they have been registered with the VEC. Cards must comply with a variety of legislative requirements to be registered, which means that the VEC has to assess each card as part of the registration process.¹² This becomes a large project, with 2,097 applications to register cards in 2022.¹³

Many submissions raised issues regarding the registration of how-to-vote cards. These issues included problems with the requirements specified in the Electoral Act and with the way the VEC managed the process. Several possible solutions were put forward. Overall, the Committee considers that the best solution would be to eliminate the requirement to register how-to-vote cards.

Submitters also raised concerns about the VEC's interpretation of the law regarding how-to-vote cards. These concerns are discussed in Section 9.4 of this volume.

¹¹ Victorian Labor Party, *Submission 82*, p. 17.

¹² *Electoral Act 2002* (Vic) s 79.

¹³ Victorian Electoral Commission, *Submission 59*, p. 32.

13.3.1 Problems with the process

The process of registering HTVs [how-to-vote cards] must be made easier, to ensure that grassroots volunteer organisations with limited resources are not unwittingly excluded from the democratic process as a result of bureaucratic complexity.

Victorian Trades Hall Council, *Submission 79*, p. 8.

The Liberal Party described the process for registering how-to-vote cards as 'unnecessarily onerous'¹⁴ and a representative of The Nationals called it 'one of the most cumbersome exercises that I have ever been through'.¹⁵ This process includes providing the VEC with both digital copies and print copies of sample how-to-vote cards. The print copies need to be provided in person. If mistakes are identified, the process needs to be repeated. If a problem is picked up with the card when it is re-submitted that was not picked up the first time, the process needs to be repeated.¹⁶

Several party representatives and candidates expressed their frustration with this process. Stuart Smith from the Liberal Party told the Committee:

there could be an error, you know, there might be a spelling mistake or there might be something wrong, but then what you would have to do would be you would have to go back to the office, make that one little change, print off a new one, and then try to book in a new appointment, and the new appointment might not be until two days time or something.¹⁷

Stephen Capon explained:

As an independent candidate, your time is precious. You have limited resources and limited time for your campaign. So it is extremely frustrating to have to complete submissions using physical forms in-person. For the election, I had to go to the Dandenong Election Centre four times, three of which I felt was unnecessary, including one which took over an hour of sitting around to complete. They included the initial candidate nomination, and twice having to submit how-to-vote cards in-person.¹⁸

In the post-election survey, one candidate stated:

For the how to vote card, I have to resubmit 4 different times for 4 different changes. I would appreciate if all 4 issues would highlight in one day. The election manager costed me 5 days of pre-poll and that was disgusting.¹⁹

¹⁴ Liberal Party of Australia (Victorian Division), *Submission 103*, p. 10.

¹⁵ Matthew Harris, State Director, The Nationals Victoria, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 19.

¹⁶ Liberal Party of Australia (Victorian Division), *Submission 103*, p. 11; Matthew Harris, State Director, The Nationals Victoria, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 19.

¹⁷ Stuart Smith, State Director, Liberal Party of Australia (Victorian Division), public hearing, Melbourne, 28 August 2023, *Transcript of evidence*, p. 19.

¹⁸ Stephen Capon, *Submission 52*, p. 6.

¹⁹ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 104.

These frustrations are compounded by the tight timeline for registering how-to-vote cards. According to the Electoral Act, the submission of how-to-vote cards must be done between the first working day after the final nomination day and noon on the sixth working day before election day.²⁰ In practice, this means that there are fewer than five working days to register cards. This timeline has proven to be a challenge and a source of stress for candidates.²¹

Delays in the process can also negatively affect candidates. Although how-to-vote cards do not need to be registered for early voting, the VEC only takes registered how-to-vote cards to mobile voting centres. Delays in the registration of how-to-vote cards can mean that candidates miss out on having their cards available at mobile voting centres.²²

In addition to the requirements set out in the Electoral Act, the Labor Party argued that the VEC at times acted as if its guidelines had the force of law when deciding on the registration of how-to-vote cards:

A consistent theme of Victorian Labor's experience in dealing with the VEC during the HTV [how-to-vote card] registration process is that registration guidelines that were put in place by the VEC were sometimes given the force of law by the VEC officers administering the Act, when in fact such guidelines appear nowhere in the Act. In some cases these are understandable guidelines, which for our part we are happy to build in to our processes, that are designed to make what is a complex administrative task easier. In other cases, however, these guidelines seemed completely arbitrary and did not advance any of the purposes of HTV registration, in addition to these guidelines not being in the Act at all.²³

The Labor Party noted two instances where it believed that the VEC refused registration for how-to-vote cards based on guidance that was not in the Electoral Act. Both of these cases were overturned by the Victorian Civil and Administrative Tribunal (VCAT).²⁴

These problems may be compounded by the VEC providing unclear guidance. The Victorian Trades Hall Council told the Committee that it had received conflicting information from VEC representatives.²⁵ At least two candidates responding to the post-election survey suggested that the information could be clearer.²⁶ Overall, only 68% of the candidates who recalled receiving information about the how-to-vote card registration requirements considered the information to be helpful (see Table 13.1).

²⁰ *Electoral Act 2002 (Vic)* ss 77(1), 78(1).

²¹ Animal Justice Party, *Submission 104*, p. 11. See also Meaghan Capell, *Submission 56a*, pp. 11–12; Dr Joe Garra, *Submission 57*, p. 1; Victorian Labor Party, *Submission 82*, p. 13; Cameron Petrie, Assistant State Secretary, Victorian Labor Party, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 10.

²² Melissa Lowe et al., *Submission 62*, p. 15.

²³ Victorian Labor Party, *Submission 82*, p. 15.

²⁴ Victorian Labor Party, *Submission 82*, p. 15. The VEC considers that, in one of those cases, it was required to reject the registration because of the Electoral Regulations—Victorian Electoral Commission, *Submission 59*, p. 65.

²⁵ Victorian Trades Hall Council, *Submission 79*, p. 8.

²⁶ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 111. See also Melissa Lowe et al., *Submission 62*, p. 17.

13.3.2 Improving the system

A variety of suggestions were put forward for improving the system. These included:

- a pre-screening process before the registration period where draft how-to-vote cards could be checked and errors identified²⁷
- a fully digital registration process²⁸
- a priority system for re-submitting cards which required only minor fixes²⁹
- a dedicated VEC team to help independent candidates with interpreting the rules³⁰
- allowing community campaigns to centrally register how-to-vote cards for multiple electorates (in the same way that political parties do).³¹

It was also suggested that the requirement to include the name of the printer was burdensome and should be reconsidered.³²

The Animal Justice Party questioned whether there should be any requirement to register how-to-vote cards.³³ Other stakeholders advocated for making the registration rules the same for election day and early voting.³⁴

The former Electoral Commissioner acknowledged the short timeline and difficult process in registering how-to-vote cards. He also noted the inconsistency that cards need to be registered for election-day voting and mobile voting but not for use at early voting centres:

We do not have to register a how-to-vote card for the early voting period, yet we go through this very painful process to register a how-to-vote card for election Saturday. Now, I would ask the committee: what is the distinction? What are we trying to differentiate there for election Saturday only, with only 40 per cent of voters using election Saturday and 60 per cent voting early? ... I would ask the committee to have a look at that. It is time-consuming for the parties, for the candidates, because if a how-to-vote card gets rejected, they can take it to VCAT. They have got to look at it again, they have got to come back again. They have got to re-register it, and I have got staff that can be focusing on other more critical matters than that ...³⁵

²⁷ Animal Justice Party, *Submission 104*, pp. 11, 13; Craig Kealy, National Psephology Manager, Animal Justice Party, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, pp. 34–5.

²⁸ Cameron Petrie, Assistant State Secretary, Victorian Labor Party, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 10.

²⁹ Stephen Capon, *Submission 52*, p. 10.

³⁰ Melissa Lowe et al., *Submission 62*, p. 5.

³¹ Victorian Trades Hall Council, *Submission 79*, p. 9.

³² The Solis Foundation, *Submission 70*, p. 2.

³³ Animal Justice Party, *Submission 104*, pp. 11, 13.

³⁴ Melissa Lowe et al., *Submission 62*, p. 5; The Solis Foundation, *Submission 70*, p. 2; Victorian Labor Party, *Submission 82*, p. 13.

³⁵ Warwick Gately AM, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 5.

The VEC also noted that the differing requirements between election day and early voting are a source of confusion for voters and that the VEC receives significant numbers of complaints as a result of this confusion.³⁶

Matthew Harris from The Nationals pointed out that there is no requirement to register how-to-vote cards for Commonwealth elections and that this does not cause issues.³⁷ The Northern Territory and the Australian Capital Territory also have no requirement for how-to-vote cards to be registered. The Committee notes that there are not usually problems in Victoria during the early voting period as a result of how-to-vote cards not being registered.

Others argued that the requirement for how-to-vote cards to be registered should be expanded to also include cards used during the early voting period.³⁸ Some noted that, in elections where there is no requirement to register how-to-vote cards, cards had been handed out falsely claiming to be from one party in order to deceive voters.³⁹ For the registration of how-to-vote cards for early voting to be practical, though, there would need to be a longer period between the ballot draw and the beginning of early voting (see Chapter 3 in Volume 1).

Ultimately, the Committee considers that the registration of how-to-vote cards is unnecessary and believes that the requirement should be removed from the Act. The VEC has also recommended this.⁴⁰

Other provisions in the legislation would still apply to how-to-vote cards, such as the need to authorise electoral matter and the prohibition on misleading electors in the casting of their vote. In addition, the Parliament should implement a recommendation from the former Electoral Matters Committee. That Committee proposed that legislation be introduced to make it an offence to produce material falsely purporting to be from a party or candidate.⁴¹ If introduced, this law would reduce the risk of how-to-vote cards falsely claiming to be from a party or candidate.

If the requirement to register how-to-vote cards is not removed, the VEC should consider the suggestions above to improve the registration process for candidates and parties. In particular, the VEC should focus on creating a system which is clear, efficient and straightforward. The VEC should be careful to restrict its assessment

³⁶ Dana Fleming, Deputy Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 15.

³⁷ Matthew Harris, State Director, The Nationals Victoria, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 15.

³⁸ Stephen Capon, *Submission 52*, p. 8; Victorian Labor Party, *Submission 82*, p. 13; Martin Shield, State Director, The Australian Greens Victoria, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 30.

³⁹ Martin Shield, State Director, The Australian Greens Victoria, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 30; Craig Kealy, National Psephology Manager, Animal Justice Party, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 34.

⁴⁰ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 37.

⁴¹ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the impact of social media on Victorian elections and Victoria's electoral administration*, September 2021, Recommendation 12, p. 126.

of how-to-vote cards to the requirements in the Electoral Act and not to refuse registration based on its own rules. Some efficiencies may require legislative change, which the VEC may wish to advocate for.

FINDING 110: The current process for registering how-to-vote cards is time-consuming and labour-intensive for the VEC, candidates, parties and other campaigners, while providing little value. Removing the registration requirement, while also introducing legislation to make it illegal to publish material falsely purporting to be from a political party or candidate, removes a burdensome process with little risk of negative consequences.

RECOMMENDATION 69: That the Government introduce legislation removing the requirement in the Electoral Act that how-to-vote cards must be registered to be distributed at election-day voting centres.

RECOMMENDATION 70: That the Government introduce legislation making it illegal to publish material falsely purporting to be from a political party or election candidate. The legislation should specify examples of elements that may constitute a breach of the legislation (such as names, logos and images).

13.4 Facilities for candidates and campaigners at voting centres

The pre polling booth in Sunbury was in a terrible location. Not only was it dangerous for the candidates and volunteers who had to deal with traffic from the other business' but also the public. There were no facilities for the candidates, to use the toilet a candidate would have to walk at least 300 meters to the nearest location. The candidates and voters were also forced to stand in a carpark that had no shelter, the conditions were less than ideal having to tend with the cold and rainstorms.

Rohanna Mohr, *Submission 49*, p. 1.

As discussed in Section 11.5.1 of this volume, campaigning at voting centres is an important part of an election. Some voters rely on it for information about parties and candidates and for how-to-vote cards to help them vote. Campaigning provides parties and candidates with a last chance to inform voters about themselves and allows voters to interact with candidates and their supporters. It is therefore important that voting centres have the necessary infrastructure to support campaigning. The Committee heard from several sources that not all 2022 voting centres provided this necessary infrastructure.

Some voting centres were criticised for not having appropriate space for campaigners. Some did not provide shelter from the weather.⁴² Some had multiple entrances, making campaigning challenging, especially for independents and smaller parties.⁴³ Some voting centres were located on busy roads with narrow pedestrian walkways, providing little safe space for campaigners.⁴⁴ Austin Cram provided an example of this, citing the Leongatha early voting centre:

a disused shopfront was used. The [campaigning] exclusion zone around the entrance extended past the edge of the footpath, limiting volunteers to one side or the other, parking was poor and many struggled to find the centre at all. These kind of EVCs [early voting centres] should be seriously reconsidered.⁴⁵

The decision to locate early voting centres in shopping centres and on shopping strips was criticised by other stakeholders as well. The Committee was told that neighbouring business owners and commercial venues had objected to people campaigning, placing signs and queuing outside voting centres.⁴⁶ The Victorian Socialists argued that this conflict was inherent in the use of commercial venues as early voting centres, as business owners will expect their commercial operations to be paramount.⁴⁷ They argued that:

commercial venues should not be used as early voting centres because of the problems outlined above. Where they are resorted to where no other appropriate venue can be secured, the VEC must better inform venues about the lawful conduct that is anticipated to occur as part of the electoral process in the vicinity of the early voting centre in the course of negotiating the lease agreement. It appears from the conduct of some business owners that the Commissioner had failed to make venue owners sufficiently aware – if at all – that these activities would occur, which led to unnecessary conflict during the early voting period.⁴⁸

Sometimes campaigners could be the source of tensions. Gary Maas MP noted an example of campaigners arguing with local shopkeepers who were parking outside their business because of the limited space for campaigning.⁴⁹

42 Rohanna Mohr, *Submission 49*, p. 1; Sally Gibson, *Submission 80*, p. 10; EMILY's List Australia, *Submission 92*, p. 2; response to the Committee's survey of members of Parliament—see Section B.4.3 in Appendix B of this volume. See also Liberal Party of Australia (Victorian Division), *Submission 103*, p. 13.

43 Sally Gibson, *Submission 80*, pp. 12–13.

44 Victorian Trades Hall Council, *Submission 79*, p. 7; response to the Committee's survey of members of Parliament—see Section B.4.3 in Appendix B of this volume. See also Austin Cram, *Submission 88*, p. 2.

45 Austin Cram, *Submission 88*, p. 2.

46 Victorian Socialists, *Submission 81*, pp. 5–6; The Australian Greens Victoria, *Submission 87*, p. 5; The Nationals Victoria, *Submission 100*, p. 3; response to the Committee's survey of members of Parliament—see Section B.4.3 in Appendix B of this volume.

47 Victorian Socialists, *Submission 81*, p. 6.

48 Victorian Socialists, *Submission 81*, p. 7. See also Steph Price, Treasurer, Victorian Socialists, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, pp. 42, 44.

49 Gary Maas MP, Member for Narre Warren South, *Submission 101*, p. 5.

Limited access to toilets for campaigners was a common issue at voting centres.⁵⁰ While venues may have had toilet facilities, VEC staff did not always allow campaigners to use them:

Most of the pre poll locations that I attended did not have public access to a toilet. The VEC in all of the pre poll locations we attended did not allow volunteers to use the toilet facilities even when volunteers covered their political branding clothing. This is especially problematic for female volunteers who for hygienic reasons require clean and accessible toilets.⁵¹

The Committee believes that appropriate facilities for campaigners, including toilets, shelter and appropriate space for campaigning, should be sought when selecting voting centre venues. Similar concerns were raised after the 2018 election and the previous Electoral Matters Committee recommended that the VEC factor in the needs of candidates and volunteers when selecting voting centres.⁵²

The VEC has noted the difficulties it experiences finding appropriate early voting centres and has called for additional powers to use publicly funded buildings. This should enable the VEC to access more appropriate venues in the future. The Committee supports this (see Section 3.3.1 of this volume). In addition, it remains important for the VEC to consider the needs of campaigners as part of its venue-selection process.

FINDING 111: Some voting centre venues were not suitable for campaigners, due to not having appropriate space for campaigning, shelter from the weather or toilet facilities. The VEC has proposed changes allowing it to use publicly funded buildings as early voting centres, which may help with finding more suitable venues at future elections.

13.5 Commentary by the VEC on the Leader of the Opposition

On 17 November 2022, the VEC published a media release stating that it had referred a potential breach of Victorian funding and disclosure law to the Independent Broad-based Anti-corruption Commission (IBAC). As this case involved the Hon. Matthew Guy MP, Leader of the Opposition at the time, and his former chief of staff, this resulted in significant public interest. The media release was followed by one of the VEC's directors commenting on the case and the Leader of the Opposition's involvement in a radio interview. This led to some controversy and suggestions that the VEC was acting inappropriately.

⁵⁰ Meaghan Capell, *Submission 56a*, pp. 8–9; EMILY's List Australia, *Submission 92*, p. 1; Liberal Party of Australia (Victorian Division), *Submission 103*, p. 13 and *Submission 103a*, p. 7; Matthew Harris, State Director, The Nationals Victoria, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 21; response to the Committee's survey of members of Parliament—see Section B.4.3 in Appendix B of this volume.

⁵¹ EMILY's List Australia, *Submission 92*, p. 1.

⁵² Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 176–8.

The media release stated:

The Victorian Electoral Commission (VEC) yesterday referred its Matthew Guy/Mitch Catlin investigation to the Independent Broad-based Anti-Corruption Commission (IBAC) for further investigation.

Electoral Commissioner, Warwick Gately, said the VEC had exhausted its attempts to fully investigate what may constitute a breach of Victoria's funding and disclosure laws under section 218B of the *Electoral Act 2002* (Vic) (the Act).

'We became aware of suggestions that Mr Catlin was alleged to have tried to circumvent donation disclosure laws. It's my responsibility to ensure compliance with all electoral laws and ensure all participants are held to the same standard,' Mr Gately said.

Despite public statements to the contrary, the VEC has not received full cooperation from those connected to its investigation. While the VEC is not in a position to allege wrongdoing based on the allegations it has sought to investigate, the possibility of offences against the Act—including under section 218B—have also not been able to be discounted.

The VEC will provide no further comment on this case now that it has been referred to IBAC.⁵³

The media release generated a lot of interest from the media and the public, especially because the media release was published nine days before election day. In its submission to this Inquiry, the VEC stated:

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.⁵⁴

The day after the media release, Sue Lang, the VEC's Director of Communication and Engagement, appeared on a 3AW radio station program with Neil Mitchell to discuss issues related to behaviour at early voting centres. She was asked about the IBAC referral, which was then discussed for almost six minutes (see the transcript in Appendix E). After Ms Lang explained that the VEC had not received satisfactory responses to its enquiries, Mr Mitchell asked four times whether the Hon. Matthew Guy MP was one of the people who had not provided satisfactory responses. After Ms Lang refused to answer several times, the conversation went as follows:

Sue LANG: We're not alleging any wrongdoing at this point. We're just saying our enquiries weren't satisfactorily responded to.

Neil MITCHELL: I understand, I understand. And what I'm saying is in the middle of an election campaign where integrity is a key issue, it is only fair to say whether that involves the Leader of the Opposition.

⁵³ Victorian Electoral Commission, *Guy/Catlin case referred to IBAC*, media release, Melbourne, 17 November 2022.

⁵⁴ Victorian Electoral Commission, *Submission 59*, p. 40.

Sue LANG: All the key players in that initial issue were invited to respond to questions.

Neil MITCHELL: Did they all refuse to respond?

Sue LANG: We received no satisfactory response from anybody.

Neil MITCHELL: Well, that does put Matthew Guy into it because he was one of them, you would have gone to him.

Sue LANG: And there you are, it's over to IBAC for further investigation.⁵⁵

Shortly afterwards, Ms Lang again discussed Mr Guy's involvement:

Neil MITCHELL: We have you saying that nobody has cooperated. And what I'm saying, ok, well, we established the Opposition leader as one of them because nobody's cooperated. I'm trying to establish in what way have they failed to cooperate.

Sue LANG: They have not responded satisfactorily to our enquiries.⁵⁶

The conversation was reported by numerous media outlets. Ms Lang's comments generated concern in the Liberal Party, which stated:

Today, I have instructed our lawyers to write to the Victorian Electoral Commissioner outlining the Victorian Liberal Party's deep concerns relating to the recent conduct and public comments of the VEC regarding the Catlin matter.

It is the Party's view that these actions constitute a serious, deliberate and unprecedented interference in the Victorian State Election.⁵⁷

Among other things, the party asked for Ms Lang 'to be immediately stood-aside from her role pending a full external and transparent investigation into her comments and on whose authority she made them'.⁵⁸

The incident and subsequent commentary also led to discussion on social media, with users alleging a lack of impartiality on the part of the VEC or Ms Lang and spreading unfounded rumours about her past (see Figure 13.1).

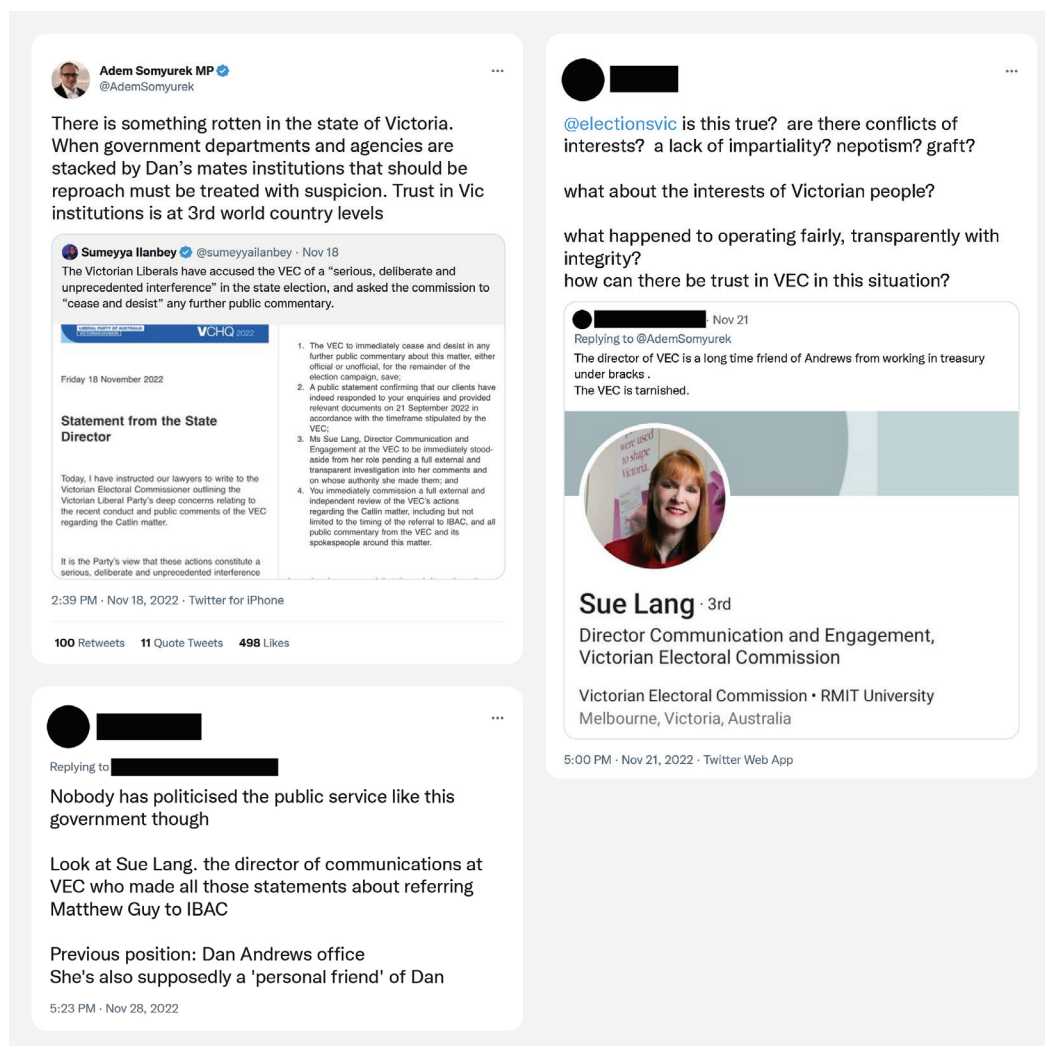
⁵⁵ See Appendix E.

⁵⁶ See Appendix E.

⁵⁷ Victorian Liberal Party, *Statement from the State Director*, media release, 18 November 2022.

⁵⁸ Victorian Liberal Party, *Statement from the State Director*, media release, 18 November 2022.

Figure 13.1 Examples of posts on X following Neil Mitchell's interview with Sue Lang



Source: X, 18–28 November 2022, accessed November 2022.

During public hearings, the Committee asked VEC representatives to explain why the VEC decided to be interviewed on the matter. Ms Lang stated that, after the media release about the IBAC referral:

Mr Neil Mitchell called us and asked us to come on air to talk about that particular release and we said, ‘We will not be making any further comment about that release.’ So we knocked that interview back. The following day there was another release that we put out around the behaviour of party workers at the time. He asked us to come on to talk about that and another issue. We expressed to his producer several times before going on air that we would not be talking about the IBAC referral. Regardless, he asked the question. I did not say anything further than what was in the contents of the release at the time.⁵⁹

59 Sue Lang, Director, Communication and Engagement, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 13. See also Victorian Electoral Commission, *Submission 59*, p. 40.

The Committee notes that Mr Mitchell asked the same questions many times, pressing Ms Lang to comment on the IBAC referral despite her initial resistance (see a full transcript of the relevant part of the interview in Appendix E).

On this matter, the Liberal Party emphasised the importance of the VEC maintaining its independent role when communicating to the public:

The Liberal Party recognises that the communication of sensitive issues close to an election is a difficult task for any independent organisation. For that reason the Commission should tread carefully when considering an intervention on politically sensitive matters, and act with a full appreciation of how statements might be interpreted by third parties. The Commission should always seek to ensure that its public statements do not generate further controversy or become the central focus of an election campaign. Voters should be free to make voting decisions based on the policies and campaigns of political parties and candidates, not based on the action of the Victorian Election Commission.⁶⁰

The Liberal Party recommended that:

A robust assessment of risk must be undertaken when considering media interviews, no matter their intended function, when there are controversial matters being discussed more broadly in the media. It is harmful to the VEC's reputation to be drawn into these discussions. We would recommend the VEC adopt a 'do no harm' policy first and foremost when considering media engagements in the period immediately preceding an election.⁶¹

The party argued that this approach should involve reconsidering the need for public comment when it might risk jeopardising the VEC's standing as an independent, impartial and trusted organisation. The party also stated that it was important for the VEC to prepare media responses even when it has asked journalists not to engage on a particular topic. In addition, the party called for the VEC to notify candidates and parties before making public statements about them.⁶²

The Committee asked the VEC whether any internal review process was conducted to assess whether the comments made by the Director of Communication and Engagement were inappropriate. The Deputy Commissioner stated there was no internal investigation because there was no issue with the impartiality of the agency.⁶³ However, Ms Lang stated:

It is always easy in retrospect to reflect on what you would do differently, and I may have done that differently had I done that interview again the following day.⁶⁴

⁶⁰ Liberal Party of Australia (Victorian Division), *Submission 103*, p. 8.

⁶¹ Liberal Party of Australia (Victorian Division), *Submission 103*, p. 8.

⁶² Liberal Party of Australia (Victorian Division), *Submission 103*, pp. 8–9.

⁶³ Dana Fleming, Deputy Electoral Commissioner, Victorian Electoral Commission, public hearing, 25 August 2023, *Transcript of evidence*, p. 29.

⁶⁴ Sue Lang, Director, Communication and Engagement, Victorian Electoral Commission, public hearings, Melbourne, 27 March 2023, *Transcript of evidence*, p. 14.

Electoral Commissioner Sven Bluemmel indicated that in circumstances like the one faced by Ms Lang, a different approach could have been used to 'hold the line and say, "I'm not going to comment on that, as I have said I would not comment on that."'65

Despite the concerns raised regarding the integrity of the VEC, the VEC's submission states 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.⁶⁶

Nonetheless, the Committee believes that it is crucial for the VEC to review its communications strategy to avoid episodes in which the independent nature of the organisation can be questioned. This should include avoiding commentary on candidates or parties and potentially declining interviews where there is a risk of discussing matters which would be better not commented on.

FINDING 112: Media engagement by the VEC during the election period included making public comments on a matter involving the Leader of the Opposition being referred to the Independent Broad-based Anti-corruption Commission (IBAC). This generated criticism towards the VEC that included political parties and members of the public questioning the VEC's impartiality.

RECOMMENDATION 71: That the VEC review its communications and public engagement strategy for future elections to ensure it avoids unnecessary commentary that may lead to a perception of bias or interference with the electoral process.

13.6 The VEC's attitude towards candidates and parties

on some occasions the commission may have had staff that did not quite fully understand that the participation of parties and party workers is a good thing. All of us are members of parties, and we all give up a lot of time and effort and do this voluntarily to be part of a democracy that is vibrant, free and contested. That is a good thing ...

Stuart Smith, State Director, Liberal Party of Australia (Victorian Division), public hearing, Melbourne, 28 August 2023, *Transcript of evidence*, p. 8.

Many submitters to this Inquiry had positive things to say about VEC staff. In the post-election survey commissioned by the VEC, 68% of candidates surveyed were

65 Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 25 August 2023, *Transcript of evidence*, p. 37.

66 Victorian Electoral Commission, *Submission 59*, p. 41.

satisfied with their interactions with the VEC and the delivery of the election.⁶⁷ However, the Committee also heard from a number of candidates and parties who believed that some VEC staff had a negative attitude towards candidates and campaigners.

A representative of the Labor Party told the Committee that there were times when 'it felt like the VEC were taking an adversarial position towards not just us but all registered political parties'.⁶⁸ A representative of the Liberal Party noted an example of the VEC not sharing data with the party and called for:

a culture that we [parties and campaigners] are not hostile, we are not the other side, we are not people who are trying to cause trouble for the commission; we are citizens, we are taxpayers, we are people who are wanting to participate as part of the process.⁶⁹

An independent candidate described her experience with one election official that 'had a very officious air towards candidates and generally treated us like naughty children'.⁷⁰

The VEC was also criticised for being 'heavy-handed' when dealing with some independent candidates handing out how-to-vote cards which the VEC considered were not compliant with the law. The VEC's approach involved sending the candidates a cease-and-desist letter noting the potential penalties. Felicity Frederico OAM told the Committee:

it was pretty confronting getting a cease-and-desist letter threatening you with incarceration – jail, prison – if we continued to hand out our how-to-vote cards.

... the day I nominated I actually gave the VEC a draft copy of my how-to-vote card, so there were lots of opportunities for the VEC to come back and work with my team, yet it came down to a cease-and-desist letter 10 days later.⁷¹

Ms Frederico and other independent candidates noted that:

Independent candidates tried to comply with VEC requests when it came to HTV [how-to-vote card] registration but found the threat of incarceration from VEC officials unhelpful when it came to resolving these issues as it induced significant emotional stress. Something which was compounded first by the financial stress of hiring lawyers and facilitating reprinting and then by the stress caused by an uptick in unpleasant interactions from voters and volunteers for other candidates at polling booths resulting from their perception of the incarceration threats and associated legal action.⁷²

⁶⁷ Kantar Public, *Victorian Electoral Commission: evaluation of services at the 26 November 2022 Victorian State election*, report for the Victorian Electoral Commission, 2023, p. 101. Satisfaction is defined as a score of 7 or more out of 10.

⁶⁸ Cameron Petrie, Assistant State Secretary, Victorian Labor Party, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 2. See also Victorian Labor Party, *Submission 82*, p. 2 and *Submission 82a*, p. 3.

⁶⁹ Stuart Smith, State Director, Liberal Party of Australia (Victorian Division), public hearing, Melbourne, 28 August 2023, *Transcript of evidence*, p. 9.

⁷⁰ Sally Gibson, *Submission 80*, p. 13.

⁷¹ Felicity Frederico OAM, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 64.

⁷² Melissa Lowe et al., *Submission 62*, pp. 14-15.

The Victorian Socialists stated that VEC staff at one voting centre had behaved poorly towards their campaigners when they raised concerns about being harassed:

When this was brought to the VEC official's attention, they victim blamed the campaigners, and told me that if "socialist girl" campaigners "couldn't take it", they should leave the main campaigning area. When I attempted to make a complaint, calmly, the VEC official running the booth made fun of my appearance and belittled me in an extremely sexist way ("you look really red today, why don't you calm down, you are too emotional"), and shouted over me that she would not listen to the complaint.⁷³

The Victorian Socialists also claimed that campaigners 'from non-white backgrounds were singled out for reprimand' or other actions by VEC staff.⁷⁴ By way of context, however, the Committee notes that the Victorian Socialists were noted by multiple submitters as having particularly aggressive campaigning styles,⁷⁵ though the Victorian Socialists denied this when asked by the Committee.⁷⁶

When asked about this issue, the former Electoral Commissioner did not believe that VEC staff took an adversarial attitude towards candidates and parties. He noted that VEC staff spend a lot of time helping candidates and parties. However, he also noted that the VEC needs to enforce certain rules, which can present a challenge for the relationship with campaigners.⁷⁷

The Committee notes the statements from multiple parties about negative attitudes from some VEC staff. It is not clear how wide-spread this problem is. Nonetheless, the Committee considers that this is something that the VEC should address as part of its training, to minimise the problem in the future. Stuart Smith from the Liberal Party suggested training to help VEC staff see things from the perspective of others, such as party members and campaigners.⁷⁸

FINDING 113: Some parties and candidates reported feeling that some VEC staff displayed a negative attitude towards candidates and campaigners at the 2022 election, seeing them as adversaries.

RECOMMENDATION 72: That the VEC ensure its training highlights the need for candidates and campaigners to be treated appropriately by election officials and that candidates and campaigners should not be seen as adversaries.

⁷³ Victorian Socialists, *Submission 81*, p. 4.

⁷⁴ Victorian Socialists, *Submission 81*, p. 5.

⁷⁵ Maxim Payne, *Submission 3*, p. 1; Rohanna Mohr, *Submission 49*, p. 1; Gayle Williams, *Submission 50*, p. 1; Meaghan Capell, *Submission 56a*, p. 7; Dr Joe Garra, *Submission 57*, p. 1; EMILY's List Australia, *Submission 92*, p. 3; Liberal Party of Australia (Victorian Division), *Submission 103*, pp. 9–10.

⁷⁶ Steph Price, Treasurer, Victorian Socialists, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 42. See also Victorian Socialists, *Submission 81*, p. 3.

⁷⁷ Warwick Gately AM, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 27 March 2023, *Transcript of evidence*, p. 5.

⁷⁸ Stuart Smith, State Director, Liberal Party of Australia (Victorian Division), public hearing, Melbourne, 28 August 2023, *Transcript of evidence*, p. 8.

Chapter 14

Independents and parties

14.1 Introduction

A fair electoral system should provide a level playing field for all candidates. However, a number of independent candidates have argued that the Victorian electoral system gives several advantages to parties (especially major parties). These are a result of two factors:

- laws that treat parties and independents differently (Section 14.2)
- elements of the system where the law treats parties and independents the same, but where independents and smaller parties face larger challenges (Section 14.4).

The differences explicitly set out in legislation include access to electoral rolls, rules around signage, differences in labelling on ballot papers and funding entitlements.

One suggestion to reduce some of the differences was the creation of a new type of body called an ‘independent campaign entity’ or ‘independent community campaigner’, which would enable some independents to have access to things that parties have. This is discussed in Section 14.3. The Committee sees a number of potential problems with this idea and does not support it. In particular, it would only help to level the playing field for some independents, essentially advantaging one group of independents over others rather than providing equity for all.

The Committee’s proposed changes to the election timeline (see Chapter 3 in Volume 1) may reduce some of the challenges faced particularly by independents and smaller parties.

One independent candidate called for a thorough review of the Electoral Act to ensure that all candidates are treated the same, whether they are independents or belong to a political party.¹ There may be some merit in this, if the Act is being reconsidered more generally (see further discussion in Section 7.6 in Volume 1).

The independent Electoral Review Expert Panel (see Section 1.5 of this volume) considered political finance laws in considerable depth, including the different effects on independents, small parties and large parties. The panel’s report includes many recommendations which are currently under consideration by the Government.² The panel looked at these matters in more depth than the Committee has as part of this Inquiry. The Committee is therefore not considering the panel’s recommendations, apart from noting recommendations which touch on matters raised with the Committee.

¹ Sally Gibson, *Submission 80*, p. 3.

² Electoral Review Expert Panel, *Report on Victoria’s laws on political finance and electronic assisted voting*, [Melbourne], 2023, especially Chapter 3.

14.2 Differences in how parties and independents are treated in legislation

There are multiple ways that the Electoral Act treats parties and independent candidates differently. Some of the ways highlighted in this Inquiry include access to electoral roll data, the number of signs allowed at voting centres, the labelling of candidates on ballot papers and access to public funding and donations. For the Upper House, the way that votes are counted can also lead to a distortion of the ‘one vote, one value’ principle in favour of popular parties in certain circumstances.

14.2.1 Access to electoral roll data

Independent candidates can only gain access to the electoral roll approximately two weeks out from election day. Yet political parties have permanent, year-round access to the electoral roll. This gives the parties a ridiculously unfair and undemocratic advantage in field tactics.

Melissa Lowe et al., *Submission 62*, p. 12.

Candidates and parties use data from the Register of Electors (the database from which electoral rolls are created—see Box 2.1 in Chapter 2 of this volume) in several ways when campaigning. They use the data to send individually addressed material to voters, as voters are more likely to open material which is individually addressed. They can use the data to target relevant messages to particular demographics. The data can also help candidates to identify areas where electors (as opposed to other residents) live and concentrate campaigning in those areas.³

The Electoral Act specifies that the VEC must provide copies of data on the Register of Electors to parties (on request) up to 11 times per year.⁴ Any election candidate is also entitled to a copy of the data.⁵ However, a person does not legally become a candidate until they have nominated, which cannot take place until a writ is issued (25 days before election day for a regular election).

As a result, parties can start using electoral roll data before independent candidates. The Committee heard that the extra time parties have with the data also allows them to access bulk mail discounts and automated processing from Australia Post, something independent candidates cannot do between the time they receive the data and the election.⁶

If independents wish to access similar information before the close of nominations, they have to turn to commercial providers. Climate 200 told the Committee that this can cost approximately \$25,000 per electorate.⁷

³ Melissa Lowe et al., *Submission 62*, pp. 12–13.

⁴ *Electoral Act 2002* (Vic) s 33(1). The data may also be supplied at other times, such as after a boundary redivision.

⁵ *Electoral Act 2002* (Vic) s 33(6).

⁶ Melissa Lowe et al., *Submission 62*, p. 12.

⁷ Climate 200, *Submission 102*, p. 6.

Independent candidates suggested that access to electoral data should be allowed six months out from a general election (provided reasonable criteria are met) or from the moment candidates publicly declare their candidacy.⁸

The Committee recognises that it would be helpful for independent candidates to have access to the electoral roll data earlier. However, the Committee is also mindful that the distribution of personal information about electors needs to be done carefully to prevent misuse. The Committee's preferred approach to this issue is adjusting election timelines, which is discussed further in Chapter 3 of Volume 1 of this report.

Giving access to the roll to 'independent campaign entities' was also suggested as a way to assist independents, though the Committee does not favour that approach (see Section 14.3).

FINDING 114: Parties and independent candidates use data from the Register of Electors as part of their campaigning activities. Parties are given data regularly, but independent candidates cannot access the data until they have officially nominated. This provides an advantage to parties in getting information to electors earlier and accessing cheaper mailing services.

14.2.2 Signage at voting centres

The Electoral Act prohibits independent candidates from having more than two signs at a voting centre. However, registered political parties are entitled to display two signs if they have a Lower House candidate, plus two more signs if they have Upper House candidates, plus two additional signs, making a maximum of six.⁹ This was seen as unfair by a number of independent candidates.¹⁰

Submitters proposed a variety of options which they considered to be fairer. These included:

- two signs for each independent and party¹¹
- two signs for independents and four for parties running in both houses¹²
- increasing the allowance to ten signs for each Lower House candidate¹³
- removing the additional two signs that parties are entitled to.¹⁴

⁸ Melissa Lowe et al., *Submission 62*, p. 13. See also Sally Gibson, *Submission 80*, p. 4.

⁹ *Electoral Act 2002* (Vic) s 158A(3)–(3B).

¹⁰ Melissa Lowe et al., *Submission 62*, p. 18; Tim Wade, *Submission 63*, p. 1; Sally Gibson, *Submission 80*, pp. 9–10; Craig Cole, *Submission 94*, p. 3.

¹¹ Sally Gibson, *Submission 80*, pp. 9–10.

¹² Melissa Lowe et al., *Submission 62*, pp. 18–19.

¹³ Melissa Lowe et al., *Submission 62*, p. 19.

¹⁴ Tim Wade, *Submission 63*, p. 2; Sally Gibson, *Submission 80*, p. 10.

The Committee considers that the current rules provide an appropriate balance of fairness. The Committee considers that it would be unreasonable for parties running candidates in both houses to have the same number of signs as parties or independents running in just one house, as it is important for a party to be able to advertise its various candidates. The Committee notes that the current arrangements also balance the need to advertise candidates with keeping the total number of signs to a reasonable amount—a party running six candidates (one in the Lower House and five in the Upper House) is restricted to the same number of signs as a party running three candidates (one in the Lower House and two in the Upper House).

14.2.3 Independents on ballot papers

Party candidates have their party's name printed below their name on ballot papers and a party logo displayed next to their box. In Victoria, the equivalent spaces on ballot papers for independent candidates are blank.

A group of independents told the Committee that not labelling independent candidates confused some voters. They argued that the word 'independent' is an important visual cue that could help voters, especially those who are not familiar with the electoral process.¹⁵ Independent candidate Aijaz Moinuddin stated that voters were confused when reading the ballot paper since the word 'independent' was not present next to his name and they kept asking which party he belonged to.¹⁶

The Committee considers that the absence of a party name beneath a candidate's name is enough to indicate that the candidate is not running as a member of a political party. The Committee does not believe that it is necessary for the word 'independent' to be added.

Independents who nominate for the Upper House are also treated differently in other ways. They are printed together in the column furthest to the right on the ballot paper under the heading 'ungrouped'. They do not have an above-the-line square unless they join together with at least one other candidate to form a group.

John O'Brien argued that the current Upper House ballot paper arrangements are detrimental to independent candidates and called for either eliminating above-the-line voting or allowing independent candidates to have squares above the line.¹⁷

The Committee's views on the benefits of above-the-line voting are discussed in Section 6.2 of Volume 1. The Committee notes that parties and independents are both required to have at least two candidates to get a square above the line.

¹⁵ Melissa Lowe et al., *Submission 62*, p. 19. See also Tim Wade, *Submission 63*, p. 2.

¹⁶ Aijaz Moinuddin, *Submission 11*, p. 1.

¹⁷ John O'Brien, *Submission 45*, p. 1.

14.2.4 Public funding and donations

Independents have got one source of funding: capped donations. Capped donations are 100 per cent of our total funding. For majors, it is around 10 per cent. Majors have got public funding, administrative funding, membership and affiliation fees and levies, nominated entity funding and the capped donations.

Felicity Frederico OAM, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 63.

Several submitters noted the differing rules for parties and independents regarding electoral funding and donations. Submitters highlighted multiple differences, including that:

- parties can receive policy development funding which is not available to independents
- if a party candidate does not recontest an election, the party can still receive the public funding based on first-preference votes for that candidate and can use it for other candidates; but if an independent candidate does not recontest an election, that funding cannot be passed to anyone else
- donations to political parties are tax deductible at all times, but are only tax deductible for independent candidates once they have nominated during the election period
- parties can receive donations from nominated entities which are not included in donation caps
- parties can receive annual subscriptions, affiliation fees and levies which are not included in donation caps.¹⁸

The Australia Institute argued that public funding based on past performance and donation caps makes it more difficult for new parties and candidates to compete against existing parties.¹⁹

The ability to receive more than the donation cap through nominated entities was seen as unfair by multiple submitters.²⁰ Climate 200 told the Committee:

The carve-out for gifts from parties' nominated entities is especially unfair. Only the Labor, Liberal and National parties have a 'nominated entity' ... The payments from these entities to their associated parties are not subject to Victoria's donation cap nor real-time transparency provisions. In the 2019, 2020, 2021 and 2022 financial years, Labor and the Coalition received \$3.6 million and \$2.9 million respectively from their

¹⁸ Melissa Lowe et al., *Submission 62*, pp. 8–12; The Australia Institute, *Submission 77*, p. 17; Sally Gibson, *Submission 80*, pp. 2, 4–5; Climate 200, *Submission 102*, pp. 2–8. Felicity Frederico OAM, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, pp. 63, 66.

¹⁹ The Australia Institute, *Submission 77*, p. 17. See also Meaghan Capell, *Submission 56a*, p. 8.

²⁰ Melissa Lowe et al., *Submission 62*, pp. 3–4; The Solis Foundation, *Submission 70*, p. 3; The Australia Institute, *Submission 77*, p. 17; Sally Gibson, *Submission 80*, p. 2; Animal Justice Party, *Submission 104*, p. 17. See also Meaghan Capell, *Submission 56*, p. 8; Meaghan Capell, *Submission 56a*, pp. 5, 18.

nominated entities. We will not know how much they gave the parties in the five months before the 2022 state election until almost 12 months after election day.²¹

The Solis Foundation argued that there was less paperwork involved with donations through nominated entities than donations given directly to parties or candidates. This was seen as a disadvantage to smaller parties and independent candidates.²²

The Sustainable Australia Party argued against the rule requiring parties and candidates to receive more than 4% of the first-preference votes to receive payments based on first-preference votes. The party saw this as excluding minor parties in practice.²³ The Committee notes that 14 parties and 34 independent candidates were eligible to receive some public funding based on their first-preference votes at the 2022 election. However, the vast majority of funding went to the four largest parties—they received \$28.1 million, while the other 10 parties and the 34 candidates together received a combined total of \$2.3 million.²⁴

On the other hand, the Committee notes that there is one financial advantage for like-minded independents that do not form a party. The donation cap prohibits a donor from donating more than the set amount in total to a party or its candidates. However, one donor can provide donations to as many independent candidates as they like (so long as the cap is not exceeded for each independent).²⁵ As a result, while donors supporting political parties were limited to a maximum donation of \$4,320 in 2022, several donors were able to donate more than \$20,000 to independents by spreading it across multiple independents and related bodies. In most cases, these donors selected the same group of recipients.²⁶

Concerns about the differing funding rules for independents and parties were considered as part of the independent review by the Electoral Review Expert Panel in its *Report on Victoria's laws on political finance and electronic assisted voting*. The panel made multiple recommendations to address these concerns, including changes to what counts as donations, removing the exemptions for nominated entities, limitations on what funds parties can deposit into the accounts used for political expenditure and expenditure caps for associated entities and third-party campaigners.²⁷

As noted above, these recommendations are under consideration by the Government. The Committee is therefore not making any recommendations about changes to public funding and donation rules at this time.

21 Climate 200, *Submission 102*, p. 7.

22 The Solis Foundation, *Submission 70*, p. 3.

23 Sustainable Australia Party, *Submission 109*, pp. 1–2.

24 Victorian Electoral Commission, *Report to Parliament on the 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 153–6.

25 An exception to this is if the independents form a group for the Upper House ballot paper—*Electoral Act 2002* (Vic) s 217D.

26 Electoral Matters Committee calculations based on data from the VEC—Victorian Electoral Commission, *Disclosed donations*, <<https://disclosures.vec.vic.gov.au/public-donations>> accessed 21 December 2023. This analysis excludes candidates donating to their own campaigns.

27 Electoral Review Expert Panel, *Report on Victoria's laws on political finance and electronic assisted voting*, [Melbourne], 2023, especially Chapter 3.

FINDING 115: The political funding and donation rules enable parties (especially large parties) to draw on sources of funding that independent candidates do not have access to. The Electoral Review Expert Panel has recommended several changes to address this issue in its *Report on Victoria's laws on political finance and electronic assisted voting*.

14.2.5 Unequal value of votes

When an Upper House candidate receives more than the minimum number of votes to be elected (referred to as the 'quota'), the votes are distributed to the next preferred candidate at a reduced value. When this happens, individual votes are effectively split so that each vote counts towards multiple candidates—the first elected candidate keeps one portion of the vote and the next preferred candidate gets another portion (see Figure 14.1). The value of the votes when they are transferred is calculated using a formula called the 'inclusive Gregory method'. In most circumstances, the total value of each vote after being transferred is still 1.

In certain circumstances, the inclusive Gregory method can end up increasing the total value of some votes and decreasing the value of others. The increased value is most likely to occur with votes for major parties, giving them an advantage.

These circumstances occurred to a significant extent in two regions in the 2022 election, and in one region in 2014. Table 14.1 illustrates the value of the affected votes in Western Metropolitan Region in 2022. It shows how each Labor Party vote in this region counted as if it were 1.05 votes, while several other parties' votes only counted as 0.89 votes each.

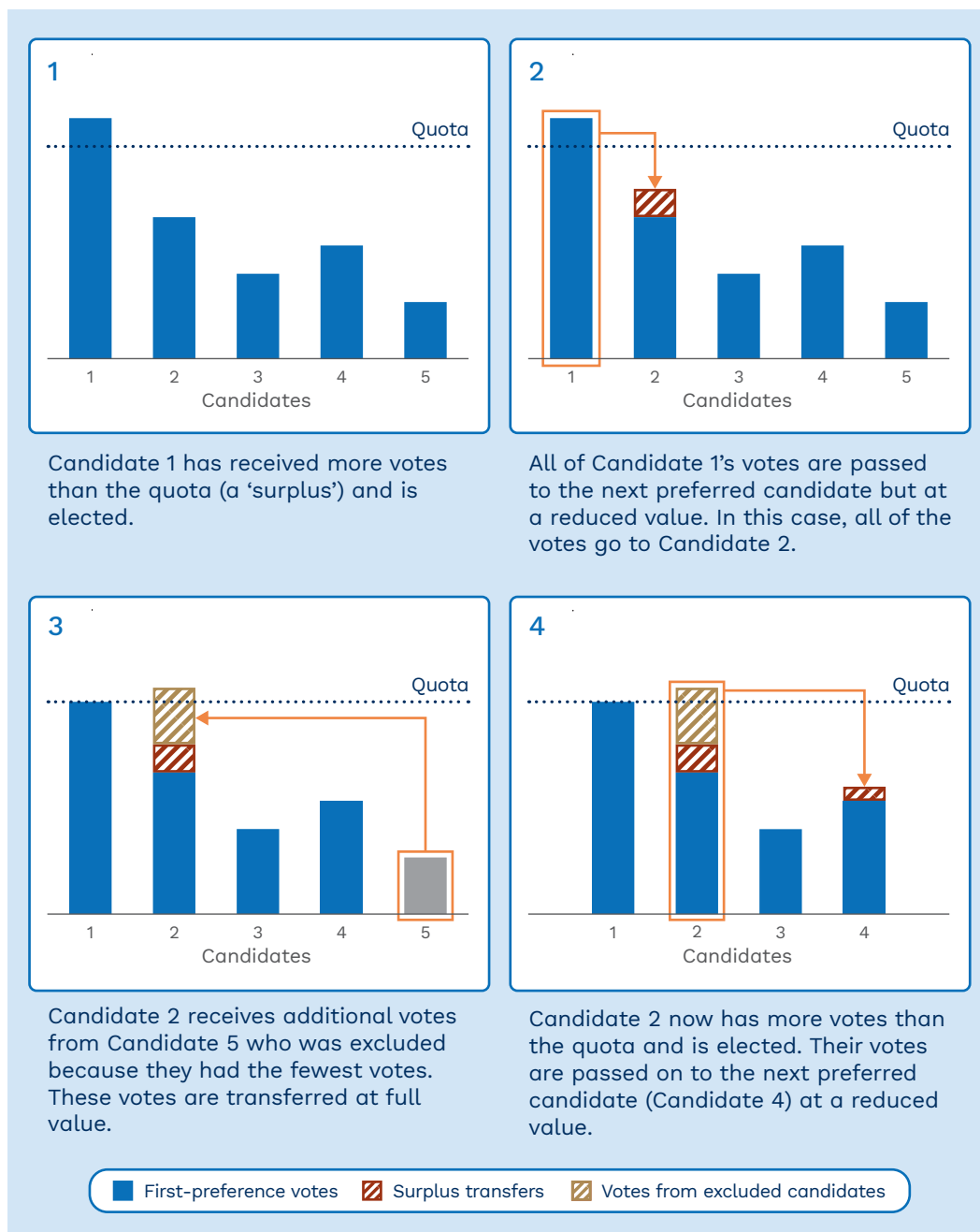
The effect of this was that the Labor above-the-line votes were counted as if there were an additional 8,119 votes. This is particularly noteworthy given that there was only a 210-vote difference between the 5th elected candidate (who received the Labor Party votes) and the next candidate.

This situation is a violation of the 'one vote, one value' principle which is an important basis for democratic systems.

To remedy the situation, several submitters called for the 'weighted inclusive Gregory method' to be used to determine the value of transferred votes.²⁸ This formula addresses the problem by preventing votes from gaining extra value with transfers and means that this situation will not occur again.

²⁸ Carlo Toncich, *Submission 74*, Appendix, p. 11; Geoff Powell, *Submission 85*, p. 1; Dr Kevin Bonham, *Submission 89*, pp. 3, 6; Liberal Party of Australia (Victoria Division), *Submission 103*, p. 6; Malcolm Mackerras AO, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, pp. 51–2; Dr Kevin Bonham, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, p. 12. See also Antony Green AO, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, pp. 4, 7–8. Another alternative method of calculating Upper House results was advocated by Anthony van der Craats—*Submission 107*, p. 1.

Figure 14.1 The distribution of surplus votes for Upper House candidates



Source: Electoral Matters Committee.

Table 14.1 Value of votes significantly modified by transfer values in Western Metropolitan Region, 2022 election

Each above-the-line vote for ...	Counted towards these candidates with this value:					Total value of each vote
	Lizzie Blandthorn (Australian Labor Party)	Ingrid Stitt (Australian Labor Party)	David Ettershank (Legalise Cannabis Victoria)	Trung Luu (Liberal)	Bernie Finn (Labour DLP)	
Australian Labor Party	0.46	0.46	0.07	0.07	-	1.05
Angry Victorians Party	-	-	0.83	-	0.07	0.89
Animal Justice Party	-	-	0.83	0.07	-	0.89
Australian Greens	-	-	0.83	0.07	-	0.89
Fiona Patten's Reason Party	-	-	0.83	0.07	-	0.89
Legalise Cannabis Victoria	-	-	0.83	0.07	-	0.89
Victorian Socialists	-	-	0.83	-	0.07	0.89

Source: Electoral Matters Committee based on VEC data.

A previous Electoral Matters Committee also recommended that the weighted inclusive Gregory method be considered.²⁹ In response, the Government of the day stated that it 'may consider alternative methods of counting votes for the Legislative Council in the future'.³⁰ In light of the 2022 results, this Committee considers that the weighted inclusive Gregory method should be introduced before the next election to ensure the 'one vote, one value' principle applies to Upper House results.

FINDING 116: In particular circumstances, the current formula used to determine the value of transferred surplus votes from successful Upper House candidates can lead to some votes counting for more than others. This is a violation of the 'one vote, one value' principle.

RECOMMENDATION 73: That the Government introduce legislation amending the Electoral Act to specify that transfer values for surplus votes under proportional representation should be calculated using the weighted inclusive Gregory method.

14.3 Independent campaign entities

To overcome some of the disadvantages outlined above, Climate 200 and a group of independent candidates suggested that a new type of organisation should be created.

²⁹ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, July 2009, Recommendation 8.1, p. 172.

³⁰ Government of Victoria, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into voter participation and informal voting*, 24 June 2010, p. 14.

This organisation, called an ‘independent campaign entity’ or ‘independent community campaigner’, would support selected independent candidates within a particular electorate.³¹

The independent campaign entity would:

- be responsible for campaign management, including political donations
- receive any public funding given to an independent candidate after they run (if eligible), with the ability to use that funding to support a different independent candidate if the independent for which the money was received does not stand at the next election
- be able to receive memberships, subscriptions and tax-deductible donations at all times
- have access to the Register of Electors for the specified electorate at all times
- nominate entities from which they could receive uncapped donations.³²

Unlike a party, independent campaign entities would be restricted to operating in just one electorate.³³

When asked about the advantages of establishing independent campaign entities rather than parties, Hayden O’Connor told the Committee that people vote for independents because of their independent status and that becoming a party ‘comes with extreme political disadvantage’.³⁴ Melissa Lowe told the Committee that it was about having the community make decisions about policy and who should represent the community rather than a party.³⁵

The people advocating for independent campaign entities also recommended a variety of other changes to the funding system to accompany the creation of this new type of entity.³⁶

The Committee does not support the idea of establishing independent campaign entities. There would be a number of practical questions that would have to be resolved. For example, if the entity wanted to pass public funding from one candidate to another, how would the new candidate be decided? What would stop the funding being passed to someone with different values? Ultimately, though, the Committee’s biggest concern is that this would only level the playing field for some independent

³¹ Climate 200, *Submission 102*, p. 8; Hayden O’Connor, Felicity Frederico OAM and Melissa Lowe, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, pp. 54, 57–60.

³² Melissa Lowe et al., *Submission 62*, pp. 10–13; Climate 200, *Submission 102*, pp. 8–9.

³³ Hayden O’Connor, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, pp. 54, 57–8.

³⁴ Hayden O’Connor, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, pp. 54, 60.

³⁵ Melissa Lowe, public hearing, Melbourne, 11 August 2023, *Transcript of evidence*, pp. 54, 60.

³⁶ Melissa Lowe et al., *Submission 62*, pp. 8–13; Climate 200, *Submission 102*, pp. 8–10.

candidates. Independent candidates who were endorsed by independent campaign entities would be advantaged over independents who were not. Rather than creating a level playing field, this change would simply introduce additional differences.

The idea of independent campaign entities was also considered by the Electoral Review Expert Panel. The panel was not in favour of the idea, concluding that:

While RPPs [registered political parties] may have some advantages, they are also required to comply with additional obligations and stricter rules, including more onerous reporting and auditing requirements ... It would not be appropriate to extend those advantages without the corresponding obligations and rules to a limited class of candidates.

... It would be disingenuous to allow candidates and their supporters to form what would effectively be a quasi-RPP, while claiming to be independent to take advantage of a perceived preference among electors.³⁷

The panel recommended that a new type of party, called a ‘single electorate registered political party’ should be created, with lower membership requirements and a lower registration fee.³⁸ This may address some of the concerns raised by submitters to this Inquiry.

FINDING 117: Some independent candidates and Climate 200 called for the creation of a new type of organisation, the ‘independent campaign entity’ or ‘independent community campaigner’. This would provide selected independents with some of the benefits that parties currently enjoy (such as funding and access to the Register of Electors). However, the Committee believes that this would just create a source of inequality between different independent candidates and would therefore not level the playing field. The Electoral Review Expert Panel has also raised concerns about this type of entity having the benefits of registered parties without the obligations (such as reporting and auditing responsibilities).

14.4 Other challenges faced by independent candidates and smaller parties

The issues in Section 14.2 are a result of legislation which treats parties and independents differently. However, there are other aspects of the electoral system which make it more challenging for independents and smaller parties to compete with the larger parties. Many of these issues are unavoidable. However, changes to election timelines (as discussed in Chapter 3 of Volume 1) may help to reduce some of the difficulties faced by smaller parties and independents.

³⁷ Electoral Review Expert Panel, *Report on Victoria's laws on political finance and electronic assisted voting*, [Melbourne], 2023, p. 104.

³⁸ Electoral Review Expert Panel, *Report on Victoria's laws on political finance and electronic assisted voting*, [Melbourne], 2023, pp. 104–5.

The election timelines were seen as more challenging for parties with fewer resources. The Committee was told that independents and smaller parties struggle with:

- the 12-day early voting period, which requires a significant number of campaigners to be at voting centres³⁹
- the short period between the ballot draws and the opening of early voting, which is a time pressure for everybody, but parties with more money can more easily prepare, print and distribute how-to-vote cards.⁴⁰

In addition, it was suggested that the long early voting period may discourage people from running as candidates, given that they must take time off work or study.⁴¹

In contrast, parties with elected representatives are able to use those representatives in campaigning and they will be paid during that period.⁴²

Relatedly, as discussed in Section 11.5.2, the number of voting centres was seen as a challenge for all parties and candidates, but was noted as particularly challenging for smaller parties and independents. Similarly, voting centres with multiple entrances were seen as more of a challenge for independents, who do not have the same numbers of volunteers as major parties.⁴³

As noted above, the Committee considers that changes to the election timeline will help to reduce some of these challenges. These are discussed further in Chapter 3 of Volume 1.

FINDING 118: Some aspects of the electoral system (such as the long early voting period and tight timelines within the election period) make it harder for independent candidates and smaller parties to compete with larger parties.

³⁹ Rohanna Mohr, *Submission 49*, p. 1; Meaghan Capell, *Submission 56a*, p. 16; Bernadette Thomas, *Submission 67*, p. 2; The Solis Foundation, *Submission 70*, p. 1; Leonie Schween, *Submission 84*, p. 1; Austin Cram, *Submission 88*, p. 2; Bronwyn Currie, Victorian Convener, Animal Justice Party, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, p. 33; response to the Committee's survey of members of Parliament—see Section B.4.8 in Appendix B of this volume.

⁴⁰ Stephen Capon, *Submission 52*, p. 7; Meaghan Capell, *Submission 56a*, p. 12; Louisa Willoughby, *Submission 60*, p. 1; Melissa Lowe et al., *Submission 62*, p. 5; Sally Gibson, *Submission 80*, pp. 6–7; Austin Cram, *Submission 88*, pp. 3–4; Bronwyn Currie, Victorian Convener, Animal Justice Party, public hearing, Melbourne, 10 August 2023, *Transcript of evidence*, pp. 33, 37.

⁴¹ Bernadette Thomas, *Submission 67*, p. 2.

⁴² Meaghan Capell, *Submission 56a*, pp. 5–6.

⁴³ Sally Gibson, *Submission 80*, pp. 12–13.

Chapter 15

The implementation of previous Electoral Matters Committee recommendations

15.1 Introduction

This chapter examines the implementation of recommendations from the previous Electoral Matters Committee's Inquiry into the conduct of the 2018 Victorian state election. The Committee believes that following up on the implementation of previous recommendations adds an extra layer of accountability to Victoria's electoral system.

The previous Electoral Matters Committee's report made 49 recommendations. All five of the recommendations for legislative change have been implemented (see Section 15.2.1). However, the Victorian Electoral Commission (VEC) has only implemented 23 of the 43 recommendations directed towards it. Many of these recommendations relate to live issues at the 2022 election and are discussed elsewhere in this report. Unimplemented recommendations that are not discussed elsewhere are addressed in this chapter (see Section 15.2.2).

The report also made one recommendation to the Parliament, which was not implemented.

The VEC provided initial responses to the Committee's recommendations and multiple updates on its actions throughout the election cycle. The Committee supports this approach of providing updates and identifies areas for improvement within it (see Section 15.2.2).

The Committee notes that the VEC included a summary of the outcomes regarding the recommendations it made in its *Report to Parliament on the conduct of the 2018 Victorian State election*.¹ Much like the Committee, it is valuable that the VEC follows up on its recommendations in this manner.

15.2 The Electoral Matters Committee's report on the Inquiry into the conduct of the 2018 Victorian state election

The previous Electoral Matters Committee's report on the Inquiry into the conduct of the 2018 Victorian state election made 49 recommendations.

¹ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 126-7.

Forty-three recommendations were directed to the VEC and five recommended legislative change. All five recommendations for legislative change have been implemented.

The VEC did not support two of the 43 recommendations directed to it. Of the remaining 41 recommendations, the Committee considers that 23 have been implemented, 16 have not been implemented or have been partially implemented and 2 remain in progress.

One recommendation was directed to the Parliament, asking that an inquiry into 'possible reforms of the Upper House electoral system' be referred to the Electoral Matters Committee.² This recommendation has not been acted on. The Committee addresses the Upper House electoral system in Chapter 6 of Volume 1 of this report.

15.2.1 Recommendations for legislative change

The Government supported, or supported in principle, all five of the recommendations for legislative change.³ The Committee found that all five recommendations have been implemented.

One recommendation was to amend the Electoral Act to 'prohibit any person or organisation other than the VEC from distributing postal vote applications'.⁴ While this recommendation was implemented, there remains a loophole in the legislation. People and organisations other than electoral commissions can distribute general postal voter applications (as opposed to applications to vote by post at just one election). The Committee discusses this issue and recommends closing the loophole in Section 3.6.3 in this volume.

15.2.2 Recommendations to the VEC

The VEC's process for responding to recommendations

The VEC has provided responses to the Committee's recommendations and updates on the VEC's actions across four documents:

- November 2020 correspondence to the Committee specifically responding to recommendations⁵
- the *2022 State election service plan*⁶

2 Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 49, p. 222.

3 Government of Victoria, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election*, 16 February 2021.

4 Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 46, p. 195.

5 Victorian Electoral Commission, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election*, 27 November 2020.

6 Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, pp. 46–50.

- the VEC’s submission to this Inquiry⁷
- the VEC’s report to Parliament on the 2022 Victorian state election.⁸

The Committee supports an approach from the VEC which provides updates on its intentions and actions in response to recommendations. The Committee appreciates the effort that the VEC puts into tracking its actions in response to the Committee’s recommendations. The Committee also appreciates the transparency demonstrated by the VEC on this matter. However, there are areas where the VEC’s approach could improve.

In the three updates since the VEC’s initial response to recommendations, the language the VEC used to assess itself against recommendations was inconsistent. The *2022 State election service plan* rated the VEC’s ‘compliance with published response’ as either ‘meets expectation’ or ‘exceeds expectation’ for relevant recommendations.⁹ The two subsequent updates used ‘has actioned’ and ‘will action’.¹⁰

This inconsistency can lead to confusion around the VEC’s actions and intended actions for each recommendation. The Committee recommends that the VEC further improve on its approach of providing updates against recommendations by establishing a system of language that clearly and consistently represents the status of its work (or intended work) against recommendations.

In two cases, the VEC assessed itself as having actioned a recommendation but the Committee does not agree:

- where the Committee recommended that the VEC publish turnout by age cohorts in terms of the eligible population, the VEC assessed this as ‘actioned’ despite only publishing turnout by age as a proportion of enrolment (see Sections 2.3.3 and 2.3.4 in this volume for more on this issue)¹¹
- in response to a recommendation to include performance indicators that relate to the suitability of voting centres, the VEC’s initial response was that it would consider how its internal voting centre suitability criteria could be translated into performance indicators¹² but later marked this recommendation as ‘actioned’ on the basis that it had set expanded targets for wheelchair accessibility¹³—this

7 Victorian Electoral Commission, *Submission 59*, pp. 107–17.

8 Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 114–25.

9 Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, pp. 46–50.

10 Victorian Electoral Commission, *Submission 59*, pp. 107–17; Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 114–25.

11 Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 117; Victorian Electoral Commission, *Submission 59*, pp. 85, 109; Victorian Electoral Commission, *2022 State election service plan*, Melbourne, 2022, p. 46.

12 Victorian Electoral Commission, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election*, 27 November 2020, pp. 15–16.

13 Victorian Electoral Commission, *Submission 59*, p. 112; Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 121. Expanded wheelchair accessibility targets were the subject of a separate recommendation—see Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 23, p. 92.

seemingly missed the broader criteria for voting centre eligibility discussed in the Committee's report in relation to this recommendation (see further discussion in Section 3.3.1 of this volume).

The Committee's view is that these recommendations have not been implemented, and that the VEC's reporting against them does not accurately reflect this.

The Committee encourages the VEC to take greater care to avoid this in the future.

For another recommendation, it is difficult to reconcile the VEC's initial stated 'support in part' with its other statements at the time and subsequent actions and reporting. The Committee recommended that the VEC establish performance indicators regarding queue times at voting centres. The VEC indicated that it supported this recommendation 'in part'¹⁴ but, instead of introducing performance measures, the VEC stated that it will action the recommendation 'through the deployment of queue management technology for operational purposes'.¹⁵

The Committee sees one of the benefits of the VEC providing updated responses to Committee recommendations as the VEC being able to publicly update, clarify or change its view on whether or not it supports a recommendation. The VEC did this for a recommendation about providing explanations for discrepancies in vote counts on its website. The VEC's initial response was that:

The VEC will consider how it can best provide specific information about variations of more than 200 votes between primary and recheck/recount results. Situations such as these are rare and the VEC has been able to provide more detailed explanations in response to enquiries. As most visitors to the VEC website are looking for the most up-to-date results, consideration will be given on how best to make further detail available for those who are looking for more information without losing clarity of the data being presented.¹⁶

More recently, the VEC stated that:

Upon investigation, the election timeline does not support this level of granular analysis.¹⁷

While the Committee considers that further thought should be given to this recommendation (see Section 7.6.1 in this volume), the Committee appreciates the update on the VEC's investigation. The Committee recommends that the VEC apply this approach for all recommendations.

¹⁴ Victorian Electoral Commission, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election*, 27 November 2020, p. 16.

¹⁵ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 124.

¹⁶ Victorian Electoral Commission, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election*, 27 November 2020, p. 15.

¹⁷ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 125.

FINDING 119: The VEC provided an initial response about its intentions and three subsequent updates on its actions in response to the previous Electoral Matters Committee’s recommendations following the 2018 election. The Committee supports this approach of providing updates and being transparent about its actions. However, the VEC’s language was inconsistent, leading to possible confusion. In some cases, the VEC’s assessments of its intentions and progress did not appear to reflect its actions.

RECOMMENDATION 74: That the VEC further improve its approach to providing updates on Electoral Matters Committee recommendations by:

- establishing a system of language that clearly and consistently represents the status of its work or intentions
- ensuring that its updates reflect the VEC’s actual intentions and actions (and include clear statements if the VEC has altered its view on whether or not it supports a recommendation).

The VEC’s action in response to recommendations

In the VEC’s November 2020 correspondence to the Committee, the VEC specifically responded to the 43 recommendations directed to the VEC:

- 14 were supported
- 10 were supported in part
- 17 were ‘noted’
- 2 were not supported.¹⁸

The Committee discusses below the recommendations that the VEC supported, supported in part or noted.

Recommendations that the VEC supported or supported in part

Of the 24 recommendations that the VEC either supported or supported in part, the Committee found that:

- 11 were fully implemented
- 2 were still in progress
- 11 were not implemented or were partially implemented.

¹⁸ Victorian Electoral Commission, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election*, 27 November 2020.

The two recommendations still in progress¹⁹ relate to research into formal voting, for which the VEC has partnered with academics from the University of Adelaide and Flinders University. The VEC expects a report from this partnership to be ready in 2025.²⁰

Most of the recommendations that have not been fully implemented remained relevant at the 2022 election and related to issues discussed elsewhere in this volume. These include the VEC:

- assessing VoterAlert’s cost, effectiveness at impacting turnout and use at future elections²¹—see Section 5.4
- publishing an analysis of the explanations given for not voting and what that indicates about why people did not vote²²—see Section 2.3.2
- publishing and discussing trends in apparently intentional and apparently accidental informal voting rates as a percentage of all votes²³—see Section 2.4.3
- publishing and discussing turnout by age cohorts in terms of the eligible population²⁴—see Sections 2.3.3–2.3.4
- researching and publishing reasons for not voting and attitudes toward voting among the 25-to-44-year-old age group, including a focus on the drop in turnout among 30-to-44-year-old electors at the 2018 election²⁵—see Sections 2.3.3 and 2.3.5
- developing and trialling measures to increase turnout among electors across the entire 20-to-39-year-old age cohort and not just the youngest electors²⁶—see Sections 2.3.3 and 2.3.5
- establishing an advisory group aimed at advising on engagement programs for 20-to-39-year-old voters²⁷—see Section 2.3.5
- improving its transparency regarding ballot paper security²⁸—see Section 7.3.1

¹⁹ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendations 11 and 15, pp. 37, 47.

²⁰ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 101.

²¹ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 4, p. 18.

²² Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 5, p. 19.

²³ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 8, p. 31.

²⁴ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 13, p. 44.

²⁵ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 14, p. 46.

²⁶ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 19, p. 69.

²⁷ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 20, p. 69.

²⁸ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 27, p. 116.

- establishing performance indicators relating to queuing times²⁹—see Section 3.3.2.

A further recommendation that was not fully implemented concerned the VEC exploring ‘ways to more objectively measure the effectiveness of its advisory groups as a means of addressing the challenges faced by certain groups of voters’ and publishing the results of those measures. Advisory group effectiveness was primarily being evaluated through feedback from group members, and the previous Electoral Matters Committee gave suggestions for better measures, including outcomes-based measures regarding the participation of relevant communities in elections or external evaluation of the groups.³⁰

The VEC established new measures in 2022–23—group membership; meeting attendance rate; and how often the VEC seeks and accepts group advice/recommendations.³¹ While these measures have some value, none of them are the outcomes-based (election participation) or external evaluation measures as the Committee suggested. The Committee would like to see the VEC implement such measures.

FINDING 120: The previous Electoral Matters Committee recommended that the VEC explore ways to more objectively measure the effectiveness of its advisory groups, suggesting outcomes-based or external evaluation measures. The VEC has established new measures focussed on processes rather than outcomes or external evaluation.

RECOMMENDATION 75: That the VEC establish outcomes-based (election participation) or external evaluation measures for its advisory groups.

Another recommendation that the VEC initially supported concerned establishing performance indicators ‘that measure the accuracy of primary counts, two-candidate-preferred counts and, where possible, recheck results’ and publishing results against those indicators.³² The VEC initially stated it would ‘consider appropriate performance indicators that measure the accuracy of primary counts against recheck counts’³³ but since changed its view, stating that ‘Key performance indicators are not an appropriate measure for this activity. Rather the VEC has actioned this recommendation having reviewed its policies and procedures relevant to manual counting.’³⁴

²⁹ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 34, p. 138.

³⁰ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 17, p. 57.

³¹ Victorian Electoral Commission, *Annual report 2022–23*, Melbourne, 2023, p. 35.

³² Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 35, p. 139.

³³ Victorian Electoral Commission, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election*, 27 November 2020, p. 16.

³⁴ Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 121.

The Committee remains of the view that increased transparency around counting procedures would be beneficial. In a time of inaccurate information and conspiracy theories around elections, where trust in democratic institutions is declining, such transparency measures are important.

Further, counting votes is a core function of the VEC. The VEC has a performance indicator for vote-counting speed, but not accuracy. The Committee’s view is that count accuracy is the more important goal and it would be helpful to report on this against a target. The Committee repeats the recommendation made following the 2018 election.

FINDING 121: After initially supporting performance indicators that measure the accuracy of vote counting, the VEC later stated that performance indicators are not an appropriate measure for this. The Committee remains of the view that reporting against targets for vote-counting accuracy is beneficial. Doing so would provide increased transparency, which can lead to higher trust in election processes.

RECOMMENDATION 76: That the VEC include performance indicators that measure the accuracy of vote counting in future election plans, and report against these indicators in its reports to Parliament following elections.

Recommendations that the VEC ‘noted’

The VEC initially ‘noted’ 17 of the recommendations made following the 2018 election. The VEC has since provided updates regarding those recommendations. Of these, the Committee found that:

- 12 were implemented
- 5 were not implemented or were partially implemented.

The recommendations that have not been fully implemented remained relevant to issues at the 2022 election and are discussed elsewhere in this report. They relate to the VEC:

- providing 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)³⁵—see Section 7.6.1 in this volume
- publishing the results of its investigations into multiple voting, including noting the number of cases which remain unexplained to the VEC’s satisfaction³⁶—see Section 7.2 in this volume

³⁵ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 29, p. 125.

³⁶ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 31, p. 130.

- establishing performance indicators with targets that relate to the suitability of venues used as early voting centres and election-day voting centres and reporting against those indicators³⁷—see Section 3.3.1 in this volume
- including concrete actions, measures and quantified targets in its plans and strategies³⁸—see Section 8.3 in this volume
- engaging an independent expert to evaluate the effectiveness of its training procedures at the 2022 election³⁹—see Section 4.2 in Volume 1.

While the Committee is pleased that many of its recommendations have been implemented, it encourages the VEC to give some further consideration to the recommendations identified by the Committee as not implemented or only partially implemented.

FINDING 122: Of the 43 recommendations directed to the VEC in the previous Electoral Matters Committee’s report on the 2018 state election, 2 were not supported, 23 have been fully implemented, 2 are in progress and 16 have not been implemented or have only been partially implemented.

**Adopted by the Electoral Matters Committee
Parliament of Victoria, East Melbourne
17 June 2024**

³⁷ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 33, p. 138.

³⁸ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 36, p. 145.

³⁹ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Recommendation 43, p. 172.

Appendix A

About the Inquiry

A.1 Inquiry process

On 9 March 2023 the Legislative Assembly referred an inquiry into the conduct of the 2022 Victorian state election to the Committee. The Committee was initially required to table its report by 1 May 2024. The tabling date was subsequently extended to 1 August 2024.

Submissions

The Committee called for written submissions through its website, X and Facebook from April 2023 and in *The Age* and culturally and linguistically diverse media in May and June 2023. The Committee also wrote to a range of key stakeholders inviting submissions, including political parties, independent candidates, electoral experts and community groups. Following by-elections for Warrandyte and Mulgrave Districts in 2023, the Committee invited submissions from candidates and parties who ran at those by-elections.

In total, the Committee received submissions from 114 individuals, groups and organisations.

A full list of submitters can be found in Section A.2 of this appendix.

Public hearings

The Committee conducted nine days of public hearings between 27 March 2023 and 5 February 2024. It received evidence from 50 witnesses.

The public hearings were held in Melbourne, with some witnesses appearing by videoconference or teleconference.

The Committee spoke to witnesses from a number of political parties and community groups and individuals who were concerned about the conduct of the 2022 Victorian state election. The Committee spoke with the Victorian Electoral Commission twice. The first time was with Warwick Gately AM, who was the Electoral Commissioner during the 2022 election. The second time was with the current Electoral Commissioner, Sven Bluemmel.

A list of the witnesses who attended public hearings is included in Section A.3 below.

Members of Parliament survey

The Committee conducted a survey of members of Parliament seeking their experiences and opinions regarding the 2022 election and their ideas for improvements to Victorian elections.

The survey was open from May to June 2023 and 26 members of Parliament provided responses.

A summary of the survey responses is available in Appendix B.

Culturally and linguistically diverse communities roundtable

The Committee hosted a community roundtable with members of a variety of culturally and linguistically diverse communities on 5 June 2023. The roundtable was held at the Victoria University Footscray Campus and facilitated by Victorian Multicultural Commissioner Tarang Chawla. Commissioner Chawla also ran as an independent candidate at the 2018 Victorian state election.

The roundtable aimed to help the Committee learn more about the election experiences of people from culturally and linguistically diverse backgrounds, including how they learn about elections and candidates, the barriers they face to participation, their impressions of VEC communication and services, and potential improvements.

There were 12 participants at the roundtable, from a variety of different cultural backgrounds.

A summary of the issues discussed and themes that emerged from the roundtable is available in Appendix C. The Committee's finding and recommendation emerging from the roundtable are in Section 5.5.1 of this volume.

Voters with disability survey

The Committee conducted a survey of Victorians with disability seeking their experiences and opinions regarding the 2022 election and their ideas for improvements to Victorian elections. Scope Australia assisted the Committee to develop the survey, which was distributed by Scope and other organisations to Victorians with disability.

The survey was open from November to December 2023 and received 119 responses.

A summary of the responses and themes that emerged from the survey is available in Appendix D. The Committee's findings and recommendations emerging from the survey are in Section 4.6 of this volume.

A.2 Submissions

No.	Author
1	Malcolm Mackerras AO
2	Fabio Scalia
3	Maxim Payne
4	Name withheld
5	Name withheld
6	Name withheld
7	Graeme Wright
8	Bernard Quince
9	Michael Tandora
10	Marcia Simons
11	Aijaz Moinuddin
12	Confidential
13	Victorian Parliamentary Budget Office
14	Errol Hunt
15	Joshua Solomon
16	Paul Gallagher
17	Brian Wood
18	Cr Sharon Gibson
19	Neil Wade
20	Trevor Smith
21	Sophie Paterson
22	The Hon. Steve Dimopoulos MP
23	Reuben Steen
24	Rosalind Hustler
25	National Shooting Council
26	Name withheld
27	Terry Orford
28	Peter McLoughlin
29	Jeannine Gough
30	Name withheld
31	Name withheld
32	Murray Sanders
33	Peter Fleming

No.	Author
34	Adrian Austin
35	Trevor Dean
36	Murray Morris
37	Helen Bakker
38	Bill Tilley MP
39	Ben Raue
40	Philip Lillingston
41	Chris Curtis
42	Carly Palmer
43	Hunter Cullen
44	Name withheld
45	John O'Brien
46	Alex Breskin
47	Jan Cooper
48	Michael Fuery
49	Rohanna Mohr
50	Gayle Williams
51	Dr Chris Culnane
	Professor Peter J Stuckey
	Associate Professor Vanessa Teague
	Associate Professor Damjan Vukcevic
52	Stephen Capon
53	Travis Jordan
54	Proportional Representation Society of Australia (Victoria-Tasmania) Inc.
55	Name withheld
56	Meaghan Capell
57	Dr Joe Garra
58	Michael Doyle
59	Victorian Electoral Commission
60	Louisa Willoughby
61	Matthew Kirwan

No.	Author	No.	Author
62	Carol Altmann	89	Dr Kevin Bonham
	Dr Ian Birchall	90	Thomas Killip
	Ali Cupper	91	Andy Blunden
	Felicity Frederico OAM	92	EMILY's List Australia
	Jacqui Hawkins	93	Dr Zareh Ghazarian
	Dr Kate Lardner		Dr Jacqueline Laughland-Booy
	Melissa Lowe	94	Craig Cole
	Nicole Seymour	95	Shaun McDonough
	Suzanna Sheed	96	Uniting Church in Australia
	Sophie Torney	97	Prabha Kutty
63	Tim Wade	98	Antony Green AO
64	Name withheld	99	Matthew Potocnik
65	Robert Lim	100	The Nationals Victoria
66	Colin Smith OAM	101	Gary Maas MP
67	Bernadette Thomas	102	Climate 200
68	Polipedia	103	Liberal Party of Australia (Victorian Division)
69	Annemarie McCabe	104	Animal Justice Party
70	The Solis Foundation	105	Daniella Curtano
71	Carlo Toncich	106	Simon Loveless
72	Charelle Ainslie	107	Anthony van der Craats
73	William Taylor	108	Gorkay King
74	Peter Selby Smith	109	Sustainable Australia Party
75	Victorian Pride Lobby	110	Wesa Chau
76	Sue Pennicuik	111	Name withheld
77	The Australia Institute	112	Different Journeys
78	Malcolm Baalman	113	Morgan Ranieri
79	Victorian Trades Hall Council	114	Amaze
80	Sally Gibson		
81	Victorian Socialists		
82	Victorian Labor Party		
83	Confidential		
84	Leonie Schween		
85	Geoff Powell		
86	Name withheld		
87	The Australian Greens Victoria		
88	Austin Cram		

A.3 Public hearings

27 March 2023, Melbourne

Witness	Position and organisation
Warwick Gately AM	Electoral Commissioner, Victorian Electoral Commission
Sue Lang	Director, Communication and Engagement, Victorian Electoral Commission
Ben Sutherland	Director, Elections, Victorian Electoral Commission

10 August 2023, Melbourne

Witness	Position and organisation
Chris Ford	State Secretary, Victorian Labor Party
Cameron Petrie	Assistant State Secretary, Victorian Labor Party
Matthew Harris	State Director, The Nationals Victoria
Martin Shield	State Director, The Australian Greens Victoria
Jess Wheelock	Head of Campaigns and Engagement, The Australian Greens Victoria
Angela Pollard	President, Animal Justice Party
Louise Pfeiffer	Vice President, Animal Justice Party
Natalie Kopas	Advocacy Manager, Animal Justice Party
Bronwyn Currie	Victorian Convenor, Animal Justice Party
Craig Kealy	National Psephology Manager, Animal Justice Party
Steph Price	Treasurer, Victorian Socialists
Malcolm Mackerras AO	-

11 August 2023, Melbourne

Witness	Position and organisation
Antony Green AO	-
Dr Kevin Bonham	-
Chris Curtis	-
Matthew Potocnik	-
Ben Raue	-
Dr Stephen Morey	President, Proportional Representation Society of Australia (Victoria-Tasmania) Inc.
Geoffrey Goode	Treasurer, Proportional Representation Society of Australia (Victoria-Tasmania) Inc.
Associate Professor Vanessa Teague	Thinking Cybersecurity and the Australian National University
Dr Zareh Ghazarian	Senior Lecturer, Politics and International Relations Discipline, School of Social Sciences, Monash University

Witness	Position and organisation
Melissa Lowe	Independent candidate for Hawthorn District
Dr Ian Birchall	Independent candidate for Melton District
Felicity Frederico OAM	Independent candidate for Brighton District
Hayden O'Connor	Campaign Director for Kew
Tim Wade	Volunteer Coordinator, Mel4Hawthorn campaign

25 August 2023, Melbourne

Witness	Position and organisation
Carlo Toncich	-
Chris Anderson	-
Veronica Monaghan	-
Sven Bluemmel	Electoral Commissioner, Victorian Electoral Commission
Dana Fleming	Deputy Electoral Commissioner, Victorian Electoral Commission
Keegan Bartlett	Director, Electoral Integrity and Regulation, Victorian Electoral Commission
Sue Lang	Director, Communication and Engagement, Victorian Electoral Commission
Ben Sutherland	Director, Elections, Victorian Electoral Commission
Chris Pivec	Chief Information Officer, Victorian Electoral Commission

28 August 2023, Melbourne

Witness	Position and organisation
Nathan Despott	Head of Policy, Research and Advocacy, Inclusion Melbourne
Professor Keith McVilly	Professor of Disability and Inclusion, University of Melbourne
Dr Paul Ramcharan	Senior Research Fellow, University of Melbourne
Cameron Bloomfield	Peer Leader, Rainbow Rights and Advocacy
Stuart Smith	State Director, Liberal Party of Australia (Victorian Division)

2 October 2023, Melbourne

Witness	Position and organisation
Ron Townsend	-

30 October 2023, Melbourne

Witness	Position and organisation
Christopher Burson	President, Angry Victorians Party
Heston Russell	Public Relations and Strategy Manager, Angry Victorians Party

27 November 2023, Melbourne

Witness	Position and organisation
Helen Williams	Chief Executive Officer, Inclusion Melbourne
Nathan Despott	Head of Policy, Research and Advocacy, Inclusion Melbourne
Cameron Bloomfield	Peer Leader, Rainbow Rights and Advocacy
Dr Paul Ramcharan	Senior Research Fellow, University of Melbourne

5 February 2024, Melbourne

Witness	Position and organisation
Kristina Temel	Manager, Legal and Policy, New Zealand Electoral Commission
Damian Cantwell AM CSC	Electoral Commissioner, Elections ACT
Ro Spence	Deputy Electoral Commissioner, Elections ACT
Ash Van Dijk	Secretary, ACT Labor
Adam Wojtonis	Director, Canberra Liberals

Appendix B

Survey of members of Parliament

B.1 Survey process

The Committee conducted an online survey of members of the Victorian Parliament seeking their experiences and opinions regarding the 2022 election and their ideas for improvements.

The survey was open from May to June 2023. All 128 members of Parliament were invited to complete the survey and 26 provided responses.

The survey posed a series of multiple choice and free-text questions about the 2022 election, the Victorian Electoral Commission (VEC) and potential changes to legislation. The survey also asked for some demographic information about which party respondents belong to and which House of Parliament they were elected to.

All questions were optional and members could complete the survey anonymously.

B.2 Survey questions

The survey asked 11 substantive questions. Three questions included follow-up questions.

Question number	Question text	Follow-up question	Answer format
1	During the 2022 state election, did you observe any inappropriate behaviour by candidates or campaigners at voting centres?	If yes, please describe the inappropriate behaviour you observed:	Multiple choice with free text follow-up
2	What changes to legislation or election management, if any, would you like to see regarding candidates and campaigners at voting centres?		Free text
3	What deficiencies, if any, did you observe with the venues used as voting centres during the 2022 election? (You can include both early voting centres and election-day voting centres in your response.)		Free text
4	How could the selection of venues used as voting centres be improved at future elections?		Free text
5	What problems, if any, did you observe with VEC staff during the 2022 election (including the early voting period and election day)?		Free text

Question number	Question text	Follow-up question	Answer format
6	Are you aware of any voting centres running out of ballot papers on election day?	If yes, please indicate the district and voting centre if possible:	Multiple choice with free text follow-up
7	What changes to legislation, if any, would you like to see regarding group voting tickets and the voting system for the Upper House?		Free text
8	The early voting period currently covers 12 days (including one day with most centres closed). How many days do you think early voting should be available for?	Please explain why:	Free text with free text follow-up
9	What do you think is the optimum number of early voting centres per district?		Multiple choice
10	Do you have any thoughts about how many hours per day early voting should be available or what times of day it should be available?		Free text
11	Are there any other changes you would like to see to electoral legislation or the way that elections are managed in Victoria?		Free text

B.2.1 Demographic questions

The survey asked three demographic questions:

- Which party are you from?
- Which house were you elected to in 2022?
- What is your name?

B.3 Survey respondents

In total, 26 members of Parliament responded to the Committee’s survey.

Of those, 24 people responded to questions about which party they belong to (see Figure B.1) and which House of Parliament they were elected to (see Figure B.2).

Figure B.1 Party membership

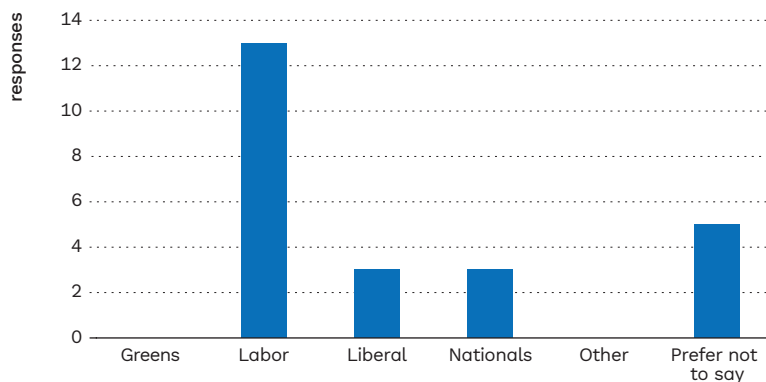
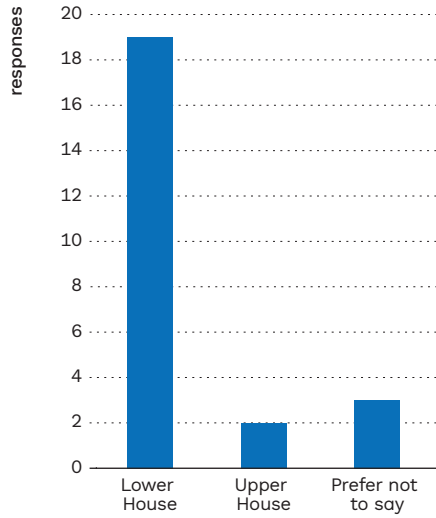


Figure B.2 House elected to



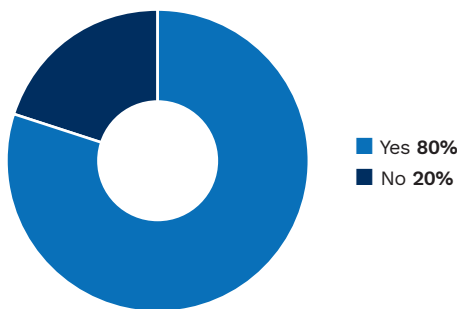
B.4 Survey results

The following sections include summaries of the responses provided for each survey question. Not all respondents provided a response for all questions—the number of respondents is noted for each question.

B.4.1 Question 1: During the 2022 state election, did you observe any inappropriate behaviour by candidates or campaigners at voting centres?

Number of responses: 25. Multiple choice question. Single response only allowed.

Figure B.3 Members of Parliament who observed inappropriate behaviour at a voting centre



Follow-up: If yes, please describe the inappropriate behaviour you observed:

Number of responses: 21. Free text.

Many respondents reported campaigners at voting centres acting inappropriately towards voters and other campaigners. This included intimidating and harassing behaviour, verbal abuse and threatening behaviour. Some mentioned high numbers

of campaigners contributing to a negative environment. Some respondents mentioned negative behaviour from particular political parties, most commonly citing campaigners for the Victorian Socialists as behaving aggressively towards voters and campaigners.

Some respondents stated that campaigners disregarded VEC rules and directions from voting centre staff, including by entering exclusion zones and posting more signs than allowed.

Other issues raised included:

- campaigners spreading misinformation about the rules at voting centres
- campaigners 'ganging up' on a member of Parliament
- campaigners recording and sharing video of people without their consent
- the location of the venues used as voting centres contributing to campaigners being concentrated at entrances (leading to conflict)
- campaigners handing out unauthorised how-to-vote cards.

B.4.2 Question 2: What changes to legislation or election management, if any, would you like to see regarding candidates and campaigners at voting centres?

Number of responses: 23. Free text.

Many respondents argued for changes to the way that campaigners at voting centres are regulated. The most common suggestions were limiting campaigner numbers or requiring campaigners to be registered. Some recommended that campaigners be allowed in a designated area only or that campaigning at voting centres should be prohibited entirely. Others argued that campaigners should not be allowed to obstruct or follow voters or approach voters already waiting in line. Some suggested that VEC staff be assigned to manage campaigners while others believed that the VEC or Victoria Police should be given greater powers to enforce rulings or remove campaigners who break the rules.

Smaller numbers of respondents suggested campaigner behaviour issues could be addressed by reducing the length of the early voting period or selecting fewer and more appropriate early voting centre venues.

One respondent stated there should be no change, that existing laws should suffice.

Other issues raised included:

- improving voting centre staff training and assertiveness
- providing clearer signage rules that are strictly enforced

- aligning early voting and election-day voting rules
- improving clarity and enforcement of the campaigner exclusion zone
- allowing VEC staff to alter the exclusion zone in extreme weather.

B.4.3 Question 3: What deficiencies, if any, did you observe with the venues used as voting centres during the 2022 election? (You can include both early voting centres and election-day voting centres in your response.)

Number of responses: 24. Free text.

Survey respondents raised a number of issues with the venues used as voting centres. Common responses included a lack of facilities, particularly shelter and toilet access, for campaigners and voters.

Another strong theme was venue choices resulting in negative interactions with neighbouring businesses and residents. Respondents noted this was the case for a variety of venue locations, including industrial parks, shopping centres, shopping strips and residential areas.

Some respondents raised concerns about voting centres' accessibility in general and for people with disability. Issues included poor parking, a lack of public transport and general poor access to venues. Disability-specific access issues included poor accessible parking and venues with generally poor disability access.

Respondents also raised safety concerns with voting centre venues, including proximity to busy roads and sites where pedestrians had to share the road with vehicles.

Some respondents noted long queues and queue locations that allowed campaigners to intimidate voters.

Other issues raised included:

- a new voting centre venue causing confusion
- VEC staff rudeness and lack of knowledge
- early voting centres that were too close to each other
- a lack of ballot papers at the start of early voting
- a voting centre running out of ballot papers for the neighbouring district
- a lack of signage.

B.4.4 Question 4: How could the selection of venues used as voting centres be improved at future elections?

Number of responses: 18. Free text.

Several respondents recommended using community centres such as local council facilities, town halls, church halls, community halls and sporting clubs as voting centres.

Some responses focussed on the process of venue selection. Suggestions included:

- prioritising access for voters and shelter
- using the same (or similar) venues as for Commonwealth elections
- listening to community feedback
- requiring accessibility for venues.

Nearly all survey respondents outlined what attributes they believed are important for voting centre venues. Sufficient parking, shelter and toilet access were the most common responses. While some requested voting centres be in commercial areas or away from residential areas, one response highlighted a need to not disrupt shopping areas. Other desired attributes for venues included:

- being located away from high volumes of traffic
- designated campaigner areas
- storage for campaigner materials such as how-to-vote cards
- disability access, including parking
- safe entry in all weather
- space for queuing and campaigning
- public transport access.

Further recommendations included the VEC providing marquees for shelter and reducing the number of voting centres.

B.4.5 Question 5: What problems, if any, did you observe with VEC staff during the 2022 election (including the early voting period and election day)?

Number of responses: 22. Free text.

Survey respondents most commonly identified problems with VEC staff with respect to two themes—poor knowledge of election rules and failures in enforcing those rules, particularly at voting centres.

Many survey respondents said that VEC staff lacked knowledge of the rules concerning behaviour at voting centres, did not know how to manage poor behaviour or did

not know their obligations to keep voting centres safe for all. Further, respondents reported VEC staff wrongly interpreting signage rules, lacking knowledge of electorate boundaries and displaying inconsistent knowledge of election rules.

Respondents reported that VEC staff were not empowered or confident to make decisions to manage poor behaviour at voting centres. One respondent noted that, when it became apparent that VEC staff could not enforce rules, the voting centre ‘became a free-for-all’. Respondents also stated that VEC staff were not proactive in managing poor behaviour and were slow to respond to complaints. In contrast, two respondents reported staff being overly officious. Some respondents noted that VEC staff were inconsistent in enforcing rules.

Some respondents believed that there were not enough staff, or that staff were poorly distributed across voting centres. One respondent reported hearing that some staff were not employed until after early voting began.

Some respondents reported no problems or made positive comments regarding VEC staff.

One respondent reported that voting centre staff behaved in a way that brought their impartiality into question. Another respondent stated that field staff worked well but the behaviour of VEC leadership bordered on corruption.

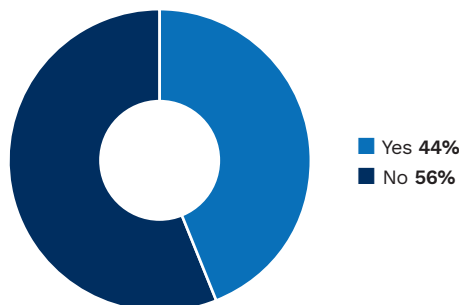
Other issues raised included:

- inexperienced staff
- staff not sharing information with campaigners
- a need for voting centre staff who speak community languages
- slow staff
- lazy staff who did not want to enforce rules, as it would create work.

B.4.6 Question 6: Are you aware of any voting centres running out of ballot papers on election day?

Number of responses: 25. Multiple choice question. Single response only allowed.

Figure B.4 Members of Parliament who were aware of voting centres running out of ballot papers on election day



Follow-up: If yes, please indicate the district and voting centre if possible:

Number of responses: 13. Free text.

Table B.1 shows the districts and voting centres that survey respondents identified as running out of ballot papers on election day. In some cases, this was based on personal experience and in other cases this reflected information that respondents heard from other people.

Table B.1 Districts and voting centres identified by survey respondents as running out of ballot papers

District	Voting centre
Bass	
Bellarine	Clifton Springs Leopold
Cranbourne	Rangebank
Eildon	
Eltham	
Gippsland South	
Lara	Hamlyn Heights (ran out of neighbouring Geelong District ballot papers and had to use handwritten ballot papers) Norlane West (ballot papers arrived late)
Lowan	Concongella Great Western Jeparit Rainbow Stawell Stawell West
Pascoe Vale	Westbreen Primary School
South Barwon	Montpellier Primary School

B.4.7 Question 7: What changes to legislation, if any, would you like to see regarding group voting tickets and the voting system for the Upper House?

Number of responses: 15. Free text.

Most responses recommended abolishing group voting tickets. Many suggested adopting the system used for the Commonwealth Upper House. Some noted that aligning with the Commonwealth system should reduce confusion for voters.

Two respondents recommended no change. Some recommended better messaging to voters and better instructions for completing ballot papers.

Other recommendations included introducing:

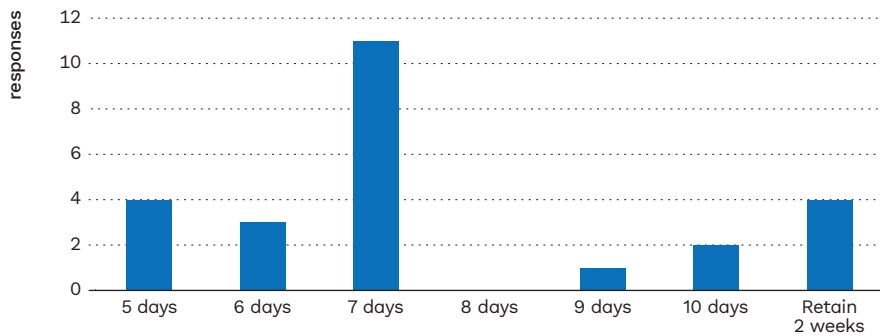
- the weighted inclusive Gregory method for surplus vote distribution
- Robson Rotation for ballot papers
- requiring candidates to reach a threshold of first-preference votes to be eligible for election.

B.4.8 Question 8: The early voting period currently covers 12 days (including one day with most centres closed). How many days do you think early voting should be available for?

Number of responses: 25. Free text.

Of 25 responses, 4 favoured retaining the current two-week arrangement, while 21 preferred a reduction (ranging from 5 to 10 days of early voting). One week or less was preferred by 18 of the 25 respondents.

Figure B.5 Members of Parliament’s preferences for the length of the early voting period



Follow-up: Please explain why:

Number of responses: 22. Free text.

Survey respondents who advocated for retaining two weeks of early voting cited giving people enough time to access voting.

Respondents offered a variety of reasons for reducing the length of the voting period. No single reason represented a majority of respondents.

Some respondents reported the difficulty of staffing early voting centres for two weeks with campaigners, with some noting that this puts less well-resourced parties and independents at a disadvantage.

Some said that a long early voting period means that some voters cast their vote without the benefit of information that is only available close to election day, such as policy announcements or other developments.

Several respondents noted that a long early voting period contributes to poor campaigner behaviour at voting centres.

Some respondents advocating for a shorter early voting period argued that there is low turnout in the first days/week of early voting and early voting should only be for those who cannot vote on election day. In this context, some respondents noted that postal voting is available.

Other reasons included:

- early voting starts too soon after the ballot draw—ballot papers were not ready in 2022 and it is difficult to produce how-to-vote cards in time for early voting
- a longer early voting period damages community fundraising on election day
- fixed elections mean that voters have plenty of notice
- extended hours are better than extended days
- there are plenty of (other) opportunities to vote.

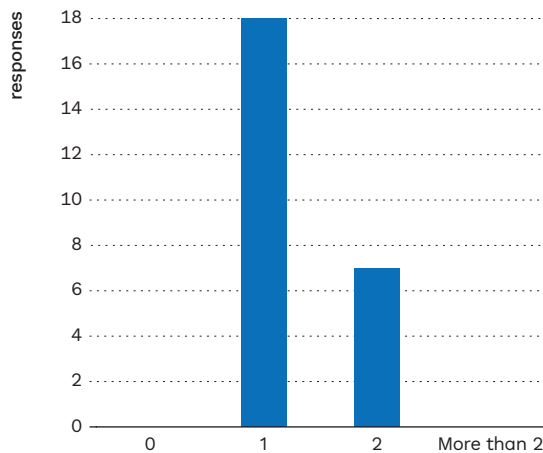
Two respondents made comments about other aspects of early voting:

- there should be no more than two nights of extended hours (not three as in 2022)
- there should be only one early voting centre per district.

B.4.9 Question 9: What do you think is the optimum number of early voting centres per district?

Number of responses: 25. Multiple choice question. Respondents could select multiple responses. No members selected '0' or 'more than 2' early voting centres.

Figure B.6 Members of Parliament’s preference for the number of early voting centres per district



B.4.10 **Question 10: Do you have any thoughts about how many hours per day early voting should be available or what times of day it should be available?**

Number of responses: 21. Free text.

Several respondents were satisfied with the early voting hours in 2022.

Some respondents asked for steady early voting hours, though the specific range varied and included:

- 8 am to 6 pm
- 8:30 am to 7 pm
- 9 am to 5 pm
- 9 am to 6 pm
- 10 am to 6 pm.

Some respondents recommended one or two nights of extended hours. Others linked their preference regarding voting hours to a desire for a single week of early voting, noting that some extended hours would balance the reduction from two weeks.

Other suggestions included:

- longer hours (11–12-hour days) as election day approaches
- using late nights sparingly
- starting later on weekends and on days with late finishes
- splitting voting into morning (7 am to 11 am) and afternoon (4 pm to 8 pm) sessions on weekdays
- varying voting times, sometimes 12 pm to 8 pm, sometimes 8 am to 6 pm.

B.4.11 **Question 11: Are there any other changes you would like to see to electoral legislation or the way that elections are managed in Victoria?**

Number of responses: 12. Free text.

No themes emerged from responses to this question. While two respondents recommended no change, the remaining recommendations were unique to each respondent. Recommendations included:

- increasing powers for the VEC to regulate campaigning at voting centres
- ensuring that Victoria Police is better aware of electoral legislation
- holding future elections by postal voting only

- increasing restrictions on political parties having similar names
- increasing education for diverse communities on how to vote formally, starting well ahead of the election and with a focus on first-time voters and people who speak languages other than English
- working on reducing queues
- establishing a redistribution trigger for oversize electorates (25% above average) that results in more members of Parliament
- banning how-to-vote cards that do not include preferences for all candidates (it was argued that this led to a lack of transparency about a candidate's recommended preferences, which might instead be communicated verbally when handing out the how-to-vote cards)
- reviewing political donation rules around volunteer labour
- simplifying political donation rules
- ensuring adherence to electoral rules
- establishing independent oversight of VEC staff to ensure lawful behaviour
- sending postal ballots out earlier
- providing postal vote application information to candidates/parties earlier
- closing nominations a week earlier.

Appendix C

Community roundtable with members of culturally and linguistically diverse communities

C.1 Background

The Committee organised a community roundtable with people from culturally and linguistically diverse (CALD) communities to discuss their experiences at the 2022 election and their ideas for improvements.

The roundtable took place in Footscray on 5 June 2023 and was facilitated by Victorian Multicultural Commissioner Tarang Chawla. Topics were proposed by the Committee beforehand.

There were 12 participants representing a range of backgrounds, including Karenni, Maori, Pakistani, Pasifika, Sri Lankan Tamil, South Sudanese, Sudanese and Vietnamese.

The notes below summarise the key points made during the roundtable. A draft of the summary was circulated to participants for feedback.

C.2 How do people in your communities find out an election is coming?

- Key sources include mainstream TV, mail and social media.
- Word of mouth is crucial for some communities (work, friends, family, community groups).
- Social media is crucial for some communities.
- Community members sometimes play an important role in spreading information about upcoming elections to other members of their community.
- Campaigning material from parties/candidates can help to make people aware that an election is coming. It is sometimes the only way that people find out about an election.

C.3 How do people in your communities find out how to vote?

- Participants would like to know more about things like early voting but did not know how to access this information.
- Some people experience difficulties knowing where to go to vote. People expect that voting centre locations will be the same between federal and state elections and are surprised when they are not. Some people assume they can always vote at their local school. Some people come into the post office thinking that they can vote there. Voting centre locations were not well publicised.
- A participant who works in a post office has seen people confused by postal voting. Some people give their completed ballot papers to post office workers or put a whole family's ballot papers together in one envelope.
- One participant volunteered on election day to hand out how-to-vote cards for a political party. They spent more time explaining how to vote than explaining what their political party's policies were.
- How-to-vote cards are relied on by many people in CALD communities. They can be really helpful, especially when in community languages.
- Ballot papers are too big and confusing.
- It was felt that the Victorian Electoral Commission's (VEC's) Democracy Ambassadors program and videos in different languages were not reaching many people. Advertisements about COVID-19 in different languages are all over Facebook; the same could be done for elections and voting.

Suggestions:

- Before telling people how to vote, it is important for them to understand why they should vote. It is important to overcome some people's apathy and distrust. People, particularly young people in some communities, feel disenfranchised because they do not feel like any party represents them.
- It would have been helpful to have a VEC staff member outside the voting centre with the campaigners to explain how to vote. People felt like it was all a big rush when you get inside the voting centre and there is little help available once you are inside.
- Perhaps there should be videos playing at the voting centres in different languages that explain how to vote. Maybe on screens or iPads, in voting booths or outside.

C.4 How do people in your communities find out about candidates?

- The language barrier can be a big problem for finding out about candidates for some communities.

- People know people like the Hon. Dan Andrews and Hon. Matthew Guy MP but not local candidates unless those candidates have come to local groups. People do not know about smaller parties.
- Community members, especially older ones, sometimes rely on community leaders when deciding who to vote for.

Suggestions:

- A community-based program which provides details of how to vote and what candidates stand for.
- Community leaders and local councils are trusted sources of information and could be part of a solution.

C.5 What would you like to see from the Victorian Electoral Commission?

- Only some participants knew about VEC services to help people vote.
- It was felt that the VEC needs to have a more targeted approach to individual communities. The VEC should reach out to communities, not expect them to reach out to the VEC.
- Information should be targeted to different demographics in different ways. For example, social media for younger people and face-to-face conversations for older people.
- If information is written, it should get straight to the point and not be too wordy.
- To help people make an informed decision when they vote, candidates should go to churches, mosques, community barbecues etc. to meet and talk to community members.
- Community forums with a range of candidates in conversation would be helpful.

C.6 What drives people not to vote?

- A belief that 'there's nothing for me', that 'no-one represents me'.
- Mistrust, a lack of faith in the system.
- People will vote if a party is doing something for them or can provide them with opportunities.
- Language is not always the biggest issue, a lot of people from CALD backgrounds rely on someone to translate for them anyway.

C.7 Where do people find out how to fill out ballot papers?

- Many people learn how to vote on election day when a volunteer hands them a how-to-vote card and says, 'vote like this'.

Suggestions:

- The VEC could focus on teaching people how to vote at voting centres, as that is when people are interested and available.
- It would be easier if there was a colour that represented each party/independent on the ballot paper. The names mean nothing to some people.
- Local councils could teach communities how to vote because they have existing connections with communities.
- The VEC needs to run an information campaign, not just provide information once or twice. They need to use multiple channels to send messages over 3–6 months, use targeted messages and be constantly out there, every election. They need a longer lead-time than they currently use.
- Voting online, with education packages in multiple languages first.

C.8 Other issues

- In some communities, a large proportion of community members are permanent residents and not citizens. They do not vote. If their children are citizens, the parents cannot teach them to vote.
- One participant noted the amount of waste at an election and the lack of recycling bins at the voting centre they attended.

Appendix D

Survey of voters with disability

D.1 Survey process

The Committee conducted an online survey of Victorians with disability seeking their experiences, support needs and information needs regarding the 2022 election and their ideas for improvements.

The survey was open from November to December 2023 and was distributed by the Parliament and by multiple organisations representing people with disability. An easy English version was also made available, but was not used by any respondents.

The survey received 119 responses, 115 from people with disability. This summary is based on the responses from those 115 people.

The survey posed a series of multiple choice and free text questions that the Committee developed in consultation with Scope Australia. Input was also provided by Inclusion Melbourne. The survey collected some basic demographic data about respondents.

D.1.1 Limitations to the data

The Committee notes that several factors need to be taken into account when interpreting the data from this survey. The methodology employed means that the results may not be representative of the whole community of people with disability.

In particular, the survey was available to people who volunteered, rather than being a random sample. It is therefore likely to include more people with stronger opinions (either positive or negative) than a random sample, as people with stronger opinions or more extreme experiences are more likely to be motivated to participate.

The survey was primarily promoted online. This may have made it more difficult for people with some disabilities to hear about the survey and therefore may mean that some disabilities are under-represented.

Respondents included people across all age brackets, a mix of genders and a mix of people from metropolitan and regional areas (see Section D.3). However, this mix may differ from the demographics of people with disability.

The survey was conducted one year after the election, meaning that some aspects of respondents' experiences may not have been fresh in their mind. In addition, as both Commonwealth and Victorian elections took place in 2022, respondents may have confused some elements of those elections in their responses.

Overall, with only 115 respondents with disability, the sample size is also quite small.

Despite these limitations, the survey identifies a number of areas where people experienced problems which would be worthy of further investigation.

D.2 Survey questions

The survey asked 13 substantive questions, five of which included follow-up questions.

Question number	Question text	Follow-up question	Answer format
1	Do you need support to take part in the community? You can tick more than 1 box.		Multiple choice
2	Are you enrolled to vote?		Multiple choice
3	Did you vote in the 2022 Victorian election?	<i>For 'no' and 'I don't want to say' responses only:</i> If you ticked no, you can tell us why you did not vote in the box below. <i>Optional.</i>	Multiple choice with free text follow-up
4	How did you vote in the 2022 Victorian election?		Multiple choice (including free text 'other' option)
5	How did you like voting in the 2022 Victorian election?	Tell us why you gave your answer in the box below. <i>Optional.</i>	Multiple choice with free text follow-up
6	If you have support needs, did you have any problems taking part in the 2022 Victorian election?	<i>For 'yes' responses only:</i> If you ticked yes, you can tell us about the problems in the box below. <i>Optional.</i>	Multiple choice with free text follow-up
7	Did you have the support you needed to vote in the 2022 Victorian election?	<i>For 'no' responses only:</i> If you ticked no, when did you need more support? Write when you needed more support in the box below. For example, I needed more support to enrol to vote or I needed more support to learn about who to vote for. <i>Optional.</i>	Multiple choice with free text follow-up
8	Did you have the information you needed to vote in the 2022 Victorian election?	<i>For 'no' responses only:</i> If you ticked no, what information did you need? You can tick more than 1 box. <i>Optional.</i>	Multiple choice with multiple choice follow-up (including free text 'other' option)

Question number	Question text	Follow-up question	Answer format
9	Where did you find information about who to vote for in the 2022 Victorian election? For example, information about a party. You can tick more than 1 box.		Multiple choice (including free text 'other' option)
10	If you found information about who to vote for in the 2022 Victorian election, was it easy to understand? <i>Optional.</i>		Multiple choice
11	Where did you find information about how to vote in the 2022 Victorian election? For example, how to fill out a ballot paper. You can tick more than 1 box.		Multiple choice
12	If you found information about how to vote in the 2022 Victorian election, was it easy to understand? <i>Optional.</i>		Multiple choice
13	What would make voting easier for you?		Free text

D.2.1 Demographic questions

The survey asked five demographic questions:

- What is your gender?
- What is your age?
- What language do you mainly speak at home?
- Where do you live?
- Do you have a disability?

The survey also asked an administrative question which enabled the Committee to follow up with survey respondents who consented to being contacted.

D.3 Survey respondent demographic data

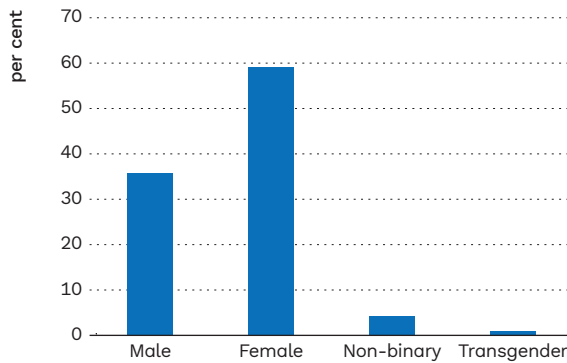
In total, 119 people responded to the Committee's survey. Four respondents indicated that they did not have a disability and were excluded from the data analysis. This summary is based on the responses from the 115 people with disability.

Almost all respondents (97.4%) speak mainly English at home. Two reported mainly speaking Auslan and one reported 'written non verbal'.

Most respondents (62.6%) live in Melbourne. The remaining 37.4% live somewhere else in Victoria.

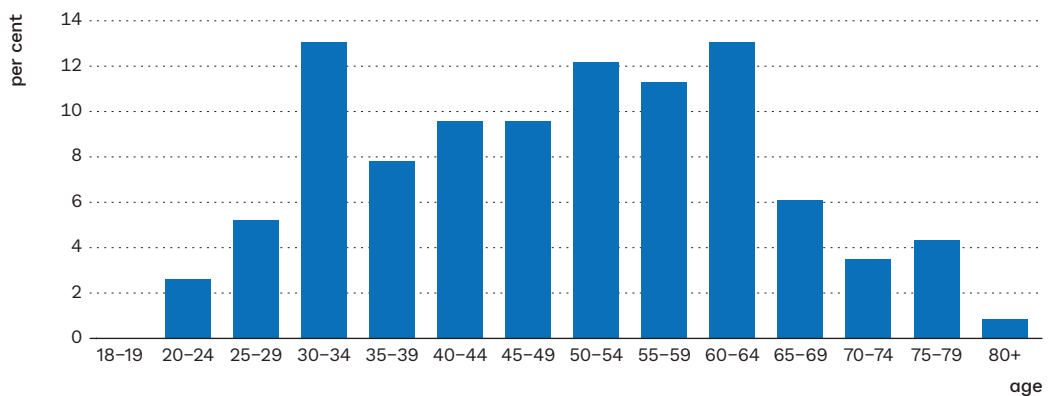
Most respondents (59.1%) reported their gender as female, 35.7% as male. Small proportions reported as non-binary or transgender. See Figure D.1.

Figure D.1 Gender of respondents



Respondents' age varied across the spectrum of eligible voter age groups. See Figure D.2.

Figure D.2 Age of respondents

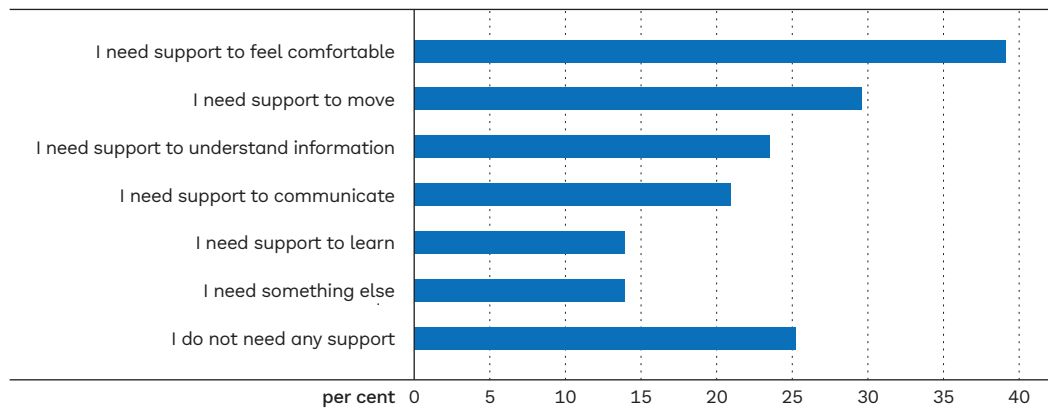


D.4 Survey results

The following sections include summaries of the responses provided for each survey question. Not all respondents provided a response for all questions—the number of respondents is noted for each question.

D.4.1 Question 1: Do you need support to take part in the community?

Number of responses: 115. Multiple choice question. Respondents could select multiple responses.

Figure D.3 Support needs of respondents

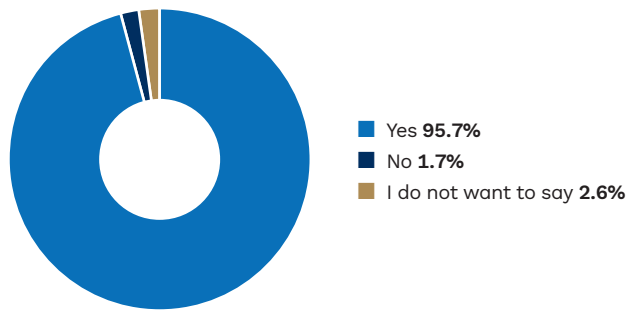
Respondents could also select ‘other’ and provide a free text response. Responses included:

- needing venues to be accessible
- difficulties walking long distances
- inability to wait in line for a long time
- needing support from the community to stop COVID-19 spreading
- having a carer or support worker
- needing support at home, including with cleaning and maintenance
- needing facilities for a guide dog
- needing to be listened to
- needing assistance with transport
- having fluctuating support needs
- not needing support, but support making things easier
- ‘blind vision identity disorder’.

D.4.2 Question 2: Are you enrolled to vote?

Number of responses: 115. Multiple choice question. Respondents could select one response only.

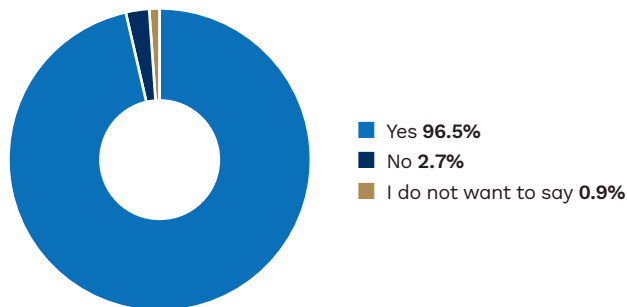
Figure D.4 Enrolment status of respondents



D.4.3 Question 3: Did you vote in the 2022 Victorian election?

Number of responses: 113. Multiple choice question. Respondents could select one response only.

Figure D.5 Voting by respondents in the 2022 election



Follow-up: If you ticked no, you can tell us why you did not vote in the box below.

Number of responses: 4. Free text.

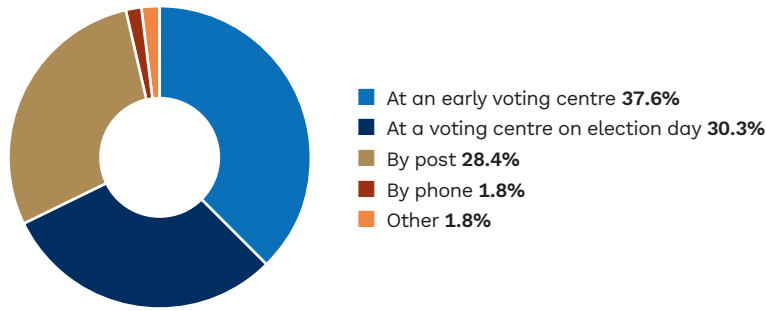
Respondents who answered 'no' or 'I do not want to say' provided the following explanations:

- one was enrolled to vote in Western Australia
- one found voting difficult to understand and found it hard to get to a voting centre
- one cited 'apathy' and 'lockdown blues'
- one was waiting on funding to receive the support that they required to vote.

D.4.4 Question 4: How did you vote in the 2022 Victorian election?

Number of responses: 109. Multiple choice question. Respondents could select one response only (including free text 'other' option).

Figure D.6 Voting methods used by respondents at the 2022 election



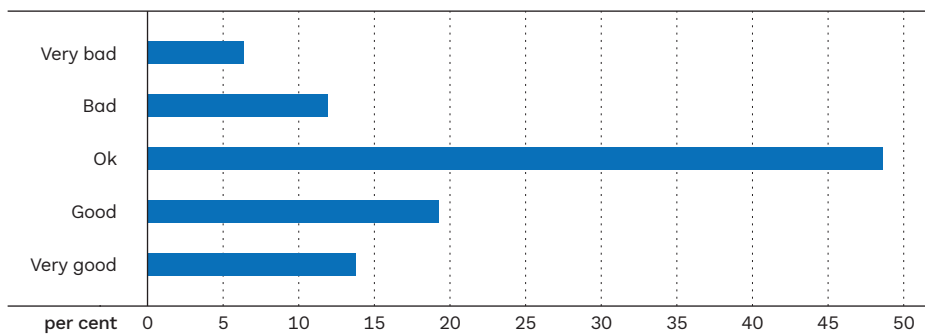
Two respondents provided a free text ‘other’ response:

- one could not remember how they voted
- one reported that they did not attend a voting centre but did not indicate how they did vote.

D.4.5 Question 5: How did you like voting in the 2022 Victorian election?

Number of responses: 109. Multiple choice question. Respondents could select one response only.

Figure D.7 Respondents’ satisfaction with voting at the 2022 election



Follow-up: Tell us why you gave your answer in the box below.

Number of responses: 90. Free text.

Respondents that reported ‘bad’ or ‘very bad’ experiences

There were several themes within the responses of voters who rated their experience as ‘bad’ or ‘very bad’.

Multiple respondents cited a lack of accessible infrastructure and processes. This included a lack of accessible parking, a lack of ramps, a lack of accessible voting booths, difficulty standing in line with a walking stick and a lack of places to sit,

including while completing ballot papers. Some of these respondents stated that Victorian Electoral Commission (VEC) staff were unhelpful or lacked compassion in these situations.

Several respondents indicated that the intensity of the environment at the voting centre contributed to a negative experience, some noting existing anxiety or sensory sensitivity. These respondents cited navigating campaigners and the presence of lots of people as part of their negative experience.

Other responses included:

- a lack of parking
- a long queue made it difficult for an autistic voter with an autistic child
- VEC staff would not provide a new ballot paper when the respondent made a mistake
- a lack of privacy from VEC staff while the respondent was casting a declaration vote
- the respondent's name was not on the roll
- the VEC website is not suited to low-vision users
- the voting process is hard to understand
- the respondent was unable to get a witness to sign a declaration due to the requirement to provide an address
- behaviour towards people with different points of view on social media.

Respondents that reported 'ok' experiences

Those who rated their experience as 'ok' reported mostly negative aspects of their experience.

Some respondents reported problems with queueing. This included that queues were too long and that standing in a queue is difficult, painful or daunting. Some asked for better processes (such as signage or dedicated staff) to allow people to skip queues or to wait seated if they need to.

Some reported poor mobility access, including a lack of accessible parking and toilets, difficulty moving around the voting centre and difficulty using voting booths. One respondent noted that the voting centre includes multiple different heights to navigate.

Some respondents were concerned about COVID-19, noting the infection risk at voting centres and a lack of protective measures. Some postal voters reported difficulty getting a witness due to COVID-19. Other people raised other issues with postal voting, including difficulty getting to a post box and postal ballots not arriving.

Other negative issues included:

- a need for more signage or written instructions at voting centres for deaf voters
- crowded voting centres
- a cramped, crowded, dark and loud voting centre
- concern about the risk of violence at voting centres
- interactions with campaigners
- difficulty with election-related paperwork
- a lack of desirable candidates
- lies and misinformation
- medical conditions making voting difficult
- preferring to vote online
- preferring voting to not be compulsory
- a preference for a different interpreting service provider.

A smaller number of respondents reported positive experiences, including:

- voting was quick and easy
- early voting lessened campaigner interaction and reduced waiting time
- postal voting worked well and avoided the difficulty of standing in line
- good wheelchair access
- a country voting centre had plenty of parking, not too many people and supportive staff.

Respondents that reported ‘good’ or ‘very good’ experiences

The strongest themes amongst those who rated their experience as ‘good’ or ‘very good’ were helpful and friendly staff at voting centres, being able to vote by post and that the voting experience was generally easy and problem-free. Some respondents noted voting centre staff who were proactive in assisting people with disability, making voting quicker and easier.

Respondents also noted:

- a voting centre that had good wheelchair access
- they were able to vote in a chair at voting booth that was an appropriate height
- the voting process was easy to follow
- there was no queue

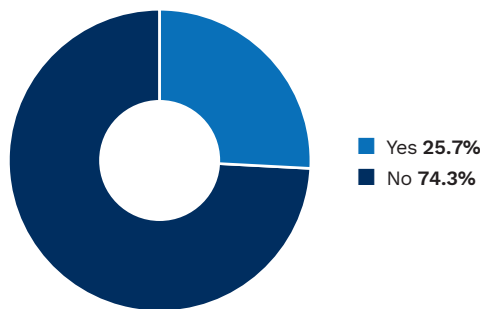
- early voting allowed a shorter queuing time
- the voting centre was not overcrowded
- postal ballots arrived automatically.

One respondent reported that the information on the VEC’s website about postal voting dates and processes could be improved.

D.4.6 Question 6: If you have support needs, did you have any problems taking part in the 2022 Victorian election?

Number of responses: 113. Multiple choice question. Respondents could select one response only.

Figure D.8 Respondents with support needs who had problems taking part in the 2022 election



Follow-up: If you ticked yes, you can tell us about the problems in the box below.

Number of responses: 26. Free text.

There were some common themes in responses from those who identified problems taking part in the election.

Many respondents reported problems with mobility issues, including parking, a lack of wheelchair access, difficulty finding information about accessibility beyond wheelchair access, difficulty standing in line and problems getting to a voting centre.

Some voters identified the risk of COVID-19 infection as a problem, and stated that there was a need for more infection control measures.

Some respondents noted a need for more support around their information needs. Some found it difficult to understand how to vote. One respondent was happy with the information from the VEC about how to vote, but wanted more easy-to-understand information about candidates.

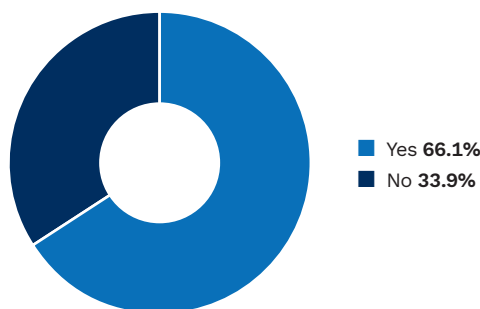
Other problems included:

- sensory issues contributing to anxiety during voting
- needing privacy while voting at an accessible voting booth
- difficulty for deaf respondents communicating with VEC staff
- feeling overheated and dizzy at the voting centre
- a lack of allowance for people with disability
- dissatisfaction with the postal vote application process
- postal votes not arriving
- difficulty getting postal votes to a post box
- the voter's name not being on the roll
- a lack of funding for a support worker making it impossible to vote
- not being able to use any voting options.

D.4.7 Question 7: Did you have the support you needed to vote in the 2022 Victorian election?

Number of responses: 115. Multiple choice question. Respondents could select one response only.

Figure D.9 Respondents who had the support they needed at the 2022 election



Follow-up: If you ticked no, when did you need more support? Write when you needed more support in the box below. For example, I needed more support to enrol to vote or I needed more support to learn about who to vote for.

Number of responses: 31. Free text.

There were some recurrent themes in responses regarding when survey respondents needed more support. These included support which addresses sensory and anxiety issues, as well as support with mobility and access. Two respondents raised a need for COVID-19 protection.

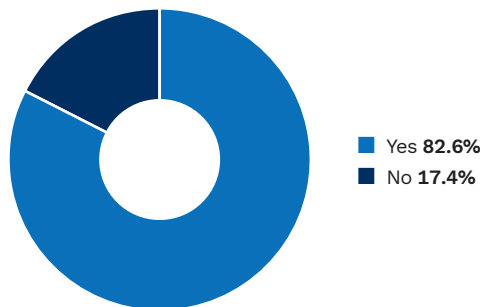
Other issues included needing:

- advice on what to expect when voting
- support to learn about voting
- more specific information online
- respect and privacy from VEC staff when voting
- help to cast a vote (for a deaf-blind respondent)
- an on-site Auslan interpreter
- help with information about receiving 'my papers'
- help to apply to vote by post
- help when getting 'voting forms'
- help getting a postal vote to a post box
- funding for a support worker to help cast a vote.

D.4.8 Question 8: Did you have the information you needed to vote in the 2022 Victorian election?

Number of responses: 115. Multiple choice question. Respondents could select one response only.

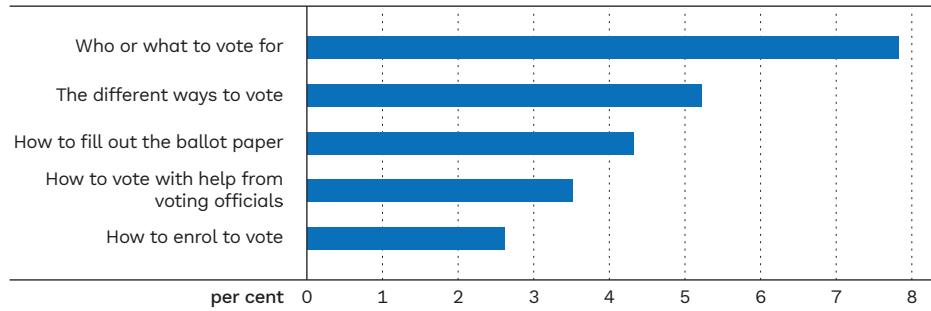
Figure D.10 Respondents whose information needs were met at the 2022 election



Follow-up: If you ticked no, what information did you need? You can tick more than 1 box

Number of responses: 17. Multiple choice question. Respondents could select multiple responses.

Figure D.11 Respondents’ unmet information needs at the 2022 election



Note: Proportions are measured as a percentage of all respondents with disabilities.

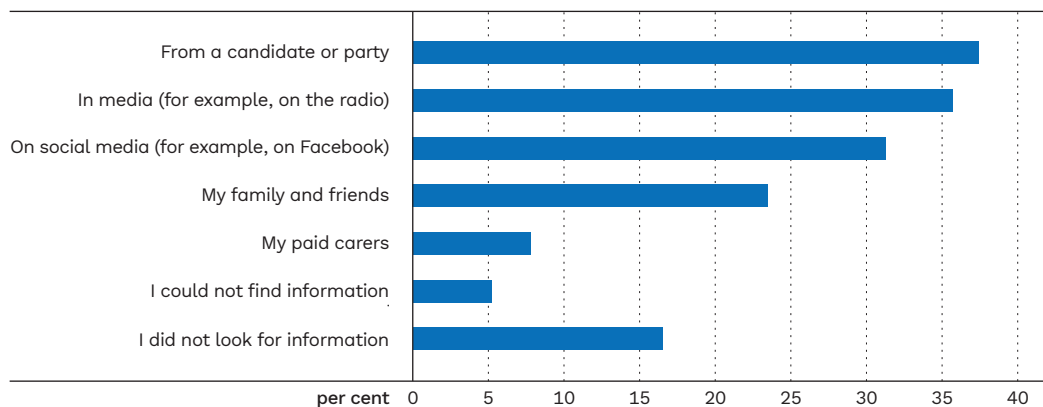
Respondents could also select ‘other’ and provide a free text response. Responses included needing more information about:

- candidates, including in easy English format
- the locations of voting centres
- which voting centres are accessible
- when the election is
- how-to-vote cards
- ‘physically voting’.

D.4.9 Question 9: Where did you find information about who to vote for in the 2022 Victorian election? For example, information about a party. You can tick more than 1 box.

115 responses. Multiple choice question. Respondents could select multiple responses.

Figure D.12 Respondents’ sources for information about who to vote for



Respondents could also select 'other' and provide a free text response. Multiple respondents reported that they found information through:

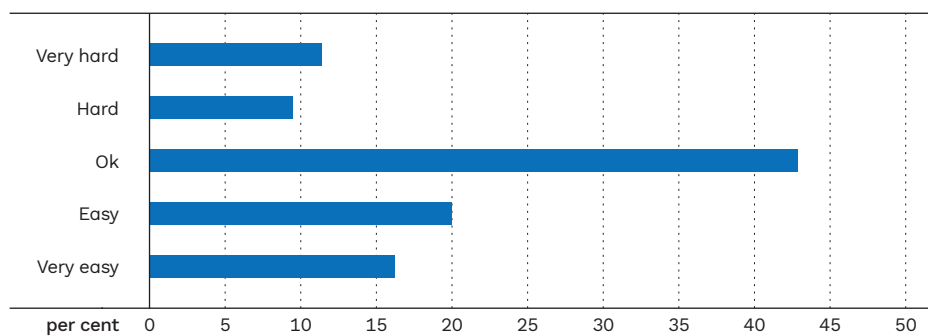
- the mail
- internet searching
- the VEC
- the media
- their own research.

Some respondents noted that they regularly keep informed about political issues. Two respondents noted that it was difficult to find information about some candidates.

D.4.10 Question 10: If you found information about who to vote for in the 2022 Victorian election, was it easy to understand?

105 responses. Multiple choice question. Respondents could select one response only.

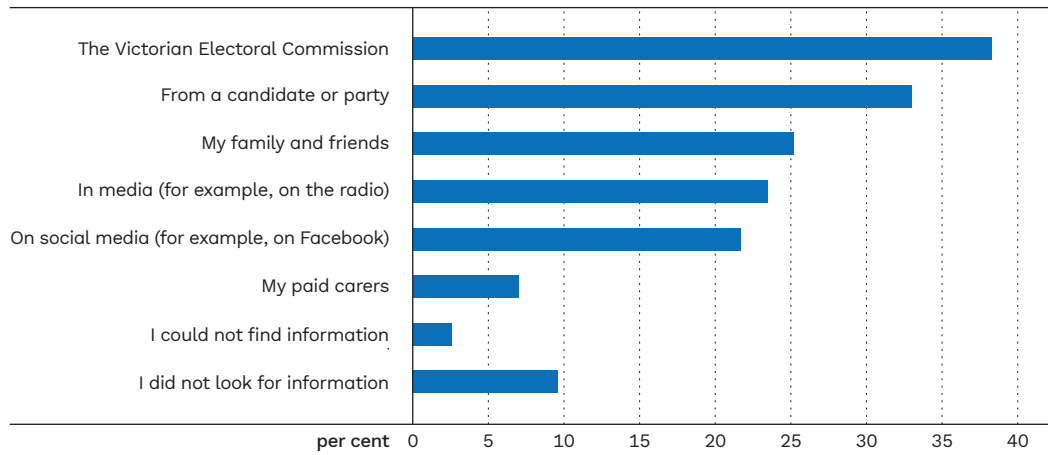
Figure D.13 Ease of understanding information about who to vote for



D.4.11 Question 11: Where did you find information about how to vote in the 2022 Victorian election? For example, how to fill out a ballot paper. You can tick more than 1 box.

115 responses. Multiple choice question. Respondents could select multiple responses.

Figure D.14 Respondents’ sources for information about how to vote



Respondents could also select ‘other’ and provide a free text response. Respondents reported that they found information through:

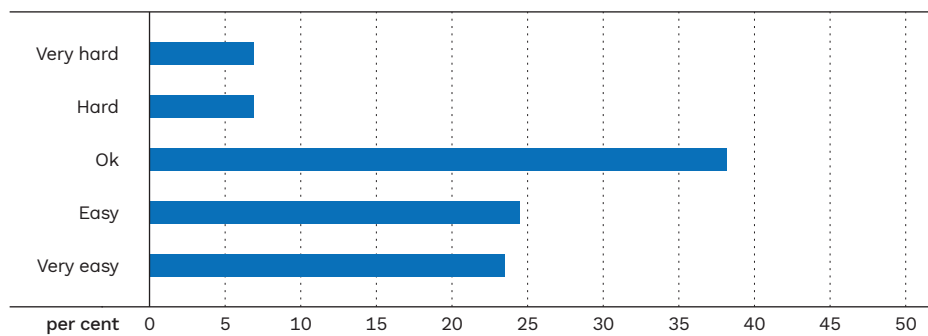
- voting at previous elections
- ballot paper instructions
- information in the postal voting pack
- their own research
- internet searching
- the mail
- braille notices.

One respondent considered that information about how votes would be transferred was hidden.

D.4.12 Question 12: If you found information about how to vote in the 2022 Victorian election, was it easy to understand?

102 responses. Multiple choice question. Respondents could select one response only.

Figure D.15 Ease of understanding information about how to vote



There were 44 respondents who indicated that the VEC was one of their sources for information about how to vote. These respondents were more likely to indicate that the information they found was easy to understand: 68.2% rated it as easy or very easy, 29.5% rated it as ok and only one respondent (2.3%) considered it hard (none of these respondents considered it very hard).

D.4.13 Question 13: What would make voting easier for you?

115 responses. Free text.

There were some common themes in respondents' ideas for making voting easier. The most common were:

- a desire to vote from home
- getting more information about both candidates and how to vote
- improving the physical accessibility of voting centres
- measures to make voting less overwhelming.

Many voters provided positive comments or recommended no change to current processes.

Respondents who suggested the ability to vote from home commonly recommended online or electronic voting. Some simply asked for the ability to vote from home, without suggesting a particular method. Some respondents suggested being able to vote by post (the Committee notes that postal voting is available to all electors at Victorian elections, but only to electors meeting specific criteria for Commonwealth elections).

Many survey respondents wanted more information about elections, both about parties/candidates and about how to vote. A strong theme was a desire for standardised comparative information about parties and candidates and their policies and values. Those who asked for more information about how to vote reported wanting clearer, simpler instructions, earlier information and help understanding information.

Respondents who recommended improved physical accessibility at voting centres noted different ways that this could be achieved. These included a process to allow those who have difficulty standing in line to be assisted (including providing places to sit), dedicated queues for people with disability, improved wheelchair access, better information about access and more support for people with invisible disability.

Some respondents asked for improved services for people who are overwhelmed by the voting centre experience. This included having fewer people around and dedicated quiet voting times.

Beyond the more common themes outlined above, several respondents recommended better infection control measures at voting centres, making voting non-compulsory,

longer voting hours, better trained and more compassionate staff and removing the witness requirements for postal voting.

Other things which respondents indicated would make voting easier included:

- reducing queueing times at voting centres
- having fewer people at early voting centres
- improving privacy while voting at an accessible booth
- providing an Auslan interpreter at voting centres
- providing support for voters with low vision to fill out ballot papers
- more evenly distributing voting centres
- providing a closer early voting centre
- providing how-to-vote cards in postal vote ballot packs
- ensuring that the postal voting pack arrives
- providing help getting to a post box
- getting more support from personal carers
- preventing parties and candidates sending out campaign material with postal vote applications
- ensuring that election-day workers can vote
- preventing illegal substance dealers and users from voting
- having better candidates
- direct marketing to people with low vision
- providing information about voting on the VEC website earlier.

Appendix E

Transcript of Neil Mitchell's interview with Sue Lang

E.1 Background

Neil Mitchell conducted an interview with Sue Lang (Director, Communication and Engagement) from the Victorian Electoral Commission (VEC) on radio channel 3AW on 18 November 2022.

This transcript covers part of that interview and was prepared by the Committee based on audio published by 3AW after the event.

E.2 Transcript

Neil MITCHELL: Now the other thing I wanted to ask about: this statement about the state Opposition and the inquiry there being referred to IBAC [the Independent Broad-based Anti-corruption Commission], who authorised that?

Sue LANG: In terms of the referral, do you mean?

Neil MITCHELL: Yeah.

Sue LANG: Well, the Commissioner has referred it to IBAC, given that ...

Neil MITCHELL: No, but who authorised the statement? Because I thought he was off ill.

Sue LANG: Oh, the statement? No, he is taking leave as of 5 pm tonight.

Neil MITCHELL: Oh, ok. So, he approved that?

Sue LANG: Yes, he absolutely did.

Neil MITCHELL: Why did it go into the detail it did?

Sue LANG: What do you mean, Neil?

Neil MITCHELL: Well, it says the VEC has not received full cooperation from those contexted [sic]. It goes on to say it won't allege wrongdoing but hasn't been able to discount it. It seemed to be giving a lot of detail.

Sue LANG: That's right.

Neil MITCHELL: Why?

Sue LANG: Well, we'd pursued all avenues to try and get satisfactory responses to our enquiries, Neil, but it just didn't happen.

Neil MITCHELL: How had you done that?

Sue LANG: I'm not going to—[I'm] not prepared to go into the detail, but we did make attempts to have our questions answered and we did not get satisfactory responses.

Neil MITCHELL: Ok, from whom?

Sue LANG: From individuals invited to provide some answers.

Neil MITCHELL: How many individuals were invited to provide answers?

Sue LANG: Again, I'm not going into that level of detail, Neil.

Neil MITCHELL: Ok.

Sue LANG: Suffice to say it's now with IBAC for further investigation.

Neil MITCHELL: Oh yeah, I understand.

Sue LANG: We're just the, if you like a football analogy, we're the independent umpire and if players don't play by the rules, you know, they get sent to the tribunal, which, you know, is IBAC in this particular situation.

Neil MITCHELL: Yeah, but if you continue the analogy, you know why the players are going to the tribunal and you know who they are. Here we are in the middle of an election campaign, and we've got a statement which by inference is pointing a finger at the Opposition leader, Matthew Guy. I think it's only fair to say, was he one of the people who refused to cooperate? That's my question.

Sue LANG: You'd have to ask IBAC because it's now their investigation, Neil.

Neil MITCHELL: No, no, no, no, no, no, no, no, no, no, no, no, no, no, no, it's not IBAC. You're saying they refused to cooperate with you. Did Matthew Guy refuse to cooperate with you? That's not IBAC, that's you.

Sue LANG: I am saying that the people that we invited to speak with us did not satisfy our enquiries.

Neil MITCHELL: Can you say how many people that was?

Sue LANG: I won't say anything more than that, Neil.

Neil MITCHELL: And you will not say whether Matthew Guy is—We're in an election campaign. You've issued here, what is a fairly, what is a very inflammatory, statement. It almost looks political, but it's an inflammatory statement which by innuendo is pointing the finger very directly at Matthew Guy. I think it's only fair to ask whether he was one of them. He says he fully cooperated. Is that true or not?

Sue LANG: Well, you can read into that what you will.

Neil MITCHELL: No, no, no, I don't want to read into it. People are going to vote and this is an issue that they may vote on. They deserve to know. I don't want to read into it. I don't want to interpret. I just want an answer.

Sue LANG: We're not alleging any wrongdoing at this point. We're just saying our enquiries weren't satisfactorily responded to.

Neil MITCHELL: I understand, I understand. And what I'm saying is in the middle of an election campaign where integrity is a key issue, it is only fair to say whether that involves the Leader of the Opposition.

Sue LANG: All the key players in that initial issue were invited to respond to questions.

Neil MITCHELL: Did they all refuse to respond?

Sue LANG: We received no satisfactory response from anybody.

Neil MITCHELL: Well, that does put Matthew Guy into it because he was one of them, you would have gone to him.

Sue LANG: And there you are, it's over to IBAC for further investigation. We don't have powers to ...

Neil MITCHELL: I understand.

Sue LANG: ... investigate at the same level as IBAC and the police.

Neil MITCHELL: So you went to a number of people around this and got a satisfactory reply from none of them, is that correct?

Sue LANG: Correct.

Neil MITCHELL: And you can't say how many people?

Sue LANG: No.

Neil MITCHELL: By satisfactory what do you mean? Just answering questions?

Sue LANG: Yes.

Neil MITCHELL: So nobody would answer questions?

Sue LANG: Neil, we need to move on. I'm very happy to talk about ...

Neil MITCHELL: With respect, with respect, we need to vote. Now, your organisation has put out a statement which, in the middle of an election campaign, in my view, is incendiary and therefore I think it's reasonable to ask questions about what it is saying. We know that in the red shirts, the government ministers refused to cooperate with police. We know what's happening. Well, we don't know what's happening, we know a

number of issues with the Government have gone to IBAC. We know this has now gone to IBAC. The Guy-Catlin issue, the Opposition issue. We have you saying that nobody has cooperated. And what I'm saying, ok, well, we established the Opposition leader as one of them because nobody's cooperated. I'm trying to establish in what way have they failed to cooperate.

Sue LANG: They have not responded satisfactorily to our enquiries.

Neil MITCHELL: Fair enough. We're not going to get any further, are we?

Sue LANG: No.

Neil MITCHELL: Well seriously, I appreciate you coming on because you knew that this was contentious. I'm a little surprised that that statement was issued in the middle of an election campaign because it does look a bit inflammatory to me.

Sue LANG: Well, when you're left with no other options, Neil, you need to take the path open to you and the correct path.

Neil MITCHELL: Seriously, thank you for speaking to us.

Sue LANG: You're welcome. Thanks.

Neil MITCHELL: Sue Lang, and I do mean that because she knew very well that we're going to go through those hoops. There you are. Matthew Guy, despite what he said publicly, has not, in the view of the Victorian Electoral Commission, responded adequately to their investigation.

Extracts of proceedings

The Committee divided on the following questions during consideration of this volume of the report. Questions agreed to without division are not recorded in these extracts.

Committee meeting—17 June 2024

Chapter 2, Section 2.4.5

David Ettershank MLC moved that the following paragraph be **omitted**:

The Committee believes that measures should be introduced that require candidates and parties to ensure that they have a reasonable degree of public support before nominating or registering. Having more candidates on the ballot paper is generally correlated with higher levels of informality. While it should not be excessively difficult to become a candidate, becoming a member of Parliament is a serious matter and it is appropriate for a candidate or party to have to undertake some work and achieve some level of public support prior to nominating. The Committee therefore considers that:

- the minimum number of members required for a party to be registered should be increased from 500 to 1000
- to run as an independent for the Lower House, a candidate should be required to have support from 50 people (as opposed to the current requirement of six).

and that the following finding and recommendation be **omitted**:

FINDING 27: There is a correlation between the number of candidates on a ballot paper and the informality rate. Reducing the number of candidates who have minimal public support may help to reduce informality at future elections.

RECOMMENDATION 11: That the Government introduce legislation amending the Electoral Act to:

- increase the minimum number of members required for party registration from 500 to 1000
- increase the number of people required to support someone to run as an independent candidate for the Lower House from six to 50 people.

The Committee divided.

Ayes	Noes
David Ettershank MLC	Brad Battin MP
Sam Hibbins MP	Wayne Farnham MP
	Luba Grigorovitch MP
	Emma Kealy MP
	Nathan Lambert MP
	Lee Tarlamis OAM, MLC
	Emma Vulin MP

Amendment negatived.

Chapter 3, Section 3.6.3

Emma Kealy MP moved that the following recommendation be **omitted** and that consequent changes be made to be body of the report:

RECOMMENDATION 20: That the Government introduce legislation amending the Electoral Act to prohibit any person or organisation other than an electoral commission from distributing general postal voter applications.

The Committee divided.

Ayes	Noes
Brad Battin MP	David Ettershank MLC
Wayne Farnham MP	Luba Grigorovitch MP
Emma Kealy MP	Sam Hibbins MP
	Nathan Lambert MP
	Lee Tarlamis OAM, MLC
	Emma Vulin MP

Amendment negatived.