



Inquiry into the conduct of the 2010 Victorian state election and matters related thereto

Report to Parliament

Electoral Matters Committee

May 2012

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Electoral Matters Committee

Inquiry into the conduct of the 2010 Victorian state election and matters related thereto

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Committee Members



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Member for Western
Metropolitan



Deputy Chair
Mr Adem Somyurek MLC
Member for South Eastern
Metropolitan



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Member for Mitcham



Mr Lee Tarlamis MLC
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Executive Officer

Mr Mark Roberts

Research Officer

Mr Nathaniel Reader

Committee Administrative Officers

Mrs Victoria Kalapac (21 March – 29 July 2011)

Mrs Bernadette Pendergast (from August 2011)

Mrs Maria Marasco (from October 2011)

The Electoral Matters Committee

Functions of the Committee

The Electoral Matters Committee is a Joint Investigatory Committee of the Parliament of Victoria. The Committee comprises five Members of Parliament drawn from both Houses.

The powers and responsibilities of the Committee are determined by the *Parliamentary Committees Act 2003* (Vic). The functions of the Committee, as defined by Section 9A, are, if so required or permitted under this Act, to inquire into, consider and report to Parliament on any proposal, matter or thing concerned with—

- The conduct of parliamentary elections and referendum in Victoria;
- The conduct of elections of Councillors under the *Local Government Act 1989* (Vic); and
- The administration of, or practices associated with, the *Electoral Act 2002* (Vic) and any other law relating to electoral matters.

Matters are referred to the Committee either by resolution of the Council or the Assembly or by Order of the Governor in Council. The *Parliamentary Committees Act 2003* (Vic) also enables a Joint Investigatory Committee to inquire into and report to Parliament on any annual report or other document relevant to its functions and which have been laid before either House of Parliament.

Committee Address

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Terms of Reference

On 10 February 2011, pursuant to Section 33 of the *Parliamentary Committees Act 2003* (Vic), the Electoral Matters Committee received terms of reference from the Legislative Assembly to inquire into, consider and report no later than 30 June 2011* on the conduct of the 2010 Victorian state election and matters related thereto.

*The reporting date of 30 June 2011 was subsequently amended by the Legislative Assembly on 22 March 2011 to 30 June 2012.

List of Recommendations

RECOMMENDATION 3.1: The Committee recommends the Victorian Government amend Section 23A(2) of the *Electoral Act 2002 (Vic)* to allow data obtained by the Victorian Electoral Commission as part of the AEC/VEC joint enrolment process to be used for automatic enrolment purposes.

RECOMMENDATION 3.2: The Committee recommends the Victorian Government amend the *Electoral Act 2002 (Vic)* so that the close of roll occurs three days after the issue of the writ.

RECOMMENDATION 4.1: The Committee recommends the Victorian Government amend the electoral regulations to include the Victorian Proof of Age card as a prescribed proof of identity document for provisional voting.

RECOMMENDATION 4.2: The VEC works with the Committee to explore a simpler method for electors to apply for a postal vote application, including an online option, provided the application is underpinned by sufficient verification processes.

RECOMMENDATION 4.3: The Committee recommends the Victorian Government amend Section 99(1) of the *Electoral Act 2002 (Vic)* so that early voting commences on the Monday after nominations close.

RECOMMENDATION 4.4: The Committee recommends the VEC amend its website and printed material to show more prominently the criteria for early voting in person at Victorian elections, and include this material in their quality assurance practices and training. The Committee encourages the VEC to examine the New South Wales Electoral Commission website for an example of good practice.

RECOMMENDATION 4.5: The Committee recommends the VEC undertake detailed research into early voting at future Victorian state elections, including statistics relating to the demographics of those casting an early vote in person, and statistics about the number of electors who attempted to vote early but were prevented from casting an early vote in person because they did not meet the criteria.

The Committee also encourages the VEC to establish working relationships with academic institutions specialising in early voting.

RECOMMENDATION 6.1: The Committee supports an electronic voting trial at the 2012 Victorian local government elections provided the VEC ensures electors are able to access a voter verifiable record of their vote prior to it being lodged.

RECOMMENDATION 8.1: The Committee recommends the VEC work with the Victorian Government to amend Section 114A(28)(c) of the *Electoral Act 2002* (Vic) to ensure consistency with the *Commonwealth Electoral Act 1918* (Cwth) and the *Local Government Act 1989* (Vic).

RECOMMENDATION 8.2: The Committee recommends the Victorian Government amend the *Electoral Act 2002* (Vic) so that if the writ for a by-election is to be issued within 58 days of the date of a general election, the option not to conduct the by-election should be considered and the general election used to fill the vacancy.

Abbreviations

AEC	Australian Electoral Commission
ALP	Australian Labor Party
ASP	Australian Sex Party
CALD	Culturally and linguistically diverse
CORE	Computing, Research and Education
CRU	Continuous roll update
EAV	Electronically assisted voting
GPV	General postal vote
GVT	Group voting ticket
IDEA	Institute for Democracy and Electoral Assistance
JSCEM	Joint Standing Committee on Electoral Matters
JVC	Joint voting centre
NSW	New South Wales
OPV	Optional preferential voting
PAEC	Public Accounts and Estimates Committee
VCAA	Victorian Curriculum and Assessment Authority
VCE	Victorian Certificate of Education
VEC	Victorian Electoral Commission
VGSO	Victorian Government Solicitor's Office
VTAC	Victorian Tertiary Admissions Centre

Chair's Foreword

In recent years in Australia there has been debate about the role of parliamentary electoral matters committees. As Chair of this Committee I believe there is a place for periodic parliamentary review of elections. Inquiries like this provide an additional forum for the Victorian Electoral Commission (VEC) to interact directly with Parliament about the conduct of the election, and to propose administrative and legislative changes. Importantly, parliamentary inquiries also provide the general public with opportunities to comment on how they saw the election, either by submission or in person.

The 2010 Victorian state election was the second general election to occur following major legislative and constitutional changes to Victoria's electoral system in 2003. One of the key messages of this inquiry is that Victoria has much to be proud of when it comes to electoral processes. Victorian elections feature some of the highest rates of voter turnout for periodic general elections anywhere in the developed world, and some of the lowest rates of informal voting for a preferential voting system. Victoria also has a history of electoral innovation and a reputation throughout Australia for the quality of its electoral administration. This is due to the good work of the VEC, which should be commended for ensuring the 2010 Victorian state election ran smoothly and for their timely and substantial contributions to this inquiry.

Notwithstanding these points, this report has found that Victoria cannot afford to rest on its laurels. It is clear that electoral engagement in Victoria is declining. While the average voter turnout rate at Victorian state elections since 1999 is over 92 percent, there has been a general decline in voter turnout at the 2006 and 2010 Victorian state elections. Electoral enrolment is also a concern. The VEC estimates that over 700,000 eligible Victorians are not participating fully in their democracy, whether inadvertently or by choice.

In addition, the Committee is concerned about informal voting in Victoria; indeed, the rate of informal voting for the Legislative Assembly has steadily increased since 1996. The number of apparently deliberately informal votes was also significantly higher at the 2010 Victorian state election when compared to the 2002 and 2006 Victorian state elections.

Another trend to emerge from the Committee's analysis of the 2010 Victorian state election is the substantial increase in early voting, otherwise known as pre-poll voting. Over 500,000 Victorians chose to vote early in person or by post for the 2010 Victorian state election. Taken alongside rates of early voting at previous Victorian state elections, there has been a 202 percent increase in early voting in Victoria since 2002. While the Committee accepts that there is a demand for early voting services given the increasingly busy lives we all lead, the Committee is cautious in its views about the growing popularity of early voting. Further research is needed to understand the implications of this trend for the administration of future Victorian state elections.

Early voting is one of many trends affecting traditional views of electoral participation in Australia. There is no doubt that this inquiry has taken place at a time of continuing interest in the reform of electoral processes throughout Australia. All Australian jurisdictions and electoral commissions are considering what electoral participation will involve in five, 10 and 15 years time. Will every elector still be attending polling places? What role will technology play in terms of providing easier access to voting? Do Australian elections need to occur on an election "day", or over an election "period"?

These are just some of the many interesting questions the Committee considered during this inquiry. Clearly, there is much more work to be done. To this end on

Wednesday, 7 March 2012 the Committee self-referenced an inquiry into the future of Victoria's electoral administration. This inquiry will consider all aspects of Victoria's electoral architecture, excluding local government elections. Significantly, this inquiry will be the first of its kind by a parliamentary electoral matters committee in Australia. Findings from the inquiry, which are due to be tabled in Parliament in March 2014, promise much for anyone interested in electoral participation.

One of the issues the Committee is likely to address as part of its inquiry into the future of Victoria's electoral administration is community recognition of Victorian Legislative Councillors. The Committee understands there are significant levels of confusion in Victoria about the role of the Legislative Council and Legislative Councillors. Many people mistake members of the Legislative Council, or "MLCs", for local government councillors. The Committee believes there is potential for a change name of the Legislative Council to the Victorian State Senate to improve community understanding of the parliamentary process.

During this inquiry the Committee also considered allegations that confidential information held in a secure political party database was improperly accessed by *The Age* newspaper prior to the 2010 Victorian state election. As Chair of this Committee I fundamentally believe that all Victorians should be able to have confidence that details about their electoral enrolment, and their personal information, are protected from misuse. Allegations of this nature call into question the integrity of the electoral roll and indeed, Victoria's electoral process. *The Age's* decision not to cooperate with the Committee remains a matter of deep concern. Once the Victoria Police investigation into this issue has concluded, the Committee reserves the right to revisit these allegations and pursue further inquiries.

On behalf of the Electoral Matters Committee, I would like to thank all inquiry participants for their contributions to the inquiry in the form of submissions and evidence at the public hearings. The Committee particularly appreciates the efforts of organisations representing Victorians with a disability to participate in the inquiry, and evidence from Hanover Welfare Services about people experiencing homelessness. The Committee is committed to ensuring all eligible Victorians, regardless of their circumstances, are able to cast a vote at election time.

The 2010 Victorian state election was the last state election administered by Steve Tully, Victorian Electoral Commissioner. The Committee wishes to thank Steve for his contribution to Victorian electoral administration over the past seven years.

I would also like to thank my fellow Committee Members – Deputy Chair Adem Somyurek MLC, Dee Ryall MP, Lee Tarlarmis MLC and Heidi Victoria MP, for their work and consideration during the inquiry.

Finally, I would like to congratulate the Committee secretariat – Mark Roberts, Executive Officer, Nathaniel Reader, Research Officer and Victoria Kalapac, Bernadette Pendergast and Maria Marasco, Committee Administrative Officers – for their work during the inquiry. The final report is a testament to their thorough and dedicated approach.

Bernie Finn MLC
Chair
24 May 2012

Introduction

- 1.1 Chapter One introduces the report into the 2010 Victorian state election. The chapter outlines the responsibilities of the Electoral Matters Committee, the Committee's work in the 56th Parliament and the inquiry process.

Terms of reference – inquiry into 2010 Victorian state election

- 1.2 On 10 February 2011, pursuant to Section 33 of the *Parliamentary Committees Act 2003 (Vic)*, the Electoral Matters Committee received terms of reference from the Legislative Assembly to inquire into, consider and report no later than the 30 June 2011 on the conduct of the 2010 Victorian state election and matters related thereto.¹
- 1.3 On 22 March 2011 the reporting date of 30 June 2011 was amended by the Legislative Assembly to 30 June 2012.²

Responsibilities of the Committee

- 1.4 The Electoral Matters Committee is a joint investigatory committee of the Parliament of Victoria. The Committee comprises five Members of Parliament drawn from both Houses.
- 1.5 The powers and responsibilities of the Committee are determined by the *Parliamentary Committees Act 2003 (Vic)*. The functions of the Committee, as defined by Section 9A, are, if so required or permitted under this Act, to inquire into, consider and report to Parliament on any proposal, matter or thing concerned with—
- The conduct of parliamentary elections and referendum in Victoria;
 - The conduct of elections of Councillors under the *Local Government Act 1989 (Vic)*; and

¹ Parliament of Victoria, Electoral Matters Committee, "Terms of reference", 11 February 2011. Retrieved 10 October 2011 from <http://www.parliament.vic.gov.au/emc/article/1455>.

² Parliament of Victoria, Electoral Matters Committee, "Terms of reference", 11 February 2011. Retrieved 10 October 2011 from <http://www.parliament.vic.gov.au/emc/article/1455>.

- The administration of, or practices associated with, the *Electoral Act 2002* (Vic) and any other law relating to electoral matters.³

1.6 In the 57th Parliament, all of the Joint Investigatory Committees from the 56th Parliament were reappointed, including the Electoral Matters Committee. The Committee met for the first time in the 57th Parliament on Wednesday, 16 February 2011.

Relationship with the Victorian Electoral Commission

1.7 The Committee notes there is no formal relationship between the Committee and the Victorian Electoral Commission (VEC), the independent statutory body established by law to run elections in Victoria.

1.8 Some Victorian Parliamentary Committees, such as the Public Accounts and Estimates Committee (PAEC), have an oversight function as part of their responsibilities. PAEC is responsible for reviewing the work of the Victorian Auditor-General and his office. This subject was addressed in a 2008 PAEC inquiry into strengthening government and parliamentary accountability.⁴ Unlike PAEC, the Electoral Matters Committee does not have legislative oversight for the VEC.

1.9 While this is the case, the Committee wishes to note the good relationship it has with the VEC, and the VEC's assistance during this and previous Committee inquiries. The VEC promptly and regularly provides submissions, evidence at public hearings and answers and advice to the Committee's queries about electoral administration.

The Electoral Matters Committee and previous inquiries

1.10 This inquiry is not the first into a Victorian state election by a Victorian Parliamentary Committee.

1.11 In the 56th Parliament the Electoral Matters Committee's first reference was to inquire into the conduct of the 2006 Victorian state election and matters related thereto. At the time of that inquiry the previous Committee also determined to consider the 2007 Williamstown District and Albert Park District by-elections as part of the terms of reference.⁵

³ *Parliamentary Committees Act 2003* (Vic) s9. Retrieved 10 October 2011 from http://www.austlii.edu.au/au/legis/vic/consol_act/pca2003273/.

⁴ Parliament of Victoria, Public Accounts and Estimates Committee, *Report on strengthening government and parliamentary accountability in Victoria*. Retrieved 10 October 2011 from http://www.parliament.vic.gov.au/archive/paec/inquiries/strengthening-government/Final_Report_04_04_08.pdf.

⁵ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2006 Victorian state election and matters related thereto*, Melbourne, June 2007. Retrieved 10 October 2011 from

- 1.12 Since 2007 the Committee has completed five inquiries into other areas of electoral administration, including;
- The functions and administration of voting centres;
 - Misleading or deceptive political advertising;
 - Voter participation and informal voting;
 - Political donations and disclosure; and
 - Matters relating to the Committee's 2008 international investigations into political donations and disclosure and voter participation and informal voting.⁶
- 1.13 Many of the research strategies and frameworks developed by the Committee secretariat during previous inquiries have been adopted for this report.

Inquiry process

Conduct of the inquiry – call for submissions

- 1.14 As noted earlier, the Committee received the reference for this inquiry from the Legislative Assembly on Thursday, 10 February 2011.
- 1.15 Following this the Committee commenced secondary research into the 2010 Victorian state election. At this time the Parliamentary Library's Research Service also prepared a research paper on the 2010 Victorian state election.⁷
- 1.16 It is common practice for joint investigatory committees to advertise their terms of reference and invite interested parties and the general public to make a submission to the inquiry. When this inquiry commenced the Committee already had a well-developed list of stakeholders to refer to. Some of these people are psephologists, people who study elections, and they tend to take a strong interest in elections across Australia. Many psephologists regularly provide parliamentary committees with submissions and evidence at public hearings. The Committee also has good relationships with academics in the field of elections and political science at Swinburne University of Technology, the University of Melbourne and the Australian National University.

<http://www.parliament.vic.gov.au/archive/emc/2006%20State%20Election/Inquiry%20into%202006%20Victorian%20state%20election.pdf>.

⁶ Parliament of Victoria, Electoral Matters Committee, "Inquiries". Retrieved 10 October 2011 from <http://www.parliament.vic.gov.au/emc/inquiries>.

⁷ Research Service, Parliamentary Library, Department of Parliamentary Services, "The 2010 Victorian State election", no.1, April 2011. Retrieved 11 October 2011 from http://library.parliament.vic.gov.au/research/papers/pdfs/2011_01RPstateelection2010.pdf.

1.17 The Committee placed a call for submissions in *The Age* and the *Herald Sun* newspapers on Saturday, 26 March 2011. While the deadline for submissions was Friday, 29 April 2011, submissions after this date were accepted by the Committee.

Submissions

1.18 The Committee received 20 written submissions from different groups and individuals. A list of the submissions can be found at Appendix One. The submissions addressed a range of topics relating to the 2010 Victorian state election and electoral administration, including;

- The changing electoral landscape in Victoria;
- The administration of the 2010 Victorian state election;
- Electoral enrolment and voter turnout;
- Early voting in person and postal voting at the 2010 state election;
- Youth electoral participation;
- Access to the electoral process for people with disabilities;
- Access to the electoral process by people experiencing homelessness or with no fixed address;
- Electronic voting, and technical information about the VEC's electronic voting kiosks; and
- Vote counting methods for Legislative Council elections.

1.19 For previous Committee inquiries the VEC has provided the Committee with a detailed submission outlining matters in electoral administration which may be relevant for consideration during that particular inquiry. For this inquiry, the Committee received two submissions from the VEC prior to the August 2011 public hearings. One summarised the VEC's responses to the submissions the Committee received; the other outlined recommendations the VEC was likely to make in its report to Parliament on the 2010 Victorian state election.

1.20 Prior to the public hearings, the VEC also tabled its own report to Parliament on the 2010 Victorian state election, pursuant to Section 8(2)(b) of the *Electoral Act 2002 (Vic)*.⁸ The report was the VEC's principal submission to this inquiry.

⁸ *Electoral Act 2002 (Vic)* s8(2) (b). Retrieved 10 October 2011 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

- 1.21 Further to this, at the public hearings on Thursday, 25 August 2011, Steve Tully, Victorian Electoral Commissioner, offered to prepare a document for the Committee which would outline “a futuristic election model” showing the affect of increases in particular electoral trends on electoral administration in Victoria. The Committee accepted the Commissioner’s offer in September 2011 and received the research paper, entitled “Shaping Victoria’s Electoral Future”, on Monday, 17 October 2011.⁹

Public hearings

- 1.22 In June and July 2011 the Committee contacted individuals and organisations from whom the Committee received submissions, offering them the opportunity to elaborate on their written evidence at the public hearings.
- 1.23 The public hearings were held in the Legislative Council Committee Room, Parliament House, Melbourne on Tuesday, 23 August 2011 and Thursday, 25 August 2011.
- 1.24 The Committee received evidence from 17 individuals and 11 organisations. The first day of hearings on Tuesday, 23 August 2011 focused on evidence relating to access to electoral processes for people with disabilities. The Committee also heard about electronic voting at the 2010 Victorian state election. The second day of hearings on Thursday, 25 August 2011 saw evidence from the VEC, the Nationals and the Liberal Party of Australia (Bayswater Branch), psephologists, academics and other interested individuals.
- 1.25 Appendix Two lists inquiry participants who appeared at the public hearings. The transcripts of evidence are also available on the Committee’s website at <http://www.parliament.vic.gov.au/emc>.

Background briefings

- 1.26 The Committee values the input of stakeholders into state election inquiries. During the course of this inquiry a number of opportunities arose for the Committee to meet with people and organisations with an interest in Victorian state elections, alongside the Committee’s public hearing program. These meetings assisted the Committee’s deliberations about several matters in this report.
- 1.27 Table 1.1 lists the briefings Committee Members individually or collectively received or attended during the course of the inquiry.

⁹ Steve Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011, p.36.

Table 1.1: List of briefings received by the Electoral Matters Committee Inquiry into the 2010 Victorian state election		
Organisation	Date	Nature of briefing
Victorian Electoral Commission	4 April 2011	Initial discussion with Electoral Commissioner about the 2010 Victorian state election, trends and administrative issues.
Faculty of Law, The University of Melbourne	July 2011	Attendance at “Challenging Electoral Democracy” workshop
Victorian Electoral Commission	21 September 2011	Demonstration of electronic voting kiosks used at 2010 Victorian state election.

Site visits

- 1.28 Site visits are an equally important way for the Committee to meet with people and organisations with expertise relevant to a Committee inquiry. As a result of its work in the previous Parliament, the Committee has stakeholders in many locations outside Victoria.
- 1.29 In Australia, the Committee has good relationships with psephologists, electoral commentators, academics and electoral administrators in New South Wales (NSW), the Northern Territory, Queensland, South Australia, Tasmania and Western Australia.
- 1.30 In April 2011 the Committee travelled to Sydney and Brisbane in support of this inquiry. The Committee visited Sydney on Tuesday, 10 May 2011 and Brisbane on Wednesday, 11 and Thursday, 12 May 2011. Several of the meetings were transcribed and a full meeting schedule can be found at Appendix Three.
- 1.31 In June 2011 the Committee spoke with Kay Mousley, Electoral Commissioner for South Australia, via teleconference.
- 1.32 In July 2011 Bernie Finn MLC, Chair, visited the Northern Territory and met with Bill Shephard, Electoral Commissioner for the Northern Territory.
- 1.33 In August 2011 the Committee also travelled to Perth from Monday, 28 November until Wednesday, 30 November 2011. Several of the meetings were transcribed and a full meeting schedule can be found at Appendix Four.
- 1.34 In February 2012 the Committee travelled to Hobart. Several of the meetings were transcribed and a full meeting schedule can be found at Appendix Five.

By-elections

- 1.35 During this inquiry the VEC conducted two Victorian state by-elections. The Committee resolved to consider administrative matters arising from these two by-elections as part of this inquiry.
- 1.36 The Broadmeadows District by-election was held on Saturday, 19 February 2011. The Australian Labor Party retained this seat, with a two-candidate preferred vote of 69.87 percent.
- 1.37 The Niddrie District by-election was held on Saturday, 24 March 2012. The Australian Labor Party retained this seat, with a two-candidate preferred vote of 67.2 percent.
- 1.38 Chapter Two outlines voter turnout rates for the 2011 Broadmeadows District by-election and the 2012 Niddrie District by-election.

Data analysis

- 1.39 The recommendations in this report are based primarily on evidence received by the Committee in submissions, evidence given at public hearings and evidence given to the Committee during briefings and site visits. The Committee also considered evidence from previous Committee inquiries, notably the inquiry into the 2006 Victorian state election, tabled in June 2008, and the inquiry into voter participation and informal voting, tabled in July 2009.
- 1.40 In addition, the Committee secretariat completed a secondary literature review. The review canvassed literature in the field of electoral administration, voter participation and informal voting. Through this research the Committee continues to develop knowledge of relevant topics in electoral administration at a domestic and international level.

Feedback about the Committee's inquiry

- 1.41 It is practice for the Committee to note any feedback about the inquiry from inquiry participants in the introduction of its reports.
- 1.42 The inquiry into the 2010 Victorian state election was welcomed by several inquiry participants. Bill Baxter, representing the Nationals, believed the inquiry helped reinforce confidence in Victoria's democratic system:

"On behalf of [t]he Nationals I welcome this inquiry. We have a very robust democracy in this state and a very well-oiled electoral system that we can all have confidence in, but

nevertheless it is useful and important that it is reviewed after each election, and I certainly commend the Parliament and this committee for its work in that regard".¹⁰

1.43 Ken Coghill, Associate Professor, Monash University, also praised the timeliness of the Committee's inquiry.¹¹

1.44 Similarly, several inquiry participants interested in access to the electoral process for people with disabilities were thankful for the opportunity to participate in the inquiry and meet with the Committee. Patricia Cooney, Business Development Manager, Vision Australia, thanked the Committee and the VEC in her opening remarks at the public hearings on Tuesday, 23 August 2011:

"We would like to thank you very much for the opportunity to appear here today. We are at Vision Australia the largest provider of services to people who are blind or have low vision, and we are absolutely passionate about ensuring that the people we work with are able to participate fully in every aspect of life they choose. As such, we work with the electoral commissions around Australia to assist them to communicate effectively with people who are blind or have low vision and to make it possible for those people to be able to cast a secret, verifiable, independent vote, as is their right.

We would first like to congratulate and applaud the Victorian Electoral Commission who have made information accessible to people who are blind or have low vision...they produced the material in alternate formats such as audio and braille and large print".¹²

1.45 Peter Thomson, Vice Chairperson, Disability Connections Victoria, also thanked the Committee for the opportunity appear at the public hearings and comment on the administration of the 2010 Victorian state election:

"Mr THOMSON—On behalf of the 1000-plus members of Disability Connections Victoria, formerly Western Region Disability Network, I thank you for allowing us to comment today on the conduct of the 2010 Victorian state election and also offer you some suggestions that some of our members have given us. Many of our members have already given feedback to the VEC about some of the barriers that remain for people with disabilities...

On the whole we felt that the 2010 state election was very well run... We applaud the introduction of electronic voting for people with vision impairment but would like to see that broadened to include people with other disabilities, the aged and eventually the general population. We also applaud the mobile voting units, early voting centres, postal voting and braille voting papers for people who are unable to vote at a polling centre for whatever reason".¹³

¹⁰ Bill Baxter, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011, p.2.

¹¹ Ken Coghill, Associate Professor, Monash University, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011, p.25.

¹² Patricia Cooney, Business Development Manager, Vision Australia, *Transcript of Evidence*, Public Hearing, Melbourne, 23 August 2011, p.2.

¹³ Peter Thomson, Chairperson, Disability Connections Victoria, *Transcript of Evidence*, Public Hearing, 23 August 2011, p.9.

Report Outline

- 1.46 This report is organised into nine chapters, including this introduction.
- 1.47 Chapter Two provides background to the inquiry, including a summary of legislative changes that occurred prior to the 2010 Victorian state election.
- 1.48 Chapter Three addresses electoral enrolment at the 2010 Victorian state election.
- 1.49 Chapter Four addresses voter turnout at the 2010 Victorian state election.
- 1.50 Chapter Five addresses informal voting at the 2010 Victorian state election.
- 1.51 Chapter Six addresses electronic voting at the 2010 Victorian state election.
- 1.52 Chapter Seven addresses community engagement and media at the 2010 Victorian state election.
- 1.53 Chapter Eight addresses voting systems, compulsory voting enforcement and access to electoral information.
- 1.54 Chapter Nine concludes the report.

CHAPTER TWO – AT A GLANCE

- **The Liberal Party won 35 seats in the Legislative Assembly and the Nationals won 10 seats, making a total of 45 seats for the Coalition. The Australian Labor Party (ALP) won 43 seats.**
- **The Liberal Party won 18 seats in the Legislative Council and the Nationals won three seats. The ALP won 16 seats and the Greens three seats.**
- **Prior to the 2010 Victorian state election there were major legislative changes to the *Electoral Act 2002* (Vic), introduced through the *Electoral Amendment (Electoral Participation) Act 2010* (Vic). Changes included:**
 - a) **Automatic enrolment;**
 - b) **Enrolment at voting centres on election day; and**
 - c) **Abolition of the “three month rule”.**
- **The 2010 Victorian state election took place at a unique time in Australia’s electoral history.**
- **The Committee received evidence about trends to emerge from the 2010 Victorian state election, including a position paper from the VEC.**

Background to the 2010 Victorian state election

- 2.1 Chapter Two provides background information about the 2010 Victorian state election inquiry. It provides an election timeline, election results and a summary of indicators for the election including voter turnout rates, enrolment rates and informal voting. The chapter discusses the major legislative changes introduced before the 2010 Victorian state election through the *Electoral Amendment (Electoral Participation) Act 2010 (Vic)*. The chapter then discusses other electoral events which occurred in Australia during 2010 and 2011, and concludes with discussion of trends to emerge from the 2010 Victorian state election and the VEC's position paper, entitled "Shaping Victoria's electoral future".

Election summary

- 2.2 The 2010 Victorian state election was held on Saturday, 27 November 2010.
- 2.3 The Governor of Victoria issued the writs for the 2010 Victorian state election at 6.00pm on Tuesday, 2 November 2010.
- 2.4 The Victorian state election timetable is set out in the *Constitution Act 1975 (Vic)*.¹⁴ The Act determines, barring exceptional circumstances, that the Victorian state election should be held on the last Saturday in November every four years.¹⁵
- 2.5 Table 2.1 provides a timeline for the 2010 Victorian state election.

¹⁴ *Constitution Act 1975 (Vic)*. Retrieved 10 October 2011 from http://www.austlii.edu.au/au/legis/vic/consol_act/ca1975188/.

¹⁵ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.15.

Table 2.1: Timeline for 2010 Victorian state election	
Expiry of the Legislative Assembly	Tuesday, 2 November 2010
Issue of the writs	Tuesday, 2 November 2010
Close of roll	Tuesday, 9 November 2010
Close of nominations	Thursday, 11 November 2010 for a registered political party. Friday, 12 November 2010 for independent candidates.
Final day for submission and registration of How to Vote cards by Victorian Electoral Commission	Friday, 19 November 2010
Close of postal voting	Thursday, 25 November 2010
Close of early voting	Friday, 26 November 2010
Election day	Saturday, 27 November 2010
Last day for votes admitted to scrutiny	Monday, 6 December 2010
Return of writs	Saturday, 18 December 2010
Source: Victorian Electoral Commission, <i>Report to Parliament on the 2010 Victorian state election</i>, Victorian Electoral Commission, Melbourne, August 2011, p.15.	

Victoria's electoral system

- 2.6 Voting is compulsory at Victorian state elections.
- 2.7 In Victoria the Parliament is comprised of two Houses, the Legislative Assembly and the Legislative Council. The Legislative Assembly is elected from 88 single-member Districts. A party or coalition with the majority support in the Legislative Assembly forms the Government.¹⁶
- 2.8 The Legislative Council is elected from eight electoral Regions. Each Region elects five members.
- 2.9 For elections of the Legislative Assembly, a full preferential system of voting is used. Voters must number all the squares on the ballot paper in order of their choice for their vote to be valid¹⁷. A candidate must receive more than 50 percent of all formal votes to be elected. If none of the candidates

¹⁶ Parliament of Victoria. "The Parliamentary System", Parliament of Victoria, Melbourne, 2011. Retrieved 16 October 2011 from <http://www.parliament.vic.gov.au/about/the-parliamentary-system>; Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.13.

¹⁷ In Victoria all boxes on the Legislative Assembly ballot paper should be numbered using the full sequence of numbers. The only exception to this is where one box is left blank and would have logically contained the last preference, i.e., with six candidates, the number six may be omitted. See Chapter Five for further information.

achieves 50 percent of first-preference votes then voters' preferences are distributed until one candidate gains the absolute majority.¹⁸

- 2.10 For elections of the Legislative Council, proportional representation vote counting was introduced in Victoria in 2006. Under the current voting system in Victoria, voters can vote "above the line" for their preferred party or group of candidates. The voter's preferences will follow those of the group voting ticket (GVT) lodged with the VEC. Alternatively, voters can vote "below the line" for individual candidates. In this case voters must vote at least "1" to "5" for their vote to count, and they may continue numbering as many other squares as they wish. This form of voting is known as optional preferential voting (OPV).¹⁹
- 2.11 Under proportional representation, candidates must achieve a "quota" (one sixth plus one) of the formal votes to be elected. Candidates who have gained more than a quota of first-preference votes are elected. Then, elected candidates' surplus votes (the number of votes more than the quota) are transferred to other candidates according to the preferences on ballot papers. Any "candidate who reaches a quota through these transfers is elected. If there are still vacancies to fill, the candidates' votes are distributed to the remaining candidates according to the preferences on the ballot papers. This process continues until all vacancies have been filled".²⁰

Summary of results

- 2.12 For the 2010 Victorian state election the Liberal Party won 35 seats in the Legislative Assembly and the Nationals won 10 seats, making a total of 45 seats for the Coalition. The ALP won 43 seats.²¹
- 2.13 The Liberal Party received 38.03 percent of the first preference vote for the Legislative Assembly. The ALP received 36.25 percent and the Nationals 6.75 percent. The Greens received 11.21 percent of first preference votes for the Legislative Assembly.²²

¹⁸ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.13.

¹⁹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.13.

²⁰ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.13.

²¹ Research Service, Parliamentary Library, Department of Parliamentary Services, "The 2010 Victorian State election", no.1, April 2011, p.2. Retrieved 11 October 2011 from http://library.parliament.vic.gov.au/research/papers/pdfs/2011_01RPstateelection2010.pdf.

²² Research Service, Parliamentary Library, Department of Parliamentary Services, "The 2010 Victorian State election", no.1, April 2011, p.2. Retrieved 11 October 2011 from http://library.parliament.vic.gov.au/research/papers/pdfs/2011_01RPstateelection2010.pdf.

- 2.14 In the Legislative Council the Liberal Party won 18 seats and the Nationals won three seats. The ALP won 16 seats and the Greens three seats.²³

Election indicators

- 2.15 For past inquiries the Committee has referred to the same three election indicators for Victorian state elections. These indicators are electoral enrolment, voter turnout and the rate of informal voting.

Electoral enrolment

- 2.16 In Victoria, to vote in federal, state and local government elections, all eligible electors must be correctly enrolled on the electoral roll. The electoral roll is a list of names and addresses which determines who can vote at elections.²⁴
- 2.17 At the close of roll on Tuesday, 9 November 2010 there were 3,582,232 people enrolled to vote for the 2010 Victorian state election. At the 2006 Victorian state election, there were 3,353,845 people enrolled to vote. At the 2002 Victorian state election, there were 3,228,466 people enrolled to vote.²⁵
- 2.18 There was an increase in electoral enrolment in Victoria of approximately 6.8 percent at the 2010 Victorian state election, when compared to enrolment rates at the 2006 Victorian state election. Figure 2.1 shows electoral enrolment rates at Victorian state elections since 1999.

Voter turnout

- 2.19 In Victoria voter turnout is measured as the number of formal and informal votes received by the close of voting.²⁶
- 2.20 The voter turnout rate for the 2010 Victorian state election was 92.96 percent. This figure was slightly higher than the voter turnout figure of 92.73 percent at the 2006 Victorian state election, but lower than the 93.15 percent recorded at the 2002 Victorian state election.²⁷ Figure 2.2 shows voter turnout rates at Victorian state elections since 1999.

²³ Research Service, Parliamentary Library, Department of Parliamentary Services, "The 2010 Victorian State election", no.1, April 2011. Retrieved 11 October 2011 from http://library.parliament.vic.gov.au/research/papers/pdfs/2011_01RPstateelection2010.pdf.

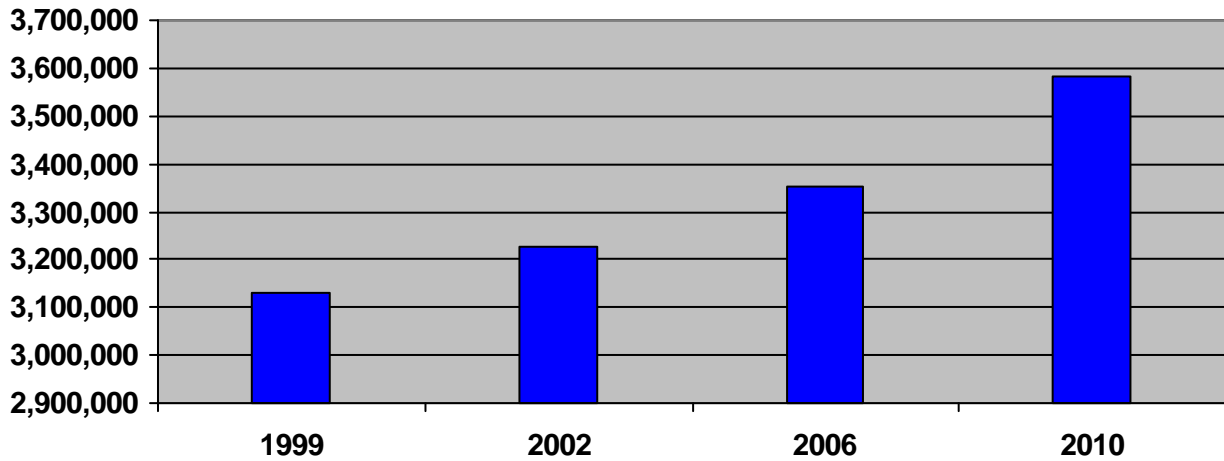
²⁴ Victorian Electoral Commission, "VEC: the electoral roll", Victorian Electoral Commission, Melbourne, 2009. Retrieved 10 October 2011 from <http://www.vec.vic.gov.au/Enrol/enrol-roll.html>.

²⁵ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.19.

²⁶ Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.29.

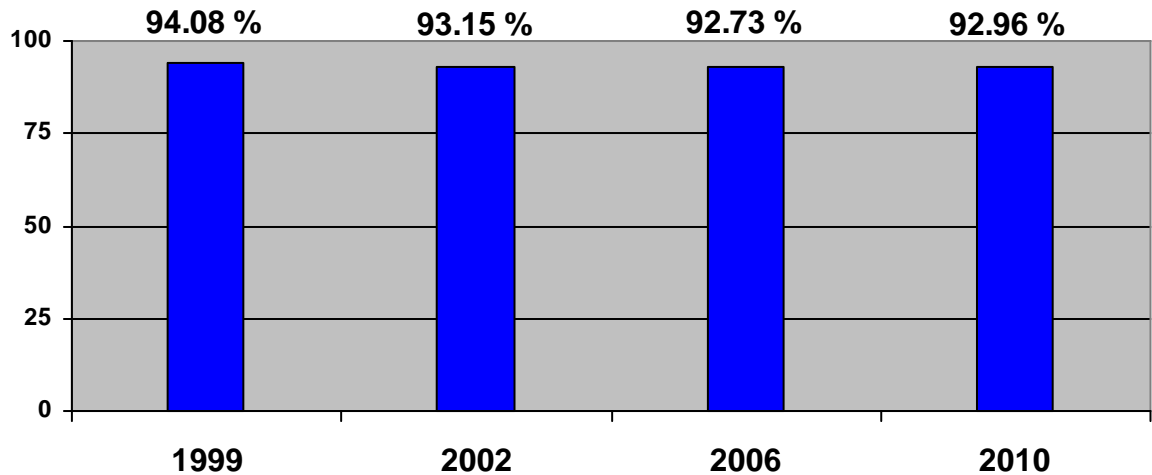
²⁷ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

**Figure 2.1: Electoral enrolment at Victorian state elections
1999-2010**



Source: Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.4.

**Figure 2.2: Voter turnout at Victorian state elections
1999-2010**

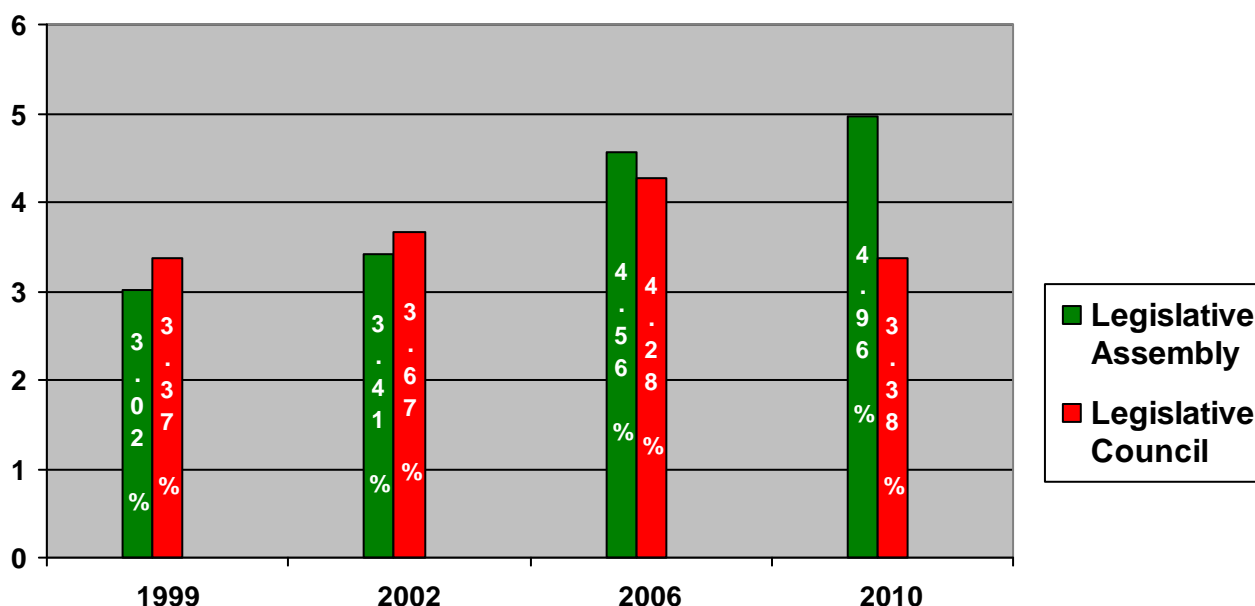


Source: Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.4.

Informal voting

- 2.21 An informal vote is “when an elector does not complete their ballot according to the instructions, and their voting intention is not clear. Ballot papers which do not comply with formality rules are not admitted to the count”.²⁸
- 2.22 The rate of informal voting for the Legislative Assembly at the 2010 Victorian state election was 4.96 percent. This is higher than the rate of informal voting for the Legislative Assembly of 4.56 percent at the 2006 Victorian state election, and the rate of informal voting for the Legislative Assembly of 3.46 percent at the 2002 Victorian state election.²⁹ Figure 2.3 shows informality rates for Victorian Legislative Assembly and Legislative Council elections since 1999.
- 2.23 The rate of informal voting for the Legislative Council at the 2010 Victorian state election was 3.38 percent, lower than the rate of informal voting for the Legislative Council of 4.28 percent at the 2006 Victorian state election.³⁰

Figure 2.3: Informal voting rates at Victorian state elections 1999-2010



Source: Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.4.

²⁸ Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.33.

²⁹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

³⁰ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

Election indicators – 2011 Broadmeadows District by-election and 2012 Niddrie District by-election

- 2.24 The voter turnout rate at the 2011 Broadmeadows District by-election was 78.45 percent, lower than the turnout rate of 88.77 percent for Broadmeadows District at the 2010 Victorian state election. The VEC's report to Parliament on the 2011 Broadmeadows District by-election suggests some of the factors affecting this turnout rate include the "large margin with which the seat was previously held, the lack of a Liberal candidate and election fatigue, with voters attending their third attendance election within six months".³¹
- 2.25 The rate of informal voting for the 2011 Broadmeadows District by-election was 9.5 percent, increasing from 7.58 percent at the 2010 Victorian state election for Broadmeadows District. The VEC's report to Parliament on the 2011 Broadmeadows District by-election notes the same factors affecting lower turnout may have had an impact on the increase in informal voting.³²
- 2.26 The voter turnout rate at the 2012 Niddrie District by-election was 84.80 percent. In addition, the rate of informal voting for the 2012 Niddrie District by-election was 11.48 percent. The VEC's report to Parliament on the 2012 Niddrie District by-election notes several factors affecting this informal voting rate include the lack of a Liberal Party candidate, and the proportion of residents who are not fluent in English.³³

Legislative changes prior to the 2010 Victorian state election

- 2.27 Prior to the 2010 Victorian state election there were several amendments to the *Electoral Act 2002* (Vic) through the *Electoral Amendment (Electoral Participation) Act 2010* (Vic).³⁴ These amendments altered the way Victorians could enrol to vote, and the ways to vote, at the 2010 Victorian state election.
- 2.28 Several provisions in this legislation, particularly those relating to automatic enrolment and enrolment on election day, were informed by recommendations in the Committee's report on voter participation and informal voting tabled in July 2009.³⁵ The provision requiring the VEC to

³¹ Victorian Electoral Commission, *Report to Parliament on the 2011 Broadmeadows District by-election*, Victorian Electoral Commission, Melbourne, June 2011, p.2.

³² Victorian Electoral Commission, *Report to Parliament on the 2011 Broadmeadows District by-election*, Victorian Electoral Commission, Melbourne, June 2011, p.2.

³³ Victorian Electoral Commission, *Report to Parliament on the 2011 Niddrie District by-election*, Victorian Electoral Commission, Melbourne, May 2012, p.18.

³⁴ *Electoral Act 2002* (Vic). Retrieved 10 October 2011 from http://www.austlii.org/au/legis/vic/consol_act/ea2002103/.

³⁵ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, July 2009. Retrieved 10 October 2011 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

publicly display how-to-vote cards on its website is also based on a recommendation from the Committee's inquiry into the provisions of the *Electoral Act 2002* (Vic) relating to misleading or deceptive political advertising, tabled on 11 March 2010.³⁶

- 2.29 The VEC's report to Parliament on the 2010 Victorian state election summarises the legislative changes introduced prior to the 2010 Victorian state election.

Electoral Amendment (Electoral Participation) Act 2010 (Vic)

Automatic enrolment

- 2.30 Section 23A of the *Electoral Act 2002* (Vic) was updated to allow the VEC to use information it holds to enrol people on the electoral roll who have turned 18 years of age. The VEC writes to people it has enrolled, informing them of their enrolment and giving them the opportunity to correct any mistake. Initially, the VEC enrolled Victorian Certificate of Education (VCE) students using information it obtained from the Victorian Curriculum and Assessment Authority (VCAA). The VEC will continue to roll out automatic enrolment in 2011-2012.³⁷

Enrolment at voting centres (provisional voting)

- 2.31 Section 108 of the *Electoral Act 2002* (Vic) was updated to allow for people who were found not to be enrolled when they attended to vote at the 2010 Victorian state election to cast a provisional vote at a voting centre. They were required to show a proof of identification such as a driver licence or to nominate a service provider to be contacted to verify identity. After election day, the VEC "checked the enrolment applications and verified identities and addresses with service providers. If details were correct the VEC enrolled the applicants and admitted their votes to the count".³⁸

Electronically assisted voting

- 2.32 Electronic voting was first permitted in Victoria for electors who were blind or of low vision at the 2006 Victorian state election. At the 2010 Victorian state election, electors with motor skill impairment and language or literacy

³⁶ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the provisions of the Electoral Act 2002* (Vic) relating to misleading or deceptive political advertising, Melbourne, March 2010. Retrieved 1 November 2010 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Inquiry_into_prov_of_the_Electoral_Act_2002_vic.pdf.

³⁷ *Electoral Act 2002* (Vic) s23A. Retrieved 10 October 2011 from http://www.austlii.org/au/legis/vic/consol_act/ea2002103/; Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

³⁸ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

difficulties were permitted to cast an electronically assisted vote. Early voting using an electronic voting kiosk or a telephone system was available at 100 early voting centres in Victoria for two weeks prior to election day.³⁹

Abolition of the three month rule

2.33 The “three month rule” was a rule which stated that people who changed their principal place of residence three months before an election were unable to cast a ballot. This rule was abolished by the *Electoral Amendment (Electoral Participation) Act 2010* (Vic).

How-to-vote cards

2.34 The VEC is now required to display all registered how-to-vote cards on its website as soon as possible after they are registered.⁴⁰

Group voting tickets

2.35 Legislative Council candidates may amend or withdraw their request to be “a group on the ballot paper up to 24 hours before the close of nominations. However, a group that is established at that point is required to lodge a group voting ticket with the VEC. Previously, lodgement of a group voting ticket was optional”.⁴¹

Authorisation of letters and cards

2.36 Letters and cards bearing the name of the sender that did not contain instructions on how to complete the ballot paper, were not required to be authorised.⁴²

Acceptance of postal vote declarations

2.37 For the 2010 Victorian state election, if a postal vote declaration envelope was postmarked the Sunday after election day, the VEC was permitted to use the date of the witness’s signature on the declaration to determine whether the vote should be included in the count.⁴³

³⁹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

⁴⁰ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

⁴¹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

⁴² Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

⁴³ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

Regulatory changes

2.38 In September 2010 the *Electoral Amendment (Electoral Participation) Regulations 2010* (Vic) came into affect. The regulations changed:

- The procedures for electronic voting so that the provisions of Section 100 of the *Electoral Act 2002* (Vic) applied for voting at an overseas or interstate voting centre; and
- the terminology relating to unenrolled/provisional voters.⁴⁴

2010 Victorian state election inquiry in context

2.39 The 2010 Victorian state election and this inquiry have taken place at a time of continuing interest in the reform of electoral laws and electoral administration in Australia.

2.40 At the Commonwealth level, there has been a focus on improving electoral administration in Australia since 2008, when the Rudd Government initiated an electoral reform process. As part of this the Commonwealth Government released two green papers for public comment. The first, released in December 2008, was entitled *The Electoral Reform Green Paper – Donations, Funding and Expenditure*.⁴⁵ The second, released in September 2009 was entitled *Electoral Reform Green Paper – Strengthening Australian Democracy* and examined options to increase electoral participation in elections, including improvements to enrolment processes, civic education, harmonised voting rules and increasing accessibility for voting centres.⁴⁶

2.41 One of the goals of the Commonwealth harmonisation process was for legislative change to occur through cooperative schemes negotiated “between jurisdictions, the enactment of complementary legislation by different levels of government or the referral of state powers to the Commonwealth”.⁴⁷ However, since 2008 electoral reform based around concepts addressed in the second Green Paper has occurred at a state level.

2.42 In NSW, the NSW Government introduced the *Parliamentary Electorate and Elections Amendment (Automatic Enrolment)*

⁴⁴ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

⁴⁵ Commonwealth of Australia, Department of Prime Minister and Cabinet, *The Electoral Reform Green Paper – Donations, Funding and Expenditure*, September 2009. Retrieved 1 October 2011 from http://www.dpmc.gov.au/consultation/elect_reform/green_paper.cfm.

⁴⁶ Commonwealth of Australia, Department of Prime Minister and Cabinet, *Electoral Reform Green Paper – Strengthening Australian Democracy*, December 2009. Retrieved 1 October 2011 from http://www.dpmc.gov.au/consultation/elect_reform/index.cfm.

⁴⁷ Research Service, Parliamentary Library, Department of Parliamentary Services, “Electoral Amendment (Electoral Participation) Bill 2010”, no.11, July 2011, p.14. Retrieved 11 October 2011 from http://library.parliament.vic.gov.au/research/papers/D-Briefs/pdfs/2010_11DBElectoralparticipation.pdf.

Bill on 12 November 2009. The Bill was passed without amendments on 1 December 2009 and assented to on 14 December 2009.⁴⁸

2.43 The NSW legislation:

- “Facilitates automatic enrolment of electors on the rolls for NSW state elections and NSW local government elections;
- Allows eligible NSW electors to enrol and cast a provisional vote on polling day, subject to being able to produce a valid NSW driver licence or Photo Card issued by the NSW Roads and Traffic Authority;
- Centralises the processing of postal vote applications and to allow such applications to be made on the internet;
- Allows for pre-poll voting centres to be operated outside of NSW; and
- Introduces miscellaneous administrative changes for the conduct of the NSW elections”.⁴⁹

2.44 Following the introduction of this legislation in NSW, the Commonwealth Parliament’s Joint Standing Committee on Electoral Matters (JSCEM) received a reference from Senator Joe Ludwig, Special Minister of State, to inquire into and report by 25 February 2010 on the implications of the NSW legislation for the conduct of Commonwealth elections, including any questions for the enrolment of persons living in NSW for the purposes of Commonwealth elections.⁵⁰

2.45 The Commonwealth JSCEM report tabled on Thursday, 25 February 2010 found the NSW legislation could have significant implications for the conduct of Commonwealth elections if similar provisions are not incorporated in amendments to the *Commonwealth Electoral Act 1918* (Cwth). The Committee found that complementary legislation was required at the Commonwealth level to reinforce the NSW legislation, in order to reduce the

⁴⁸ Research Service, Parliamentary Library, Department of Parliamentary Services, “Electoral Amendment (Electoral Participation) Bill 2010”, no.11, July 2011, p.p.14-15. Retrieved 11 October 2011 from http://library.parliament.vic.gov.au/research/papers/D-Briefs/pdfs/2010_11DBElectoralparticipation.pdf.

⁴⁹ Research Service, Parliamentary Library, Department of Parliamentary Services, “Electoral Amendment (Electoral Participation) Bill 2010”, no.11, July 2011, p.p.14-15. Retrieved 11 October 2011 from http://library.parliament.vic.gov.au/research/papers/D-Briefs/pdfs/2010_11DBElectoralparticipation.pdf.

⁵⁰ Commonwealth of Australia, Joint Standing Committee on Electoral Matters, *Inquiry into Inquiry into the NSW Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Bill 2009*, Canberra, February 2010. Retrieved 1 October 2011 from <http://www.aph.gov.au/house/committee/em/autobill2009/report.htm>.

potential for electoral confusion caused by the advent of two different enrolment systems for Commonwealth and state elections.⁵¹

- 2.46 The JSCEM report also contained a dissenting report from the Committee's four Coalition members. The dissenting report noted the Coalition members' opposition to automatic enrolment and emphasised their view that responsibility for voting and enrolment lies with the individual and not the state.⁵²
- 2.47 In Victoria, the *Electoral Amendment (Electoral Participation) Bill 2010* was passed by Parliament in August 2010. In the second reading speech for the *Electoral Amendment (Electoral Participation) Bill 2010*, Rob Hulls MP, then Attorney-General, noted it was "important for Victoria...to work closely with the Commonwealth and other states and territories, to examine options to harmonise electoral law".⁵³
- 2.48 Queensland has also investigated automatic enrolment. In December 2010 the Cameron Dick MP, Queensland Attorney-General, released a white paper examining Queensland's campaign finance and electoral enrolment laws. The paper noted 400,000 eligible Queenslanders were not on the electoral roll and discussed measures to address this, including automatic enrolment.⁵⁴
- 2.49 Recently, the Commonwealth Parliament has also considered several amendments to the *Commonwealth Electoral Act 1918* (Cwth). In November 2011 the *Electoral and Referendum Amendment (Maintaining Address) Bill 2011* was introduced in the House of Representatives. The Bill amends the *Commonwealth Electoral Act 1918* (Cwth) to allow the Commonwealth Electoral Commissioner to update an elector's enrolled address following receipt and analysis of reliable and current data sources from outside the Electoral Commission.⁵⁵

⁵¹ Research Service, Parliamentary Library, Department of Parliamentary Services, "Electoral Amendment (Electoral Participation) Bill 2010", no.11, July 2011, p.p.14-15. Retrieved 11 October 2011 from http://library.parliament.vic.gov.au/research/papers/D-Briefs/pdfs/2010_11DBElectoralparticipation.pdf.

⁵² Research Service, Parliamentary Library, Department of Parliamentary Services, "Electoral Amendment (Electoral Participation) Bill 2010", no.11, July 2011, p.p.14-15. Retrieved 11 October 2011 from http://library.parliament.vic.gov.au/research/papers/D-Briefs/pdfs/2010_11DBElectoralparticipation.pdf.

⁵³ Research Service, Parliamentary Library, Department of Parliamentary Services, "Electoral Amendment (Electoral Participation) Bill 2010", no.11, July 2011, p.14. Retrieved 11 October 2011 from http://library.parliament.vic.gov.au/research/papers/D-Briefs/pdfs/2010_11DBElectoralparticipation.pdf.

⁵⁴ State of Queensland, Department of Premier and Cabinet, "Reforming Queensland's Electoral System", Brisbane, December 2010. Retrieved 24 October 2011 at <http://www.premiers.qld.gov.au/community-issues/open-transparent-gov/assets/electoral-reform-whitepaper.doc>.

⁵⁵ *Electoral and Referendum Amendment (Maintaining Address) Bill 2011*. Retrieved 1 April 2012 from <http://www.comlaw.gov.au/Details/C2011B00255>.

- 2.50 In February 2012 the *Electoral and Referendum Amendment (Protecting Electoral Participation) Bill 2012* was also introduced in the House of Representatives. The Bill allows the Commonwealth Electoral Commissioner to directly enrol a person if the Electoral Commissioner is satisfied the person has met certain criteria.⁵⁶
- 2.51 On Tuesday, 13 March 2012 the Commonwealth JSCEM tabled its report for its inquiry into the *Electoral and Referendum Amendment (Maintaining Address) Bill 2011*. On Monday, 19 March 2012 the Commonwealth JSCEM also tabled its report for its inquiry into the *Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012*.⁵⁷

Trends from the 2010 Victorian state election

- 2.52 Evidence from inquiry participants helped the Committee to identify trends emerging from the 2010 Victorian state election.
- 2.53 One of the themes in the evidence relates to the accessibility of the electoral experience for Victorians with a disability. The Committee received submissions on this subject from Vision Australia, the Physical Disability Council of Victoria, Scope, Disability Connections Victoria and People with Multiple Sclerosis.⁵⁸ These organisations congratulated the VEC on its efforts assisting Victorians with disabilities to engage in electoral processes. However, some participants also suggested there was scope for the VEC to improve the accessibility of the electoral experience for their clients.⁵⁹ These comments were summarised well at the public hearings on Tuesday, 23 August 2011 when the Physical Disability Council of Victoria told the Committee there needs to be more fully wheelchair accessible voting centres at Victorian state elections.⁶⁰ Chapter Seven addresses this in further detail.
- 2.54 The Committee received a submission from Hanover Welfare Services highlighting voting for people experiencing homelessness.⁶¹ Hanover

⁵⁶ *Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2011*. Retrieved 1 April 2012 from http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r4755.

⁵⁷ See: Parliament of Australia, Joint Standing Committee on Electoral Matters, *Inquiry into the Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2011*, Canberra, March 2012. Retrieved 10 April 2012 from http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=em/protectingbill/index.htm.

⁵⁸ See: Parliament of Victoria, Electoral Matters Committee, "Inquiry into the conduct of the 2010 Victorian state election – Submissions". Retrieved 1 November 2011 at <http://www.parliament.vic.gov.au/emc/article/1454>.

⁵⁹ Physical Disability Council of Victoria, *Submission No.5*, p.2.

⁶⁰ Peter Thomson, Chairperson, Disability Connections Victoria, *Transcript of Evidence*, Public Hearing, Melbourne, 23 August 2011, p.9.

⁶¹ Hanover Welfare Services, *Submission No.11*, p.1; Tony Keenan, Chief Executive Officer, Hanover Welfare Services, *Transcript of Evidence*, Melbourne, 23 August 2011.

appeared at the public hearings on Tuesday, 23 August 2011. Chapter Seven addresses this in further detail.

- 2.55 The Committee also received evidence from some inquiry participants about general matters relating to election day administration, as well as vote counting procedures. In submissions and at the public hearings both the Nationals and the Liberal Party of Australia (Bayswater Branch) suggested improvements to the rules governing boundaries at polling booths.⁶² In a submission and at the public hearings Antony Green, ABC Election Analyst, also suggested potential technical changes to improve vote counting procedures for the Legislative Council.⁶³ Chapters Four and Eight respectively address these matters in further detail.
- 2.56 Nevertheless, the most common theme raised by inquiry participants relates to electoral engagement. Electoral engagement was a focus of the Committee's work in the 56th Parliament, particularly during its inquiries into the conduct of the 2006 Victorian state election and voter participation and informal voting.
- 2.57 The Committee received several submissions from the VEC addressing electoral engagement. The VEC's report to Parliament on the 2010 Victorian state election provides information about the three key election indicators mentioned earlier in this chapter – electoral enrolment, voter turnout and informal voting. The VEC highlights the following trends:
- **Electoral enrolment:** The percentage of eligible electors on the electoral roll across Australia, and in Victoria, has declined since 2007. In Victoria enrolment at 30 June 2007 was estimated at 93.82 percent. However, over the past five years enrolment in Victoria has averaged 92.55 percent.⁶⁴
 - **Voter turnout:** Voter turnout at the 2010 Victorian state election (of 92.96 percent) was slightly lower than the average at the past five Victorian state elections.⁶⁵
 - **Informal voting:** The rate of informal voting at Victorian Legislative Assembly elections has steadily increased since 1996, from 2.37 percent at the 1996 Victorian state election to 4.96 at the 2010 Victorian state election.⁶⁶

⁶² The Nationals, *Submission No.6*, p.p.4-5; Liberal Party of Australia (Bayswater Branch), *Submission No.16*, p.1.

⁶³ Antony Green, ABC Election Analyst, *Submission No.20*, p.p.1-4.

⁶⁴ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.19.

⁶⁵ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

⁶⁶ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

2.58 Overall, the VEC suggests these statistics indicate a general decline in electoral engagement in Victoria.

“Shaping Victoria’s electoral future” – VEC’s position paper

2.59 In addition, on Monday, 17 October 2011 the Committee received a position paper from the VEC entitled “Shaping Victoria’s electoral future”.⁶⁷

2.60 The Committee wishes to record its view that this document was prepared by the VEC following discussion at the public hearings on Thursday, 25 August 2011:

“...the VEC, Chair, would be pleased if the committee authorised it to prepare a short paper to include a futuristic look at an election model or models that could address these emerging trends [from the 2010 state election report]. We have not done that, because we do not want to be impertinent or be seen to be jumping the gun. If that is something you want us to do, we could do that, but we would welcome an invitation rather than just throwing something out into the field.”⁶⁸

2.61 Following the public hearings the Committee met on Wednesday, 21 September 2011 and resolved to accept Mr Tully’s invitation.

2.62 The Committee recognises that “Shaping Victoria’s electoral future” is a significant document. In the paper, the VEC outlines trends in Victoria’s electoral system. The paper also describes VEC initiatives to address “changing [elector] expectations within the constraints of current legislation”.⁶⁹

2.63 One of the major concerns of the paper is the “state of electoral engagement” in Victoria.⁷⁰ Using voter turnout, enrolment and informal voting figures from the 2010 Victorian state election, the VEC suggests Victoria’s current electoral engagement rate is around 82 percent.⁷¹ The VEC notes:

“In Victoria...over 700,000 eligible electors are not fully participating in their democracy, whether inadvertently or by choice. This provides good reason for electoral bodies, and those involved with elections such as Members of Parliament, candidates, political parties and engaged electors to be concerned”.⁷²

⁶⁷ Liz Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, *Correspondence*, 17 October 2011.

⁶⁸ Steve Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011, p.36.

⁶⁹ Victorian Electoral Commission, “Shaping Victoria’s electoral future”, Victorian Electoral Commission, Melbourne, October 2011, p.2.

⁷⁰ Victorian Electoral Commission, “Shaping Victoria’s electoral future”, Victorian Electoral Commission, Melbourne, October 2011, p.6.

⁷¹ Victorian Electoral Commission, “Shaping Victoria’s electoral future”, Victorian Electoral Commission, Melbourne, October 2011, p.5.

⁷² Victorian Electoral Commission, “Shaping Victoria’s electoral future”, Victorian Electoral Commission, Melbourne, October 2011, p.8.

2.64 The VEC believes several factors are contributing to declining electoral engagement in Victoria. These include:

- The degree to which people respond to mail outs and notices;
- Lack of accessible voting centres; and
- Extreme weather conditions.⁷³

2.65 In addition, the VEC outlines factors it believes are affecting the conduct of Victorian state elections. These are:

- Security, safety and timely transport of ballot papers;
- Environmental factors; and
- Occupational Health and Safety of election officials.⁷⁴

2.66 In the paper the VEC also highlights emerging trends in Victorian electoral administration. These are the:

- Increase in early voting and postal voting (see Chapter Four of this report);
- Increase in elector mobility;
- Changing lifestyles;
- Expectation of, and the right to, fully accessible services; and
- Transparency and consolidated reporting of statistics.⁷⁵

A new design for electoral administration

2.67 “Shaping Victoria’s electoral future” calls for a wide-ranging review of Victoria’s electoral administration. The VEC notes:

“...that this decade is a significant marker in the history of electoral administration in Australia. A number of trends appear to be converging, driven by the pace of technological change, and attempts to address these trends have been implemented in a fairly ad-hoc way within existing legislation.

⁷³ Victorian Electoral Commission, “Shaping Victoria’s electoral future”, Victorian Electoral Commission, Melbourne, October 2011, p.p.8-9.

⁷⁴ Victorian Electoral Commission, “Shaping Victoria’s electoral future”, Victorian Electoral Commission, Melbourne, October 2011, p.p.11-12.

⁷⁵ Victorian Electoral Commission, “Shaping Victoria’s electoral future”, Victorian Electoral Commission, Melbourne, October 2011, p.p.13-14.

The initiatives implemented for the 2010 Victorian State election were aimed to improve information, accessibility and the voting experience for electors. They also allowed greater transparency and reduced the negative impact on the environment. Yet there is still room for improvement. Under existing legislation, the fundamental concerns associated with a paper-based system - reliant on the physical movement of ballot papers across large distances - still remain...elections will continue to come at significant environmental cost, electors who are away from their home electorate on election day may still be disenfranchised or unengaged despite the best efforts of electoral commissions, and results in close elections will continue to take what is increasingly perceived as an unacceptably long time to be finalised.

What is now required is a more strategic and long-term approach to address public expectations and technological possibilities. Any strategy for the future should also include further research and development of effective and targeted electoral education programs aimed to achieve a more informed and engaged electoral community".⁷⁶

- 2.68 The VEC concludes by calling on the Parliament to consider the development of a new design for electoral administration.⁷⁷

Committee's view

- 2.69 The Committee thanks the VEC for preparing the paper entitled "Shaping Victoria's electoral future". It is a comprehensive paper providing valuable insight into the current state of electoral engagement in Victoria.
- 2.70 Like the VEC, the Committee is concerned about declining electoral engagement in Victoria. As noted above, the fact nearly 700,000 eligible Victorians are not participating in elections is disappointing and a strong motivation for further research.
- 2.71 The Committee wishes to highlight evidence it received in the 56th Parliament from the VEC about declining electoral participation. In July 2009 at the public hearings for its inquiry into voter participation and informal voting Steve Tully, Victorian Electoral Commissioner, told the Committee there was a trend, both in Victoria and Australia, toward declining electoral participation. Mr Tully advised there were fewer people on the electoral roll and an upward trend in informal voting rates.⁷⁸ The Committee sees great similarity between Mr Tully's comments in 2009 and Mr Tully's opening remarks to the Committee at the public hearings for this inquiry.
- 2.72 In principle, the Committee shares the VEC's view that the time is right for a review of Victoria's electoral administration and that an inquiry by this Committee would be the best forum for such a review.

⁷⁶ Victorian Electoral Commission, "Shaping Victoria's electoral future", Victorian Electoral Commission, Melbourne, October 2011, p.21.

⁷⁷ Victorian Electoral Commission, "Shaping Victoria's electoral future", Victorian Electoral Commission, Melbourne, October 2011, p.24.

⁷⁸ Steve Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of Evidence*, Public Hearing, Melbourne, 24 July 2008, p.2.

CHAPTER THREE – AT A GLANCE

- **At the close of rolls at 8pm on Tuesday, 9 November 2010 3,582,232 people were enrolled to vote in the 2010 Victorian state election.**
- **In Victoria the youth enrolment rate is 10 percent below that of the general eligible population.**
- **Legislation passed by Parliament in August 2010 provided for automatic enrolment at Victorian state elections. Approximately 2,000 eligible Victorians were automatically enrolled for the 2010 Victorian state election. The VEC will continue to roll out automatic enrolment in 2011-2012.**
- **While Victoria’s electoral enrolment rates compare well with national enrolment rates and with those of comparable international jurisdictions, the Committee is concerned that the rate of electoral enrolment in Victoria is declining.**
- **The Committee recommends the Victorian Government amend the *Electoral Act 2002 (Vic)* to: (i) allow the VEC to access information from the Australian Electoral Commission (AEC) for automatic enrolment; and (ii) to close the rolls three days after the issue of the writ for Victorian state elections.**
- **More research is needed to address declining electoral enrolment in Victoria.**

Electoral enrolment at the 2010 Victorian state election

3.1 Chapter Three addresses electoral enrolment at the 2010 Victorian state election. The chapter defines electoral enrolment, outlines the VEC's enrolment services and electoral enrolment statistics from the 2010 Victorian state election, past Victorian state elections and youth electoral enrolment. Following this the chapter addresses the introduction of automatic enrolment in Victoria in 2010, evidence about declining electoral enrolment in Victoria and recommendations relating to electoral enrolment.

Definition of electoral enrolment

3.2 In Victoria, to vote in federal, state and local government elections, all eligible electors must be correctly enrolled on the electoral roll.⁷⁹

3.3 The electoral roll is a “list of electors’ names and addresses that is used to determine who can vote at elections. It is formed from the enrolment database, which also includes people’s date of birth and gender”.⁸⁰ When an election is called, a date is set for the “close of roll”. On that date a snapshot is taken of the register of electors which becomes the roll for that election.⁸¹

3.4 The *Constitution Act 1975* (Vic) sets out who is entitled to enrol as an elector for the Victorian Legislative Assembly and the Legislative Council.⁸²

3.5 In Victoria enrolment is compulsory for all persons who:

- Are, or become, an Australian citizen (or British subject who was on an Australian electoral roll on 26 January 1984 and – for Victorian

⁷⁹ In Victoria, the *Electoral Act 2002* (Vic) provides for automatic enrolment. See Chapter Two.
⁸⁰ Victorian Electoral Commission, “VEC: The electoral roll”, Victorian Electoral Commission, Melbourne, 2011. Retrieved 1 November 2011 from <http://www.vec.vic.gov.au/Enrol/enrol-roll.html>.

⁸¹ Victorian Electoral Commission, “VEC: The electoral roll”, Victorian Electoral Commission, Melbourne, 2011. Retrieved 1 November 2011 from <http://www.vec.vic.gov.au/Enrol/enrol-roll.html>.

⁸² *Constitution Act 1975* (Vic) s48. Retrieved 2 November 2011 from http://www.austlii.edu.au/au/legis/vic/consol_act/ca1975188/.

elections only – if they were a British subject enrolled between 26 October 1983 and 25 January 1984 inclusive);

- Are aged 18 years or over; and
- Have lived at their current address in Victoria for at least one month.⁸³

Special enrolment options

3.6 In the 56th Parliament the Committee reported on enrolment options available to Victorians with special electoral enrolment requirements, as part of its inquiry into voter participation and informal voting.⁸⁴

General postal voters

3.7 In Victoria general postal voters (GPV) are people who vote via post. They are automatically sent their ballot pack for every election, and need to complete and mail it before election day. To become a GPV eligible electors must:

- Live more than 20 km from a voting centre;
- Have a disability;
- Have ill health;
- Care for someone with ill health;
- Hold religious beliefs that prevent them from voting on election day;
- Be serving a prison sentence of less than three years⁸⁵;
- Be patients at a nursing home;
- Be enrolled as a silent elector; or
- Be 70 years old or older.⁸⁶

⁸³ Victorian Electoral Commission, "VEC: Enrol", Victorian Electoral Commission, Melbourne, 2011. Retrieved 1 November 2011 from <http://www.vec.vic.gov.au/enrol/default.html#1>.

⁸⁴ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, July 2009. Retrieved 1 November 2011 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

⁸⁵ People who are serving a prison sentence of five or more years are also automatically removed from the roll. However, they are eligible to re-enrol upon release. Commonwealth law differs from Victorian law in terms of the ability of prisoners to vote. This means that if a person is serving a prison sentence of three to five years, they are removed from the federal roll but not the state roll. They are still enrolled and entitled to vote in state and local council elections but will need to re-enrol upon release to participate in federal elections.

Overseas elector

3.8 Eligible electors may register as overseas electors if they are:

- Enrolled and intend to leave Australia within the next three months, and intend to return to Australia within six years; and
- Enrolled and left Australia less than three years ago, and intend to return to Australia within six years of leaving.⁸⁷

3.9 Electors registered as overseas electors are not automatically sent ballot papers and can vote in person at designated locations listed on the VEC's website prior to an election, or by applying for a postal vote.⁸⁸

Silent enrolment

3.10 Electors may apply to the AEC to become silent electors if they believe that having their personal address on the electoral roll poses a danger to their personal safety or the safety of their family. Silent electors must still vote and update their enrolment details when they change address.⁸⁹ This information is then passed on to the VEC and the elector is classified as a silent elector.

Homelessness and those with no fixed address

3.11 People without a permanent home have the same right to enrol and vote as all Victorians.

3.12 There are several enrolment options available for people experiencing homelessness or living in temporary accommodation. If electors do not have access to secure housing it is possible to enrol as an elector with no fixed address. As an elector with no fixed address, electors can enrol using:

- The address where they were last eligible to enrol;
- The address where a next of kin lives;
- Their place of birth, if they have no next of kin in Australia; or

⁸⁶ Victorian Electoral Commission, "VEC: Postal voting", Victorian Electoral Commission, Melbourne, 2011. Retrieved 10 October 2011 from <http://www.vec.vic.gov.au/Vote/vote-postal.html>.

⁸⁷ Victorian Electoral Commission, "VEC: Special enrolment options", Victorian Electoral Commission, Melbourne, 2011. Retrieved 1 November 2011 from <http://www.vec.vic.gov.au/Enrol/enrol-special.html>.

⁸⁸ Victorian Electoral Commission, "VEC: Special enrolment options", Victorian Electoral Commission, Melbourne, 2011. Retrieved 1 November 2011 from <http://www.vec.vic.gov.au/Enrol/enrol-special.html>.

⁸⁹ Victorian Electoral Commission, "VEC: Suppressing your address", Victorian Electoral Commission, Melbourne, 2011. Retrieved 10 November 2011 from <http://www.vec.vic.gov.au/Enrol/enrol-silent.html>.

- If they were not born in Australia and none of the above applies, a place they feel the closest connection to.⁹⁰

3.13 The VEC does not pursue fines for electors who enrol with no fixed address if they do not vote at election time.⁹¹

Provisional enrolment

3.14 As noted in Chapter Two, recent changes to Section 108 of the *Electoral Act 2002* (Vic) allowed for people who were found not to be enrolled when they attended to vote for the 2010 Victorian state election to enrol to cast a provisional vote at a voting centre.

3.15 In addition, eligible Victorians aged 17 years can enrol to vote provisionally. The advantage of enrolling for provisional electors is that they are automatically enrolled when they turn 18 years of age, and that they will be entitled to vote in an election even if they turn 18 years of age after the close of roll provisions and before or on election day.⁹²

3.16 New citizens of Australia are also eligible to apply for provisional enrolment if they have been notified that they will become an Australian citizen between the date of the writ and the polling day for an election. People in this category must provide evidence of the Department of Immigration and Citizenship's notification of the date of their citizenship ceremony, to either an AEC officer or an elector from the list of authorised persons who can be shown a Department of Immigration and Citizenship notification.⁹³

Enrolment for those with a cognitive disability or impairment

3.17 The VEC provides information about the electoral rights of people with a cognitive disability or impairment on its website. The website also provides information to carers on the process involved to have a registered medical practitioner assess whether someone in care is no longer able to understand the nature and significance of enrolling and voting.⁹⁴

⁹⁰ Victorian Electoral Commission, "VEC: Suppressing your address", Victorian Electoral Commission, Melbourne, 2011. Retrieved 10 November 2011 from <http://www.vec.vic.gov.au/Enrol/enrol-silent.html>.

⁹¹ Victorian Electoral Commission, "VEC: Suppressing your address", Victorian Electoral Commission, Melbourne, 2011. Retrieved 10 November 2011 from <http://www.vec.vic.gov.au/Enrol/enrol-silent.html>.

⁹² Victorian Electoral Commission, "VEC: Suppressing your address", Victorian Electoral Commission, Melbourne, 2011. Retrieved 10 November 2011 from <http://www.vec.vic.gov.au/Enrol/enrol-silent.html>.

⁹³ See: Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, July 2009, p.31.

⁹⁴ Victorian Electoral Commission, "VEC: Suppressing your address", Victorian Electoral Commission, Melbourne, 2011. Retrieved 10 November 2011 from <http://www.vec.vic.gov.au/Enrol/enrol-silent.html>.

Enrolment for those serving a prison sentence

- 3.18 Prisoners who are serving a sentence of less than five years in duration are eligible to vote in Victoria. The VEC provides further information about enrolment and voting for those serving a prison sentence on its website.⁹⁵

VEC enrolment services

- 3.19 The VEC undertakes several activities to keep the enrolment register current, and to ensure electors vote and vote correctly.

Continuous Roll Update (CRU)

- 3.20 The CRU program is conducted by the AEC in conjunction with state electoral commissions, including the VEC. As noted on the AEC's website, the program consists of regular mail reviews in which the AEC "conducts large mail-outs to specific addresses where it believes eligible electors who are currently not on the electoral roll reside. The mail reviews are supplemented by targeted fieldwork. Follow-up activity is also conducted, mainly aimed at people who have not responded to an initial mail-out".⁹⁶
- 3.21 The VEC's Annual Report 2010-2011 discusses the VEC's involvement in CRU programs. Given that the federal election and state election were held in August 2010 and November 2010 respectively, the VEC limited mail-out activities to data provided by the Victorian Tertiary Admissions Centre (VTAC). People who registered or updated their address details with VTAC were sent an enrolment form if they were not already enrolled.⁹⁷
- 3.22 The VEC's CRU activities generated 130,962 enrolment applications in 2010-2011. This represents 22.92 percent of total applications received, slightly below the VEC's target for 2010-2011.⁹⁸
- 3.23 As part of this inquiry the Committee reviewed the report of the Commonwealth Parliament's JSCEM into the 2010 federal election, tabled in June 2011. Chapter Three of this report discusses electoral enrolment and the AEC's programs for electoral roll stimulation. For the 2010 federal election the AEC focused on refining the CRU program as the primary means

⁹⁵ Victorian Electoral Commission, "VEC: Prisoner's Brochure", Victorian Electoral Commission, Melbourne, 2011. Retrieved 1 November 2011 from <http://www.vec.vic.gov.au/files/PrisonersBrochure.pdf>.

⁹⁶ Australian Electoral Commission, *Australian Electoral Commission Annual Report 2009-2010 – Program 1.1: Electoral roll management*, Australian Electoral Commission, Canberra, 2010. Retrieved 1 November 2011 from http://www.aec.gov.au/About_AEC/Publications/Annual_Reports/2010/outcome-1/program-1-1.htm.

⁹⁷ Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.30.

⁹⁸ Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.30.

of enrolment stimulation. Nevertheless, JSCEM found that the overall effectiveness of CRU in generating enrolment is variable and remains problematic.⁹⁹

- 3.24 The Committee notes JSCEM's observations about the effectiveness of CRU.
- 3.25 Further, in October 2010 the VEC worked with the AEC to launch a program to promote the close of roll and the opportunity to enrol through 196 of Australia Post's postal outlets in Victoria. Australia Post staff wore t-shirts, badges and caps promoting the close of roll. The program was funded from the national CRU budget after discussions with the AEC.¹⁰⁰
- 3.26 The program ran from 25 October 2010 to 9 November 2010 and generated 1173 enrolment applications or updates. The VEC's report to Parliament on the 2010 Victorian state election notes the VEC's disappointment with this figure.¹⁰¹
- 3.27 The Committee notes the VEC's disappointment about the results of this program. The Committee encourages the VEC to explore additional ways to promote the close of roll and the opportunity to enrol with corporate partners at the next Victorian state election.

Victorian Curriculum and Assessment Authority

- 3.28 Victorians are eligible to enrol to vote when they turn 17 but cannot vote until they are 18 years of age.
- 3.29 Using data provided by the VCAA, the VEC sends a birthday card and an enrolment form to Victorians in the education system who turn 17 years of age. According to VEC figures, 11.7 percent of Victorians who were sent a birthday card in 2010-2011 enrolled as a result of the birthday card program. 2,737 students also enrolled in 2010-2011 as a result of receiving a birthday card in 2009-2010.¹⁰²

⁹⁹ Parliament of Australia, Joint Standing Committee on Electoral Matters, *The 2010 federal election: Report on the conduct of the election and related matters*, Canberra, June 2011, p.25.

¹⁰⁰ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.20.

¹⁰¹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.20.

¹⁰² Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.30.

Other strategic programs

Geo-coding of electoral roll

- 3.30 The Committee supports the VEC's use of new and emerging information technologies to maintain an accurate electoral roll.
- 3.31 During this inquiry the Committee learnt about the VEC's efforts to geo-code the electoral roll. Geo-coding is a process where addresses are converted into geographic coordinates.
- 3.32 Geo-coding of the state electoral roll increased from 90 percent accuracy in 2009-2010 to 98 percent accuracy in 2010-2011, the maximum achievable level with VicMap, the central source of the State of Victoria's spatial data.¹⁰³

VEC's electoral enrolment strategies for 2011-2012

- 3.33 The Committee also learnt about the VEC's enrolment strategies for 2011-2012. These strategies focus on expanding automatic enrolment arrangements with VicRoads data, mapping exercises to support electoral representation reviews and the 2012 Victorian local government elections, and ongoing review of enrolment information access agreements.¹⁰⁴

Enrolment statistics at the 2010 Victorian state election

- 3.34 The Committee has a longstanding interest in electoral enrolment. In the 56th Parliament the Committee considered strategies to improve electoral enrolment in Victoria as part of its inquiries into the 2006 Victorian state election and voter participation and informal voting.

Enrolment at the 2010 Victorian state election

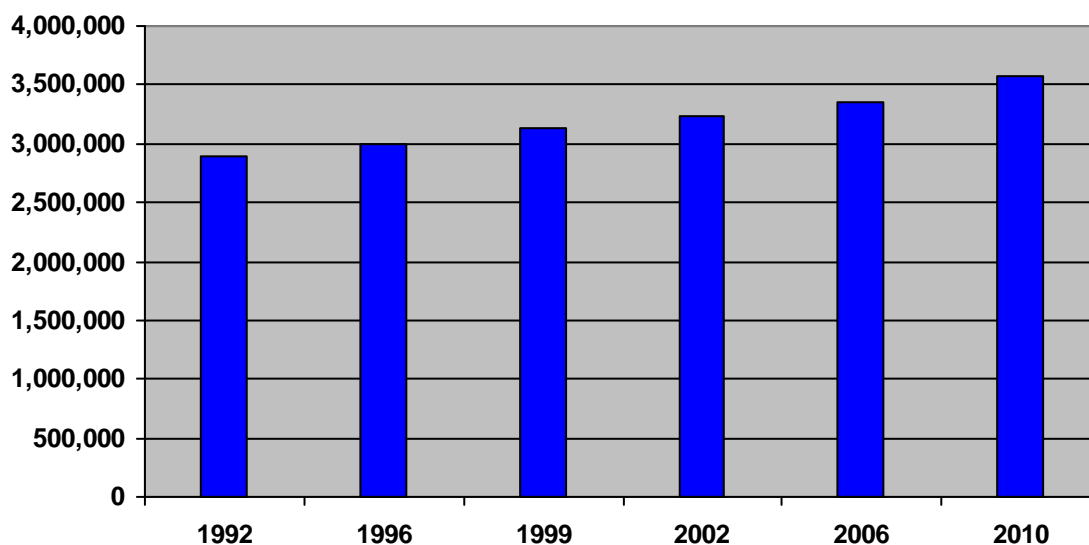
- 3.35 At the close of rolls at 8pm on Tuesday, 9 November 2010 3,582,232 people were enrolled to vote in the 2010 Victorian state election.¹⁰⁵
- 3.36 In comparison, at the 2006 Victorian state election 3,353,845 people were enrolled to vote. At the 2002 Victorian state election 3,228,466 people were enrolled to vote. Figure 3.1 shows enrolment rates at Victorian state elections from 1992 to 2010.

¹⁰³ Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.38.

¹⁰⁴ Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.30.

¹⁰⁵ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.5.

**Figure 3.1: Electoral enrolment at Victorian state elections
1992-2010**



Source: Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.1.

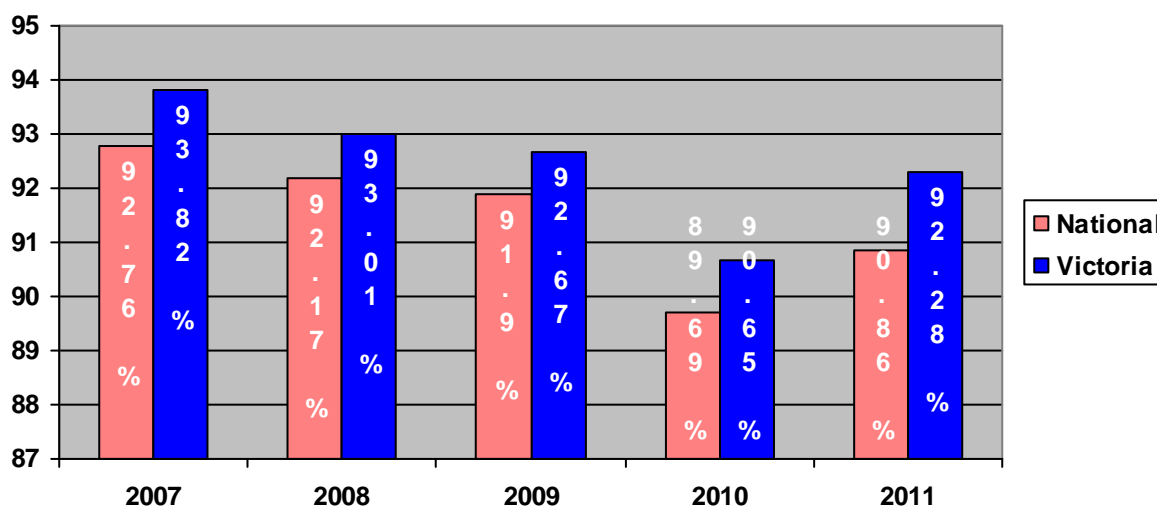
Enrolment in Victoria in 2011

- 3.37 The VEC's Annual Report 2010-2011 provides additional information about electoral enrolment in Victoria.
- 3.38 In 2010-2011 the number of Victorians enrolled to vote increased by 38,238 to 3,579,383.¹⁰⁶
- 3.39 It is possible to estimate the number of eligible electors who are enrolled in Victoria. As at 30 June 2011 approximately 92.28 percent of eligible Victorian electors were enrolled. The VEC has a target enrolment rate of at least one percent higher than the national enrolment figure. The figure of 92.28 percent enrolment for Victoria was 1.42 percent higher than the national enrolment figure of 90.86 percent at 30 June 2011.¹⁰⁷
- 3.40 The VEC's Annual Report 2010-2011 also provides information about electoral enrolment in Australia. Figure 3.2 shows the proportion of eligible electors enrolled in Victoria and nationally from 30 June 2007 to 30 June 2011.

¹⁰⁶ Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.30.

¹⁰⁷ Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.30.

Figure 3.2: Proportion of eligible electors enrolled from 30 June 2007-2011 (National and Victoria)



Source: Victorian Electoral Commission, *Annual Report 2010-2011*, Victorian Electoral Commission, Melbourne, September 2011, p.29.

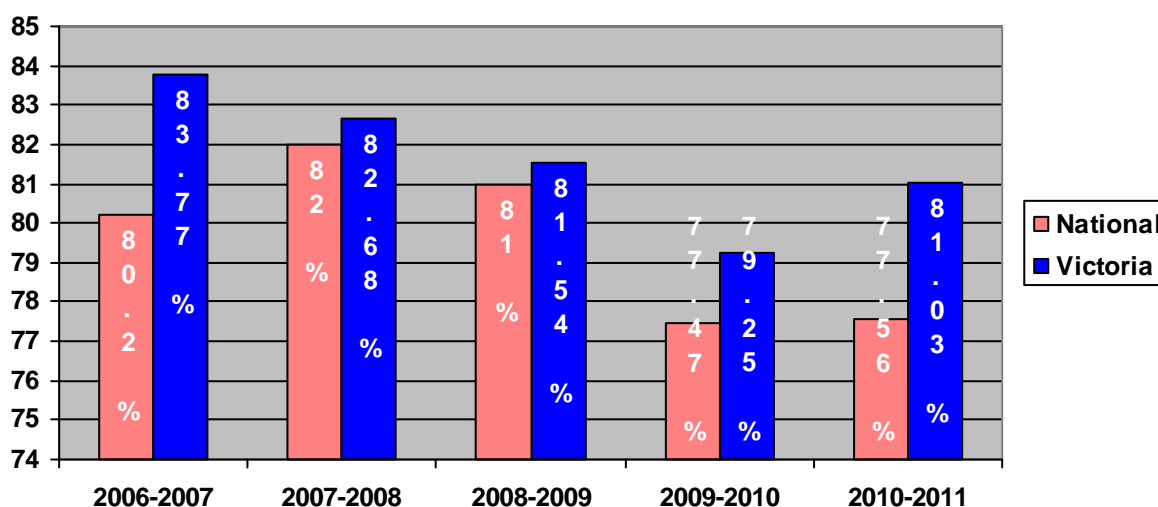
Youth electoral enrolment in Victoria

- 3.41 Victoria has one of the highest rates of youth electoral enrolment in Australia.
- 3.42 The Committee has a longstanding interest in youth electoral enrolment, beginning with its work in the 56th Parliament and inquiry into voter participation and informal voting. As part of the voter participation inquiry the Committee considered youth electoral enrolment, examining the definition of young people and youth electoral enrolment in Victoria, nationally and internationally. The Committee also considered strategies to encourage youth electoral enrolment, including evidence it gained during its international investigations in 2008 in Canada, the United States of America and the United Kingdom, and later during investigations in 2009 in New Zealand.¹⁰⁸
- 3.43 There is no common definition for who is a young person. For this report, the Committee adopts the same practice as it did for its report into voter participation and informal voting, where it followed the VEC's definition of young people to mean those aged 18-25 years of age.

¹⁰⁸ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, July 2009, p.p.105-130. Retrieved 1 November 2011 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

- 3.44 In 2010-2011 the rate of electoral enrolment for Victorians aged 18-25 years of age was 81.03 percent. This compares favourably to the rate of national youth enrolment of 77.56 percent.¹⁰⁹
- 3.45 The VEC's Annual Report 2010-2011 shows that rates of youth electoral enrolment in Victoria since 2006-2007 have been consistently higher than the national average. The current rate of youth electoral enrolment in Victoria is also 1.07 percent higher than the VEC's target rate of youth electoral enrolment.¹¹⁰ Figure 3.3 shows youth electoral enrolment rates in Victoria and nationally.

**Figure 3.3: Youth electoral enrolment from 2007-2011
(National and Victoria)**



Source: Victorian Electoral Commission, *Annual Report 2010-2011*, Victorian Electoral Commission, Melbourne, September 2011, p.29.

- 3.46 Despite Victoria's success in relation to other Australian jurisdictions, youth electoral enrolment remains a cause for concern. During the Committee's inquiry into voter participation and informal voting the Committee learnt that enrolment rates for young people aged 18-25 years are around 8 percent below the enrolment rate for the general eligible population.¹¹¹ In addition, the

¹⁰⁹ Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.29.

¹¹⁰ Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.29.

¹¹¹ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, July 2009, p.111. Retrieved 1 November 2011 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

VEC's Annual Report 2010-2011 advises that, on average, the youth enrolment rate is 10 percent below that of the general eligible population.¹¹²

- 3.47 Previous Committee inquiries have addressed the reasons for low rates of youth electoral enrolment. In the 56th Parliament the Committee learnt that one reason why many young people are not enrolled to vote is because they are disinterested in formal political processes, including voting.¹¹³ The Committee also heard many young people lack knowledge of the mechanics of how to enrol and how to vote.¹¹⁴
- 3.48 Chapter Seven addresses strategies used by the VEC to encourage youth electoral enrolment and participation at the 2010 Victorian state election.

Automatic enrolment at the 2010 Victorian state election

- 3.49 Automatic enrolment is a process whereby an electoral authority, such as the VEC, uses information held by it or other government agencies to automatically enrol an elector on the register of electors. In Australia, this is known as automatic enrolment. In other jurisdictions, such as the United Kingdom and New Zealand, this practice is referred to as smart enrolment.
- 3.50 During the 56th Parliament the Committee considered automatic enrolment as part its inquiries into the 2006 Victorian state election and voter participation and informal voting.
- 3.51 In 2008 the Committee travelled to Canada, the United States of America and the United Kingdom in support of its inquiries into voter participation and informal voting and political donations and disclosure. The Committee met with several organisations, including DEMOS, one of the leading advocates of election day registration and automatic enrolment in the United States of America. These meetings helped the Committee strengthen its knowledge of the practical applications for automatic enrolment and how it could improve electoral participation in Victoria.
- 3.52 In June 2009 the Committee tabled its report for its inquiry into voter participation and informal voting. Building on evidence received from the VEC, inquiry participants and overseas stakeholders the Committee recommended the Parliament examine legislative change which had the

¹¹² Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.29.

¹¹³ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, July 2009, p.p.105-130. Retrieved 1 November 2011 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

¹¹⁴ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, July 2009, p.p.105-130. Retrieved 1 November 2011 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

potential to introduce automatic enrolment, direct enrolment or smart enrolment in Victoria.¹¹⁵

- 3.53 As noted in Chapter Two, legislation introduced in Parliament in August 2010 provided for automatic enrolment at Victorian state elections. Under Section 23A of the *Electoral Act 2002* (Vic) the VEC is able to use information it holds to enrol people on the electoral roll who have turned 18 years of age.¹¹⁶ The VEC writes to people it has enrolled, informing them of their enrolment and giving them the opportunity to correct any errors relating to enrolment.¹¹⁷

Automatic enrolment in practice – 2010 Victorian state election

- 3.54 The VEC took a cautious approach to the introduction of automatic enrolment for the 2010 Victorian state election. Specifically, the VEC's report to Parliament on the 2010 Victorian state election describes the introduction of automatic enrolment in 2010 as a "trial" affecting a small section of the eligible voting population in Victoria.¹¹⁸

- 3.55 The VEC practiced limited automatic enrolment to students registered with the VCAA. The VEC enrolled VCE students using information it obtained from the VCAA. In October 2010 the VEC wrote to 1,932 students aged 18 years of age or older as of 30 September 2010 and not enrolled.¹¹⁹ The students were advised the VEC intended to enrol them on the register of electors. The VEC's report to Parliament on the 2010 Victorian state election describes the automatic enrolment process and related statistics:

"The students had 14 days to advise the VEC if they were not entitled to enrol. Fifteen letters were returned marked undeliverable, or no longer at address. Advice was received in relation to a further 17 students, who did not understand the significance of enrolment and voting, and 105 students were enrolled as a result of receiving the notice and 1,795 more were enrolled by the Commission. Of those electors who were automatically enrolled, 1,557 subsequently voted at the election... The VEC conducted non-voter follow-up in relation to automatically enrolled electors who apparently failed to vote.

Of the 238 automatically enrolled electors that did not vote, 68 have subsequently been excused, 19 have paid their penalty and 13 have provided invalid responses at the time of writing this report. A further 13 non-voter notices sent to these electors have been received

¹¹⁵ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, July 2009, p.58. Retrieved 1 November 2011 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

¹¹⁶ *Electoral Act 2002* (Vic) s23A. Retrieved 1 November 2011 from http://www.austlii.org/au/legis/vic/consol_act/ea2002103/.

¹¹⁷ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.19.

¹¹⁸ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.19.

¹¹⁹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.19.

by the VEC, marked return to sender. None these 238 electors has claimed that they did not know they were enrolled."¹²⁰

Automatic enrolment – 2011-2014

3.56 The VEC's Annual Report 2010-2011 outlines the VEC's enrolment strategy for 2011-2014 involving further implementation of the automatic enrolment provisions introduced in 2010. The VEC advises it will modify its CRU programs to enable it to automatically enrol people or update their enrolled address using information it receives from VicRoads and the Residential Tenancies Bond Authority. A trial of the new automatic enrolment arrangements began in October 2011 using VicRoads data.¹²¹

Recommendations about automatic enrolment

3.57 The Committee received evidence from several inquiry participants about automatic enrolment in Victoria. However, the VEC was the only inquiry participant to propose recommendations for the Committee's consideration relating to automatic enrolment.

3.58 The VEC proposes an amendment to Section 20 of the *Electoral Act 2002* (Vic) to extend data sharing arrangements between the VEC and the AEC under the joint roll arrangements. Section 20 allows for an arrangement between the Commonwealth and Victoria for a joint enrolment process. The "AEC and the VEC exchange information as part of that arrangement necessary for the preparation, maintenance and revision of the register of electors and the rolls".¹²²

3.59 Under the current automatic enrolment provisions, the VEC cannot use data from the AEC for automatic enrolment purposes as the AEC is not an organisation referred to under Section 26(4) of the *Electoral Act 2002* (Vic).¹²³

Committee's view

3.60 On Wednesday, 30 November 2011 the Committee received correspondence from the VEC with estimates about the enrolments likely to be generated by an AEC background review. The VEC estimates that 200,000 enrolments would be generated annually. In addition to using data generated from background reviews, the VEC also notes that legislative change to Section

¹²⁰ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.19.

¹²¹ Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.30.

¹²² Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.102.

¹²³ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.102.

23A(2) of the *Electoral Act 2002 (Vic)* would enable the VEC to automatically enrol electors that lodge applications that only qualify Commonwealth enrolment because they have not been witnessed. There are approximately 1,200 Commonwealth only electors who are classified as pending State enrolment at any point in time.¹²⁴

- 3.61 The Committee supports this recommendation as a sensible procedural initiative to expand the sources of information available to the VEC to automatically enrol Victorians.

RECOMMENDATION 3.1: The Committee recommends the Victorian Government amend Section 23A(2) of the *Electoral Act 2002 (Vic)* to allow data obtained by the Victorian Electoral Commission as part of the AEC/VEC joint enrolment process to be used for automatic enrolment purposes.

Declining electoral enrolment in Victoria

- 3.62 As seen thus far, this chapter provides information about electoral enrolment at the 2010 Victorian state election and information about electoral enrolment at past Victorian state elections.

- 3.63 While Victoria's electoral enrolment rates compare well with national enrolment rates and with those of comparable international jurisdictions, the Committee is concerned that the rate of electoral enrolment in Victoria is declining.

- 3.64 As shown in Figure 3.2, Victoria's enrolment rate has fallen from 93.82 percent in 2007 to 92.28 percent in 2011, with a low of 90.65 percent in 2010.

- 3.65 The Committee's interest in declining electoral enrolment in Australia began in 2009 during its inquiry into voter participation and informal voting. As part of the inquiry the Committee considered evidence given to the Commonwealth JSCEM by the Commonwealth Electoral Commissioner, Ed Killesteyn, about the state of electoral enrolment in Australia. In March 2009 Mr Killesteyn told the Commonwealth JSCEM that an estimated 1.2 million eligible electors were not on the electoral roll.¹²⁵ By the end of December 2009, this had risen to approximately 1.39 million electors, and at 30 June 2010 the number had grown to 1.59 million.¹²⁶

¹²⁴ Liz Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, *Correspondence*, 30 November 2011, p.1.

¹²⁵ Edward Killesteyn, Australian Electoral Commissioner, Australian Electoral Commission, *Transcript of Evidence*, Public Hearing, Canberra, 17 March 2009. Retrieved 10 November 2009 from <http://www.aph.gov.au/hansard/joint/commttee/J11799.pdf>.

¹²⁶ Edward Killesteyn, Australian Electoral Commissioner, Australian Electoral Commission, *Transcript of Evidence*, Public Hearing, Canberra, 17 March 2009. Retrieved 10 November 2009 from <http://www.aph.gov.au/hansard/joint/commttee/J11799.pdf>.

- 3.66 The Commonwealth JSCEM's report on the 2010 federal election indicates that while the number of electors on the electoral roll is increasing, the eligible Australian population is continuing to grow at a faster rate than the electoral roll. As a consequence, the overall enrolment participation rate in Australia continues to decline.¹²⁷
- 3.67 For this inquiry the Committee received evidence from the VEC about declining electoral enrolment in Victoria. The VEC's "Shaping Victoria's electoral future" paper discusses the percentage of eligible electors who are enrolled to vote. The VEC suggests:

"that recent changes in Victoria and New South Wales, introducing automatic enrolment and enrolment on the day provisions, will go some way towards addressing declining enrolment participation. However, more will need to be done to ensure all eligible electors are motivated to, and have access to, enrolment services".¹²⁸

Recommendations relating to enrolment in Victoria

- 3.68 During this inquiry the Committee considered two recommendations from the VEC relating to electoral enrolment and roll management. The first recommendation deals with the close of roll for Victorian elections.

Close of roll

- 3.69 In Victoria, when an election is called a date is set for the "close of roll". On that date a snapshot is taken of the register of electors which becomes the roll for that election.¹²⁹ Table 3.1 shows the number of enrolments processed between the issue of the writ and close of roll at the 2002, 2006 and 2010 Victorian state elections.

	2002	2006	2010
New enrolments	21,158	21,238	12,842
Enrolment updates	34,003	36,479	25,310

Source: Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.20.

¹²⁷ Parliament of Australia, Joint Standing Committee on Electoral Matters, *The 2010 federal election: Report on the conduct of the election and related matters*, Canberra, June 2011, p.21.

¹²⁸ Victorian Electoral Commission, "Shaping Victoria's electoral future", Victorian Electoral Commission, Melbourne, October 2011, p.5.

¹²⁹ Victorian Electoral Commission, "VEC: The electoral roll", Victorian Electoral Commission, Melbourne, 2011. Retrieved 1 November 2011 from <http://www.vec.vic.gov.au/Enrol/enrol-roll.html>.

- 3.70 At present in Victoria, at the issue of the writ for an election eligible electors have seven days to ensure they are on the electoral roll and that their enrolment details are correct. For the 2010 Victorian state election electors were able to update their enrolment details or enrol at the VEC or AEC election offices through Victoria, collect an enrolment form at any post office, or use the AEC's online SmartForm enrolment form via a link on the VEC's website.¹³⁰
- 3.71 In 2006, the period between the issue of the writ and close of roll was extended from three days to seven days, with no other changes to the election timeframe. Since 2006, in order to produce timely roll products, the VEC has been "required to negotiate special arrangements outside the service level agreement to obtain close of roll data from the AEC".¹³¹ The VEC has also entered into special arrangements with the AEC to facilitate the close of roll for roll production:
- "Electors wanting to enrol via the VEC website were redirected to the AEC SmartForm. The AEC provided two special enrolment transactions and set up a centralised data entry team for processing enrolments in the week leading up to the close of roll. All AEC and VEC offices were open until 8.00pm on close of roll and the AEC provided the close of roll extract within 24 hours of the close of roll. The VEC would like to formally record its appreciation for the AEC's responsive turnaround, which was critical to the success of the VEC's roll production, nomination checking and dispatch of postal votes".¹³²
- 3.72 Based on this evidence, the VEC recommends the Parliament consider amending legislation so that the close of roll occurs three days after the issue of the writ.
- 3.73 The VEC states the current close of roll period of seven days from the issue of the writ makes it difficult for the VEC "to create roll products in time for early voting, nomination checking and for candidates for campaigning purposes".¹³³
- 3.74 The VEC also suggests that, with fixed election dates in Victoria, there is sufficient opportunity for electors to update their details before the close of roll. In addition, with the introduction of provisional enrolment on election day

¹³⁰ In July 2010, changes to the *Commonwealth Electoral Act 1918* and Electoral and Referendum Regulations 1940 gave electors who are already on the electoral roll and are changing their address details the legal option of completing that transaction online. Smartform is the AEC's online portal for this process.

See: Australian Electoral Commission, "Case study: online update of enrolment", Australian Electoral Commission, Canberra, July 2009. Retrieved 1 April 2012 from http://www.aec.gov.au/About_AEC/Publications/Annual_Reports/2011/program-1-1/casestudy-onlineupdate.htm.

¹³¹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.20.

¹³² Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.20.

¹³³ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.100.

electors who miss the close of roll are now able to enrol and vote during state elections.¹³⁴

Committee's view

- 3.75 In the 56th Parliament the Committee considered a request by the VEC to amend the close of roll to three days after the issue of the writ as part its inquiry into the 2006 Victorian state election. At the time, the Committee did not make a recommendation to Parliament about this matter. However, it did note that the advent of fixed election dates in Victoria would likely increase awareness among electors about state elections and their responsibility to ensure their enrolment information was up to date.¹³⁵
- 3.76 For this inquiry, the Committee supports the VEC's recommendation to amend the close of roll provisions to three days after the issue of the writ.
- 3.77 The Committee shares the VEC's view that fixed-election dates provide electors with sufficient notice and opportunity to update their enrolment details prior to Victorian state elections.
- 3.78 In addition, given the increase in early voting at Victorian state elections, the Committee supports practical efforts to assist the VEC to produce roll products and materials for the early voting period.
- 3.79 The Committee also supports this recommendation on the basis that Victoria now has automatic enrolment. As automatic enrolment is expanded by the VEC in 2011 and beyond the Committee expects to see an improvement in Victoria's enrolment rate, and thus more eligible Victorians on the electoral roll.
- 3.80 Further, on Wednesday, 30 November 2011 the VEC wrote to the Committee. In this correspondence the VEC assures the Committee it will continue its efforts to advertise and promote the close of roll deadline.¹³⁶

RECOMMENDATION 3.2: The Committee recommends the Victorian Government amend the *Electoral Act 2002 (Vic)* so that the close of roll occurs three days after the issue of the writ.

¹³⁴ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.100.

¹³⁵ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2006 Victorian state election and matters related thereto*, Melbourne, June 2008, p.35. Retrieved 10 October 2011 from <http://www.parliament.vic.gov.au/archive/emc/2006%20State%20Election/Inquiry%20into%202006%20Victorian%20state%20election.pdf>.

¹³⁶ Liz Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, *Correspondence*, 30 November 2011, p.1.

Enforcement of compulsory enrolment

- 3.81 The VEC's second recommendation relating to electoral enrolment focuses on the enforcement of Victoria's compulsory electoral enrolment laws.
- 3.82 In Victoria Section 163 of the *Electoral Act 2002* (Vic) states it is compulsory to enrol and vote if you are:
- an Australian citizen, or a qualified British subject; and
 - are aged 18 years or over; and
 - have lived at your current address in Victoria for at least one month.¹³⁷
- 3.83 Each time an elector changes their address, they must also update their enrolment details. If an elector leaves an address their name will be removed from the roll unless they complete a new application for electoral enrolment.¹³⁸
- 3.84 If an elector does not update their enrolment they may be fined. For the 2011-2012 financial year the penalty amount was \$122.14.¹³⁹
- 3.85 The Committee understands the VEC has traditionally taken the position of encouraging eligible electors to maintain their enrolment. While the *Electoral Act 2002* (Vic) prescribes fines for those who fail to maintain or update their enrolment the VEC advised the Committee on several occasions in the 56th Parliament that pursuing people for failing to enrol has a negative impact on electoral participation. The VEC also advised the Committee that pursuing individuals for failing to maintain electoral enrolment is a complex and expensive process, which rarely ever results in a successful prosecution. Often, those taken to court simply complete an enrolment form on the steps of the court.¹⁴⁰
- 3.86 In 2009 the VEC trialled a program to prosecute a target group of electors for failing to maintain their electoral enrolment. The VEC's report to Parliament on the 2010 Victorian state election notes the trial was launched in response to the declining rate of response to the CRU program and concern at the state and federal Parliament level regarding declining enrolment.¹⁴¹ As part of

¹³⁷ *Electoral Act 2002* (Vic) s163. Retrieved 10 November 2011 from http://www.austlii.org/au/legis/vic/consol_act/ea2002103/.

¹³⁸ Victorian Electoral Commission, "VEC: Enrol", Victorian Electoral Commission, Melbourne, 2011. Retrieved 1 November 2011 from <http://www.vec.vic.gov.au/Enrol/default.html>.

¹³⁹ Government of Victoria, Office of the Chief Parliamentary Counsel, "Penalty and Fee Units", Department of Premier and Cabinet, Melbourne, 2012. Retrieved 10 April 2012 from <http://www.ocpc.vic.gov.au>.

¹⁴⁰ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.102-103.

¹⁴¹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.102-103.

the trial, a target group of electors who had not responded to the CRU mailout but were still found to be on the register of electors for what appeared to be their old address – and who ultimately failed to respond to several contact attempts by the VEC – were prosecuted for failing to comply with the compulsory enrolment provisions of the *Electoral Act 2002* (Vic).¹⁴²

3.87 The VEC’s report to Parliament on the 2010 Victorian state election describes the trial in detail:

“The Victorian Government Solicitor’s Office (VGSO) organised for summonses to be personally served on the outstanding 86 electors. The summons informed electors that if they lodged enrolment forms prior to the date of the court hearing, the matter would be withdrawn. Over half (45) of the summonses could not be served personally and no further action was taken in relation to these. Of the remainder, 87 percent completed enrolment forms and had the matter withdrawn.

Of the 12 cases outstanding, one requested to go straight to trial and the other 11 did not present for the court hearing, so ex parte hearings were requested and granted. Summonses were prepared by the VGSO and served on the remaining electors. By the day of the trial, four electors had enrolled and another completed the enrolment form on the steps of the court (all these cases were withdrawn). A further two cases were withdrawn as a result of an abnormality in the process. The elector who chose to go to trial did not present in court, nor did the other four electors summonsed for ex parte hearings. All five were fined without conviction and charged statutory costs”.¹⁴³

3.88 The VEC advises over 99 percent of the original target group that were able to be contacted, enrolled. Based on this the VEC sees merit in taking a firmer line on compulsory enrolment. In doing so, the VEC also explains it is not:

“the VEC’s desire to raise revenue from the collection of fines for failing to enrol – it is the VEC’s desire to have all eligible electors on the roll and able to vote should an election occur. Removal of an elector from the roll and subsequent prosecution will be a last resort after a number of contacts have been unanswered”.¹⁴⁴

3.89 The VEC recommends the Parliament consider introducing legislation so that failure to enrol and failure to update enrolment details becomes an infringeable offence. The VEC suggests this recommendation would make the process of pursuing individuals for failing to maintain their electoral enrolment less expensive, and less time consuming for the VEC, the VGSO and the legal system.¹⁴⁵

¹⁴² Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.102-103.

¹⁴³ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.102-103.

¹⁴⁴ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.103.

¹⁴⁵ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.103.

Definition of infringement

- 3.90 In Victoria, the Attorney-General's Guidelines to the *Infringements Act 2006* (Vic) advises "infringements are used to address the effect of minor law breaking with minimum recourse to the machinery of the formal criminal justice system and, as a result, often without the stigma associated with criminal judicial processes, including that of having a criminal conviction".¹⁴⁶

Further views about compulsory enrolment enforcement

- 3.91 On Thursday, 29 September 2011 Antony Green, ABC Election Analyst, posted comments on his ABC blog about the VEC's trial program for compulsory enrolment enforcement. Mr Green wrote:

"...[if] manual enrolment and re-enrolment are going to be maintained in the face of declining response rates to Continuous Roll Update, what is the best response? Isn't switching to an infringement notice a sensible way of dealing with a growing problem?"¹⁴⁷

Committee's view

- 3.92 As noted earlier, the Committee considered compulsory enrolment enforcement in the 56th Parliament as part of its inquiry into voter participation and informal voting.

- 3.93 At the time, the Committee found:

"...that the task of initiating legal proceedings against every individual who fails to enrol to vote or maintain their enrolment details is a costly and time consuming process.

However, the Committee is of the view that Victorian law be enforced wherever practicable. The Committee believes that electors faced with the choice of enrolling, or facing a fine or legal proceedings for failing to enrol, would ultimately choose to enrol.

The Committee expects that the VEC will enforce the electoral enrolment enforcement provisions of the *Electoral Act 2002* (Vic).

- 3.94 For this inquiry, the Committee does not support the VEC's recommendation to make failing to enrol and failing to update enrolment details an infringeable offence. The Committee encourages the VEC to pursue this matter directly with the Department of Justice.

¹⁴⁶ State of Victoria, Department of Justice, "Attorney-General's guidelines to the *Infringements Act 2006* (Vic)", Melbourne, July 2011. Retrieved 1 December 2011 from http://www.justice.vic.gov.au/wps/wcm/connect/justlib/DOJ+Internet/resources/2/a/2aae5c80404a69789209fbf5f2791d4a/InfringementsAct2006_AtorneyGeneralGuidelines.pdf.

¹⁴⁷ Antony Green, "Antony Green's Election Blog: Should people be fined if they won't enrol to vote?", Australian Broadcasting Corporation, September 2011. Retrieved 1 November 2011 from <http://blogs.abc.net.au/antonygreen/2011/09/should-people-be-prosecuted-if-they-wont-enrol-to-vote.html>.

Conclusion

- 3.95 This chapter examined electoral enrolment at the 2010 Victorian state election and past Victorian state elections, including definitions of electoral enrolment, youth enrolment and the VEC's strategies for electoral enrolment.
- 3.96 The Committee shares the VEC's concern about declining electoral enrolment in Victoria.
- 3.97 Beyond the initiatives proposed in this report, the Committee also shares the VEC's view that further research into strategies to address the decline in electoral enrolment is needed. The Committee believes this should occur as part of a broad inquiry into the future of Victoria's electoral administration, as noted in Chapter Two.

CHAPTER FOUR – AT A GLANCE

- **Voter turnout at the 2010 Victorian state election was 92.96 percent.**
- **For this inquiry the Committee received submissions and evidence about rules regarding polling centres, the age of polling workers and witnessing of postal vote applications.**
- **The Committee recommends the VEC explore a simpler method to apply for a postal vote application.**
- **While Victoria has high rates of voter turnout, voter turnout is declining nationally.**
- **24 percent of eligible Victorian electors voted in the two-week early voting period before election day for the 2010 Victorian state election. There has been a 202 percent increase in early voting at Victorian state elections since 2002.**
- **The Committee recommends the Victorian Government amend the *Electoral Act 2002 (Vic)* so that early voting commences on the Monday after nominations close.**

Voter turnout at the 2010 Victorian state election

- 4.1 Chapter Four addresses voter turnout at the 2010 Victorian state election. The chapter defines voter turnout and the different ways Victorian electors may cast a valid vote on election day and also before election day. The chapter discusses trends in voter turnout at Victorian state elections, including declining voter turnout and increasing rates of early voting.

Definition of voter turnout

- 4.2 The Committee understands there is considerable debate about the definition of voter turnout. Comparable democratic jurisdictions such as Canada, the United States of America, the United Kingdom and New Zealand all measure voter turnout differently and use different systems of electoral enrolment.
- 4.3 For Victorian state elections, the VEC measures voter turnout as the degree to which those who are enrolled vote in elections. The measure accounts for all votes, including informal votes.¹⁴⁸ Voter turnout is measured similarly in other Australian jurisdictions.

Arrangements for voting on election day

- 4.4 The VEC's preliminary report to Parliament on the 2010 Victorian state election outlines arrangements for voting on election day.
- 4.5 Voting took place between 8.00am and 6.00pm on Saturday, 27 November 2010.¹⁴⁹
- 4.6 2,538,460 votes were issued on election day for the 2010 Victorian state election.¹⁵⁰ In comparison, 2,641,340 votes were issued on election day for

¹⁴⁸ Victorian Electoral Commission, "Glossary", Victorian Electoral Commission, Melbourne, 2011. Retrieved 4 February 2012 from <http://www.vec.vic.gov.au/glossary.html#V>.

¹⁴⁹ Victorian Electoral Commission, *Preliminary Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, May 2011, p.14. Retrieved 1 February 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/2010_Election/submissions/4b_VEC_Prelim_Report_2010_Election EMC_Inquiry_No._6.pdf.

¹⁵⁰ Victorian Electoral Commission, *Preliminary Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, May 2011, p.14. Retrieved 1 February 2012 from

the 2006 Victorian state election, and 2,698,026 for the 2002 Victorian state election.¹⁵¹

- 4.7 By 10.00pm on election night the VEC had processed 99.2 percent of primary District results, compared with 97.5 percent in 2006.¹⁵²

Voting centres

- 4.8 There were 1,839 voting centres in Victoria for the 2010 Victorian state election, compared to 1,652 at the 2006 Victorian state election.¹⁵³ Voters could cast an ordinary vote at a voting centre within their electorate on election day, or vote at any other voting centre in Victoria outside their electorate by casting an absent vote.¹⁵⁴
- 4.9 Voting centres were established primarily in schools and community halls selected by Election Managers during preparation for the election, with a preference for those that were wheelchair accessible. Disability and community groups were “invited to suggest suitable voting centres that the VEC had not already identified. Further, an accessibility audit of all selected venues was conducted and they were subsequently classified according to recognised national accessibility standards”.¹⁵⁵ The VEC continues to be disappointed with the lack of fully wheelchair accessible venues available for use as voting centres, “particularly given that most of the venues are State government-owned”.¹⁵⁶
- 4.10 Voting centre locations were promoted through the “VEC’s telephone enquiry service and online through the voting centre look up and iPhone application”.¹⁵⁷ In addition, all voting centres were listed in major daily and regional newspapers. The accessibility rating of all “centres was included and

¹⁵¹ http://www.parliament.vic.gov.au/images/stories/committees/emc/2010_Election/submissions/4b_VEC_Prelim_Report_2010_Election EMC_Inquiry_No._6.pdf.

¹⁵² Victorian Electoral Commission, *Preliminary Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, May 2011, p.14. Retrieved 1 February 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/2010_Election/submissions/4b_VEC_Prelim_Report_2010_Election EMC_Inquiry_No._6.pdf.

¹⁵³ Victorian Electoral Commission, *Preliminary Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, May 2011, p.14. Retrieved 1 February 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/2010_Election/submissions/4b_VEC_Prelim_Report_2010_Election EMC_Inquiry_No._6.pdf.

¹⁵⁴ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.27.

¹⁵⁵ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.27.

¹⁵⁶ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.27.

¹⁵⁷ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.27.

those venues rated as assisted access included a brief description of their accessibility limitations”.¹⁵⁸

- 4.11 Chapter Seven further discusses the accessibility of voting centres at the 2010 Victorian state election.

Inquiry participants’ views about voting centres

- 4.12 The Committee received evidence from several inquiry participants about voting centres at the 2010 Victorian state election. The Nationals and the Liberal Party of Australia (Bayswater Branch) provided submissions to the inquiry which discussed voting centres.¹⁵⁹ At the public hearings on Thursday, 25 August 2011 two witnesses – Michael Gilmour, representing the Liberal Party of Australia (Bayswater Branch) and Bill Baxter, representing the Nationals – discussed voting centres at the 2010 Victorian state election.¹⁶⁰
- 4.13 One of the common themes in the evidence about voting centres concerns the rules governing how the entrance to a polling centre is determined.
- 4.14 Section 158 of the *Electoral Act 2002* (Vic) provides for certain conduct near voting centres on election day.¹⁶¹ The *Act* determines that persons must not canvas for votes within three metres of the entrance of, or within the building used as, a polling centre.
- 4.15 In addition, the VEC’s “Voting Centre Manager’s Guide” for the 2010 Victorian state election provides guidelines for voting centre managers on how to establish polling centre boundaries.¹⁶² Prior to election day voting centre managers are required to determine canvassing boundaries as part of their pre-election planning activities. Voting centre managers are given a sign reading “Conduct Near Voting Centre”.¹⁶³ This sign determines the boundaries of the voting centre and where votes may be canvassed, including the handing out of how-to-vote cards.¹⁶⁴

¹⁵⁸ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.27.

¹⁵⁹ See: Parliament of Victoria, Electoral Matters Committee, “Inquiry into the conduct of the 2010 Victorian state election: Submissions”. Retrieved 30 January 2012 from <http://www.parliament.vic.gov.au/emc/article/1454>.

¹⁶⁰ M Gilmour, Liberal Party of Australia (Bayswater Branch), *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011; B Baxter, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011.

¹⁶¹ *Electoral Act 2002* (Vic) s158. Retrieved 1 February 2012 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

¹⁶² Victorian Electoral Commission, “Election Manual for parliamentary elections”, Victorian Electoral Commission, Melbourne, 2011. p.9.

¹⁶³ Victorian Electoral Commission, “Election Manual for parliamentary elections”, Victorian Electoral Commission, Melbourne, 2011. p.9.

¹⁶⁴ Victorian Electoral Commission, “Election Manual for parliamentary elections”, Victorian Electoral Commission, Melbourne, 2011. p.9.

- 4.16 The Nationals' submission calls for voting centre managers to provide "clear and consistent" instructions on determining the boundaries of a voting centre.¹⁶⁵ The Nationals' submission outlines concerns over a situation in Bendigo on election day in 2010 where some polling workers were required to stand in the rain for long periods due to the way boundaries were defined at a voting centre. The submission notes:

"...on a voting day in 2010 in Bendigo West division heavy rain fell for most of the day. In a particular voting centre in a community hall, the voting centre manager ruled that the entrance to the voting centre was the door into the hall proper where voting was taking place and not the entrance to the foyer adjacent to the main hall. This ruling enabled the party workers to shelter under the portico from the incessant rain but not transgress the requirement under the *Electoral Act 2002 (Vic)* to remain no closer than the specified distance from the actual entrance. At a voting centre of similar configuration not too far distant the manager did not make such a common sense ruling and party workers were forced to stand in the rain or under makeshift shelter".¹⁶⁶

- 4.17 At the public hearings on Thursday, 25 August 2011, Mr Baxter elaborated on the Nationals' submission:

"The second issue goes to the decision made by the polling centre manager about what is the designated entrance to the polling booth in terms of deciding where people handing out election material can station themselves. As you will recall, polling day last year, at least in regional Victoria, was an exceptionally wet day. At the booth I was at in Bendigo West it was a community centre that had a portico, a foyer and then a main auditorium where the voting was taking place. The polling centre manager there made what I thought was a very sensible decision. He declared that the actual entrance to the auditorium itself was the entrance to the polling centre, not the entrance from the portico into the foyer. That enabled people handing out cards to shelter from the rain under the portico and still be outside the designated distance from the entrance to the voting centre, which was eminently sensible.

At an adjacent polling booth up the road the polling centre manager did not make such a decision, and those people were forced to be out in the rain all day when there was shelter right nearby. In Bendigo East, at another polling centre, we had an even more ridiculous situation at a primary school where the voting centre was some 100 metres inside the fence, there was a covered walkway that led from the footpath to the voting centre, but the voting centre manager declared that the gate from the footpath into the school grounds was in fact the entrance to the voting centre, and the people assisting were forced to stand in the rain instead of under this awning, and they still would have been 100 metres from the actual voting thing. I do not think this is a matter for electoral amendment, surely, but the VEC ought to issue instructions to voting centre managers to use a bit of common sense".¹⁶⁷

- 4.18 The Liberal Party of Australia (Bayswater Branch) submission also discusses the rules governing voting centres.¹⁶⁸ The submission outlines the branch's

¹⁶⁵ The Nationals, *Submission No.6*, p.p.4-6.

¹⁶⁶ The Nationals, *Submission No.6*, p.p.4-6.

¹⁶⁷ B Baxter, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011, p.p.3-4.

¹⁶⁸ Liberal Party of Australia, *Submission No.16*, p.p.3-4.

experience with the application of certain rules at four voting centres within Bayswater District at the 2010 Victorian state election. The submission notes:

“[b]ooth captains from the Bayswater Branch of the Liberal Party agree that certain rules must be in place to guide the movements of volunteers on Election Day. Our argument is that these rules be applied consistently at all polling places. Thorough site inspections should take place before the day to determine exactly where the VEC boundary will be and this determination should be communicated to each candidate. This branch does not question the authority of the VEC Election Day supervisors but from our experience on the day, we felt that some supervisors were not aware of the options available to them in relation to affixing the official signage. We also felt that they should have been more familiar with the sites in which they were working on Election Day”.¹⁶⁹

4.19 On this subject, the Liberal Party of Australia (Bayswater Branch) submission recommends:

- That all voting centre supervisors conduct a thorough site inspection prior to election day to familiarise themselves with all entries and exits to the property;
- That voting centre supervisors be required to make every reasonable effort to affix official signage as close as possible to the three metre point from the entrance to the voting centre; and
- That the VEC issue voting centre supervisors with enough appropriate equipment to affix official signage as close as possible to the three metre boundary.¹⁷⁰

4.20 On a separate matter, the Liberal Party of Australia (Bayswater Branch) submission discusses the age of campaign workers at Victorian state elections.¹⁷¹ The submission notes young children of approximately seven to eight years of age handed out how-to-vote cards for the Australian Sex Party at the 2010 Victorian state election.¹⁷²

4.21 In Victoria there are no rules determining the age of someone who can hand out how-to-vote cards. All how-to-vote cards must be authorised by the VEC, and if they are distributed within 400 metres of a voting centre, how-to-vote cards must be registered by the Victorian Electoral Commissioner.¹⁷³ However, people handing out how-to-vote cards do not need to be authorised

¹⁶⁹ Liberal Party of Australia (Bayswater Branch), *Submission No. 16*, p.p.1-2.

¹⁷⁰ Liberal Party of Australia (Bayswater Branch), *Submission No. 16*, p.2.

¹⁷¹ Liberal Party of Australia (Bayswater Branch), *Submission No. 16*, p.p.3-4.

¹⁷² Media reports on 29 November 2010 indicated the Sex Party candidate in Bayswater District had engaged the services of her children to canvass votes. *The Age*, 29 November 2010. Retrieved 10 January 2012 from <http://www.theage.com.au/victoria/state-election-2010/advisers-errant-email-shares-a-nat-view-of-journos-20101128-18cek.html>.

¹⁷³ Liz Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, *Correspondence*, 4 February 2012.

to do so, or be or a certain age. They are simply recruited by political parties and candidates.¹⁷⁴

4.22 The Liberal Party of Australia (Bayswater Branch) submission suggests:

"In past elections, many candidates have chosen to have their young children accompany them on polling day, wearing clothing with slogans such as "Vote for my Mum/Dad". We view this practice to be different from that employed by the ASP [Australian Sex Party] on 2010 polling day. The children engaged by the ASP were given [how-to-vote] cards and were encouraged to actively canvass voters attending the voting centre. At the Yawarra voting centre, these children were allowed to ride their bikes inside school grounds close to the voting centre entrance while wearing ASP branded clothing. By contrast, volunteers from all other parties were given strict instructions to stay out on the footpath beyond the designated VEC boundary line".¹⁷⁵

4.23 The Liberal Party of Australia (Bayswater Branch) submission recommends the Committee considers whether or not it is appropriate for candidates to engage the services of young children for the purpose of canvassing for votes at a voting centre.

Committee's view – rules governing voting centres

4.24 In 2010 the Committee considered the rules governing voting centres as part of its inquiry into the functions and administration of voting centres in Victoria.

4.25 For that inquiry, the Committee received submissions from Peter Crisp MP, Member for Mildura, and Ken Jasper MP, the then Member for Murray Valley, outlining concerns about the accessibility of toilets and other amenities for candidate and party workers on election day. Both submissions also called for the need for shade and shelter for candidate and party workers on election day, particularly in rural areas where temperatures can be extreme.¹⁷⁶ The Committee's final report recommended the VEC should, wherever practical, facilitate scrutineers and candidate and party workers with access to shade, shelter and toilet facilities at voting centres.

4.26 For this inquiry, the Committee considered evidence about the rules governing voting centres from the Nationals, Bill Baxter and the Liberal Party of Australia (Bayswater Branch). The Liberal Party of Australia (Bayswater Branch) suggested three recommendations for changes to current practice, as listed on the previous page.

4.27 Regarding the Liberal Party of Australia (Bayswater Branch) first recommendation, the Committee understands the VEC currently requires all

¹⁷⁴ Liz Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, *Correspondence*, 4 February 2012.

¹⁷⁵ Liberal Party of Australia (Bayswater Branch), *Submission No. 16*, p.p.3-4.

¹⁷⁶ This was the case in 2006 and 2010, albeit for different reasons. The 2006 Victorian state election occurred on a very hot day in Victoria, particularly northern Victorian. The 2010 Victorian state election occurred on a day of inclement weather and rain across the state.

voting centre managers to conduct a thorough site inspection of their voting centre prior to election day. The VEC's "Voting Centre Manager's Guide" for the 2010 Victorian state election states "voting centre managers are required to plan the layout of their voting centre prior to election day".¹⁷⁷ The manual asks voting centre managers to "walk through the process from the elector's point of view...from where the elector is likely to approach the centre".¹⁷⁸ This includes drawing a sketch plan of the voting centre and submitting this to the VEC as part the voting centre manager's return folder.¹⁷⁹ Due to this, the Committee believes current practice is sufficient.

- 4.28 Regarding the Liberal Party of Australia (Bayswater Branch) second and third recommendations, the Committee understands that the VEC requires all voting centre managers to make reasonable efforts to affix official signage as close as possible to the three metre point from the entrance to the voting centre. The VEC's "Voting Centre Manager's Guide" for the 2010 Victorian state election instructs voting centre managers how to determine canvassing guidelines, and includes a section for voting centre managers to record where the sign will be displayed.¹⁸⁰ Similarly, the guide also instructs voting centre managers how to place official signage in relation to government project signs.¹⁸¹ Due to this, the Committee believes current practice is sufficient.
- 4.29 While the Committee has not adopted these recommendations, the Committee encourages the VEC to continue developing thorough election resources and training materials for voting centre staff.
- 4.30 In addition, given that voting centre managers are required to submit a sketch plan of the layout of their voting centre to the VEC, the Committee believes the VEC should submit this plan – including entries and exits and canvassing guidelines – to the relevant member and candidates prior to election day.
- 4.31 The Committee also believes the VEC should provide an executive summary of the "Voting Centre Manager's Guide" and the "Scrutineers Handbook" to candidates prior to election day. The "Voting Centre Manager's Guide" is an extensive document; a more accessible version would assist election workers with their duties.

¹⁷⁷ Victorian Electoral Commission, "Voting Centre Manager's Guide", Victorian Electoral Commission, Melbourne, 2011. p.9.

¹⁷⁸ Victorian Electoral Commission, "Voting Centre Manager's Guide", Victorian Electoral Commission, Melbourne, 2011. p.9.

¹⁷⁹ Victorian Electoral Commission, "Voting Centre Manager's Guide", Victorian Electoral Commission, Melbourne, 2011. p.9..

¹⁸⁰ Victorian Electoral Commission, "Voting Centre Manager's Guide", Victorian Electoral Commission, Melbourne, 2011. p.9.

¹⁸¹ Victorian Electoral Commission, "Voting Centre Manager's Guide", Victorian Electoral Commission, Melbourne, 2011. p.9.

Committee's view – children handing out how-to-vote cards

- 4.32 The Committee thanks the Liberal Party of Australia (Bayswater Branch) for raising this matter.
- 4.33 The Committee understands there are no rules determining the age of someone handing out how-to-vote cards, or canvassing votes, in Victoria.¹⁸²
- 4.34 The Committee appreciates that while the appropriateness of a political party to engage minors to canvas for votes or hand out how-to-vote cards may be open to question, currently many political candidates provide their children with t-shirts or slogans saying "Vote for Mum/Dad" at election time. It is possible some electors may similarly question the appropriateness of this activity.
- 4.35 Before giving further consideration to this matter, the Committee requires additional evidence. The Committee will call for this evidence as part of a broad inquiry into the future of Victoria's electoral administration, as noted in Chapter Two. At this time, the Committee requests the VEC ensure polling place officials are consistent in their application of the rules governing polling places, irrespective of the age of those acting for political parties.

Joint voting centres

- 4.36 In Victoria a joint voting centre (JVC) is a voting centre that is established close to the boundaries dividing two Districts.¹⁸³
- 4.37 In March 2010 the Committee received a submission from the VEC, as part of the Committee's inquiry into the functions and administration of voting centres, about JVCs and the processes used to determine the establishment of a JVC.¹⁸⁴ In the submission, the VEC states that where a venue is close to a district boundary, the VEC will consider how many electors crossed the boundary to vote at that venue, if used at previous elections.¹⁸⁵ This process

¹⁸² Liz Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, *Correspondence*, 4 February 2012.

¹⁸³ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the functions and administration of voting centres*, Melbourne, June 2010. Retrieved 6 February 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/functions_admin_voting_centres/Report/Full_Report_23_June_2010.pdf.

¹⁸⁴ Victorian Electoral Commission, "Electoral Matters Committee: function and administration of voting centres", Victorian Electoral Commission, Melbourne, March 2010, p.p.10-11. Retrieved 10 January 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/functions_admin_voting_centres/submissions/4a_VEC_Submission.pdf.

¹⁸⁵ Victorian Electoral Commission, "Electoral Matters Committee: function and administration of voting centres", Victorian Electoral Commission, Melbourne, March 2010, p.p.10-11. Retrieved 10 January 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/functions_admin_voting_centres/submissions/4a_VEC_Submission.pdf.

is completed by analysing the areas (called Census collector districts) where voters came from to vote at each voting centre at the most recent election.¹⁸⁶

- 4.38 Where it is expected that a large number of “electors from a neighbouring District will use the venue, other options within the same electorate away from the boundary are considered”.¹⁸⁷ Options on the other side of the boundary also provide an additional facility for electors from that District.¹⁸⁸
- 4.39 In terms of operation, JVCs operate like ordinary voting centres. They provide ordinary voting services for electors from two or more designated Districts. Each District has a defined area within the venue.
- 4.40 At the 2010 Victorian state election a total of 158 JVCs were established. There were 147 JVCs at the 2006 Victorian state election and 23 at the 2002 Victorian state election.¹⁸⁹

Provisional voting

- 4.41 As noted in Chapter Two, in August 2010 Section 108 of the *Electoral Act 2002* (Vic) was updated to allow for people who were found not to be enrolled when they attended to vote at the 2010 Victorian state election to cast a provisional vote at a voting centre.¹⁹⁰ They were required to show a proof of identification such as a driver licence or to nominate a service provider to be contacted to verify identity. After election day, “the VEC checked the enrolment details of applications and verified identities and addresses with service providers. If the VEC’s criteria were met the votes were admitted”.¹⁹¹

¹⁸⁶ Victorian Electoral Commission, “Electoral Matters Committee: function and administration of voting centres”, Victorian Electoral Commission, Melbourne, March 2010, p.p.10-11. Retrieved 10 January 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/functions_admin_voting_centres/submissions/4a_VEC_Submission.pdf.

¹⁸⁷ Victorian Electoral Commission, “Electoral Matters Committee: function and administration of voting centres”, Victorian Electoral Commission, Melbourne, March 2010, p.p.10-11. Retrieved 10 January 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/functions_admin_voting_centres/submissions/4a_VEC_Submission.pdf.

¹⁸⁸ Victorian Electoral Commission, “Electoral Matters Committee: function and administration of voting centres”, Victorian Electoral Commission, Melbourne, March 2010, p.p.10-11. Retrieved 10 January 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/functions_admin_voting_centres/submissions/4a_VEC_Submission.pdf.

¹⁸⁹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.27.

¹⁹⁰ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.25.

¹⁹¹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.25.

- 4.42 34,546 provisional votes were cast at the 2010 Victorian state election.¹⁹² Of these provisional votes, 29,272 were admitted to scrutiny, representing 84.7 percent of total provisional votes cast.¹⁹³ In comparison, while 39,667 provisional votes were cast at the 2006 Victorian state election only 2,617 were admitted, representing 6.5 percent of total provisional votes cast.¹⁹⁴
- 4.43 At the public hearings on Thursday, 25 August 2011, the Committee discussed provisional voting with Steve Tully, Victorian Electoral Commissioner.¹⁹⁵ The discussion focused on the number of Victorians who were enfranchised as a result of the introduction of provisional voting.
- 4.44 At the Niddrie District by-election in March 2012, two applications for a provisional vote were rejected by election officials because the official cited a Proof of Age card as evidence of identity. The Proof of Age card is not a prescribed proof of identity document.
- 4.45 The Victorian Proof of Age card is issued by the Victorian Commission for Gambling and Liquor Regulation and is used to verify that the person seeking to enter licensed premises or purchase alcohol is over 18 years of age. The application form for the card doubles as an enrolment form for Victorian state and local government elections.
- 4.46 The Committee accepts that the Victorian Proof of Age card should be an accepted proof of identify document for the purposes of provisional voting.

RECOMMENDATION 4.1: The Committee recommends the Victorian Government amend the electoral regulations to include the Victorian Proof of Age card as a prescribed proof of identity document for provisional voting.

Voting services before election day

- 4.47 Victorian electors unable to attend a voting centre on election could access several early voting services for the 2010 Victorian state election.
- 4.48 Victorian electors could vote early in person at 101 early voting centres across Victoria prior to election day.¹⁹⁶ Early voting centres “opened for two weeks from Friday, 12 November 2010 to Friday, 26 November 2010. In addition to business hours, early voting centres opened until 8.00pm on

¹⁹² Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.25.

¹⁹³ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.25.

¹⁹⁴ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.25.

¹⁹⁵ Steve Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011, p.44.

¹⁹⁶ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

Thursday, 25 November and from 8.00am to 2.00pm on Saturday, 20 November, to meet the needs of those members of the community who could not vote on election day or during business hours”.¹⁹⁷

- 4.49 The VEC established an additional 45 early voting centres to supplement election offices, including offices at Melbourne and Avalon airports. The Melbourne Airport booth was open from 5.00am to 10.00pm on Monday, 15 November 2010 to Thursday, 25 November 2010 and until 6.00pm on Friday, 26 November 2010. The Avalon airport booth was open from 5.00am to 7.30pm on Monday, 15 November 2010 to Thursday, 25 November 2010 and until 6.00pm on Friday, 26 November 2010.¹⁹⁸
- 4.50 Electors with special circumstances could vote from 4.00pm on Friday, 12 November 2010, four hours after the close of nominations. However, these electors could only vote on ballot papers with below-the-line voting options, as group voting tickets were not finalised until Sunday, 14 November 2010.¹⁹⁹ The Committee discussed this matter with the VEC at the public hearings on Thursday, 25 August 2011²⁰⁰. Steve Tully, Victorian Electoral Commissioner, noted there was a very short deadline between the close of nominations and commencement of early voting, and that this short timeframe did not allow enough time for the production and distribution of ballot papers with all voting options.²⁰¹
- 4.51 The VEC used Netbooks at all early voting centres. Netbooks are a laptop containing the Victorian electoral roll. Once “electors have voted VEC officials used the Netbooks to mark an elector as having voted on the VEC’s central database”.²⁰² Using the Netbooks VEC officials could identify an elector’s correct enrolled address and district, so the elector could cast a ballot without having to complete a declaration envelope.²⁰³

Early voting centre locations at the 2010 Victorian state election

- 4.52 On Wednesday, 14 December 2011 the Committee met with the VEC to discuss several matters relating to early voting at Victorian state elections. At this meeting the Committee requested the VEC provide information about the

¹⁹⁷ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

¹⁹⁸ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

¹⁹⁹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

²⁰⁰ Steve Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011, p.40.

²⁰¹ Steve Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011, p.40.

²⁰² Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

²⁰³ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

location of early voting centres for the 2006 and 2010 Victorian state elections.

4.53 Appendix Six lists early voting centre locations at the 2010 Victorian state election.

Advertising for early voting at Victorian state elections

4.54 On Wednesday, 14 December 2011, the Committee also requested the VEC provide information about costs for early voting advertising at the 2006 and 2010 Victorian state elections. The Committee also requested copies of early voting advertisements at both elections. Appendix Seven shows copies of these advertisements.

4.55 The VEC spent \$485,347 on early voting advertising for the 2006 Victorian state election.²⁰⁴ This represented 20 percent of the VEC's total advertising budget for the 2006 Victorian state election.

4.56 The VEC spent \$735,919 on early voting advertising for the 2010 Victorian state election. This represented 26 percent of the VEC's total advertising budget for the 2010 Victorian state election.²⁰⁵

4.57 According to the VEC, there are several reasons for the difference in early voting advertising expenditure at the 2006 and 2010 Victorian state elections. These include:

- increases in media placement costs over the four year period;
- advertising specifically encouraging CALD voters to vote in a language using electronic voting during the early voting period; and
- earlier placement of early voting advertising in response to feedback from the 2006 Victorian state election, where electors who received party postal vote applications were not aware of the option to vote early if they were unable to attend a voting centre on election day.²⁰⁶

Interstate, overseas and Antarctic electors

4.58 Victorian electors could vote early at "11 interstate and 34 overseas locations for the 2010 Victorian state election. 10,758 votes were returned from outside Victoria for the 2010 Victorian state election. In comparison, 10,805 votes

²⁰⁴ Steve Tully, Victorian Electoral Commissioner, Victorian Electoral Commissioner, *Correspondence*, 14 December 2011, p.1.

²⁰⁵ Steve Tully, Victorian Electoral Commissioner, Victorian Electoral Commissioner, *Correspondence*, 14 December 2011, p.1.

²⁰⁶ Steve Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Correspondence*, 14 December 2011, p.2.

were returned from outside Victoria for the 2006 Victorian state election, and 8,205 votes for the 2002 Victorian state election”.²⁰⁷

- 4.59 People who reside in Antarctica may request the VEC consider them an Antarctic elector. For the 2010 Victorian state election Antarctic electors were provided with “specially designed, secure electronic ballot papers. Once completed these ballot papers were sent directly to a secure mailbox at the VEC. 21 votes were returned by Antarctic electors at the 2010 Victorian state election”.²⁰⁸
- 4.60 Appendix Eight lists all interstate and overseas early voting centres for the 2010 Victorian state election.

Mobile early voting

- 4.61 In Victoria, the Electoral Commissioner “has the authority to appoint mobile early voting centres to visit institutions to facilitate voting. Mobile voting centres may visit establishments such as nursing homes, hostels and hospitals”.²⁰⁹
- 4.62 39,468 votes were issued to electors at mobile early voting centres for the 2010 Victorian state election.²¹⁰
- 4.63 There were 986 mobile early voting centres at the 2010 Victorian state election. In comparison, there were 892 mobile early voting centres at the 2006 Victorian state election. Not all venues request a mobile early voting service: in 2010 833 establishments requested a mobile early voting centre.²¹¹
- 4.64 Mobile early voting teams visited 11 homelessness agency locations between 16 and 26 November 2010.²¹² Electors were offered the opportunity to vote and, if they were not enrolled, the opportunity to enrol provisionally on the spot in accordance with changes in August 2010 to the *Electoral Act 2002* (Vic) introducing provisional voting in Victoria. The VEC lodged 355 votes from people experiencing homelessness at these agencies for the

²⁰⁷ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.23.

²⁰⁸ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.23.

²⁰⁹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.23.

²¹⁰ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.23.

²¹¹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.23.

²¹² Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.23.

2010 Victorian state election.²¹³ A further 44 provisional votes were recorded for people experiencing homelessness, who “met certain criteria in accordance with changes in August 2010 to the *Electoral Act 2002 (Vic)*”.²¹⁴

4.65 In addition, on Thursday, 18 November 2010 Nathaniel Reader, the Committee’s current Research Officer, attended Hanover Welfare Services’ South Melbourne centre to observe the VEC’s mobile early voting operations as an independent electoral observer for the 2010 Victorian state election.

4.66 Further, mobile early voting services were established at six correctional facilities in Victoria for the 2010 Victorian state election: the Melbourne Assessment Centre, Melbourne Remand Centre, Barwon Prison, Dame Phyllis Frost Centre, Marngoneet Correctional Centre and Port Phillip Prison.²¹⁵

4.67 Mobile voting services were also provided to blind and low vision service agencies, principally Vision Australia, and to the Aboriginal community in Lake Tyers, in East Gippsland.²¹⁶

Postal voting

4.68 Eligible Victorian electors can apply for a postal ballot for a Victorian election.

4.69 Sections 101-103 and 106 of the *Electoral Act 2002 (Vic)* describe the process by which an elector may apply to vote by post during a Victorian election.²¹⁷ An application to vote by post must be in the prescribed form (Form K, Electoral Regulations 2002) and must be signed by the elector and a witness.²¹⁸ Applications that are not signed and/or witnessed are rejected.

4.70 For the 2010 Victorian state election 3,285 postal vote applications were rejected because they were not signed and/or witnessed.²¹⁹

4.71 Eligible Victorian electors unable to attend a voting centre on election day could access a postal vote in the following ways:

²¹³ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.23.

²¹⁴ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.23.

²¹⁵ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.23.

²¹⁶ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.23.

²¹⁷ *Electoral Act 2002 (Vic)* s101-103, 106. Retrieved 3 February 2012 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

²¹⁸ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.24.

²¹⁹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.100.

- Collecting an application form for a postal vote from a post office in Victoria;
 - Collecting an application form from any election office or interstate or overseas voting location;
 - Downloading a postal vote application from the VEC's website;
 - Telephoning the VEC's telephone enquiry service to request an application form be posted to them; and
 - Using an application form provided by a political party.²²⁰
- 4.72 In addition, electors who satisfy certain requirements regarding their inability to vote at a voting centre at election time can register as general postal voters.
- 4.73 Section 24 of the *Electoral Act 2002* (Vic) describes the criteria and process for a person to be registered as a general postal voter.²²¹ Registered general postal voters automatically receive ballot papers in the mail for all Victorian state elections and local government attendance elections.
- 4.74 There were 51,713 registered general postal voters at the 2010 Victorian state election. In comparison, there were 41,722 registered general postal voters at the 2006 Victorian state election, and 31,243 registered general postal voters at the 2002 Victorian state election.²²²
- 4.75 For the 2010 Victorian state election all postal vote applications were scanned and processed electronically and centrally by the VEC, eliminating manual handling of paper applications and ensuring efficient delivering of ballot packs.²²³ The VEC tracked all postal vote applications in real time using its election management system. On Saturday, 13 November 2010 Nathaniel Reader, the Committee's current Research Officer, observed aspects of the postal vote process at the VEC's offices in the Melbourne CBD.
- 4.76 The VEC introduced emailed ballot material for the 2010 Victorian state election. This facility was only available to electors in remote areas or overseas who would experience difficulty accessing postal facilities. The VEC advises:

²²⁰ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.24.

²²¹ *Electoral Act 2002* (Vic) s24. Retrieved 3 February 2012 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

²²² Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.25.

²²³ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.25.

"[e]lectors could submit a postal vote application by email, providing an email address for receipt of ballot material. The VEC processed each application and then sent two emails to each elector who requested the email ballot material service; the first containing a secure file with all ballot material required to vote, and the second containing a password for the elector to access the ballot material file. A total of 1,212 emailed ballot packs were despatched during the election".²²⁴

4.77 The VEC's report to Parliament on the 2010 Victorian state election also documents problems experienced by some electors with the witnessing provisions on the postal vote application form:

"The application form requires a 'Title or capacity as witness' to be completed by the witness, with an accompanying list of categories of capacity. The VEC modified the application to clarify these requirements. However, many electors presumed this section required either 'Mr', 'Mrs' etc, or a description of the relationship i.e. hairdresser, neighbour. Political parties and candidates were advised of the Electoral Commissioner's intention to authorise the issue of ballot materials where the elector had signed the application in the presence of a witness, and the witness' address and signature were present on the application. While the VEC took action to provide additional information alerting witnesses of the need to write 'elector', it remained an issue when processing applications.

As occurred at the 2006 State election, some electors who applied for a postal vote also voted at an early voting centre prior to receiving their ballot packs. The introduction of Netbooks at all early voting centres allowed the VEC to identify any elector who had been issued with, but had not returned a postal vote. The computerised system used to mark electors off the roll prior to issuing a vote cancelled the postal vote issued to any elector who wished to cast an early vote instead. If the postal vote was inadvertently removed, it was rejected by the system and not counted".²²⁵

Recommendations about postal voting

4.78 The Committee received evidence from the Nationals, Bill Baxter, Aaron Martin, University of Melbourne and the VEC about postal voting, although only the VEC offered direct recommendations for the Committee's attention.

4.79 The VEC's report to Parliament on the 2010 Victorian state election contains two recommendations relating to the signing and witnessing of postal vote applications.²²⁶

a) Simpler methods to apply for a postal vote

4.80 The VEC's first recommendation requests consideration be given to extending legislation to allow for a more simplified method for electors to

²²⁴ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.24.

²²⁵ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.24, 100.

²²⁶ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.24, 100.

apply for a postal vote.²²⁷ The VEC refers to recent practice for the 2011 NSW state election, where electors were able to complete an on-line postal vote application. These electors were not required to sign the application or have it witnessed. Additional verification processes were implemented to ensure that the elector applying for the postal vote was eligible to do so and was the person named on the roll and the application”.²²⁸

4.81 In May 2011 the Committee discussed an on-line postal vote application process with Colin Barry, NSW Electoral Commissioner, and David Kerslake, Queensland Electoral Commissioner.

4.82 At the public hearings on Thursday, 25 August 2011, the Committee discussed the on-line postal vote application process with Steve Tully, Victorian Electoral Commissioner, and Liz Williams, Deputy Victorian Electoral Commissioner. At the hearing Lee Tarlarmis MLC, Committee Member, asked Mr Tully about the additional verification techniques used in NSW to confirm the identify of a person applying for a postal vote online:

Mr TARLAMIS—Still on postal votes and regarding the New South Wales online postal vote application process — I think there is a recommendation in here about doing that in Victoria next time — what additional verification processes are implemented to ensure that the person who is applying is on the roll and is actually that person?

Mr TULLY—We can always check against their enrolment card.

Mr TARLAMIS—Yes. For instance, if I log on, say I am X and then apply for a postal vote, how do you know that it is really me?

Ms WILLIAMS—There would be additional questions that have to be asked at that point — date of birth and things like that — to confirm that you are the person you said you were.²²⁹

4.83 On Thursday, 9 February 2012 Ms Williams provided the Committee with additional information about the VEC’s understanding of the verification processes used elsewhere in Australia for postal vote applications online. Ms Williams noted the VEC was still developing its understanding of the verification processes used in other states, notably NSW. Ms Williams also advised it will be possible for electors to apply for a postal vote application online for the next federal election, due to an amendment to the *Commonwealth Electoral Act 1918* (Cwth) in January 2011.²³⁰

²²⁷ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.100.

²²⁸ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.100.

²²⁹ Steve Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011, p.42;

²³⁰ Liz Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, *Correspondence*, 9 February 2012, p.2.

Committee's view

- 4.84 The Committee supports the VEC's recommendation to make it simpler for electors to apply for a postal vote at Victorian state elections. Due to the upward trend in the number of general postal voters in Victoria, the Committee accepts that the popularity and widespread usage of the internet in Australia for personal and financial administration is likely to contribute to an increased demand for online voting services, including applications for postal ballots.
- 4.85 The Committee acknowledges the evidence the Committee received from the NSW, Queensland and Victorian Electoral Commissioners about an online postal vote application process. The Committee looks forward to the introduction of an online postal vote application for the next federal election.
- 4.86 However, the Committee recognises the importance of appropriate verification procedures for online transactions, particularly in electoral administration. The Committee believes the Committee and the VEC should continue working together to explore a simpler method for electors to apply for a postal vote application.

RECOMMENDATION 4.2: The VEC works with the Committee to explore a simpler method for electors to apply for a postal vote application, including an online option, provided the application is underpinned by sufficient verification processes.

b) Witnessing of postal vote declarations

- 4.87 The VEC's second recommendation requests consideration be given to removing the requirement for postal vote declarations to be witnessed where the signature on an application has already been verified by a witness.²³¹ In Victoria, "a postal vote declaration returned by the postal voter must be completed in the presence of an authorised witness and the authorised witness must sign and add their title or capacity of witness, either an elector (their name is on the roll), or an election official, to the postal vote declaration".²³²
- 4.88 The VEC suggests many electors found this section of the form confusing. Many electors wrote "Mr" or "wife" instead of "elector", which is what is required by the form.²³³

²³¹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.100.

²³² Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.100.

²³³ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.100.

Committee's view

- 4.89 In 2008 the Committee considered evidence about the witnessing of postal vote declarations as part of its inquiry into the 2006 Victorian state election. Steve Tully, Victorian Electoral Commissioner, raised this same matter with the Committee at the public hearings.²³⁴ The VEC's primary submission to that inquiry requested the Committee consider recommending removing the requirement for postal votes to be witnessed, given that it was the VEC's opinion that many electors found the forms confusing and often wrote "Mr" or "wife" in the section where they should have written "elector" as their qualification to witness.²³⁵
- 4.90 For the 2006 state election inquiry, the Committee did not support the VEC's recommendation. The Committee noted the requirement to witness postal vote declarations was an important procedural protection in the postal voting process and that removing it could contribute to potential electoral fraud.²³⁶
- 4.91 For this inquiry, the Committee is reluctant to weaken the current provisions in the *Electoral Act 2002* (Vic) that a postal vote be witnessed, even if the signature on an application has been verified by a witness.
- 4.92 The Committee encourages the VEC to investigate this matter further with the Department of Justice.
- 4.93 Alternatively, the Committee suggests the VEC improve the design and accessibility of the postal vote application form. The Committee proposed a similar initiative during its inquiry into the 2006 Victorian state election. At the public hearings for that inquiry Steve Tully, Victorian Electoral Commissioner, and Michael O'Brien MP, former Deputy Chair, discussed this:

Mr O'BRIEN—Also in the same category there is an issue with the designation of the witnesses—people put in "Mister" or "wife" as opposed to "elector". Could a graphic designer help us with that? Could the form be better designed so it is made quite clear that, "You are authorised to witness this if you are an elector." Do they need to fill in the term "elector"? Can it be made clear that, "You can only authorise this if you...are on the roll"?

²³⁴ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2006 Victorian state election and matters related thereto*, Melbourne, June 2008, p.p.198-199. Retrieved 6 February 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Inquiry_into_2006_Victoria_n_state_election.pdf.

²³⁵ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2006 Victorian state election and matters related thereto*, Melbourne, June 2008, p.p.198-199. Retrieved 6 February 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Inquiry_into_2006_Victoria_n_state_election.pdf.

²³⁶ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2006 Victorian state election and matters related thereto*, Melbourne, June 2008, p.p.198-199. Retrieved 6 February 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Inquiry_into_2006_Victoria_n_state_election.pdf.

Mr TULLY—I am sure it can. It is a prescribed form so we can provide you with some make-up work on that if you request, through the chair. We can do that".²³⁷

c) Matter for noting – party involvement in postal voting

- 4.94 Section 101 of the *Electoral Act 2002* (Vic) provides for political parties and individuals other than the VEC to distribute postal votes.²³⁸
- 4.95 The VEC's reports to Parliament on the 2010 Victorian state election and the 2012 Niddrie District by-election express concern about political party involvement in the distribution of postal vote applications.²³⁹ The VEC requests the Committee note this issue causes concern among some electors. The VEC suggests party involvement can result in elector confusion, as electors assume that any postal vote applications available for state elections are provided by the VEC.²⁴⁰ The VEC received four formal complaints and a number of telephone calls and emails about party involvement in the distribution of postal vote applications for the 2010 Victorian state election.²⁴¹
- 4.96 Steve Tully, Victorian Electoral Commissioner, expressed his concern about this matter during the public hearings on Thursday, 25 August 2011,²⁴² and in writing on Monday, 19 March 2012.²⁴³
- 4.97 The Committee thanks the VEC for raising this matter. While the Committee regrets elector confusion due to current postal ballot arrangements in Victoria, the Committee believes political parties are sufficiently resourced and organised to send postal ballot material to eligible Victorian electors.

d) Matter for noting – general postal voters

- 4.98 The VEC's report to Parliament on the 2010 Victorian state election requests the Committee note a process put in place for the scrutiny of general postal

²³⁷ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2006 Victorian state election and matters related thereto*, Melbourne, June 2008, p.199. Retrieved 6 February 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Inquiry_into_2006_Victoria_n_state_election.pdf.

²³⁸ *Electoral Act 2002* (Vic) s101. Retrieved 14 January 2012 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

²³⁹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.99.

²⁴⁰ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.99.

²⁴¹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.99.

²⁴² Steve Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011, p.39.

²⁴³ Steve Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Correspondence*, 19 March 2012, p.2.

votes.²⁴⁴ VEC election managers check that declarations from general postal voters have been signed but the signature is not checked against any reference documentation.²⁴⁵

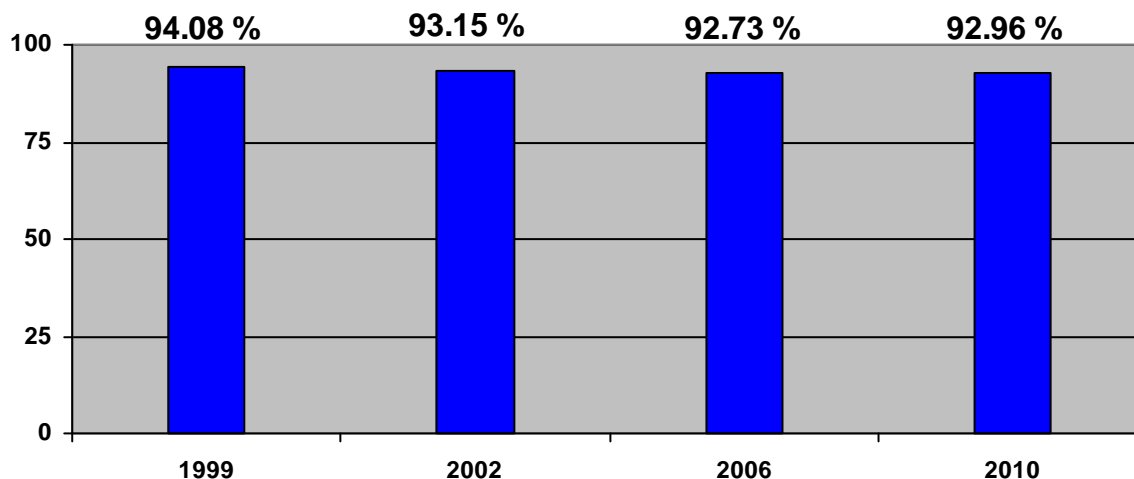
4.99 The Committee thanks the VEC for raising this matter.

Voter turnout at the 2010 Victorian state election

4.100 In Victoria voter turnout is measured as the number of formal and informal votes received from enrolled electors by the close of voting.²⁴⁶

4.101 The voter turnout rate for the 2010 Victorian state election was 92.96 percent.²⁴⁷ This figure was slightly higher than the voter turnout figure of 92.73 percent for the 2006 Victorian state election, but lower than the 93.15 percent recorded for the 2002 Victorian state election.²⁴⁸ Figure 4.1 shows voter turnout rates at Victorian state elections since 1999.

**Figure 4.1: Voter turnout at Victorian state elections
1999-2010**



Source: Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.4.

²⁴⁴ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.99.

²⁴⁵ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.99.

²⁴⁶ Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.29.

²⁴⁷ Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.22.

²⁴⁸ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

Why does voter turnout matter?

- 4.102 Voter turnout is an important indicator of the health of a democratic system.
- 4.103 The Committee is interested in critical debates about voter turnout. The Committee's inquiry into voter participation and informal voting featured extensive analysis of voter turnout rates in Victoria, Australia and comparable international jurisdictions.²⁴⁹
- 4.104 For that inquiry, the Committee learnt Australian elections achieve some of the highest voter turnout rates in the world. Victoria also ranks highly in terms of voter turnout, with an average voter turnout rate at the last four state elections of 93.23 percent of Victorians enrolled.²⁵⁰
- 4.105 The Committee also discussed research into electoral engagement. It has been suggested that voter turnout rates at Australian elections are best understood alongside Australia's compulsory voting system and increasing rates of informal voting and declining electoral enrolment in all Australian jurisdictions. Some argue that while voter turnout at periodic elections across Australia may be high, electoral engagement is in fact declining.²⁵¹
- 4.106 Internationally, there are similar views about voter turnout. The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organisation that supports sustainable democracy worldwide. International IDEA has written widely on voter turnout and sponsored a range of projects assessing worldwide voter turnout.²⁵² Regarding the importance of voter turnout, IDEA notes:

"Beyond the widespread belief that participation in political life is a positive thing, there is little agreement on what constitutes a good or democratic level of voter turnout. Does high turnout indicate great enthusiasm for the political process or reflect compulsion, sometimes subtle, other times overt, that a regime places on its citizens to vote? Does low turnout indicate a weak political system, or merely reflect a widespread contentment among the people with the system as it is".²⁵³

²⁴⁹ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, July 2009, p.p.59-73. Retrieved 1 April 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

²⁵⁰ Victorian Electoral Commission, *Preliminary Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, May 2011, p.10. Retrieved 30 January 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/2010_Election/submissions/4b_VEC_Prelim_Report_2010_Election EMC_Inquiry_No._6.pdf.

²⁵¹ Rob Hoffman, Brian Costar, "Direct enrolment will just make democracy easier", *The Age*, 20 March 2012. Retrieved 1 April 2012 from <http://www.smh.com.au/opinion/direct-enrolment-will-just-make-democracy-easier-20120319-1vfl3.html>.

²⁵² See: International Institute for Democracy and Electoral Assistance, "Overview", IDEA, Stockholm, 2010. Retrieved 30 March 2012 from <http://www.idea.int/>.

²⁵³ International Institute for Democracy and Electoral Assistance, "Why a voter turnout website", IDEA, Stockholm, 2010. Retrieved 1 April 2012 from <http://www.idea.int/vt/why.cfm>.

- 4.107 For International IDEA, high voter turnout does not indicate democratic stability. For instance, “Albania has had three competitive elections in the 1990s which all demonstrated high levels of electoral participation (99 percent in 1991, 89 percent in 1992 and 1996). But that country's government became quickly embroiled in trying to salvage a collapsing state, precipitated by the perceived illegitimacy of the incumbent politicians”.²⁵⁴
- 4.108 Conversely, in the 1996 United States of America presidential election, “47 percent of the voting age population participated, and of this turnout President Clinton received 49 percent of the votes – representing 23 percent of the eligible voters. Despite low turnout few would question the legitimacy of his mandate”.²⁵⁵ During its previous inquiries the Committee also learnt that several major democracies, such as Canada and the United Kingdom, routinely achieve voter turnout rates below 65 percent of the eligible voting population (though unlike Australia, voting is not compulsory in these countries). Again, few would question the legitimacy of electoral results in these jurisdictions.

Trends in voter turnout at the 2010 Victorian state election

- 4.109 For this inquiry, the Committee received several submissions from the VEC discussing voter turnout in Victoria, and a submission from the Nationals. In addition, at the public hearings on Thursday, 25 August 2011 the VEC, the Nationals and Aaron Martin, University of Melbourne, discussed matters relating to voter turnout.²⁵⁶
- 4.110 The Committee received evidence about two trends relating to voter turnout at the 2010 Victorian state election, as well as voter turnout in general.

Declining voter turnout in Victoria

- 4.111 The first of these trends is declining voter turnout rates at Victorian state elections.
- 4.112 The VEC's position paper “Shaping Victoria's electoral future” discusses voter turnout rates across Australia. The VEC suggests voter turnout is declining nationally, not just in Victoria, and that the trend needs to be understood in this context.²⁵⁷ Table 4.1 shows voter turnout at Australian parliamentary elections from 2001 to 2011.

²⁵⁴ International Institute for Democracy and Electoral Assistance, “Why a voter turnout website”, IDEA, Stockholm, 2010. Retrieved 1 April 2012 from <http://www.idea.int/vt/why.cfm>.

²⁵⁵ International Institute for Democracy and Electoral Assistance, “Why a voter turnout website”, IDEA, Stockholm, 2010. Retrieved 1 April 2012 from <http://www.idea.int/vt/why.cfm>.

²⁵⁶ Aaron Martin, University of Melbourne, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011, p.p.21-22.

²⁵⁷ Victorian Electoral Commission, “Shaping Victoria's electoral future”, Victorian Electoral Commission, Melbourne, October 2011, p.7.

Table 4.1: Voter turnout at Australian parliamentary elections, 2001 to 2011		
Jurisdiction	Date of election	Voter turnout rate (percent)
Federal	2004	94.32
	2007	94.76
	2010	93.22
Federal (Victoria)	2004	94.87
	2007	95.17
	2010	93.49
Victoria	2002	93.16
	2006	92.70
	2010	92.96
Queensland	2004	91.44
	2006	90.47
	2009	90.93
New South Wales	2003	91.87
	2007	92.64
	2011	92.57
Western Australia	2001	90.60
	2005	89.84
	2008	86.48
South Australia	2002	93.60
	2006	92.30
	2010	92.80
Australian Capital Territory	2001	90.94
	2004	92.80
	2008	90.37
Northern Territory	2001	80.56
	2005	80.10
	2008	75.70
Tasmania	2002	93.73
	2006	94.88
	2010	93.85

Source: Victorian Electoral Commission, "Shaping Victoria's electoral future", Victorian Electoral Commission, Melbourne, October 2011, p.7.

- 4.113 Voter turnout at the 2010 Victorian state election was 92.96 percent, slightly lower than the average of 93.23 percent at the past four Victorian state elections.²⁵⁸

Committee's view

- 4.114 The Committee accepts that declining voter turnout is a concern for electoral administrators across Australia and that the decline is best understood in a national context, as voter turnout rates from individual elections and jurisdictions vary considerably and do not suggest a marked downward trend.
- 4.115 The Committee is interested to learn more about declining voter turnout in Victoria and to receive focused evidence from stakeholders. In the Committee's opinion, the best place for this to occur would be in the context of a broad inquiry into the future of Victoria's electoral administration, as noted in Chapter Two.

Increase in early voting

- 4.116 Victorian electors unable to attend a voting centre in person on election day could access early voting services for the 2010 Victorian state election.
- 4.117 The 2010 Victorian state election saw a dramatic increase in the number of early votes cast in person at an early voting centre, and a significant increase in the number of postal votes cast.
- 4.118 543,763 votes were cast at early voting centres prior to the 2010 Victorian state election, representing over a 90 percent increase on the number of votes cast at early voting centres at the 2006 Victorian state election of 273,952.²⁵⁹ Considered alongside the 2002 Victorian state election, there has been an increase of 202 percent in early voting at Victorian state elections since 2002.²⁶⁰
- 4.119 247,642 postal votes were cast at the 2010 Victorian state election, representing a 22 percent increase on the number of postal votes cast at the 2006 Victorian state election.²⁶¹ Considered alongside the 2002 Victorian state election, there has been a 48 percent increase in postal voting at Victorian state elections since 2002.²⁶²

²⁵⁸ Victorian Electoral Commission, "Shaping Victoria's electoral future", Victorian Electoral Commission, Melbourne, October 2011, p.7.

²⁵⁹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

²⁶⁰ Victorian Electoral Commission, "Shaping Victoria's electoral future", Victorian Electoral Commission, Melbourne, October 2011, p.13.

²⁶¹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.5.

²⁶² Victorian Electoral Commission, "Shaping Victoria's electoral future", Victorian Electoral Commission, Melbourne, October 2011, p.15.

- 4.120 The Committee examined these figures alongside the total number of votes cast for the 2010 Victorian state election. The VEC counted 1,012,100 votes (postal, early and absent) that were cast by electors who were either unable to vote on election day or were outside their electorate on election day.²⁶³ In addition, 28,533 provisional votes were counted for electors whose name did not appear on the electoral roll. Considered together these categories of votes amounted to 31 percent of total votes for the 2010 Victorian state election.²⁶⁴
- 4.121 During the inquiry the Committee wrote to the VEC on several occasions seeking additional information about reasons for increasing rates of early voting at Victorian state elections.
- 4.122 On Wednesday, 22 February 2012 the Committee wrote to Steve Tully, Victorian Electoral Commissioner, requesting information about the VEC's advertising for early voting at the 2006 and 2010 Victorian state elections, strategies the VEC used to encourage early voting at Victorian state elections, and information about the number of eligible electors who were prevented from casting an early vote in person because they did not meet the criteria.
- 4.123 On Monday, 5 March 2012 the VEC wrote to the Committee advising the VEC ran similar levels of advertising at the 2006 and 2010 Victorian state elections. The VEC advised that while the total number of early votes increased significantly at the 2010 Victorian state election, the voting pattern over the two week early voting period at both elections was similar.²⁶⁵ Appendix Nine shows total returns for early voting in person and postal votes at the 2006 Victorian state election and the 2010 Victorian state election.²⁶⁶ In addition, the VEC advised the Committee that it provides procedural manuals for election officials, which assist officials to clarify elector eligibility to cast a vote early, and has some quality assurance processes in place to ensure officials are carrying out their duties.²⁶⁷
- 4.124 On Tuesday, 13 March 2012 the Committee again wrote to Steve Tully, Victorian Electoral Commissioner, requesting to know if the VEC had a policy regarding early voting, and expressing the Committee's view that VEC policy has contributed to increasing levels of early voting at Victorian state elections.

²⁶³ Victorian Electoral Commission, "Shaping Victoria's electoral future", Victorian Electoral Commission, Melbourne, October 2011, p.13, p.15.

²⁶⁴ Victorian Electoral Commission, "Shaping Victoria's electoral future", Victorian Electoral Commission, Melbourne, October 2011, p.13, p.15.

²⁶⁵ Steve Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Correspondence*, 5 March 2012, p.2.

²⁶⁶ Victorian Electoral Commission, "Shaping Victoria's electoral future", Victorian Electoral Commission, Melbourne, October 2011, p.13, p.15.

²⁶⁷ Steve Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Correspondence*, 5 March 2012, p.2.

- 4.125 On Monday, 19 March 2012 the VEC wrote to the Committee advising that the VEC has no policy which encourages early voting, and that its early voting services are simply in response to demand for early voting. The VEC's letter highlights several factors contributing to increasing early voting rates, including the number of early voting centres, the proximity of Victorian elections to Commonwealth elections, and the involvement of political parties in postal voting.²⁶⁸

Early voting in Australian jurisdictions

- 4.126 This increasing trend in early voting is not unique to Victoria. Other Australian jurisdictions are experiencing similar trends in early voting and postal voting.
- 4.127 In NSW, there has been an upward trend in early voting in the past three state elections. 352,741 early votes were cast at the 2011 NSW state election, representing a 63 percent increase on the 223,226 early votes cast at 2007 NSW state election.²⁶⁹ There has also been a steady increase in the number of postal votes at recent NSW state elections, from 223,951 at the 2007 NSW state election to 245,411 at the 2011 NSW state election.²⁷⁰ Considered together, the total number of early votes cast at the 2011 NSW state election increased by approximately 42 percent, from 463,187 at the 2007 NSW state election to 659,894 at the 2011 NSW state election.²⁷¹
- 4.128 In South Australia, there was a 60 percent increase in early voting at the 2010 South Australian state election, from 23,419 early votes at the 2006 South Australian state election to 37,464 early votes at the 2010 South Australian state election.²⁷²
- 4.129 In Western Australia, there was a 77 percent increase in early voting at the 2008 Western Australian state election, from 35,200 early votes at the 2005 Western Australian state election to 62,441 early votes at the 2008 Western

²⁶⁸ Steve Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Correspondence*, 19 March 2012, p.p-1-2.

²⁶⁹ NSW Electoral Commission, *Report on the conduct of the 2011 NSW state election*, Sydney, 2011, p.p.64-67. Retrieved 10 April 2012 from http://www.elections.nsw.gov.au/__data/assets/pdf_file/0006/96297/SGE_2010-2011_Amended.pdf.

²⁷⁰ NSW Electoral Commission, *Report on the conduct of the 2011 NSW state election*, Sydney, 2011, p.p.64-67. Retrieved 10 April 2012 from http://www.elections.nsw.gov.au/__data/assets/pdf_file/0006/96297/SGE_2010-2011_Amended.pdf.

²⁷¹ NSW Electoral Commission, *Report on the conduct of the 2011 NSW state election*, Sydney, 2011, p.p.64-67. Retrieved 10 April 2012 from http://www.elections.nsw.gov.au/__data/assets/pdf_file/0006/96297/SGE_2010-2011_Amended.pdf.

²⁷² NSW Electoral Commission, *Report on the conduct of the 2011 NSW state election*, Sydney, 2011, p.p.64-67. Retrieved 10 April 2012 from http://www.elections.nsw.gov.au/__data/assets/pdf_file/0006/96297/SGE_2010-2011_Amended.pdf.

Australian state election.²⁷³ In 2009 Western Australia also held a referendum on daylight savings. The early voting rate for the referendum increased slightly on the early voting rate for the 2008 Western Australian state election.²⁷⁴ Similarly, there was a 61 percent increase in the number of postal votes cast at the 2008 Western Australian state election, from 50,419 at the 2005 Western Australian state election to 81,219 at the 2008 Western Australian state election.²⁷⁵

Early voting trends internationally

- 4.130 The Committee is also aware of the growing popularity of early voting internationally in comparable democratic jurisdictions.
- 4.131 In the United States of America, there has been a marked increase in early voting since 2004. According to the United States Elections project, the percentage of voters who cast their ballot prior to election day for a presidential election increased from 20 percent in 2004 to 30 percent in 2008.²⁷⁶ In comparison, in 1972 only four percent of electors voted early. While figures differ substantially by state overall trends point to the increasing popularity of early voting throughout the United States of America.²⁷⁷
- 4.132 In Canada, early voting is known as advance polling.²⁷⁸ 2,056,001 electors voted at the advance polls in the 2011 Canadian general election. This is a 34.5 percent increase from the 1,528,780 electors who voted in advance for the 2008 Canadian general election.²⁷⁹

Evidence received about early voting

- 4.133 The Committee received evidence from several inquiry participants about early voting at Victorian state elections. The evidence focused on two areas; reasons for increasing rates of early voting at Victorian state elections, and recommendations about early voting for Victorian state elections.

²⁷³ Warwick Gately, Western Australian Electoral Commissioner, Western Australian Electoral Commission, *Correspondence*, 21 December 2011, p.p.1-2.

²⁷⁴ Warwick Gately, Western Australian Electoral Commissioner, Western Australian Electoral Commission, *Correspondence*, 21 December 2011, p.p.1-2.

²⁷⁵ Warwick Gately, Western Australian Electoral Commissioner, Western Australian Electoral Commission, *Correspondence*, 21 December 2011, p.p.1-2.

²⁷⁶ United States Elections Project, "2010 Early voting", George Mason University, Fairfax, November 2010. Retrieved 10 April 2012 from http://elections.gmu.edu/early_vote_2010.html.

²⁷⁷ United States Elections Project, "2010 Early voting", George Mason University, Fairfax, November 2010. Retrieved 10 April 2012 from http://elections.gmu.edu/early_vote_2010.html.

²⁷⁸ CBC News, "Advance polling numbers soar 34 percent from 2008", 26 April 2011. Retrieved 1 April 2012 from <http://www.cbc.ca/news/politics/canadavotes2011/story/2011/04/26/cv-election-advance-polls.html>.

²⁷⁹ CBC News, "Advance polling numbers soar 34 percent from 2008", 26 April 2011. Retrieved 1 April 2012 from <http://www.cbc.ca/news/politics/canadavotes2011/story/2011/04/26/cv-election-advance-polls.html>.

- 4.134 The VEC advises one of the major factors contributing to increasing rates of early voting is convenience. Many Victorians are choosing to vote early in person for state elections because it fits in with the increasingly busy schedules many people face.²⁸⁰ Due to work, family, personal and other commitments, the VEC suggests many Victorians find it difficult to find the time to attend a polling centre on election day. Evidence suggests young people in particular chose to vote early at election time because of the convenience doing so offers.²⁸¹
- 4.135 The VEC's position paper "Shaping Victoria's electoral future" also suggests changes in information and communications technology contributes to changing electoral expectations. The VEC suggests new media platforms such as social media and social networking have fundamentally altered the way people conduct their daily business and communicate.²⁸² As noted by the VEC:
- "Victorians shop, pay bills, book and pay for holidays and tickets online. They search for and receive news and information online. They lodge tax returns and complete Census surveys online. A look at State and Federal Government websites shows that many of their important interactions with Government may be conducted online. They increasingly use instant messaging, file transfer, and video conferencing to do business and to communicate with friends and relatives in other countries. They place holiday photos on social networking sites or send them from their phones as soon as they take them, and send and receive life-saving messages during natural disasters".²⁸³
- 4.136 In addition, the Committee heard from the VEC that elector awareness about early voting options may contribute to increasing rates of early voting in person. As noted earlier in this chapter, on Wednesday, 14 December 2011 the Committee met with the VEC and discussed a range of matters related to early voting, including advertising for early voting at the 2006 and 2010 Victorian state elections. For the 2010 Victorian state election the VEC spent \$735,919 on early voting advertising.²⁸⁴ This represented 26 percent of the VEC's total advertising budget for the 2010 Victorian state election.
- 4.137 The Committee understands the number of electors using voting facilities outside their own electorate is growing. The VEC has estimated that "approximately 65,000 - 70,000 Victorian citizens aged 18 years and over may be absent from the country on holidays during the month of November in any year (based on Australian Bureau of Statistics (ABS) data). This does not

²⁸⁰ Steve Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Correspondence*, 5 March 2012, p.p.1-2.

²⁸¹ Aaron Martin, University of Melbourne, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011, p.p.21-22.

²⁸² Victorian Electoral Commission, "Shaping Victoria's Electoral Future", Victorian Electoral Commission, Melbourne, October 2011, p.13.

²⁸³ Victorian Electoral Commission, "Shaping Victoria's Electoral Future", Victorian Electoral Commission, Melbourne, October 2011, p.13.

²⁸⁴ Steve Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Correspondence*, 14 December 2011, p.1.

include Victorians living and working abroad, or defence force personnel deployed overseas”.²⁸⁵ The VEC suggests there is an expectation amongst electors that they vote when they can, even if it means voting before election day to suit work or personal plans.²⁸⁶

- 4.138 The Committee also considered unique factors influencing early voting rates in different jurisdictions across Australia.²⁸⁷ In November 2011 the Committee met with Warwick Gately, Western Australian Electoral Commissioner. In Western Australia, there are a large number of fly-in, fly-out workers, otherwise known as “FIFO” workers. Mr Gately told the Committee that the growing number of FIFO workers has led to a sharp increase in the number of early votes recorded at airports around Western Australia.²⁸⁸

Recommendations about early voting

- 4.139 The Committee received recommendations about early voting from the Nationals and the VEC.
- 4.140 The Nationals’ submission recommends the early voting period for Victorian state elections be shortened to commence five days before election day.²⁸⁹ The Nationals base their recommendation on the campaigning needs of political parties and the relevance of political party announcements in a two-week early voting period, given that many major policy announcements are made by parties in the week before an election. The Nationals also question the increase in early voting at Victorian state elections and suggest that many electors may not be making enough of an effort to attend a polling centre on election day.²⁹⁰
- 4.141 The VEC’s recommendation focuses on the commencement of the early voting period.²⁹¹ The VEC requests the Committee recommend the *Electoral Act 2002* (Vic) be amended so that early voting commences on the Monday after nominations close to provide additional time for the VEC to produce and distribute ballot papers and permit electors to vote above-the-line if they so choose.²⁹²

²⁸⁵ Victorian Electoral Commission, “Shaping Victoria’s electoral future”, Victorian Electoral Commission, Melbourne, October 2011, p.13, p.15.

²⁸⁶ Victorian Electoral Commission, “Shaping Victoria’s electoral future”, Victorian Electoral Commission, Melbourne, October 2011, p.13, p.15.

²⁸⁷ Warwick Gately, Western Australian Electoral Commissioner, Western Australian Electoral Commission, *Correspondence*, 21 December 2011, p.p.1-2.

²⁸⁸ Warwick Gately, Western Australian Electoral Commissioner, Western Australian Electoral Commission, *Correspondence*, 21 December 2011, p.p.1-2.

²⁸⁹ The Nationals, *Submission No.6*, p.p.4-5.

²⁹⁰ The Nationals, *Submission No.6*, p.p.4-5.

²⁹¹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.100.

²⁹² Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.100.

4.142 As noted earlier, for the 2010 Victorian state election electors with special circumstances could vote from 4.00pm on Friday, 12 November 2010, four hours after the close of nominations.²⁹³ However, these electors could only vote on ballot papers with below-the-line voting options, as group voting tickets were not finalised until Sunday, 14 November 2010. The Committee discussed this matter with the VEC at the public hearings on Thursday, 25 August 2011. Steve Tully, Victorian Electoral Commissioner, advised there was a short deadline between the close of nominations and commencement of early voting, and that this short timeframe did not allow enough time for the production and distribution of ballot papers with all voting options.²⁹⁴

Committee's view

4.143 Regarding the Nationals recommendation, the Committee thanks the Nationals for considering increasing rates of early voting in Victoria.

4.144 Regarding the VEC's recommendation, the Committee supports the VEC's proposal to amend the *Electoral Act 2002* (Vic) to allow early voting to commence on the Monday after nominations close. The Committee agrees with the Victorian Electoral Commissioner's assessment that the number of people seeking to access early voting services immediately after the close of nominations is likely to increase for future state elections. These electors should be able to cast a vote on ballot papers featuring all voting options.

RECOMMENDATION 4.3: The Committee recommends the Victorian Government amend Section 99(1) of the *Electoral Act 2002* (Vic) so that early voting commences on the Monday after nominations close.

Committee's view – early voting at Victorian state elections

4.145 Early voting is one of this inquiry's central issues.

4.146 The Committee appreciates the complexity of early voting as a topic in electoral administration. Research conducted by electoral commissions across Australia shows electors expect more flexible voting arrangements for Australian elections.²⁹⁵ In Victoria, evidence also shows the eligible voting population is increasingly mobile and more people are likely to be away from home, interstate or overseas on election day.²⁹⁶ Moreover, early voting is just

²⁹³ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.100.

²⁹⁴ Steve Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011, p.40.

²⁹⁵ Victorian Electoral Commission, "Shaping Victoria's electoral future", Victorian Electoral Commission, Melbourne, October 2011, p.13, p.15.

²⁹⁶ Victorian Electoral Commission, "Shaping Victoria's electoral future", Victorian Electoral Commission, Melbourne, October 2011, p.13, p.15.

one of several emerging trends affecting established conceptions of electoral participation, which in Australia are based around a traditional “election day”, not an election period.

- 4.147 Despite this, the Committee remains concerned about some aspects of the VEC’s programs to encourage all eligible Victorians to engage in electoral processes, particularly in relation to early voting in person. While the Committee accepts that the VEC is not solely responsible for stimulating a 202 percent increase in early voting since the 2002 Victorian state election, the Committee suspects there may be a relationship between increased rates of early voting in person at Victorian state elections and the VEC’s practices and possible policy directives. The Committee believes the VEC’s policy in relation to early voting has changed, to the extent that the VEC now only loosely enforces the criteria to ensure electors who wish to vote early in person are qualified to do so.
- 4.148 The Committee is concerned the VEC may not be keeping appropriate records of the processes used to train polling centre officials, as well as the quality assurance processes used to ensure polling centre officials and voting centre managers are correctly interpreting the criteria to vote early in person and correctly asking all electors of their eligibility to cast an early vote in person. The Committee would like to see the VEC document its quality assurance processes for early voting for future Victorian state elections.
- 4.149 Further, the Committee believes the VEC could improve its strategies to advise Victorian electors of their eligibility to cast an early vote in person at Victorian elections. During the inquiry the Committee discussed early voting with electoral commissions across Australia. The Committee was informed by Colin Barry, NSW Electoral Commissioner, and David Kerslake, Queensland Electoral Commissioner, that NSW and Queensland respectively have found it useful to publish criteria determining eligibility to cast an early vote at elections on the electoral commission’s website.²⁹⁷
- 4.150 In comparison to the websites of the NSW Electoral Commission and the Queensland Electoral Commission, which list the criteria for early voting, the Committee finds the VEC’s website less clear. Consequently the Committee believes the VEC should amend its website to show the criteria for eligible electors to vote early in person more prominently. The Committee regards the NSW Electoral Commission’s website at http://www.elections.nsw.gov.au/voting/before_election_day as an example of good practice.

²⁹⁷ See: NSW Electoral Commission, “Before election day”, NSW Electoral Commission, Sydney, April 2012. Retrieved 1 April 2012 from http://www.elections.nsw.gov.au/voting/before_election_day.

RECOMMENDATION 4.4: The Committee recommends the VEC amend its website and printed material to show more prominently the criteria for early voting in person at Victorian elections, and include this material in their quality assurance practices and training. The Committee encourages the VEC to examine the New South Wales Electoral Commission website for an example of good practice.

- 4.151 In addition, the Committee would like to see the VEC improve its research programs in relation to early voting. While the Committee appreciates the VEC has a limited budget and resources for sustained secondary electoral research, the Committee believes detailed statistics about early voting would be a great asset for future Committee inquiries, especially given the prominence of early voting as an emerging trend in electoral administration across Australia and internationally. To this end, in the absence of appropriate budget and resources, the Committee encourages the VEC to establish relationships with academic institutions specialising in early voting.

RECOMMENDATION 4.5: The Committee recommends the VEC undertake detailed research into early voting at future Victorian state elections, including statistics relating to the demographics of those casting an early vote in person, and statistics about the number of electors who attempted to vote early but were prevented from casting an early vote in person because they did not meet the criteria.

The Committee also encourages the VEC to establish working relationships with academic institutions specialising in early voting.

- 4.152 Beyond these measures, for this inquiry the Committee refers to the Australian Labor Party's submission calling for a detailed "strategic examination" of pre-polling at Victorian state elections. The Committee will consider early voting as part of a broad inquiry into the future of Victoria's electoral administration, as noted in Chapter Two.
- 4.153 In addition, the Committee is interested to learn more about early voting in comparable international jurisdictions such as the United States of America and Canada.

Conclusion

- 4.154 This chapter examined matters relating to voter turnout at Victorian state elections, including voting options available to electors for Victorian state elections, the rules regarding voting centres and the witnessing of postal declarations. The chapter also discussed voter turnout and why voter turnout matters.
- 4.155 Early voting is one of this inquiry's central issues. The Committee expects to examine early voting further as part of a broad inquiry into the future of Victoria's electoral administration, as noted in Chapter Two.

CHAPTER FIVE – AT A GLANCE

- **The rate of informal voting for the 2010 Victorian state election for the Legislative Assembly was 4.96 percent, the highest ever recorded rate for a Victorian Legislative Assembly general election.**
- **However, the rate of informal voting for the 2010 Victorian state election for the Legislative Council was 3.38 percent, down 0.9 percent on the rate of informal voting for the 2006 Victorian state election.**
- **There was a significant increase in apparently deliberately informal voting at the 2010 Victorian state election.**
- **The Committee received evidence about strategies to reduce informal voting, including OPV and ticket voting / savings provision voting.**

Informal voting at the 2010 Victorian state election

- 5.1 Chapter Five discusses informal voting at the 2010 Victorian state election. It defines informal voting and considers informal voting rates at the 2010 Victorian state election. The chapter also considers evidence from inquiry participants about informal voting, including the VEC's survey of informal voting at the 2010 Victorian state election, and methods to reduce informal voting, including OPV and ticket voting / savings provision voting.

Definition of informal voting

- 5.2 In Victoria, a correctly filled out ballot paper for elections to the Legislative Assembly and the Legislative Council is known as a formal ballot.²⁹⁸
- 5.3 The *Electoral Act 2002* (Vic) determines how ballot papers must be completed in order to be deemed formal, as well as additional provisions determining whether or not a ballot paper will be accepted into or excluded from an election count.²⁹⁹ Section 93 and Section 93A of the *Electoral Act 2002* (Vic) stipulate how to complete the Legislative Assembly and Legislative Council ballot papers respectively.³⁰⁰
- 5.4 An informal vote is any ballot paper completed outside the parameters set by the *Electoral Act 2002* (Vic).³⁰¹
- 5.5 In Victoria, it is not an offence to vote informally. However, pursuant to Section 84(2) of the *Electoral Act 2002* (Vic) a person printing, publishing or

²⁹⁸ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, June 2009, p.77. Retrieved 6 February 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

²⁹⁹ *Electoral Act 2002* (Vic). Retrieved 15 January 2012 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

³⁰⁰ *Electoral Act 2002* (Vic) s93, s93A. Retrieved 15 January 2012 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

³⁰¹ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, June 2009, p.77. Retrieved 6 February 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

distributing an electoral advertisement containing instructions likely to induce an elector to mark an elector's vote otherwise than in accordance with the instructions on the ballot paper, is committing an offence.³⁰²

Formality advice for Victorian state elections

5.6 The VEC publishes a "Scrutineer Handbook" for each Victorian state election. The handbook provides a formality guide for District and Region ballots, written instructions for interpreting formal ballots and images of the most common informal District and Region ballots.³⁰³

5.7 For a vote to be deemed formal, Legislative Assembly District ballot papers must meet the following criteria:

- Must have a number "1" in, or adjacent to, or level with one box;
- Should be numbered using the full sequence of numbers as indicated on the ballot paper. The only exception is where one box is left blank and would logically have contained the last preference, i.e., with six candidates, the number six may be omitted;
- Must not have more than one box left blank;
- Must not have duplicated or omitted a number from sequence, i.e., "1, 2, 3, 5, 6, 7";
- Numbers next to, or on the side of other names, are acceptable providing the voter's intention is clear;
- Amendments are acceptable providing the voter's intention is clear. All other marks are to be ignored; and
- The number zero ("0") makes the vote informal.³⁰⁴

5.8 For a vote to be deemed formal, Legislative Council Region ballot papers must meet the following criteria.

5.9 For Region ballot papers marked **above-the-line**, ballot papers are formal if:

- The number "1" appears by itself;
- A tick appears by itself;

³⁰² *Electoral Act 2002* (Vic) s84(2). Retrieved 16 January 2012 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

³⁰³ Victorian Electoral Commission, "Scrutineer handbook", Victorian Electoral Commission, Melbourne, 2006.

³⁰⁴ Victorian Electoral Commission, "Scrutineer handbook", Victorian Electoral Commission, Melbourne, 2006, p.13.

- A cross appears by itself; or
- A single first preference and second, third etc. preference appears (the numbers after “1” are ignored).³⁰⁵

5.10 Region ballot papers marked **above-the-line** are informal if:

- The number “1” appears more than once;
- The number “1” and a tick appear in different boxes;
- The number “1” and a cross appear in different boxes;
- A tick and a cross appear in different boxes; or
- A tick and a cross appears more than once in different boxes.³⁰⁶

5.11 For Region ballot papers marked **below-the-line**, ballot papers are formal if:

- At least the numbers “1” to “5” appear in sequential order.

5.12 Alternatively, Region ballot papers marked **below-the-line** are informal if:

- The number “1” does not appear against any candidate’s name (a tick or a cross is not acceptable below-the-line on a Region ballot paper);
- Any of the numbers “1” to “5” are repeated against two or more candidates’ names; or
- Any of the numbers between “1” and “5” are missing.³⁰⁷

Informal voting at the 2010 Victorian state election

5.13 The rate of informal voting for the Legislative Assembly for the 2010 Victorian state election was 4.96 percent, the highest ever recorded rate for a Victorian Legislative Assembly general election.³⁰⁸ The previous high was 4.56 percent for the 2006 Victorian state election. Figure 5.1 shows informal voting rates at Victorian state elections since 1996.

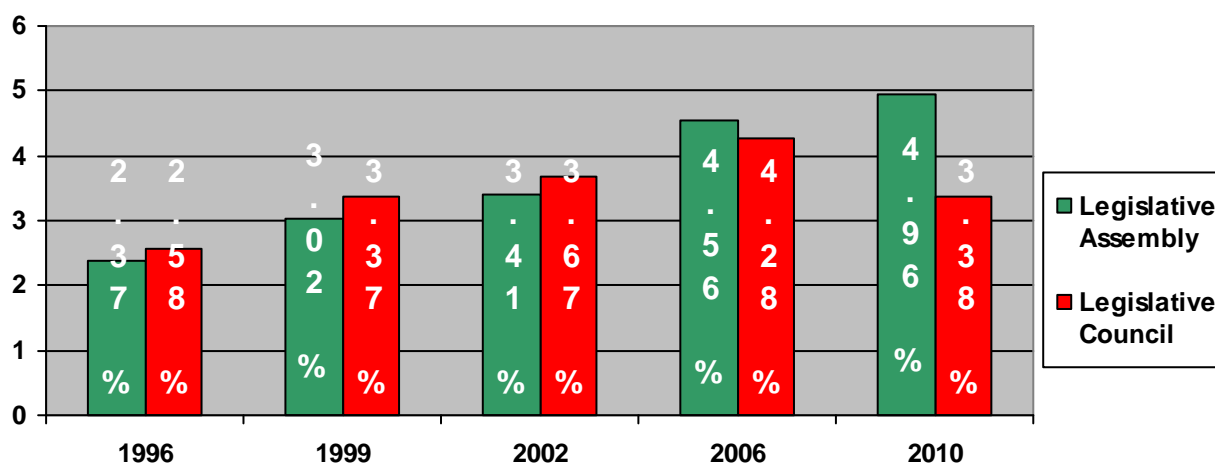
³⁰⁵ Victorian Electoral Commission, “Scrutineer handbook”, Victorian Electoral Commission, Melbourne, 2006, p.15.

³⁰⁶ Victorian Electoral Commission, “Scrutineer handbook”, Victorian Electoral Commission, Melbourne, 2006, p.15.

³⁰⁷ Victorian Electoral Commission, “Scrutineer handbook”, Victorian Electoral Commission, Melbourne, 2006, p.15.

³⁰⁸ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.4.

Figure 5.1: Percentage of informal votes at Victorian state elections since 1996 (Legislative Assembly and Legislative Council elections)



Source: Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.4.

- 5.14 The rate of informal voting for the Legislative Council for the 2010 Victorian state election was 3.38 percent, down 0.9 percent on the rate of informal voting for the Legislative Council for the 2006 Victorian state election of 4.28 percent.³⁰⁹ The VEC’s report to Parliament on the 2010 Victorian state election suggests this trend is related to increasing elector awareness of the Senate-style voting system introduced for Legislative Council elections at the 2006 Victorian state election.³¹⁰
- 5.15 The VEC’s report to Parliament on the 2010 Victorian state election also advises there were a record number of candidates (502) for the Legislative Assembly in 2010.³¹¹
- 5.16 The Committee notes the VEC’s evidence about local government elections.³¹² There is a clear pattern of increasing rates of informal voting where there are more than ten candidates, and increasing sharply when there are more than 15 candidates.³¹³ For the 2010 Victorian state election,

³⁰⁹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

³¹⁰ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.22.

³¹¹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.66.

³¹² Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.66.

³¹³ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.66.

the maximum number of candidates on a District ballot paper was ten. The VEC notes there was a positive correlation between informal voting rates and an increased number of candidates.³¹⁴

- 5.17 In 2009 the Committee examined the number of candidates on Victorian ballot papers, and the relationship of this to rates of informal voting, as part of its inquiry into voter participation and informal voting.³¹⁵ For that inquiry, the Democratic Audit of Australia recommended increasing the threshold requirements for nomination as a candidate for the Legislative Assembly.³¹⁶ One of the Democratic Audit of Australia's arguments was that an increased threshold would make ballot papers simpler and reduce informal voting.³¹⁷
- 5.18 The Committee did not support the Democratic Audit of Australia's recommendation.
- 5.19 In addition, the VEC's report to Parliament on the 2010 Victorian state election notes that the geographical distribution of the incidence of informal voting at the 2010 Victorian state election was uneven, ranging from 2.94 percent in Hawthorn District to 8.31 percent in Niddrie District.³¹⁸ The VEC highlights that:

"[t]he informal vote was lowest in the affluent suburbs to the east and south-east of the CBD. As in previous elections, the informal vote was highest in the outer northern, western and south-eastern suburbs. There was a positive correlation...between the informal vote and the proportion of residents who are not proficient in English. It should be noted that this correlation is not as strong as in the 2006 election...In six of the eleven Districts where more than 7 percent of the population is not fluent in English, the informal voting dropped in 2010. These Districts were mostly in the northern and western suburbs, where the VEC's CALD community engagement workshops were concentrated in the lead-up to the election".³¹⁹

³¹⁴ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.66.

³¹⁵ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, June 2009, p.97. Retrieved 6 February 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

³¹⁶ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, June 2009, p.97. Retrieved 6 February 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

³¹⁷ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, June 2009, p.97. Retrieved 6 February 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

³¹⁸ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.66.

³¹⁹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.66.

Evidence from inquiry participants about informal voting

5.20 The Committee received evidence from several inquiry participants about informal voting, including a survey of informal voting from the VEC. In 2011 and 2012 the Committee also discussed informal voting with electoral commissioners from NSW, Queensland, South Australia, Western Australia and Tasmania.

VEC's survey of informal voting

5.21 The VEC analyses informal ballot papers following each Victorian state election. The survey examines informal ballot papers for nine Legislative Assembly Districts and two Legislative Council Regions, with the aim of measuring the incidence of various types of informal voting and comparing the results with the previous state election.³²⁰ For the 2010 survey the VEC chose the same Districts as used for the 2006 informal ballot paper survey.

Legislative Assembly

5.22 Appendix 10 lists the results of the survey of informal voting at the 2010 Victorian state election for the nine selected Districts.³²¹

5.23 The Committee learnt that blank ballot papers were the largest category of informal votes, representing 25 percent of the total.³²² As noted by the VEC, "blank ballot papers were the largest group in four of the nine Districts surveyed. The bulk of these ballot papers were presumably deliberately informal, though they might include ballot papers lodged by people who had difficulties with the whole voting process".³²³

5.24 The second largest category of ballot papers were ballots with a single number "1" and were the largest in five of the nine Districts. These include ballot papers cast by voters who misapplied the way to vote above the line for the Legislative Council.³²⁴

5.25 The third largest category was "writing – deliberate", comprising 12 percent of informal ballots in total.³²⁵ According to the VEC "many of these ballots

³²⁰ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.66.

³²¹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.66.

³²² Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.67-68.

³²³ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.67-68.

³²⁴ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.67-68.

³²⁵ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.67-68.

- crossed out the whole ballot paper, or included drawings”.³²⁶ Very few papers criticised compulsory voting.
- 5.26 The fourth largest category was “numbers – other”, with 12 percent of the total. These votes “were informal due to a variety of numbering errors, such as including two “1s”, or skipping or duplicating numbers. The voters in this category do not seem to have spoiled their ballots on purpose, but to have made an unsuccessful attempt at a formal vote”.³²⁷
- 5.27 Numbering errors were the largest of the categories in the informal ballot survey, comprising 50 percent of the total at 7,585 ballots.³²⁸ Ticks and crosses comprised about 10 percent of the total. The VEC attributes this to its education and community engagement programs, focusing on reducing the number of ticks and crosses on ballot papers.³²⁹
- 5.28 The Committee also notes the VEC’s analysis of apparently deliberately informal votes. The VEC added the number of these papers to marked ballot papers that were deliberately informal.³³⁰ Of these, 3,396 ballots (22 percent) were apparently deliberate, 7,197 (47 percent) were apparently deliberate including blank, and 5,688 (37 percent) indicated a preference.³³¹ The VEC notes almost half of these ballot papers appear to have been deliberately informal.
- 5.29 Overall, in comparison to the 2006 survey of Legislative Assembly District informal ballots, the VEC concludes:
- The proportion of “1” only votes was substantially lower in 2010;
 - There were fewer numbering errors and ticks and crosses in 2010, indicating some success with education about how to vote correctly; and
 - There was a large increase in blank and apparently deliberately informal ballots. The VEC posits the overall increase in the informal vote at the 2010 Victorian state election was due to voters who purposely spoiled their ballot.³³²

³²⁶ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.67-68.

³²⁷ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.67-68.

³²⁸ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.67-68.

³²⁹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.67-68.

³³⁰ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.67-68.

³³¹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.67-68.

³³² Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.67-68.

Legislative Council

- 5.30 Appendix 11 lists the results of the survey for the two selected Regions.
- 5.31 The Committee learnt that “blank” was the largest category of informal ballots for the Regions surveyed, comprising almost half of the total. In contrast, around 25 percent of the District ballot papers were blank.³³³ The VEC notes the size of the Region ballot papers may have deterred some voters from attempting to complete them.
- 5.32 The second largest category was “writing – deliberate”, which made up almost 20 percent of the total. These ballot papers range from a simple crossing out of the ballot paper, to drawings, to detailed text.³³⁴
- 5.33 The VEC notes the third largest category was below-the-line “1 only” ballot papers at 11 percent. These were people who “appeared to have misapplied the direction to vote “1” above the line, and to have voted for the lead candidate in their preferred group below the line”.³³⁵ The VEC advises 25 percent of informal votes were the result of numbering errors. Only 7 percent were ticks and crosses – a smaller proportion than for the Districts because on the Region ballot paper a single tick or cross above the line is a formal vote.³³⁶
- 5.34 The VEC advises apparently deliberately informal votes were 26.66 percent of the total:

“If blank votes are added, more than 70 percent of the informal votes were probably deliberate. Approximately 12 percent of informal votes indicated a clear preference, either as a “1” or a tick or cross below the line. This is a much lower proportion than for the Districts, probably because it is easy for voters to vote “1” above the line”.³³⁷

- 5.35 The VEC suggests the ease of voting above the line led to a significant difference between the incidence of informal votes above the line and those below the line:

“Only 8.9 percent of the ballot papers surveyed were marked above the line, while 23.29 percent were marked below the line. The difference is still more marked if the formal and informal votes are combined. For the two Regions surveyed, only 0.34 percent of the above the line votes (2,773 of 820,725) were informal. By contrast, 19.29 percent of the below the line votes (7,254 of 37,604) were informal. There were significant differences

³³³ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.70-71.

³³⁴ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.70-71.

³³⁵ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.70-71.

³³⁶ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.70-71.

³³⁷ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.70-71.

between the two Regions surveyed. Western Metropolitan Region, which had the second highest informal voting rate in the State (4.64 percent), had a markedly higher proportion of accidental informal votes. Western Victoria had fewer informal votes overall and more of those were deliberately informal".³³⁸

- 5.36 Overall, in comparison to the 2006 survey of Legislative Council Region informal ballots, the VEC concludes:
- "The number of "1" only votes fell by almost two-thirds in absolute terms, and by 15.6 percent. The number of repetitions of sequences was more than halved;
 - Votes indicating a preference declined from a third to a seventh of the total. Conversely, deliberately informal votes increased significantly in raw numbers and even more in percentage terms; and
 - Including blank ballot papers, the proportion of votes that were probably deliberately informal increased from 49.35 percent to 71.15 percent. Thus, the total number of informal votes decreased, and most of those who [voted] informally did so on purpose".³³⁹

Committee's view

- 5.37 The Committee thanks the VEC for surveying informal voting at the 2010 Victorian state election. The survey is a valuable resource for electoral research.
- 5.38 The Committee shares the VEC's concern about the increased rate of apparently deliberately informal ballots at the 2010 Victorian state election.
- 5.39 The Committee encourages the VEC to continue research into apparently deliberately informal. The Committee also expects to consider this topic further as part of a broad inquiry into the future of Victoria's electoral administration, as noted in Chapter Two.

³³⁸ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.70-71.

³³⁹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.70-71.

Evidence about strategies to reduce informal voting

5.40 The Committee received evidence about strategies to reduce informal voting at Victorian state elections. The evidence focused primarily on two alternative voting systems – one, known as OPV, and the other, known as ticket voting / savings provision voting.

Optional preferential voting

5.41 In 2008 and 2009 the Committee considered OPV as part of its inquiry into voter participation and informal voting.³⁴⁰

5.42 OPV is a system of voting used in Australia which differs to the preferential voting method currently used for Victorian Legislative Assembly elections. The preferential voting method requires the elector to mark each candidate on the ballot paper with a number in order of preference. This system is regarded as a form of majoritarian voting in that it requires candidates to acquire an absolute majority of the formal vote (i.e., 50 percent + 1) in order to be elected.³⁴¹ If, at the first count of votes, no candidate has achieved more than 50 percent plus “1” of formal votes, the candidate with the least number of first preference votes is excluded from the count. This candidate’s ballot papers are then distributed to remaining candidates according to the second preferences marked on those ballot papers. This process of excluding the candidate with the least number of first preference votes, and distributing to the next available preference, continues under full preferential voting until one candidate achieves 50 percent plus “1” of total formal votes, and is therefore elected.³⁴²

5.43 In contrast, OPV allows electors to cast a formal vote without fully completing the ballot paper. Electors can select one, some or all of the preferences on the ballot paper and still register a formal vote.³⁴³

5.44 In 2006 Victoria introduced a form of OPV for Legislative Council elections. Electors can choose to number “1” above the line on the Legislative Council Region ballot paper.

³⁴⁰ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, June 2009, p.98. Retrieved 6 February 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

³⁴¹ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, June 2009, p.97. Retrieved 6 February 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

³⁴² Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, June 2009, p.97. Retrieved 6 February 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

³⁴³ South Australian Electoral Office, *Report on optional preferential voting 2003-2004*, South Australian Electoral Office, Adelaide, 2004. Retrieved 1 April 2012 from www.eca.gov.au/research/files/optional_press.pdf.

5.45 OPV is also used for elections to the NSW Legislative Assembly and for elections to the Queensland Legislative Assembly and local government elections.

5.46 At the public hearings on Thursday, 25 August 2011 the Committee discussed OPV with inquiry participants. Some inquiry participants suggested OPV could lead to reduced rates of informal voting for Victorian Legislative Assembly elections. Antony Green, ABC Election Analyst, Malcolm Mackerras and Steve Tully, Victorian Electoral Commissioner supported this view.

5.47 Mr Green noted:

Mr GREEN—I am a supporter of optional preferential voting. I have actually just been to Britain campaigning for the alternative vote, which is optional preferential voting. Unfortunately the British could not get their minds around preferential voting; they really did not understand it at all. It was quite a novel experience to watch them try to understand this electoral system in which the candidate who got the highest first preference vote did not win. I think it is fair. What it does do is make it harder for a candidate to win from second place. Optional preferential voting always assists the candidate with the highest first preference vote. Some people call it de facto first past the post because of the way it is working in New South Wales and Queensland.³⁴⁴

5.48 Malcolm Mackerras also noted:

Mr MACKERRAS—I think as a matter of democratic principle we should always consider the rights of voters first and foremost. If you compare three systems, first past the post on the one hand, full preferential on the second hand and optional preferential on the third, the one that least respects the rights of the voter is first past the post, because under first past the post the voter is denied the right to transfer a vote from an excluded candidate to a candidate still in the count.

Under full preferential you have that right, but you are compelled to vote fully between all the candidates, so that you are compelled to transfer your vote from a candidate excluded on the count to a candidate who is still in the count. By contrast, optional preferential voting is the one that gives the most choice to the voter. You have the right, which makes it superior to first past the post, but you are not compelled, which makes it superior to full preferential voting. For that reason, as a matter of democratic principle I say the optional preferential system is the one that I personally favour, although I admit that there are some other arguments that might be entered into. But that is my general position.³⁴⁵

5.49 Steve Tully, Victorian Electoral Commissioner, and Bernie Finn MLC, Chair, also discussed the potential for OPV to reduce informal voting:

The CHAIR—Could that high informal vote in the lower house be addressed by just having a "1" in a box in both houses?

³⁴⁴ Antony Green, ABC Election Analyst, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011, p.13.

³⁴⁵ Malcolm Mackerras, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011, p.31.

Mr TULLY—Certainly. Just as a means of providing information, we have conducted that informal survey, and informality under an optional preferential system or a savings provision — such as exists in some other states — would reduce informality by up to half. I find that some people are just getting it wrong. We cannot do much about the ones who are putting messages on the ballot paper, who are just striking through it or who are writing clearly, “I want to vote informal”. The ballot paper survey that we conducted does show, in our view, that a number of people are attempting to vote properly and formally below the line but are just getting it wrong.³⁴⁶

5.50 Further, Dee Ryall MP, Committee Member and Mr Green discussed the affect of OPV in different Australian jurisdictions:

Ms RYALL—I have got two questions, Antony. Different people who we have spoken to throughout the last months have talked about the difference between federal and state systems. Some have raised the issue that if the state went to an optional preferential system and the federal one remains the same, it just gets too confusing and voters are likely to end up just doing optional preferential in the federal and getting their votes discounted. So I wondered, firstly, what your views were on that.³⁴⁷

Mr GREEN—It is clear from the commonwealth informal voting statistics that the rates of informal voting of people who just vote “1” is higher in New South Wales and Queensland than in the other states, so it is clear that the state practice has flowed over into federal elections, but I must also state that that has become more prominent over the years and partly because at the state level the parties have taken to advocating only “1”. In the early years when they issued how-to-votes with full lists of preferences it did not seem to be nearly as much of a problem in the states. The Queensland Electoral Commission has done substantial research on the sequence of votes. I can get the exact figures for you...but in 1992 when they did their first ballot paper survey in Queensland around 75 per cent of people were still giving full lists of preferences. In 2009 that figure had fallen to about 30 per cent, so the incidence of people giving preferences beyond “1” has dramatically dropped as the parties recommend that. Of course once the parties recommend that and people do that at the state election, come the federal election, that is what they repeat. The informal vote in Queensland has always been lower because they only have one house. The incidence of 1-only voting disappears at by-elections because people only get one ballot paper. Everything we know points to two causes of 1-only voting: the upper house ballot paper, and in the case of New South Wales and Queensland the experience of 1-only voting at state elections.³⁴⁸

5.51 In addition, in 2011 the Committee discussed OPV with Colin Barry, NSW Electoral Commissioner, and David Kerlake, Queensland Electoral Commissioner. Mr Barry and Mr Kerlake noted the potential for OPV to reduce informal voting.

³⁴⁶ Steve Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011, p.38.

³⁴⁷ Dee Ryall MP, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011, p.14.

³⁴⁸ Antony Green, ABC Election Analyst, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011, p.p.14-15.

Ticket voting / savings provision voting

- 5.52 In 2009 the Committee considered ticket voting / savings provision voting as part of its inquiry into voter participation and informal voting.
- 5.53 Ticket voting / savings provision voting is a system of voting where electors are able to vote “1” only for a desired candidate and have their preferences distributed as per party voting tickets. Alternatively electors have the option to number all of their preferences individually, as in normal full preferential voting.³⁴⁹
- 5.54 In South Australia, ticket voting is used for elections to the South Australian House of Assembly. In June 2011 the Committee discussed ticket voting via teleconference with Kay Mousley, Electoral Commissioner for South Australia.³⁵⁰
- 5.55 Ticket voting is a legislative provision designed to “save” certain types of votes – i.e., votes completed with only a “1” – and have them readmitted to an election count.³⁵¹ In South Australia, if an elector indicates a single first preference for a candidate and does not complete any further preferences, the ballot paper is saved as formal and preferences are allocated according to the ticket registered for that candidate.³⁵² Where two tickets are registered, the number of ballot papers indicating a first preference for that candidate are split equally between the tickets. Further, if any elector indicates a “1” and incomplete preferences (i.e., does not include a preference for all candidates), the ballot paper is saved as formal if the partially complete paper is consistent with a ticket registered by the candidate. If the additional preferences are not consistent with a ticket registered by the candidate, the ballot paper is deemed to be formal.
- 5.56 At the public hearings on Thursday, 25 August 2011 Antony Green, ABC Election Analyst discussed ticket voting / savings provision voting. Mr Green mentioned the South Australian ticket voting system and the example of how many votes would be saved under a savings provision which were marked “1”:

³⁴⁹ South Australian Electoral Office, *Report on optional preferential voting 2003-2004*, South Australian Electoral Office, Adelaide, 2004, p.2. Retrieved 1 April 2012 from www.eca.gov.au/research/files/optional_press.pdf.

³⁵⁰ South Australian Electoral Office, *Report on optional preferential voting 2003-2004*, South Australian Electoral Office, Adelaide, 2004, p.2. Retrieved 1 April 2012 from www.eca.gov.au/research/files/optional_press.pdf.

³⁵¹ South Australian Electoral Office, *Report on optional preferential voting 2003-2004*, South Australian Electoral Office, Adelaide, 2004, p.2. Retrieved 1 April 2012 from www.eca.gov.au/research/files/optional_press.pdf.

³⁵² South Australian Electoral Office, *Report on optional preferential voting 2003-2004*, South Australian Electoral Office, Adelaide, 2004, p.2. Retrieved 1 April 2012 from www.eca.gov.au/research/files/optional_press.pdf.

"The other way is the South Australian system where they have registered tickets. Every candidate is allowed to lodge a ticket of preferences, and if there is a ballot paper with insufficient preferences, like just the '1', then it is deemed to have the preference ticket. That saves a large amount of votes, but 85 per cent of them, on my estimates, would have also been saved by just treating it as a valid first preference. Most of the votes which are marked with a '1' only are for one of the candidates who finishes first or second. Their preferences would never need to be examined. So if a ballot paper has no need to have its preferences counted, I see no need to knock it out because it does not have valid preferences. I think it is putting far too much on the thing".³⁵³

Committee's view

- 5.57 In 2009 the Committee's report into voter participation and informal voting recommended the Victorian Government examine legislative reform to the formality interpretation provisions in the *Electoral Act 2002 (Vic)* to maximise the electoral participation of eligible Victorians, whilst maintaining a system of compulsory preferential voting. The Committee recommended the examination consider South Australian ticket voting and other possible rules governing the informality of ballots and savings provisions.
- 5.58 In December 2009 the Victorian Government responded to the Committee's recommendation. The Government committed to examining legislative reform to formality interpretation provisions.
- 5.59 The Committee acknowledges the evidence received during this inquiry in support of OPV. The Committee recognises evidence showing OPV has reduced informal voting rates at NSW and Queensland state elections.
- 5.60 The Committee also considered evidence relating to ticket voting / savings provision voting as practiced in South Australia. The Committee notes that ticket voting / savings provision voting has the potential to reduce informal voting rates.
- 5.61 The Committee is of the view that further research is needed to understand the differences between OPV and ticket voting / savings provision voting. Once the Committee has this information it will be in a better position to offer Parliament an informed view about the most appropriate system to reduce informal voting at Victorian elections. The Committee also believes that this information will assist the Parliament should it wish to amend the *Electoral Act 2002 (Vic)*.

³⁵³

Antony Green, ABC Election Analyst, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011, p.14.

Conclusion

- 5.62 This chapter discussed informal voting at the 2010 Victorian state election. It examined the VEC's informal voting survey and evidence received from inquiry participants about strategies to reduce informal voting rates, including OPV and ticket voting / savings provision voting.
- 5.63 The Committee shares the VEC's concern about the increased rate of apparently deliberately informal voting at the 2010 Victorian state election. There is a need for further research to encourage eligible Victorians to engage as fully as possible in the electoral process. The Committee expects to consider this issue as part of a broad inquiry into the future of Victoria's electoral administration, as noted in Chapter Two.

CHAPTER SIX – AT A GLANCE

- **Electronic voting for Victorian state elections was introduced at the 2006 Victorian state election.**
- **961 votes were cast electronically by eligible electors for the 2010 Victorian state election. Electors were able to cast an electronic vote via an electronic touchscreen or telephone console at an early voting centre.**
- **The Committee received evidence about voter verifiability and iVote, a remote electronic voting system introduced for the 2011 NSW state election.**
- **The Committee supports the introduction of an electronic voting trial at the 2012 Victorian local government elections.**

Electronic voting at the 2010 Victorian state election

- 6.1 Chapter Six addresses electronic voting at the 2010 Victorian state election. The chapter briefly considers the background to electronic voting in Victoria, and specific information about electronic voting at the 2010 Victorian state election. The chapter also discusses evidence received from inquiry participants about electronic voting, including recommendations from the VEC.

Background to electronic voting in Victoria

- 6.2 Electronic voting is a relatively new feature of Victorian state elections.
- 6.3 Electronic voting was first introduced for the 2006 Victorian state election. In July 2006, the *Electoral and Parliamentary Committees Legislation (Amendment) Bill 2006 (Vic)* was passed by the Parliament.³⁵⁴ The amendment allowed for the introduction of electronically assisted voting (EAV) at the 2006 Victorian state election. For the 2006 Victorian state election the VEC conducted a trial of EAV for electors who were blind or had low vision. The trial was successful and received positive feedback from users.³⁵⁵
- 6.4 In 2007 and 2008 the Committee considered the results of the VEC's trial of electronic voting at the 2006 Victorian state election as part of its inquiry into the 2006 Victorian state election. In response to feedback from the VEC, the Committee recommended that the electronic voting franchise be expanded to include electors with a motor skill impairment, electors whose first language is not English, and those with low or no English literacy.³⁵⁶ These recommendations were legislated in August 2010 through the *Electoral Amendment (Electoral Participation) Act 2010 (Vic)*.

³⁵⁴ *Electoral and Parliamentary Committees Legislation (Amendment) Act 2006 (Vic)*. Retrieved 4 January 2012 from http://www.austlii.edu.au/au/legis/vic/num_act/eapcla200644o2006609/

³⁵⁵ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election and matters related thereto*, Victorian Electoral Commission, Melbourne, August 2011, p.30.

³⁵⁶ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, June 2009, p.169. Retrieved 6 February 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

What is electronic voting?

- 6.5 Electronic voting is a form of voting that utilises technology to allow electors to cast a vote using an electronic medium, such as a computer connected to an electronic kiosk.
- 6.6 The two methods of electronic voting used for Victorian state elections are telephone voting and a kiosk-based touchscreen system.
- 6.7 To vote via telephone, electors arrive at an early voting centre and have their name checked off. At this time such electors ask to vote “electronically by telephone”. An elector will then be asked to confirm their eligibility to vote via telephone.³⁵⁷
- 6.8 Once this has occurred, an election official escorts the elector to a telephone in a private telephone booth. A code is entered by the election official who dials a number which then puts the elector through to an audio representation of the correct ballot papers for the elector’s District and Region.³⁵⁸
- 6.9 Electors are given full instructions via telephone on how to vote and are able to navigate back and forth between menu options and vary the speed and volume of the instructions.³⁵⁹ The audio interface guides the elector through the following steps in the process:
- Instructions are provided on how to use the system, including how to change audio preferences at any point.
 - Electors are asked to select preferences for their Legislative Assembly District and their Legislative Council Region.
 - Electors are able to review and verify preferences for the District and Region.
 - Once electors cast their vote they are asked to confirm that they are happy with their selections.
 - Electors are offered a verbal receipt number. This does not list their preferences; however, the receipt allows the elector to go to the VEC website after the election has closed and check their vote was

³⁵⁷ Victorian Electoral Commission, “Electronic assisted voting”, Victorian Electoral Commission, Melbourne, 2011. Retrieved 6 February 2012, <http://www.vec.vic.gov.au/Vote/vote-eav.html>.

³⁵⁸ Victorian Electoral Commission, “Electronic assisted voting”, Victorian Electoral Commission, Melbourne, 2011. Retrieved 6 February 2012, <http://www.vec.vic.gov.au/Vote/vote-eav.html>.

³⁵⁹ Victorian Electoral Commission, “Electronic assisted voting”, Victorian Electoral Commission, Melbourne, 2011. Retrieved 6 February 2012, <http://www.vec.vic.gov.au/Vote/vote-eav.html>.

successfully received. Electors cannot see their vote at this stage, just that the vote was received and processed.

- Once the election closes, all votes are printed and included in the count.³⁶⁰
- 6.10 To vote via electronic touchscreen, electors arrive at an early voting centre and have their name checked off. At this time such electors ask to vote “electronically by touchscreen”. An elector will then be asked to confirm their eligibility to vote electronically.³⁶¹
- 6.11 Once electors are marked off the roll, they receive an electorate card in place of ballot papers. The electorate card is encoded with their electorate details (District and Region) so that the system knows which ballot papers to use. The card does not contain details which allow an elector to be identified.³⁶²
- 6.12 Once an elector is escorted to a touchscreen booth, an electoral official assists the elector to set display options, such as font sizes and audio options.³⁶³
- 6.13 Once an elector inserts their electorate card into the system, the system is activated. The interface guides the elector through the following steps in the process:
- Instructions are provided on how to use the system, including how to change display and audio preferences at any point.
 - Electors are asked to select preferences for their Legislative Assembly District and their Legislative Council Region.
 - Electors are able to review and verify preferences for the District and Region.
 - Once electors cast a vote they are able to confirm that they are happy with their selections.
 - Electors are then offered a receipt code number. This receipt will not show preferences; however, it does allow electors to go to the VEC website after the election has closed and check their vote was successfully received. Electors are not able to see their vote at this point, just that the vote was received and processed.

³⁶⁰ Victorian Electoral Commission, “Electronic assisted voting”, Victorian Electoral Commission, Melbourne, 2011. Retrieved 6 February 2012, <http://www.vec.vic.gov.au/Vote/vote-eav.html>.

³⁶¹ Victorian Electoral Commission, “Electronic assisted voting”, Victorian Electoral Commission, Melbourne, 2011. Retrieved 6 February 2012, <http://www.vec.vic.gov.au/Vote/vote-eav.html>.

³⁶² Victorian Electoral Commission, “Electronic assisted voting”, Victorian Electoral Commission, Melbourne, 2011. Retrieved 6 February 2012, <http://www.vec.vic.gov.au/Vote/vote-eav.html>.

³⁶³ Victorian Electoral Commission, “Electronic assisted voting”, Victorian Electoral Commission, Melbourne, 2011. Retrieved 6 February 2012, <http://www.vec.vic.gov.au/Vote/vote-eav.html>.

- The electorate card is removed and returned to the election official.
- Once the election closes, all votes are printed and included in the count.³⁶⁴

6.14 Regarding touchscreen voting, the Committee notes it is important to distinguish that the touchscreen system used in Victoria is not a form of internet voting. The kiosks are not connected to the internet. The Committee understands that the term “electronic” voting causes some confusion among electors about whether “electronic” means internet-ready voting.

Electronic voting in Australian jurisdictions

New South Wales

6.15 In 2011 Colin Barry, NSW Electoral Commissioner, provided the Committee with information about NSW’s experience with the iVote internet voting option at the 2011 NSW state election.

6.16 iVote was introduced for the 2011 NSW state election through the *Parliamentary Electorates and Elections Further Amendment Bill 2010*, which was passed by the NSW Parliament on 25 November 2010 and became operative on 7 December 2010.³⁶⁵

6.17 iVote is a remote internet electronic voting option for eligible electors in NSW elections. While iVote was originally intended for use by electors who are blind or have low vision, the legislation introduced in 2010 covers people who have low levels of English, have other disabilities, live more than 20 kilometres from a polling place or will be interstate or overseas on election day.³⁶⁶

6.18 The NSW Electoral Commission’s website outlines how iVote operates:

- The elector applies to use iVote, just as they might apply for a postal vote. The elector can apply on the Internet; or by calling a dedicated iVote call-centre.
- When the elector applies they supply a PIN of 6 digits.
- A letter of affirmation is sent to the elector’s enrolled address confirming their application for an iVote.

³⁶⁴ Victorian Electoral Commission, “Electronic assisted voting”, Victorian Electoral Commission, Melbourne, 2011. Retrieved 6 February 2012, <http://www.vec.vic.gov.au/Vote/vote-eav.html>.

³⁶⁵ NSW Electoral Commission, “ivote”, NSW Electoral Commission, April 2012. Retrieved 10 April 2012 from <http://www.elections.nsw.gov.au/voting/ivote>.

³⁶⁶ NSW Electoral Commission, “ivote”, NSW Electoral Commission, April 2012. Retrieved 10 April 2012 from <http://www.elections.nsw.gov.au/voting/ivote>.

- The elector is then supplied with an iVote number that will enable them to access the iVote system and vote.
- The iVote number is mailed, sent by email or SMS or can be provided by telephone call for those who have difficulty in accessing written material.
- The iVote number is an 8 digit number, which is provided after the electoral roll has closed.
- To use iVote the elector needs both the iVote number and the PIN they provided at the time of application.³⁶⁷

6.19 The Committee discussed iVote with several inquiry participants at the public hearings on Tuesday, 23 August 2011. Renee Williamson, National Advocacy Manager, Vision Australia, and Patricia Cooney, Business Development Manager, Vision Australia, were encouraged by the introduction of iVote as an initiative to give greater access to the electoral process for people with disabilities. Ms Cooney said:

“Vision Australia also assisted the New South Wales Electoral Commission with the iVote system, which was adopted in the state election in March this year. This system gave voters the options of utilising a telephone voting system or utilising internet voting using a personal identification number and with no human intervention required. Don’t we love that? Even in the supermarket now you can put your own things through — no human intervention! Both systems could be used from any premises, allowing persons to vote from any location. This was a flexible option and allowed greater access, unlike the Victorian system which, due to the legislation, required voters to attend a polling centre to access the electronic voting system. While we believe it is important to maintain a system where voters attend a polling centre to cast their vote, the iVote system does provide another layer of accessibility”.³⁶⁸

6.20 The Committee also heard from Vanessa Teague, University of Melbourne representing Computing, Research and Education (CORE), at the public hearing on Tuesday, 23 August 2011. Dr Teague said:

“I know that you have received a lot of submissions very much in favour of trying to adopt a system something like iVote. I feel that there were serious problems with the iVote project, both in terms of the process, which was not at all transparent and gave very little opportunity for local scrutiny, and in terms of the technical properties of the system itself, at least as far as I could work them out, which was not very far.

The New South Wales Electoral Commission recently published some summary reports of the security audits that they had had done on the system, and the security auditors raised

³⁶⁷ NSW Electoral Commission, “ivote”, NSW Electoral Commission, April 2012. Retrieved 10 April 2012 from <http://www.elections.nsw.gov.au/voting/ivote>.

³⁶⁸ Patricia Cooney, Business Development Manager, Vision Australia, *Transcript of Evidence*, Public Hearing, Melbourne, 23 August 2011, p.3.

some quite serious concerns. In the pre-implementation report — so before voting — they said:

... significant security vulnerabilities were highlighted ...

In their post-implementation report, which they submitted after the voting period, they said:

... some of the risks identified ... remained outstanding during the voting period ...

It goes on to say that 43 of the iVote ballots were recorded as having the letter 'N' instead of numeric preferences.

From that much information, at least, it appears this is a system that is known to have had significant outstanding security vulnerabilities during the voting period. It is known to have garbled at least 43 votes, and yet it has been variously described by the media and by the New South Wales EC and all kinds of other people as being secure, private and verifiable".³⁶⁹

Electronic voting at the 2010 Victorian state election

- 6.21 Electronic voting was expanded for the 2010 Victorian state election and only available in the two week early voting period before election day. The voting system, "Pnyx", was "provided by Sctyl (Spain) in partnership with Hewlett Packard (Australia). The system is an enhanced version of the system piloted for the 2006 Victorian state election".³⁷⁰
- 6.22 Eligible Victorian electors were able to utilise the electronic voting service at each of the 101 early voting centres set up for the 2010 Victorian state election. Every early voting centre had at least two telephone voting services and there were 79 supervised touchscreen kiosks across 59 early voting centres.³⁷¹
- 6.23 Electronic voting was available in 12 languages other than English.
- 6.24 The VEC also provided EAV facilities for electors at eight interstate voting centres and at two centres in the United Kingdom. The VEC appointed a staff member to oversee EAV in the United Kingdom. The "staff member was responsible for all aspects of EAV in Manchester and London, including the set-up and removal of equipment and training and support of early voting

³⁶⁹ Vanessa Teague, Computing, Research and Education representing University of Melbourne, *Transcript of Evidence*, Public Hearing, Melbourne, 23 August 2011, p.p.35-36.

³⁷⁰ Sctyl Secure Electronic Voting, *Submission No. 14*, p.4.

³⁷¹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election and matters related thereto*, Victorian Electoral Commission, Melbourne, August 2011, p.30.

officials”.³⁷² Over 700 eligible Victorians cast electronically assisted votes in London for the 2010 Victorian state election.³⁷³

- 6.25 Overall, the VEC recorded 961 electronically assisted votes for the 2010 Victorian state election. The VEC was disappointed with this figure and would have liked to have seen more eligible people take up the option to vote electronically.³⁷⁴
- 6.26 The VEC’s website lists the phases of the electronically assisted voting process:

“All votes cast by either telephones or touchscreen systems were anonymous and moved through three phases - vote, verify and submit. Upon completion of each virtual ballot paper, the elector was able to review and verify their selections, revise them if they wished and cast their vote. The system advised the elector if they were in danger of recording an informal vote (they may not have recorded any selections), but would still accept the ballot if that was the elector’s wish.

Once the vote was cast, it was encrypted for transmission to the VEC’s central system. At 6.00pm on election night, several VEC executives used confidential codes to access the electronic votes held on the system, decrypted them and supervised their printing to paper ballots”.³⁷⁵

- 6.27 The Committee notes the verification procedures put in place by the VEC for electronic voting at the 2010 Victorian state election. The VEC’s website advises:

“The electronic voting system was independently tested and verified by third party software auditors to ensure that it was error free and performed exactly as described. The auditor was able to check the systems at any time to confirm that the audited software is active and in use as expected.

In addition to the traditional security and scrutiny around elections, we also undertook the following measures:

1. Deployment of an established high security voting system customised to fit the Victorian electoral system. The system has processed millions of votes in other elections without loss, damage or fraud.
2. Provision of computer hardware that remains controlled and supervised at all times during its use. This means that the VEC supervises the use of the systems, including touchscreen systems, network, switches and servers.

³⁷² Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election and matters related thereto*, Victorian Electoral Commission, Melbourne, August 2011, p.31.

³⁷³ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election and matters related thereto*, Victorian Electoral Commission, Melbourne, August 2011, p.31.

³⁷⁴ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election and matters related thereto*, Victorian Electoral Commission, Melbourne, August 2011, p.31.

³⁷⁵ Victorian Electoral Commission, “Electronic assisted voting”, Victorian Electoral Commission, Melbourne, 2011. Retrieved 6 February 2012, <http://www.vec.vic.gov.au/Vote/vote-eav.html>.

3. Prudent and minimal use of the Internet. This allows the VEC to take advantage of the reach of the Internet as a simple delivery system whilst avoiding the risks associated with Internet voting or a "voting website".

4. The system was made available to selected academics who have experience in electronic voting. These academics advised the VEC on testing and audit".³⁷⁶

5. Testing was undertaken to identify and eliminate potential threats posed by opportunistic hackers as well as corrupt insiders. Both external and internal penetration testing was performed".³⁷⁷

Evidence about electronic voting at the 2010 Victorian state election

6.28 The Committee received evidence from several inquiry participants about electronic voting. The Committee received submissions from Vanessa Teague, University of Melbourne representing CORE, Sctyl Electronic Voting and the VEC. Dr Teague was appointed as a technical observer by the VEC for the 2010 Victorian state election. Sctyl Electronic Voting developed the software for the electronic voting solution for the 2010 Victorian state election.

Verifiability

6.29 One of the themes in the evidence about electronic voting is the verification and security of the electronic voting solution used for the 2010 Victorian state election.

6.30 The VEC engaged BMM Compliance to audit the integrity and security of the electronic voting system available to users. The audit found that the system designed by Sctyl Electronic Voting was fit for use for the 2010 Victorian state election.³⁷⁸

6.31 Dr Teague's submission discusses her involvement as a technical observer and her main findings as result of her work reviewing the electronic voting option. Dr Teague found that the software employed for electronic voting at the 2010 Victorian state election used reasonable cryptography for protecting the system against external malicious attack, or "hacking".³⁷⁹ However, the system did "not use all feasible techniques for guaranteeing integrity or privacy against malicious insiders, relying instead on [the] VEC's procedural

³⁷⁶ Victorian Electoral Commission, "Electronic assisted voting", Victorian Electoral Commission, Melbourne, 2011. Retrieved 6 February 2012, <http://www.vec.vic.gov.au/Vote/vote-eav.html>.

³⁷⁷ Victorian Electoral Commission, "Electronic assisted voting", Victorian Electoral Commission, Melbourne, 2011. Retrieved 6 February 2012, <http://www.vec.vic.gov.au/Vote/vote-eav.html>.

³⁷⁸ Victorian Electoral Commission, "Electronic assisted voting", Victorian Electoral Commission, Melbourne, 2011. Retrieved 6 February 2012, <http://www.vec.vic.gov.au/Vote/vote-eav.html>.

³⁷⁹ Vanessa Teague, Computing, Research and Education representing the University of Melbourne, *Submission No. 13*, p.p.1-5.

and perimeter security at several points”.³⁸⁰ Dr Teague stated that, in comparison to a postal voting system,

“with envelopes opened in the presence of scrutineers, it is probably harder for an outsider to intercept an electronic ballot than a postal vote, but it is easier for a small group of insiders to manipulate the outcome or discover an individual's vote”.³⁸¹

6.32 Dr Teague also questions the validity of the “receipt” function as a tool for verifiability:

“The kiosk prints out a “verification value” which is described in the marketing literature as giving voters the opportunity to check that their vote was recorded and counted correctly. In fact it provides no evidence of either of these. It would be more accurate to call it a tracking number that allows voters to query the system on whether it recorded their vote. If there has been an inadvertent error then this may detect it, but if the system is malfunctioning due to an attack, then the attacker could easily subvert the “verification system” as well. Hence a verification failure proves that there has been some error, but a successful verification does not prove that the vote was recorded or tallied correctly”.³⁸²

6.33 Further, Dr Teague suggests three recommendations regarding electronic voting:

- That if electronic voting is extended to voters who can read their own printout, then it should provide a printout for them to verify (a voter verifiable paper trail), or some other form of direct verification;
- The auditor’s report should be public, and the source code should be available to a much wider group of experts for analysis; and
- There should be an Australian set of standards for electronic voting systems, and it should include points (a) and (b).³⁸³

6.34 On Thursday, 15 March 2012 Dr Teague wrote to the Committee expressing her support for the VEC’s work on electronic voting.

Committee’s view

6.35 The Committee thanks all inquiry participants for their evidence about electronic voting.

³⁸⁰ Vanessa Teague, Computing, Research and Education representing the University of Melbourne, *Submission No. 13*, p.2.

³⁸¹ Vanessa Teague, Computing, Research and Education representing the University of Melbourne, *Submission No. 13*, p.2.

³⁸² Vanessa Teague, Computing, Research and Education representing the University of Melbourne, *Submission No. 13*, p.5.

³⁸³ Vanessa Teague, Computing, Research and Education representing the University of Melbourne, *Submission No. 13*, p.2.

- 6.36 The Committee is interested in this topic, extending from its inquiries into the 2006 Victorian state election and voter participation and informal voting.
- 6.37 The Committee recognises that the electronic voting option at the 2010 Victorian state election did not include a human-readable printout for the voter, and that the receipt did not actually prove that the vote had been recorded or tallied correctly. Nevertheless, the Committee is satisfied with the security of the system as it was used at the 2010 Victorian state election, and the VEC's management of the electronic voting option. The Committee would like to see the VEC continue to investigate ways to strengthen voter verification processes.
- 6.38 The Committee shares Dr Teague's interest in voter verification techniques. As reinforced by Dr Teague's evidence at the public hearings on Tuesday, 23 August 2011, there is much to learn about this subject in the United States of America. Some of the world's leading authorities on voter verification, such as the Brennan Centre for Justice, University of California / Massachusetts Institute of Technology Voting project and the Voter Verified project are based in the United States of America. While the Committee received compelling evidence during this inquiry about voter verifiability, the Committee believes it is essential to investigate these matters further as part of a broad inquiry into the future of Victoria's electoral administration, as noted in Chapter Two.

Electronic voting trial at Victorian local government elections

- 6.39 The VEC's report to Parliament on the 2010 Victorian state election requests the Committee support a trial of electronic voting at Victorian local government elections.³⁸⁴
- 6.40 At present, legislation does not provide for electronic voting at Victorian local government elections.
- 6.41 The VEC proposes the Committee recommend supporting an option to allow a two-week electronic voting window prior to election day. The VEC notes "this parallels postal voting, where voters have an extended time to fill in their ballot papers in most local government elections".³⁸⁵
- 6.42 The VEC identifies two options for the trial:

"One possibility would be to trial electronic voting for people with poor English-language skills at an attendance election in a municipality with a high proportion of culturally and linguistically diverse voters. Data from previous elections show that these municipalities,

³⁸⁴ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election and matters related thereto*, Victorian Electoral Commission, Melbourne, August 2011, p.99.

³⁸⁵ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election and matters related thereto*, Victorian Electoral Commission, Melbourne, August 2011, p.99.

Brimbank and Moreland City Councils for example, tend to have very high informality rates. Municipalities with large numbers of candidates tend to also have higher rates of informality. A trial of this nature would allow the VEC to assess the effectiveness of electronic voting as a solution to this problem.

A second possibility would be to conduct all voting electronically in one particular municipality and then calculate the results by importing the data into the VEC's counting software, rather than printing the votes. As mentioned above, this could provide cost advantages, faster results and a reduction in possible errors".³⁸⁶

RECOMMENDATION 6.1: The Committee supports an electronic voting trial at the 2012 Victorian local government elections provided the VEC ensures electors are able to access a voter verifiable record of their vote prior to it being lodged.

Issuing votes electronically from remote locations

- 6.43 The VEC's report to Parliament on the 2010 Victorian state election requests the Committee consider recommending an amendment to the *Electoral Act 2002* (Vic) to allow the VEC to issue votes electronically from locations in addition to appointed voting centres to those electors currently covered by Section 110D of the *Electoral Act 2002* (Vic).³⁸⁷
- 6.44 Section 110D of the *Electoral Act 2002* (Vic) provides access to electronic voting at an electronic voting centre by an elector who cannot otherwise vote without assistance because of:
- Low vision;
 - A motor impairment; or
 - Insufficient literacy skills (whether in the English language or in their primary spoken language).³⁸⁸
- 6.45 As noted earlier, the VEC was disappointed with the number of votes cast by eligible Victorians using electronic voting equipment at early voting centres.

³⁸⁶ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election and matters related thereto*, Victorian Electoral Commission, Melbourne, August 2011, p.99.

³⁸⁷ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election and matters related thereto*, Victorian Electoral Commission, Melbourne, August 2011, p.101.

³⁸⁸ *Electoral Act 2002* (Vic) s110D. Retrieved 8 February 2012 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

The VEC suggests this may partly be due to the fact these electors must attend an early voting centre to use the electronic voting option.³⁸⁹

- 6.46 The VEC refers to iVote as an example of a technology assisted internet voting system.³⁹⁰

Committee's view

- 6.47 The Committee shares the VEC's disappointment about the number of votes cast at early voting centres using the electronic voting kiosks at the 2010 Victorian state election. Evidence received from advocacy organisations such as Vision Australia suggests there is a clear need for electronic voting for people with disabilities. The Committee encourages the VEC to continue promoting awareness of electronic voting with disability and accessibility advocacy groups.
- 6.48 Conversely, the Committee is pleased that over 700 eligible Victorians cast an electronic vote in the United Kingdom for the 2010 Victorian state election. The Committee believes this speaks to the success of the VEC's system and the efforts of the VEC and the Agent-General in London to provide access to electronic voting to eligible Victorians in the United Kingdom.
- 6.49 Given the evidence the Committee received during this inquiry about iVote and remote access voting systems, the Committee has concerns about supporting a recommendation which allows for votes to be issued from locations other than early voting centres.

Conclusion

- 6.50 This chapter examined electronic voting at the 2010 Victorian state election. The chapter considered the background to electronic voting in Victoria, and specific information about electronic voting at the 2010 Victorian state election.
- 6.51 The Committee supports an electronic voting trial at the 2012 Victorian local government elections, provided electors are able to access a verifiable record of their vote. The Committee looks forward to reviewing the results of the trial.
- 6.52 As noted earlier, electronic voting is one of the most important topics in contemporary Australian electoral administration. Electronic voting is likely to play an increasingly important role at future Victorian state elections.

³⁸⁹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election and matters related thereto*, Victorian Electoral Commission, Melbourne, August 2011, p.101.

³⁹⁰ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election and matters related thereto*, Victorian Electoral Commission, Melbourne, August 2011, p.101.

- 6.53 The Committee believes there is much to learn about electronic voting in the United States of America. At the public hearings on Thursday, 25 August 2011 the Committee learnt several jurisdictions in the United States of America are developing world's best practice electronic voting systems. The Committee expects to develop its understanding of these systems as part of a broad inquiry into the future of Victoria's electoral administration, as noted in Chapter Two.

CHAPTER SEVEN – AT A GLANCE

- **The Committee encourages all Victorians to participate in the electoral process. During the inquiry the Committee received evidence from organisations representing Victorians from different backgrounds, including people experiencing homelessness, people from culturally diverse backgrounds, indigenous Victorians, young people and people with a disability.**
- **The Committee also considered the VEC’s media strategies for the 2010 Victorian state election, including the state tally room.**

Community engagement and media at the 2010 Victorian state election

7.1 Chapter Seven addresses community engagement and media at the 2010 Victorian state election. The chapter defines these concepts and considers the VEC's community engagement initiatives for the 2010 Victorian state election, focusing on initiatives for indigenous Victorians, culturally and linguistically diverse (CALD) communities, people experiencing homelessness, students and first-time voters and people with a disability. Evidence about community recognition of Victorian Legislative Councillors is addressed. The chapter also discusses the VEC's media services, including evidence about election night tally rooms.

Definitions of community engagement and media

7.2 In Victoria the *Electoral Act 2002* (Vic) stipulates that the VEC provides “public awareness of electoral matters that are in the general public interest by means of the conduct of education and information programs”.³⁹¹

7.3 The Community Engagement and Education Unit at the VEC is the main provider of electoral engagement strategies for Victorian elections. The Unit works with groups in the Victorian community to minimise barriers to democratic participation and encourage active citizens.³⁹² The Unit works with several communities including schools, homeless agencies, residents' associations, indigenous groups, disability groups and other community networks.³⁹³

7.4 The VEC's Annual Report 2010-2011 records the VEC's commitment to community engagement and education. The VEC notes “wide community

³⁹¹ *Electoral Act 2002* (Vic) s8. Retrieved 10 March 2012 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

³⁹² Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, July 2009, p.132. Retrieved 10 March 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

³⁹³ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, July 2009, p.132. Retrieved 10 March 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

engagement in the democratic process is crucial for a healthy democracy. Low participation by specific groups in the community can leave them underrepresented and feeling disengaged with politics and the democratic process”.³⁹⁴

7.5 For the purposes of this report, the Committee considers community engagement and education together.

7.6 In addition, the VEC provides services to the media for all Victorian state elections. The VEC “recognises the media is the primary channel through which most Victorians access electoral information”.³⁹⁵ The VEC “provides briefing sessions, a media handbook, a dedicated media channel on the VEC’s website, distribution of media releases and an election night tally room”.³⁹⁶

Community engagement at the 2010 Victorian state election

7.7 The VEC carried out several community engagement and education programs in the lead up to the 2010 Victorian state election.

7.8 Between July and November 2010 the VEC’s community engagement team held 163 outreach, enrolment and mobile early voting sessions for community groups.³⁹⁷

7.9 The VEC also ran a coordinated election “Roadshow” prior to the 2010 Victorian state election. Research undertaken by the VEC shows “many community groups prefer information about elections to be provided in a face-to-face format”.³⁹⁸ The Roadshow provided members of the public with electoral information, education and interactive displays about Victoria’s democratic system.³⁹⁹ Eligible Victorians could also enrol or update their enrolment details before the close of roll at the Roadshow.⁴⁰⁰

7.10 The Roadshow was launched on Saturday, 18 September 2010 at the Royal Melbourne Show and was awarded third prize in the “Best Stand”

³⁹⁴ Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.22.

³⁹⁵ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.54.

³⁹⁶ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.54.

³⁹⁷ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.54.

³⁹⁸ Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.23.

³⁹⁹ Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.23.

⁴⁰⁰ Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.23.

category.⁴⁰¹ This location “was the first of nine locations: six metropolitan locations and three regional locations. The Roadshow concluded on Tuesday, 9 November 2010 at Federation Square, coinciding with the close of roll. The VEC estimates 53,000 Victorians engaged directly with staff at the Roadshow over an eight week period”.⁴⁰²

Community engagement for specific community groups

- 7.11 The Committee recognises some community groups experience low levels of electoral engagement.
- 7.12 The Committee received evidence from the VEC and several inquiry participants about electoral engagement at the 2010 Victorian state election for the following community groups.

Indigenous Victorians

- 7.13 In 2010 the VEC appointed an Aboriginal Engagement Officer, with the aim to “increase community understanding of the electoral process through the conduct of Aboriginal outreach sessions, and encouraging a greater number of Aboriginal people to seek work as election officials at Victorian state elections”.⁴⁰³ Amongst other activities the Aboriginal Engagement Officer developed a “motivational presentation about Koori history and its relationship to democracy. The presentation was delivered to 1,272 people over 21 face-to-face sessions”.⁴⁰⁴
- 7.14 In 2010 the VEC also established an “Aboriginal Advisory Group to provide guidance to the VEC on how it might best respond to the electoral education and engagement needs of Aboriginal communities in Victoria”.⁴⁰⁵

Culturally and linguistically diverse communities

- 7.15 CALD is an abbreviation for culturally and linguistically diverse communities. In an Australian context, individuals from a CALD background are those who identify as having a specific cultural or linguistic affiliation by virtue of their

⁴⁰¹ Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.23.

⁴⁰² Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.23.

⁴⁰³ Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.24.

⁴⁰⁴ Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.24.

⁴⁰⁵ Victorian Electoral Commission, *Annual Report 2010-11*, Victorian Electoral Commission, Melbourne, September 2011, p.24.

place or birth, ancestry, ethnic origin, religion, preferred language, or because of their parents' identification on a similar basis.⁴⁰⁶

- 7.16 The Committee recognises there are differences between CALD communities. Many Victorians come from “countries with varying experiences of elections and the democratic process, government and elections. These experiences can affect people’s expectations of voting in Australia”.⁴⁰⁷
- 7.17 In 2010 and 2011 the VEC’s CALD program aimed to increase “the participation of multicultural communities in the democratic process, educate the community about how to complete a ballot paper correctly and foster relationships with multicultural community organisations to increase the impact of the VEC’s work”.⁴⁰⁸ In 2010 the VEC also established a CALD Advisory Group. The Group allows “multicultural agencies to advise the VEC on the needs of CALD communities for electoral engagement. The Group met twice in the six months prior to the 2010 Victorian state election. The Group also met in July 2011 to provide feedback on the VEC’s election initiatives”.⁴⁰⁹
- 7.18 The VEC also held community education sessions for CALD communities in the lead up to the 2010 Victorian state election. 63 sessions were held for 1,542 participants.⁴¹⁰ The workshops included “interpreter assisted workshops for community groups and ‘train the trainer’ sessions to build the capacity of local workers around their electoral knowledge”.⁴¹¹ The majority of sessions were held in the Western Metropolitan and the Northern Metropolitan Regions – both Regions have large populations of electors from CALD communities.⁴¹² 25 Victorian electoral Districts across seven Victorian electoral Regions were covered.⁴¹³

⁴⁰⁶ Centre for Volunteering, June 2009. Retrieved 1 April 2012 from <http://www.volunteering.com.au>.

⁴⁰⁷ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.43.

⁴⁰⁸ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.43.

⁴⁰⁹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.43.

⁴¹⁰ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.43.

⁴¹¹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.43.

⁴¹² Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.43.

⁴¹³ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.43.

- 7.19 Surveys from the “sessions indicate participants found the workshops useful. 61 percent reported a good knowledge of democracy after the session, compared to four percent before”.⁴¹⁴
- 7.20 Further, the Committee received evidence from Scope, Communication Resource Centre about Easy English⁴¹⁵ and CALD communities. Since 2005 Scope has assisted the VEC to develop plain language communication materials. In the lead up to the 2010 Victorian state election SCOPE assisted the VEC to continue to implement Easy English strategies for CALD communities, including Easy English versions of VEC publications.⁴¹⁶

People experiencing homelessness

- 7.21 The Committee is interested in encouraging people experiencing homelessness to engage with the electoral process.
- 7.22 The ABS defines homelessness as a state for persons who do not live in a conventional home but also lack access to financial and social support.⁴¹⁷ Primary homeless are often referred to as those people who “sleep rough” because they live in parks, on the street, deserted buildings and in public spaces. Secondary homeless are people who frequently move between temporary accommodation such as emergency, refuge and crisis housing.⁴¹⁸
- 7.23 The 2006 Australian Census recorded 20,500 Victorians as homeless on census night.⁴¹⁹ Currently this figure is being revised by the ABS. A recent “ABS discussion paper suggests the number of people who experience homelessness over a year is likely to be somewhere between 350,000 to 400,000”.⁴²⁰
- 7.24 For this inquiry and inquiries in the 56th Parliament, the Committee received evidence about people experiencing homelessness from Hanover Welfare Services. Hanover Welfare Services “was created in 1964 with a specific

⁴¹⁴ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.43.

⁴¹⁵ Easy English is a simpler form of English. For more information, see: <http://www.scopevic.org.au/>.

⁴¹⁶ Scope, *Submission No.2*, p.2.

⁴¹⁷ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2006 Victorian state election and matters related thereto*, Melbourne, June 2008, p.83. Retrieved 10 October 2011 from <http://www.parliament.vic.gov.au/archive/emc/2006%20State%20Election/Inquiry%20into%202006%20Victorian%20state%20election.pdf>.

⁴¹⁸ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2006 Victorian state election and matters related thereto*, Melbourne, June 2008, p.83. Retrieved 10 October 2011 from <http://www.parliament.vic.gov.au/archive/emc/2006%20State%20Election/Inquiry%20into%202006%20Victorian%20state%20election.pdf>.

⁴¹⁹ Hanover Welfare Services, *Submission No. 11*, p.3.

⁴²⁰ Hanover Welfare Services, *Submission No. 11*, p.3.

mission focused on homelessness”.⁴²¹ It is an “independent agency with no structural links to governments, churches or institutions. Hanover Welfare Services operates various services at seven locations across Melbourne, including outreach to people sleeping rough, crisis accommodation, longer term employment support, education support and research and policy”.⁴²²

7.25 Hanover Welfare Services’ submission details the results of a survey of its clients’ electoral participation at the 2010 Victorian state election. The main findings of the survey are:

- 91 percent of clients were eligible to vote. The nine percent who were not eligible were not Australian citizens;
- Of those clients who were eligible to vote, only 36 percent actually voted;
- Participants without children were more likely to vote (40 percent compared with 30 percent of people with children);
- Women were more likely to vote than men (44 percent compared with 24 percent);
- The most common reason for not voting was due to not being enrolled to vote (57 percent gave this as the reason for not voting); and
- The next most common reason given for not voting was “too many other issues to deal with” (31 percent).⁴²³

7.26 According to Hanover Welfare Services, the most significant issue arising from the survey is that many of its clients are not enrolled to vote⁴²⁴. As a result, Hanover Welfare Services recommends the VEC work with the Victorian Office of Housing and homeless service providers to develop a strategy to increase electoral enrolment of people who access funded homeless services.⁴²⁵

7.27 The VEC advised the Committee about its efforts to encourage people experiencing homelessness to engage in electoral processes. The Committee learnt that for the 2010 Victorian state election, the VEC further developed its “Homeless not Voteless” program. A key objective of the

⁴²¹ Hanover Welfare Services, *Submission No. 11*, p.p.3-5.
⁴²² Hanover Welfare Services, *Submission No. 11*, p.p.3-5.
⁴²³ Hanover Welfare Services, *Submission No. 11*, p.p.3-5.
⁴²⁴ Hanover Welfare Services, *Submission No. 11*, p.p.3-5.
⁴²⁵ Hanover Welfare Services, *Submission No. 11*, p.p.3-5.

program is to increase ease of access to, and participation in, the electoral system.⁴²⁶

- 7.28 In addition, in 2010 the VEC provided worker information sessions for homelessness agencies, enrolment outreach sessions, the “Living Voice” art project and mobile voting for the 2010 Victorian state election.⁴²⁷ As noted in Chapter Four, the VEC provided mobile early voting services at 11 homelessness agency locations between Tuesday, 16 November and Friday, 26 November 2010.⁴²⁸ Each mobile voting team offered voting services, including provisional voting. 355 votes were cast at homelessness agencies for the 2010 Victorian state election. 44 provisional votes were also cast.

Students and first-time voters

- 7.29 In 2009 the Committee considered evidence about young people and electoral participation as part of its inquiry into voter participation and informal voting. The Committee learnt that while Victoria has one of the highest levels of youth electoral enrolment in Australia, at approximately 85 percent of those aged 18 to 25 years, youth enrolment rates in Victoria are approximately eight percent lower than enrolment rates for the general voting population.⁴²⁹
- 7.30 As noted in Chapter Four, for the 2010 Victorian state election the VEC practiced limited automatic enrolment for students registered with the VCAA.
- 7.31 Beyond these enrolment initiatives, the VEC provided several services for students and first-time voters for the 2010 Victorian state election. In 2010 the VEC ran a special voting supplement in *The Age* newspaper.⁴³⁰ The VEC also published a similar supplement prior to the 2006 Victorian state election.⁴³¹ In addition, in 2010 the VEC also continued its “Passport to Democracy” program. “Passport to Democracy” is the VEC’s interactive civic and democratic education module. The program:

⁴²⁶ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.44.

⁴²⁷ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.44.

⁴²⁸ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.23.

⁴²⁹ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, July 2009, p.111. Retrieved 10 March 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

⁴³⁰ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.47.

⁴³¹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.47.

“takes students on a journey of their own creation, drawing on their concerns and issues to make the connection between politics and the things that are important to them. It prompts students to consider how they can make an impact on issues they care about and ultimately, how they can engage with the community to achieve positive change”.⁴³²

- 7.32 At the public hearings on Thursday, 25 August 2011 Aaron Martin, University of Melbourne, discussed the role of civics education in encouraging youth electoral participation.⁴³³

People with a disability

- 7.33 The Committee received evidence from several inquiry participants representing Victorians with a disability, including Vision Australia, Physical Disability Council of Victoria, Disability Connections Victoria, Scope, Communication Resource Centre and People with Multiple Sclerosis Victoria Incorporated.

- 7.34 The VEC’s Disability Action Plan provides for the development and implementation of an education program for people with an intellectual impairment or multiple disabilities within daycare environments. As part of this program the VEC produces a DVD resource called “Voting is for everyone” in cooperation with SCOPE.⁴³⁴ The VEC advises:

“the DVD aims to encourage a community-wide conversation about democracy and to dispel some of the misconceptions around voting by people with an intellectual disability, and their capacity and willingness to vote. The kit is a community education resource for people living with a disability, their families and paid care staff, and an Australian...first”.⁴³⁵

- 7.35 The VEC also promoted education sessions for disability service clients through metropolitan and rural access workers. The “focus of these sessions was to provide education about levels of government, how to contact the person’s [electoral] representatives, how to vote correctly and about seeking assistance from either an election official or a paid care giver to complete ballot papers if they were unable to physically do so themselves”.⁴³⁶

⁴³² Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.47.

⁴³³ Aaron Martin, University of Melbourne, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011, p.p.21-22.

⁴³⁴ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.46.

⁴³⁵ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.46.

⁴³⁶ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.46.

Accessibility of voting centres

7.36 One of the themes in the evidence about access to the electoral process for people with a disability is the accessibility of voting centres. The Committee received submissions on this matter from the VEC, Scope, Communication Resource Centre, the Physical Disability Council of Victoria, Disability Connections Victoria, Ken Coghill, Monash University and People with Multiple Sclerosis Victoria Incorporated.

7.37 All inquiry participants agreed that Victoria lacks sufficient numbers of suitable accessible venues for elections. At the public hearings on Thursday, 25 August 2011 Steve Tully, Victorian Electoral Commissioner, explained:

“Sadly Victoria still suffers from a lack of suitable accessible premises, particularly in inner areas, and that creates a continual range of issues for us. The 2010 election plan was developed in a consultative manner some 12 months out from the election. It was adhered to and was well understood by all electoral participants — that is, the parties, the commentators and the media”.⁴³⁷

7.38 The VEC’s fourth submission records the VEC’s frustration with the lack of publicly owned accessible buildings in many areas across Victoria:

“Regrettably in many electorates, the number of fully accessible buildings available for use as voting centres is limited. The VEC has met with its Electoral Access Advisory Group since the election and the paucity of wheelchair access was one of the topics covered extensively at that meeting. Feedback included the fact that the VEC’s criteria for assessing access to venues are particularly stringent. The VEC committed to work closely with this group to better define the criteria for assessing the level of access at each venue. The VEC is also working with the Australian Electoral Commission to ensure that accessibility ratings are consistent for Commonwealth and State electoral events”.⁴³⁸

7.39 The Physical Disability Council of Victoria’s submission advises 17 percent of the voting centres at the 2010 Victorian state election were fully wheelchair accessible.⁴³⁹

7.40 Similarly, Disability Connections Victoria’s submission identifies the lack of accessible voting centres as one its major concerns, albeit one that the VEC is working on.⁴⁴⁰

7.41 Further, People with Multiple Sclerosis Victoria Incorporated’s submission calls for at least half the voting centres in any District to be fully accessible. The submission suggests:

⁴³⁷ Steve Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of Evidence*, Public Hearing, Melbourne, 25 August 2011, p.35.

⁴³⁸ Victorian Electoral Commission, *Submission No.4*, p.p.1-2.

⁴³⁹ Physical Disability Council of Victoria, *Submission No.5*, p.p.1-2.

⁴⁴⁰ Disability Connections Victoria, *Submission No.7*, p.p.1-2.

- Having voting districts select more centres which are fully accessible;
- Selecting venues which are partially fully accessible, [For example when I voted in the 2010 Australian Federal Election I was in Broome, WA; access to most of the voting centre was via several steps but two booths had been set up in the foyer so that people in wheelchairs could register and vote without having to access the main body of the centre.]
- Having assistance available at the entrance to those centres which would otherwise be *accessible with assistance* thereby making them fully accessible".⁴⁴¹

Committee's view – accessibility of voting centres

- 7.42 The Committee appreciates evidence from inquiry participants about the lack of accessible voting venues for Victorian elections.
- 7.43 The Committee encourages the VEC to continue working with appropriate stakeholders and the Electoral Access Advisory Group to identify and arrange access to accessible voting centres for Victorian elections. The Committee also encourages the VEC to continue providing assistance at the entrance to voting centres which would otherwise be accessible with assistance, as noted by People with Multiple Sclerosis Victoria Incorporated.

Terminology “unsound mind”

- 7.44 One of the other matters identified in the evidence relates to a particular terminology used in the *Constitution Act 1975* (Vic) to qualify Victorian electors.
- 7.45 Section 48(2)(d) of the *Constitution Act 1975* (Vic) provides that “by reason of being of unsound mind”, [a person who] is incapable of understanding the nature and significance of enrolment and voting”, is not entitled to be on the roll of electors.⁴⁴²
- 7.46 The VEC's report to Parliament on the 2010 Victorian state election requests the Committee note that the term “unsound mind” causes distress for some electors.⁴⁴³
- 7.47 The Committee thanks the VEC for raising this matter. The Committee considered the terminology “unsound mind” during its inquiry into the 2006 Victorian state election. At the time, Gemma Varley, Chief Parliamentary Counsel (Department of Premier and Cabinet), advised the Committee that while the term “unsound mind” may not reflect contemporary views about disability, changing the term to “mental or cognitive impairment” may result in

⁴⁴¹ People with Multiple Sclerosis Victoria Incorporated, *Submission No.12*, p.1.

⁴⁴² *Constitution Act 1975* (Vic) s48(2)(d).

⁴⁴³ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.99.

Victorians being disenfranchised as a result of another term replacing “unsound mind”.⁴⁴⁴

- 7.48 The Committee did not support the VEC’s recommendation at the time to amend the *Constitution Act 1975* (Vic) to alter the term “unsound mind”.⁴⁴⁵
- 7.49 The Committee encourages the VEC to work directly with the Department of Justice and Chief Parliamentary Counsel (Department of Premier and Cabinet) to develop an appropriate terminology.

Other matters in community engagement

Community recognition of Victorian Legislative Councillors

- 7.50 One of the matters raised during the inquiry was community recognition of Members of Parliament.
- 7.51 The Victorian Parliament’s structure is based on the Westminster model of the United Kingdom where there are two houses of Parliament: a Lower House, which in Victoria is known as the Legislative Assembly, and an Upper House, known in Victoria as the Legislative Council.
- 7.52 The composition of the Legislative Council has varied since it became an elected House in 1856. Originally six provinces elected 30 Members.⁴⁴⁶ Membership of the Council peaked with 44 Members representing 22 provinces following reforms in 1974, which took effect at the state elections in 1976.⁴⁴⁷ The most recent changes, the result of the *Constitution (Parliamentary Reform) Act 2003* (Vic), came into effect prior to the 2006 Victorian state election. Membership of the Council now consists of 40 Members representing eight regions.⁴⁴⁸

⁴⁴⁴ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2006 Victorian state election and matters related thereto*, Melbourne, June 2008, p.82. Retrieved 10 October 2011 from <http://www.parliament.vic.gov.au/archive/emc/2006%20State%20Election/Inquiry%20into%202006%20Victorian%20state%20election.pdf>.

⁴⁴⁵ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2006 Victorian state election and matters related thereto*, Melbourne, June 2008, p.82. Retrieved 10 October 2011 from <http://www.parliament.vic.gov.au/archive/emc/2006%20State%20Election/Inquiry%20into%202006%20Victorian%20state%20election.pdf>.

⁴⁴⁶ Legislative Council, Parliament of Victoria, “Information Sheet 1”, Parliament of Victoria, April 2012. Retrieved 1 April 2012 from <http://www.parliament.vic.gov.au/council/publications-a-research/information-sheets/1-the-legislative-council>.

⁴⁴⁷ Legislative Council, Parliament of Victoria, “Information Sheet 1”, Parliament of Victoria, April 2012. Retrieved 1 April 2012 from <http://www.parliament.vic.gov.au/council/publications-a-research/information-sheets/1-the-legislative-council>.

⁴⁴⁸ Legislative Council, Parliament of Victoria, “Information Sheet 1”, Parliament of Victoria, April 2012. Retrieved 1 April 2012 from <http://www.parliament.vic.gov.au/council/publications-a-research/information-sheets/1-the-legislative-council>.

- 7.53 In Victoria and NSW, a Member of the Legislative Assembly may adopt the post-nominal “MP”, denoting Member of Parliament.
- 7.54 In Victoria Members of the Legislative Council adopt the post-nominal “MLC”, denoting Member of the Legislative Council. Members of the NSW Legislative Council also adopt the post-nominal “MLC”. This differs to practice for the Upper House of the Commonwealth Parliament, the Senate, where Members are known as “Senators” and are permitted to use this title preceding their name.
- 7.55 In May 2011 the Committee discussed community recognition of Members of the Legislative Council with inquiry participants in Sydney and Brisbane. Greg Smith MP, NSW Attorney-General, suggested the post-nominal “MLC” was not widely understood in the community and may lead to confusion about the role of Members of the Legislative Council, and confusion about the role of the Legislative Council.
- 7.56 In February 2012 the Committee met with Richard Herr, Honorary Associate, School of Government, University of Tasmania, in Hobart. Dr Herr agreed with Bernie Finn MLC, Chair, that the post-nominal “MLC” could be a source of confusion for electors.⁴⁴⁹ Dr Herr also agreed there was potential for the post-nominal “MLC” to be associated with local government and councillors.⁴⁵⁰
- 7.57 The Committee considered international practice regarding the naming and recognition of Members of Upper House legislatures. In the United States of America there are 49 state legislatures with bicameral parliaments. In each of these jurisdictions Members of the State Senate are referred to as “Senators”.

Committee’s view – community recognition of Victorian Legislative Councillors

- 7.58 The Committee believes there is an argument for better recognition of Upper House Members of Parliament, including changing the post-nominal MLC used in Victoria for Legislative Councillors. The Committee will investigate these matters further as part of a broad inquiry into the future of Victoria’s electoral administration, as noted in Chapter Two.

Media at the 2010 Victorian state election

- 7.59 As noted earlier, the VEC provides services to the media for all Victorian state elections. The VEC provides “briefing sessions, a media handbook, a

⁴⁴⁹ Richard Herr, Honorary Associate, School of Government, University of Tasmania, *Briefing Transcript*, Hobart, 24 February 2012.

⁴⁵⁰ Richard Herr, Honorary Associate, School of Government, University of Tasmania, *Briefing Transcript*, Hobart, 24 February 2012.

dedicated media channel on the VEC's website, distribution of media releases and an election night tally room".⁴⁵¹

State Tally Room

- 7.60 The VEC establishes a tally room for each Victorian state election.
- 7.61 The tally room for the 2010 Victorian state election was located at Etihad Stadium. Several media outlets broadcast from the stadium, including ABC News (television and radio), Sky News, Channel Seven, Channel Nine and Channel 10.⁴⁵² 3AW and MTR also broadcast from the stadium.⁴⁵³ Approximately 100 members of the general public attended the tally room, along with candidates at various stages throughout the evening.⁴⁵⁴
- 7.62 In February 2012 the Committee met with the Tasmanian Electoral Commission. Andrew Hawkey, Deputy Tasmanian Electoral Commissioner, briefed the Committee about Tasmania's 2010 election night tally room. He advised the tally room was very successful, attracting a large number of members of the general public, Members of Parliament and media.⁴⁵⁵
- 7.63 The Committee acknowledges the low attendance rate at the Victorian tally room on 2010 election night. The Committee shares the VEC's sentiment that people were likely to have been deterred from attending because of inclement weather.
- 7.64 The Committee encourages the VEC to work with the Tasmanian Electoral Commission to learn about additional strategies to generate public interest in the tally room, including strategies used in Tasmania.

Conclusion

- 7.65 This chapter examined community engagement initiatives for the 2010 Victorian state election. The Committee is pleased to have received evidence from inquiry participants from diverse backgrounds, including from organisations representing Victorians with a disability.
- 7.66 The Committee looks forward to exploring ways to improve access to the electoral process for all Victorians during the 57th Parliament.

⁴⁵¹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.54.

⁴⁵² Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.54.

⁴⁵³ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.54.

⁴⁵⁴ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.54.

⁴⁵⁵ Andrew Hawkey, Deputy Electoral Commissioner, Tasmanian Electoral Commission, *Briefing Transcript*, Hobart, 23 February 2012.

CHAPTER EIGHT – AT A GLANCE

- **The Committee considers methods for counting votes for Legislative Council elections, compulsory enrolment enforcement and access to electoral information.**
- **The Committee remains concerned about allegations *The Age* newspaper improperly accessed a secure ALP electoral database prior to the 2010 Victorian state election. The Committee is committed to ensuring the personal and electoral details of all Victorians are protected from misuse.**

Voting systems, compulsory voting enforcement and access to electoral information

- 8.1 Chapter Eight addresses voting systems, compulsory voting enforcement and access to electoral information. The chapter considers evidence and recommendations from inquiry participants about voting systems. The chapter also discusses evidence about compulsory voting enforcement. The chapter concludes by discussing allegations about improper access to electoral information held by a political party prior to the 2010 Victorian state election.

Voting systems

Methods for counting votes for Legislative Council elections

- 8.2 The 2010 Victorian state election was the second Victorian state election when proportional representation was used to elect the Legislative Council.
- 8.3 Section 114 of the *Electoral Act 2002 (Vic)* outlines the procedure for ascertaining the number of votes for Legislative Council candidates, including how candidates are excluded from the count and how exhausted ballot papers are treated.⁴⁵⁶
- 8.4 According to Section 114A(28)(c) of the *Electoral Act 2002 (Vic)*, each of the following constitutes a separate transfer:
- A transfer under subsection (7), (9) or (14) of all the surplus votes of an elected candidate;
 - A transfer in accordance with subsection (12)(a) of all first preference votes of an excluded candidate;

⁴⁵⁶ *Electoral Act 2002 (Vic)* s 114. Retrieved 10 March 2012 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

- A transfer in accordance with subsection (12)(b) of all the votes of an excluded candidate that were transferred to that candidate from a particular candidate.⁴⁵⁷

8.5 The VEC's report to Parliament on the 2010 Victorian state election advises there have been a number of different interpretations of Section 114A(28)(c) of the *Electoral Act 2002* (Vic), which defines what constitutes a separate transfer when distributing preferences for Legislative Council candidates.⁴⁵⁸

8.6 The VEC also advises it obtained legal advice about the interpretation of this section. The advice "confirms that the construction that the VEC places on Section 114A(28)(c) is preferred".⁴⁵⁹ Accordingly, the VEC recommends that, to avoid confusion, the Parliament amends Section 114A(28)(c) of the *Electoral Act 2002* (Vic) to be consistent with the wording in the *Commonwealth Electoral Act 1918* (Cwth) and the *Local Government Act 1989* (Vic) as follows:

"a transfer in accordance with subsection (12)(b) of all votes of an excluded candidate that were transferred to that candidate from a particular candidate or candidates as the case may be, at a particular transfer value".⁴⁶⁰

RECOMMENDATION 8.1: The Committee recommends the VEC work with the Victorian Government to amend Section 114A(28)(c) of the *Electoral Act 2002* (Vic) to ensure consistency with the *Commonwealth Electoral Act 1918* (Cwth) and the *Local Government Act 1989* (Vic).

8.7 The Committee also received evidence from Antony Green, ABC Election Analyst, about the proportional representation method used to elect the Legislative Council. Mr Green suggests there are two ways in which the Legislative Council count could be improved: the first concerns the "treatment of ballot papers with exhausted preferences".⁴⁶¹ The second "involves a correction to the formula used to determine the distribution of preferences from candidates elected with more than a quota of the votes".⁴⁶²

8.8 Under proportional representation electors for the Legislative Council may mark their ballot papers "above-the-line" or "below-the-line". Given less electors mark their ballot papers below the line, it is possible that a final

⁴⁵⁷ *Electoral Act 2002* (Vic) s114. Retrieved 10 March 2012 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

⁴⁵⁸ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.102.

⁴⁵⁹ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.102.

⁴⁶⁰ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.102.

⁴⁶¹ Antony Green, *Submission No.20*, p.p.1-20.

⁴⁶² Antony Green, *Submission No.20*, p.p.1-20.

vacancy in a Region can be filled by a candidate with less than a full quota of votes.

- 8.9 Mr Green notes the current Victorian system “allows the creation of exhausted ballot papers at the point where an elected candidate has their surplus to quota votes distributed”. In contrast, Mr Green notes “two jurisdictions with far higher rates of exhausted ballot papers, NSW and the Australian Capital Territory, calculate a transfer value that excludes exhausted ballots from the distribution, i.e., having exhausted ballots with the elected candidate”.⁴⁶³
- 8.10 As a result, Mr Green proposes a change to the formula for calculating a transfer value. Mr Green notes the current formula is the:

$$\text{Transfer Value} = (\text{Surplus Votes}) \div (\text{Total ballot papers})$$

where $\text{Surplus Votes} = (\text{Total Votes}) - \text{Quota}$ ⁴⁶⁴

- 8.11 In NSW and the Australian Capital Territory Mr Green notes the formula is the:

$$\text{Transfer Value} = (\text{Surplus Votes}) \div [(\text{Total Ballot papers}) - \text{Exhausted Ballots}]$$
⁴⁶⁵

- 8.12 The Committee thanks Mr Green for raising this matter. The Committee is interested in Mr Green’s suggested changes to the formula for calculating a transfer value but requires further advice from relevant stakeholders before forming a view. The Committee expects to consider these matters as part of a broad inquiry into the future of Victoria’s electoral administration, as noted in Chapter Two.

District by-elections

- 8.13 Section 61(2) of the *Electoral Act 2002 (Vic)* determines that the writ for a Victorian District by-election must be issued by the Speaker of the Legislative Assembly within one month of the vacancy occurring.⁴⁶⁶ The maximum period to conduct a by-election is 58 days from the issue of the writ, or approximately three months from the date the vacancy occurs.⁴⁶⁷
- 8.14 The VEC’s report to Parliament on the 2010 Victorian state election recommends the Parliament considers amending the *Electoral Act 2002 (Vic)*

⁴⁶³ Antony Green, *Submission No.20*, p.p.1-20.

⁴⁶⁴ Antony Green, *Submission No.20*, p.p.1-20.

⁴⁶⁵ Antony Green, *Submission No.20*, p.p.1-20.

⁴⁶⁶ *Electoral Act 2002 (Vic)* s61. Retrieved 10 March 2012 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

⁴⁶⁷ *Electoral Act 2002 (Vic)* s61. Retrieved 10 March 2012 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

so that if the writ for a by-election is to be issued within 58 days of the date of a general election, the option not to conduct the by-election should be considered and the general election used to fill the vacancy.⁴⁶⁸

RECOMMENDATION 8.2: The Committee recommends the Victorian Government amend the *Electoral Act 2002 (Vic)* so that if the writ for a by-election is to be issued within 58 days of the date of a general election, the option not to conduct the by-election should be considered and the general election used to fill the vacancy.

Compulsory voting enforcement

- 8.15 Voting is compulsory in all Australian jurisdictions, including Victoria.
- 8.16 The *Electoral Act 2002 (Vic)* provides for the enforcement of compulsory voting in Victoria.⁴⁶⁹ Eligible Victorian electors may be fined for not voting without a valid excuse if the elector was enrolled at the time of a Victorian state election or by-election. The VEC is obliged to send notices to enrolled Victorians who appear not to have voted.⁴⁷⁰
- 8.17 The Committee considered compulsory voting enforcement as part of its inquiry into voter participation and informal voting. At the time the Committee received detailed evidence from several inquiry participants, including the VEC, about youth electoral participation.⁴⁷¹
- 8.18 As part of that inquiry the Committee learnt that young people are less likely to participate in democratic processes than the general eligible voting population.⁴⁷² The Committee also learnt that one of the most effective methods to ensure young people maintain their involvement in civic processes as they age is through appropriate civics education.⁴⁷³

⁴⁶⁸ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.102.

⁴⁶⁹ *Electoral Act 2002 (Vic)* s9. Retrieved 13 March 2012 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

⁴⁷⁰ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.102.

⁴⁷¹ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, July 2009, p.p.105-130. Retrieved 10 March 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

⁴⁷² Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, July 2009, p.p.105-130. Retrieved 10 March 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

⁴⁷³ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, July 2009, p.p.105-130. Retrieved 10 March 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

- 8.19 Further, as part of that inquiry the VEC requested the Committee recommend that the proceeds from the enforcement of compulsory voting be used to fund the VEC's "Passport to Democracy", with the funds being directed to an electoral education trust.⁴⁷⁴ The Committee partially supported the VEC's view and recommended the Victorian government fully fund "Passport to Democracy", given the program's potential to engage young people in the electoral process. However, the Committee did not support funding "Passport to Democracy" through the proceeds of compulsory voting enforcement.⁴⁷⁵
- 8.20 In December 2009 the Victorian Government responded to this recommendation. The Government supported in part the funding of "Passport to Democracy", noting that the Victorian Essential Learning Standards incorporated the teaching of civics at Victorian schools.⁴⁷⁶
- 8.21 For this inquiry, the VEC also recommends the Parliament consider setting up an electoral education fund, using money from the proceeds of compulsory voting enforcement. The funds would be used to support the roll out of "Passport to Democracy" to all schools across Victoria.⁴⁷⁷
- 8.22 The Committee commends the VEC for "Passport to Democracy" and the other civics education and engagement initiatives run by the VEC's Community Engagement and Education Unit. The Committee believes it is important to foster a democratic culture in Victoria where all Victorians, including young people, feel it is important to participate in the electoral process. Evidence shows interactive civics modules like "Passport to Democracy" help young people understand their democratic rights and obligations.
- 8.23 The Committee supports the VEC's "Passport to Democracy" and supports in principle the idea of an electoral education trust for continuing civics education initiatives. The Committee encourages the VEC to work with the Department of Justice to determine the necessary steps needed to implement the electoral education trust.

⁴⁷⁴ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, July 2009, p.126. Retrieved 10 March 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

⁴⁷⁵ Parliament of Victoria, Electoral Matters Committee, *Inquiry into voter participation and informal voting*, Melbourne, July 2009, p.126. Retrieved 10 March 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Full_report_-_voter_participation_and_informal_voting.pdf.

⁴⁷⁶ See: Parliament of Victoria, Electoral Matters Committee, "Government Response: inquiry into voter participation and informal voting", December 2009. Retrieved 1 April 2012 from http://www.parliament.vic.gov.au/images/stories/committees/emc/Voter_Participation/Report/Gov_response_to_the_inquiry_into_voter_participation_and_informal_voting_240610.pdf.

⁴⁷⁷ Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.104.

Social media

- 8.24 During this inquiry the Committee learnt about several important developments relating to the use of social media for electoral purposes.
- 8.25 The VEC's report to Parliament on the 2012 Niddrie District by-election advises that the Parliament of South Australia recently changed its electoral regulations to exclude blogging and applications such as Twitter from electoral authorisation requirements.
- 8.26 The 2012 Niddrie District by-election also took place at the same time as the 2012 Queensland state election. According to the VEC, this gave it cause to reflect on the role of social media in electoral campaigns and the difficulty of authorising different forms of social media, such as Twitter.
- 8.27 The Committee appreciates the complexities surrounding the relationship of social media to electoral processes. The Committee will consider this issue in more detail as part of a broad inquiry into the future of Victoria's electoral administration, as noted in Chapter Two.

Access to electoral information

- 8.28 One of the major issues to emerge during this inquiry relates to access to electoral information held by political parties.
- 8.29 On Tuesday, 23 November 2010 *The Age* newspaper published a story entitled "Revealed: How the [Australian Labor Party] keeps secret files on voters".⁴⁷⁸
- 8.30 In Victoria political parties maintain databases containing information about electors. This information is usually obtained by electorate officers working for Members of Parliament, and also through political party direct mail activities. The databases can contain personal details including the names of electors, addresses, telephone numbers and other personal information.
- 8.31 The story states that *The Age* gained access to a database held by the ALP.⁴⁷⁹ Subsequent media reports in December 2011 indicated that *The Age*

⁴⁷⁸ *The Age*, "Revealed: How the ALP keeps secret files on voters", 23 November 2010. Retrieved 13 March 2012 from <http://www.theage.com.au/victoria/state-election-2010/revealed-how-the-alp-keeps-secret-files-on-voters-20101122-1845e.html>.

⁴⁷⁹ *The Age*, "Revealed: How the ALP keeps secret files on voters", 23 November 2010. Retrieved 13 March 2012 from <http://www.theage.com.au/victoria/state-election-2010/revealed-how-the-alp-keeps-secret-files-on-voters-20101122-1845e.html>.

was approached by someone representing the ALP and that this individual offered *The Age* access to the database.⁴⁸⁰

- 8.32 On Tuesday, 6 December 2011 the Committee wrote to Paul Ramadge, Editor-in-chief, *The Age* and journalists Royce Miller and Nick McKenzie about allegations of improper access to the ALP's database. The Committee expressed its concern about the allegations and its view that the integrity and confidentiality of electoral information about Victorians be upheld. The Committee also requested a copy of all written and electronic documentation, as well as all other information held by *The Age* newspaper and Mr Ramadge. Further, the Committee requested *The Age* confirm whether any of its staff accessed the ALP's database, the names of individuals whose details were accessed and what *The Age* intended to gain by accessing this information.
- 8.33 On Friday, 9 December 2011 Paul Ramadge, Editor-in-chief, *The Age*, responded to the Committee's letter. Mr Ramadge wrote *The Age* was approached by an ALP representative and offered access to the database.⁴⁸¹ Mr Ramadge also advised *The Age* would not respond to the Committee's request given that a Victoria Police investigation was considering the same matters.⁴⁸²
- 8.34 On Friday, 16 December 2011 the Committee wrote to Victoria Police seeking to confirm that a Victoria Police investigation was taking place into the alleged improper access to the ALP's database.
- 8.35 On Thursday, 22 December 2011 Stephen Cooper, Acting Inspector, Deputy Chief of Staff to the Chief Commissioner, Victoria Police, responded to the Committee and advised Victoria Police would provide further information about this matter in due course.⁴⁸³
- 8.36 On Thursday, 12 January 2012 Graham Ashton, Assistant Commissioner Crime, Victoria Police, wrote to the Committee. Mr Ashton confirmed that Victoria Police was investigating matters relating to the alleged improper access of the ALP's database and that the investigation was likely to conclude in June 2012.⁴⁸⁴

⁴⁸⁰ *The Age*, "Revealed: How the ALP keeps secret files on voters", 23 November 2010. Retrieved 13 March 2012 from <http://www.theage.com.au/victoria/state-election-2010/revealed-how-the-alp-keeps-secret-files-on-voters-20101122-1845e.html>.

⁴⁸¹ Paul Ramadge, Editor-in-chief, *The Age*, 9 December 2011, p.1.

⁴⁸² Paul Ramadge, Editor-in-chief, *The Age*, 9 December 2011, p.2.

⁴⁸³ Stephen Cooper, Acting Inspector, Deputy Chief of Staff to the Chief Inspector, *Correspondence*, 22 December 2011, p.1.

⁴⁸⁴ Graham Ashton, Assistant Commissioner, Crime, *Correspondence*, 12 January 2012, p.1.

Committee's view – access to electoral information

- 8.37 During this inquiry the Committee heard from inquiry participants that Victoria has one of the world's best electoral enrolment systems, based on privacy and confidentiality. All Victorians should have confidence that details about their electoral enrolment, and their personal information, are protected from misuse.
- 8.38 The Committee remains concerned about allegations *The Age* newspaper improperly accessed the ALP's databases prior to the 2010 Victorian state election. Regardless of how this information was obtained, the Committee supports the right of Members of Parliament and political parties to maintain secure databases containing information and details about electors. This information assists Members and political parties to better serve the needs of their constituents.
- 8.39 As noted earlier, the Committee has sought *The Age's* cooperation in matters relating to the allegations of improper access to the ALP's electoral database.
- 8.40 The Committee considers *The Age's* correspondence on Friday, 9 December 2011 and decision not to cooperate with the Committee's requests for assistance with this matter offensive. Indeed Mr Ramadge's comments show little regard for the Committee's most fundamental concern in this matter; that an influential organisation allegedly accessed a database containing private information about Victorians for reasons it will not disclose. The Committee believes this is a serious matter with implications for the integrity of Victoria's electoral process.
- 8.41 The Committee is cognisant of the Victoria Police's investigation. As a result, the Committee reserves the right to reconsider these matters once the Victoria Police investigation has concluded.

Conclusion

- 8.42 This chapter examined matters relating to voting systems, compulsory enrolment enforcement and access to electoral information.
- 8.43 As noted above, the Committee expects to consider some of these matters further in the 57th Parliament.

Conclusion

- 9.1 At the public hearings on Thursday, 25 August 2011 Steve Tully, Victorian Electoral Commissioner, reminded the Committee of the importance of regular review of Victorian state elections. He noted Victoria is one of only three jurisdictions in Australia to have both an independent electoral commission and a dedicated parliamentary electoral matters committee conducting inquiries into electoral matters.⁴⁸⁵ While some may argue that parliamentary oversight of electoral administration is unnecessary given the work performed in this area by electoral commissions across Australia⁴⁸⁶, the Committee firmly believes inquiries such as this provide a further level of scrutiny of Victoria's electoral administration, and importantly, additional opportunities for the general public to comment on electoral processes.
- 9.2 Primarily, this report examined evidence relating to the 2010 Victorian state election. Most of the evidence received by the Committee focused on procedural and administrative matters. In Chapter Four the Committee considered methods to make it easier for electors to apply for a postal vote application. The Committee's recommendation to work with the VEC on this matter will assist the VEC to provide electors with timely access to voting materials. In a world where people are increasingly mobile, such a recommendation is sensible.
- 9.3 In addition, this report recommends several amendments to Victorian legislation, principally the *Electoral Act 2002* (Vic). In Chapter Three the Committee recommends amendments to the *Electoral Act 2002* (Vic) to expand the sources of information available to the VEC for automatic enrolment, and to close the roll three days after the issue of the writ for Victorian elections.
- 9.4 Both recommendations intend to streamline Victoria's electoral administration. Similarly, recommendations in Chapters Four, Six and Eight aim to strengthen the *Electoral Act 2002* (Vic) by proposing clear amendments to current electoral-related legal matters raised by the VEC's report to Parliament on the 2010 Victorian state election.

⁴⁸⁵ These jurisdictions are Victoria, NSW and the Commonwealth. The Parliament of Victoria has the Electoral Matters Committee. The Parliament of NSW has the Joint Standing Committee on Electoral Matters (JSCEM). The Commonwealth Parliament has a JSCEM.

⁴⁸⁶ Norm Kelly, "Australian Electoral Administration and Electoral Integrity", in Joo-Cheong Tham, Brian Costar, Graeme Orr (eds), *Electoral Democracy: Australian prospects*, Melbourne University Press, Melbourne, 2011, p.124.

- 9.5 Beyond administrative and legislative change, one of the central themes in this report is the future of Victoria's electoral administration. The Committee recognises this inquiry took place at a unique time in Australia's electoral history. Every Australian jurisdiction is considering important electoral reforms, with the Commonwealth likely to follow Victoria and NSW in introducing legislation to provide for automatic enrolment of electors through the *Electoral and Referendum Amendment (Protecting Electoral Participation) Bill 2012* (Cwth).
- 9.6 During this inquiry the Committee learnt that Victoria has played a leading role in Australian electoral reform in recent years, beginning with constitutional reforms to Victoria's voting system and reforms in 2003 to the method of electing the Legislative Council. Several recommendations in this report reflect this: for instance, the Committee's recommendation in Chapter Six supporting a trial of electronic voting at the 2012 Victorian local government elections provides scope for the VEC and the Committee to work together to support interesting initiatives in electoral administration, such as voter-verifiable electronic voting.
- 9.7 It is clear to the Committee that future Victorian elections will be shaped by several emerging trends. Increasing rates of early voting in person at Victorian elections (showing there has been a 202 percent increase in early voting at Victorian state elections since 2002) provide the VEC and the Committee with much to consider. Indeed, early voting was a topic raised by many inquiry participants. The Committee appreciates that trends such as early voting reflect just one aspect of the changing expectations of Victorian electors, and certainly, the changing nature of electoral participation.
- 9.8 These challenges are not unique to Victoria. Comparable international jurisdictions such as the United States of America face similar challenges in electoral administration. Similarly, the Committee has learnt a great deal during this inquiry by discussing these matters with inquiry participants and electoral commissions around Australia. The Committee particularly appreciates the opportunity to meet with inquiry participants in NSW, Queensland, the Northern Territory, Western Australia and Tasmania.
- 9.9 Consideration of all these matters during this and previous inquiries in the 56th Parliament has convinced the Committee of the need for a broad examination of the future of Victoria's electoral administration. To this end, on 7 March 2012 the Committee self-referenced an inquiry into the future of Victoria's electoral administration and matters related thereto. The Committee expects this inquiry will address all aspects of Victoria's electoral

administration, excluding elections pursuant to the *Local Government Act 1989* (Vic).⁴⁸⁷

Committee Room
Parliament House
9 May 2012

⁴⁸⁷ Parliament of Victoria, Electoral Matters Committee, "Inquiry into the future of Victoria's electoral administration and matters related thereto", Parliament of Victoria, 2012. Retrieved 1 April 2012 from <http://www.parliament.vic.gov.au/emc/inquiry/342>.

Appendix One: List of submissions

No.	Name / Organisation	Date received
1	Tasmanian Electoral Commission	4 April 2011
2	Ray Jordan	20 April 2011
3	Vision Australia	21 April 2011
4a	Victorian Electoral Commission (VEC)	28 April 2011
4b	VEC - Preliminary Report to Parliament	17 May 2011
4c	VEC - Report to Parliament on 2010 Victorian state election	17 May 2011
4d	VEC - Response to EMC submissions	17 May 2011
5	Physical Disability Council of Victoria	28 April 2011
6	The Nationals	28 April 2011
7	Disability Connections Victoria	28 April 2011
8	Scope, Communication Resource Centre	28 April 2011
9	Malcolm Mackerras	27 February 2011
10	Carolyn Davis	27 February 2011
11	Hanover Welfare Services	6 May 2011
12	People with Multiple Sclerosis Victoria Incorporated	12 May 2011
13	Vanessa Teague (University of Melbourne)	11 May 2011
14	Sctyl Secure Electronic Voting	15 May 2011
15	Anthony van der Craats	8 June 2011
16	Liberal Party of Australia (Bayswater Branch)	15 July 2011
17	Lois Stephenson	29 June 2011
18	Australian Labor Party (Victorian Branch)	15 July 2011
19	Tony Robinson	1 August 2011
20	Antony Green	25 August 2011

Appendix Two: Public hearing participants

No.	Date of Meeting	Organisation	Witnesses
1	Tuesday, 23 August 2011	Vision Australia	Renee Williamson National Advocacy Manager Patricia Cooney Business Development Manager
2		Disability Connections Victoria	Peter Thomson Vice Chairperson Christine Williams Former Chairperson
3		Scope, Communication Resource Centre	Cathy Basterfield Speech Pathologist
4			Anthony van der Craats
5		Hanover Welfare Services	Tony Keenan Chief Executive Officer Shelley Mallet General Manager, R & D Violet Kolar General Manager, Research
6		MS Victoria / People with Multiple Sclerosis Victoria Incorporated	Robert Pask Coordinator MS Advocates Program
7			Vanessa Teague
1	Thursday, 25 August 2011	The Nationals	Bill Baxter
2			Antony Green Election Analyst
3		Liberal Party of Australia (Bayswater Branch)	Michael Gilmour President (Bayswater Branch)
4			Aaron Martin
5		Monash Governance Research Unit and Co-Director Parliamentary Studies Unit	Ken Coghill Director
6			Malcolm Mackerras
7		Victorian Electoral Commission	Steve Tully Victorian Electoral Commissioner Liz Williams Deputy Victorian Electoral Commissioner

Appendix Three: Interstate investigations meeting schedule – Sydney and Brisbane

No.	Date of Meeting	Organisation	Participants
1	Tuesday, 10 May 2011 Sydney	Government of NSW	Greg Smith MP NSW Attorney-General and Minister for Justice
2	Wednesday, 11 May 2011 Sydney	NSW Electoral Commission Government of NSW NSW Parliament, Joint Standing Committee on Electoral Matters – former Chair and Members, and parliamentary staff	Colin Barry NSW Electoral Commissioner Greg Smith MP NSW Attorney-General and Minister for Justice Robert Furolo MP Jenny Gardiner MLC John Kaye MLC Don Harwin MLC Committee staff: Helen Minnican Emma Wood Dora Oravec Les Gonye
3	Thursday, 12 May 2011 Brisbane	University of Queensland Queensland Electoral Commission Queensland Electoral Commission Parliament of Queensland, Law, Justice and Safety Committee, and parliamentary staff	Ian Ward David Kerslake Queensland Electoral Commissioner Walter van der Merwe Deputy Queensland Electoral Commissioner Barbara Stone MP Andrew Cripps MP Jarrod Bleijie MP Steve Kilburn MP Ray Stevens MP Murray Watt MP Dean Wells MP Committee staff: Amanda Honeyman Stephen Finnimore Gail Easton

Appendix Four: Interstate investigations meeting schedule – Perth

No.	Date of Meeting	Organisation	Participants
1	Monday, 28 November 2011 Perth	Government of Western Australia	Jeremy Buxton Jim McGinty Former Minister for Electoral Affairs Norman Moore MLC Minister for Electoral Affairs
2	Tuesday, 29 November 2011 Perth	Parliament of Western Australia, Community Development and Justice Committee	Tony O’Gorman MLA Albert Jacob MLA Margaret Quirk MLA Ian Maxwell Britza MLA Tom Stephens MLA Committee staff: David Worth
3		Parliament of Western Australia Parliament of Western Australia Parliament of Western Australia	Harry Philips Professor David Black Professor Grant Woodhams MP Speaker
4	Wednesday, 30 November 2011 Perth	Western Australian Electoral Commission	Warwick Gately Western Australian Electoral Commissioner

Appendix Five: Interstate investigations meeting schedule – Hobart

No.	Date of Meeting	Organisation	Participants
1	Thursday, 23 February 2012 Hobart	Tasmanian Electoral Commission	Andrew Hawkey Deputy Electoral Commissioner of Tasmania
2		Parliament of Tasmania Library Research Unit	Bryan Stait Manager Parliamentary Library Research Unit
3	Friday, 24 February 2012 Hobart	University of Tasmania	Richard Herr Honorary Research Associate School of Government
4		Parliament of Tasmania House of Assembly	Michael Polley MP Speaker

Appendix Six: Early voting centres at the 2010 Victorian state election

<p>AEC Melbourne - EVC (AWA) AEC Early Voting Centre AEC Melbourne - Ground Floor, Casselden Place 2 Lonsdale Street Melbourne</p>	<p>Bendigo West EO - EVC (AWA) Bendigo West State EO - EVC First Floor, Shop 3 - The Beehive Plaza 18 Pall Mall Bendigo</p>
<p>Albert Park EO - EVC (AWA) Albert Park State EO - EVC 1st Floor 19-25 Raglan Street South Melbourne</p>	<p>Bentleigh - EVC (AWA) Bentleigh - EVC 423 South Road Bentleigh</p>
<p>Altona - EVC Altona - EVC Point Cook Town Centre 1st Floor C503 Cnr Main Street and Murnong Street Point Cook</p>	<p>Box Hill EO - EVC (AWA) Box Hill State EO - EVC 597 Canterbury Road Surrey Hills</p>
<p>Avalon - EVC (FWA) Avalon Airport - EVC 80 Beach Road Lara</p>	<p>Brighton EO - EVC (AWA) Brighton State EO - EVC 24 Esplanade Brighton</p>
<p>Ballarat East EO - EVC (AWA) Ballarat East EO - EVC 518 Skipton Street Redan</p>	<p>Broadmeadows - EVC (AWA) Broadmeadows - EVC The Gateway Business Park Office C1 1-13 The Gateway Broadmeadows</p>
<p>Ballarat West - EVC (AWA) Ballarat West - EVC Balanada Room 46 Elaine Avenue Alfredton</p>	<p>Brunswick EO - EVC Brunswick State EO - EVC Unit 2/21-27 Brunswick Road Brunswick East</p>
<p>Bass - EVC (AWA) Bass - EVC 19 John Street Pakenham</p>	<p>Bulleen EVC (AWA) Bulleen - EVC Doncaster East Uniting Church 152 Andersons Creek Road Doncaster East</p>
<p>Bayswater - EVC (AWA) Bayswater - EVC Mountain High Shopping Centre Shop 32 7-13 High Street Bayswater</p>	<p>Bundoora EO - EVC (AWA) Bundoora State EO - EVC 9/13 Flintoff Street Greensborough</p>
<p>Bellarine - EVC (FWA) Bellarine - EVC 78 The Terrace Ocean Grove</p>	<p>Burwood EO - EVC (AWA) Burwood State EO - EVC 72 Batesford Road Chadstone</p>
<p>Benalla EO - EVC (AWA) Benalla State EO - EVC 33 Sydney Road Benalla</p>	<p>Carrum EO - EVC (AWA) Carrum State EO - EVC 456-459 Nepean Highway Chelsea</p>
<p>Benambra EO - EVC (AWA) Benambra State EO - EVC 120 High Street Wodonga</p>	<p>Caulfield - EVC (AWA) Caulfield - EVC Caulfield Indonesian Uniting Church 158 Balaclava Road Caulfield North</p>

<p>Bendigo East - EVC Bendigo East - EVC 29 Miller Street Bendigo</p>	<p>Geelong EO - EVC (AWA) Geelong State EO - EVC Level 3 65 Brougham Street Geelong</p>
<p>Clayton EO - EVC (AWA) Clayton State EO - EVC. 17/1866 Princes Highway Clayton</p>	<p>Gembrook EO - EVC Gembrook State EO - EVC 116 Old Princes Highway Beaconsfield</p>
<p>Cowes - EVC (AWA) Cowes Early Voting Centre 85-87 Thompson Avenue Cowes</p>	<p>Gippsland East EO - EVC (AWA) Gippsland East State EO - EVC 102-104 Macleod Street Bairnsdale</p>
<p>Cranbourne - EVC (AWA) Cranbourne - EVC 160 Sladen Street Cranbourne</p>	<p>Gippsland South EO - EVC (FWA) Gippsland South State EO - EVC 19-23 Princes Highway Sale</p>
<p>Dandenong EO - EVC (FWA) Dandenong State EO - EVC Level 3 237 Lonsdale Street Dandenong</p>	<p>Gippsland South EVC Gippsland South - EVC Shop 5/43-49 Commercial Street Korumburra</p>
<p>Derrimut - EVC (AWA) Derrimut - EVC 149-153 Anderson Road Sunshine</p>	<p>Hamilton - EVC (AWA) Hamilton - EVC 114 Thompson Street Hamilton</p>
<p>Doncaster EO - EVC (AWA) Doncaster EO - EVC Suite 11/860 Doncaster Road Doncaster East</p>	<p>Hastings EO - EVC (FWA) Hastings State EO - EVC Centro Somerville Level 1 49 Eramosa Road West Somerville</p>
<p>Eltham EO - EVC (AWA) Eltham State EO - EVC 34 Sherbourne Road Briar Hill</p>	<p>Hawthorn EO - EVC (AWA) Hawthorn EO- EVC Level 3/20 Council Street Hawthorn East</p>
<p>Essendon EO - EVC (AWA) Essendon State EO - EVC Shop 6 & 7/312-318 Keilor Road Essendon North</p>	<p>Ivanhoe - EVC Ivanhoe - EVC 53 Burgundy Street Heidelberg</p>
<p>Evelyn EO - EVC (AWA) Evelyn State EO - EVC Factory 9 Cave Hill Industrial Gardens Cave Hill Road Lilydale</p>	<p>Keilor - EVC (AWA) Keilor - EVC 35 Melton Highway Taylors Lakes</p>
<p>Ferntree Gully EO - EVC (AWA) Ferntree Gully State EO - EVC 1B/881-887 Burwood Highway Ferntree Gully</p>	<p>Kew - EVC (AWA) Kew - EVC Suite 310 89 High Street Kew</p>
<p>Footscray - EVC (AWA) Footscray - EVC Central West Shopping Centre D3/67 Ashley Street Braybrook</p>	<p>Kilsyth EO - EVC (AWA) Kilsyth State EO - EVC 1/313 Bayswater Road Bayswater</p>
<p>Forest Hill EO - EVC (AWA) Forest Hill State EO - EVC Level 2 378 Burwood Highway Burwood East</p>	<p>Kooyong EVC (AWA) Vision Australia Kooyong Vision Australia Kooyong 454 Glenferrie Road Kooyong</p>

<p>Frankston EO - EVC (AWA) Frankston State EO - EVC 62 Playne Street Frankston</p>	<p>Kororoit EO - EVC (AWA) Kororoit State Election Office 74 Rebecca Drive 128 Ravenhall</p>
<p>Lara - EVC (AWA) Lara - EVC 27 Donnybrook Road Norlane</p>	<p>Mordialloc - EVC (AWA) Mordialloc - EVC 403 Lower Dandenong Road Dingley</p>
<p>Lowan EO - EVC (AWA) Lowan State EO - EVC 142-144 Firebrace Street Horsham</p>	<p>Mornington - EVC (AWA) Mornington - EVC Shop 2/321 Main Street Mornington</p>
<p>Lyndhurst EVC (AWA) Lyndhurst - EVC 4/19 Enterprise Avenue Hampton Park</p>	<p>Mount Waverley - EVC Mount Waverley - EVC 195 Blackburn Road Mount Waverley</p>
<p>Macedon EO - EVC (AWA) Macedon State EO - EVC Shop 1/8 Prince Street Gisborne</p>	<p>Mulgrave EO - EVC (AWA) Mulgrave State EO - EVC 30 Pickering Road Mulgrave</p>
<p>Melbourne Airport - EVC (AWA) Melbourne Airport Early Voting Centre Terminal 3 Mezzanine Floor Melbourne Airport</p>	<p>Murray Valley EO - EVC (FWA) Murray Valley State EO - EVC Co-Store Complex, Shop 20 Corner Ovens and Reid Streets Wangaratta</p>
<p>Melbourne EO - EVC (AWA) Melbourne State EO - EVC Ground Floor 565 Bourke Street (Enter via Church Street) Melbourne</p>	<p>Narracan EO - EVC (AWA) Narracan State EO - EVC 32 Princes Way Drouin</p>
<p>Melton EO - EVC (AWA) Melton State EO - EVC Unit 1/93 High Street (Enter via Norton Drive) Melton</p>	<p>Narre Warren North EVC (AWA) Narre Warren North EVC Endeavour Hills Shopping Centre Shop 86 Cnr Matthew- Flinders Avenue & Heatherton Road Endeavour Hills</p>
<p>Mildura EO - EVC (AWA) Mildura State EO - EVC 2/118 Eighth Street Mildura</p>	<p>Nepean EO - EVC (FWA) Nepean State EO - EVC Shop 14 143 Point Nepean Road Dromana</p>
<p>Mill Park EO - EVC (AWA) Mill Park State EO - EVC Unit 3/19 Enterprise Drive Bundoora</p>	<p>Niddrie EO - EVC (AWA) Niddrie State EO - EVC 67L Matthews Avenue Airport West</p>
<p>Mitcham - EVC (AWA) Mitcham - EVC 448 Whitehorse Road Mitcham</p>	<p>Northcote EO - EVC (AWA) Northcote State EO - EVC 100A Bell Street Preston</p>

<p>Monbulk - EVC Monbulk State - EVC 79 Boronia Road Boronia</p>	<p>Shepparton EO - EVC (AWA) Shepparton State EO - EVC 120-126 Maude Street Shepparton</p>
<p>Oakleigh EO - EVC (FWA) Oakleigh State EO - EVC Part Ground Floor 20-22 Atherton Road Oakleigh</p>	<p>South Barwon EO - EVC (AWA) South Barwon EO - EVC 63-65 Surf Coast Highway Torquay</p>
<p>Pascoe Vale -EVC Pascoe Vale - EVC. 7 Harding Street Coburg</p>	<p>South West Coast EO - EVC (AWA) South West Coast Election Office Tenancy MM-01, Bayside City Plaza 36 Fairy Street Warrnambool</p>
<p>Polwarth EO - EVC (AWA) Polwarth State EO - EVC 139 Wilson Street Colac</p>	<p>Swan Hill EO - EVC (AWA) Swan Hill State EO - EVC 345 Campbell Street Swan Hill</p>
<p>Portland - EVC Portland EVC 40 Julia Street Portland</p>	<p>Tarneit EO - EVC (AWA) Tarneit State EO - EVC 8 Watton Street Werribee</p>
<p>Prahran - EVC (AWA) Prahran - EVC Shop G38, Pran Central Shopping Centre Corner/ Chapel Street and Commercial Road Prahran</p>	<p>Thomastown EO - EVC (AWA) Thomastown State EO -EVC 210 Mahoneys Road Thomastown</p>
<p>Preston - EVC (AWA) Preston - EVC 203 Edwardes Street Reservoir</p>	<p>Victoria University - EVC Victoria University - Flinders Campus Convention Centre L12/300 Flinders Street Melbourne</p>
<p>Richmond - EVC (AWA) Richmond - EVC 187 Bridge Road Richmond</p>	<p>Vision Australia Ballarat - EVC (FWA) Vision Australia Ballarat 1300 Howitt Street Wendouree</p>
<p>Ripon EO - EVC (AWA) Ripon State EO - EVC 24 Albert Street Ararat</p>	<p>Vision Australia Shepparton - EVC (AWA) Vision Australia Shepparton Corner Archer Street and Channel Road Shepparton</p>
<p>Rodney EO - EVC (AWA) Rodney State EO - EVC 122-126 Ogilvie Avenue Echuca</p>	<p>Warragul EVC (FWA) Vision Australia Warragul 2A Mouritz Street Warragul</p>
<p>Sandringham - EVC (AWA) Sandringham - EVC. G2/254 Bay Road Sandringham</p>	<p>Warrandyte EVC (FWA) Warrandyte - EVC 11 Civic Place Ringwood</p>
<p>Scoresby - EVC (AWA) Scoresby - EVC Wheelers Hill Business Centre G7/202 Jells Road Wheelers Hill</p>	<p>Williamstown EO - EVC (AWA) Williamstown State EO - EVC 138 Hall Street Spotswood</p>
<p>Seymour EO - EVC (AWA) Seymour State EO - EVC 3 Wallis Street Seymour</p>	<p>Wonthaggi EVC (AWA) Wonthaggi Senior Citizens Club 46 Murray Street Wonthaggi</p>

Yan Yean - EVC Yan Yean - EVC 802 Heidelberg-Kinglake Road Hurstbridge	Yuroke EO - EVC (AWA) Yuroke State EO - EVC 1/52-60 Garden Drive Tullamarine
Yarrowonga - EVC (FWA) Yarrowonga Early Voting Centre 21 Piper Street Yarrowonga	

Source: Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.126-132.

Appendix Seven: Early voting advertising, 2006 and 2010 Victorian state elections

2006 Victorian state election



If you can't vote on
25 November you can
still shape Victoria.

How you can vote in person or by post before election day.

Election day is Saturday 25 November 2006. If you can't get to a voting centre on election day, there are two ways you can vote in advance.

In person: you can vote at any Early Voting Centre listed below between 8.30am and 6.00pm Monday to Friday (also on Saturday 18 November between 9.00am and 2.00pm and until 8.00pm on Thursday 23 November).

By post: you can pick up a postal vote application form at any post office, download one from www.13vote.com.au or phone 13 VOTE (13 86 83) and we'll send you one.

Mail or fax your correctly completed application immediately and we will mail you your ballot papers. Post your completed ballot papers promptly. Ballot papers posted after 6.00pm on Saturday, 25 November 2006 cannot be counted.

Voting if you are going interstate or overseas.

If you will be outside Victoria on election day, you can vote before you leave or while you're away.

Before you leave: you can vote by post or in person as described above.

Melbourne Airport: you can vote at Melbourne Airport between 8.30am and 6.00pm, Monday to Friday (also

on Saturday 18 November between 9.00am and 2.00pm and until 8.00pm on Thursday 23 November).

While you're away: you can vote interstate or overseas. For locations visit www.13vote.com.au or call 13 VOTE (13 86 83).

Enquiries 13 VOTE (13 86 83) or www.13vote.com.au
Call 8.30am to 7.30pm Monday to Friday and 8.00am to 2.00pm this Saturday.

For enquiries in languages other than English call our interpreting service:
 * 汉语 9299 0190 Arabic * 阿拉伯 9299 0191 Brazilian * 巴西 9299 0192 Cambodian * 柬埔寨 9299 0191 Chinese (Cantonese)
 * 中文 9299 0192 Croatian * 克罗地亚 9299 0193 Greek * 希腊 9299 0194 Italian * 意大利 9299 0194 Korean
 * 韩语 9299 0195 Macedonian * 马其顿 9299 0196 Chinese (Mandarin) * 普通话 9299 0195 Persian * 波斯语 9299 0196 Russian
 * 俄语 9299 0197 Serbian * 塞尔维亚 9299 0198 Somali * 索马里 9299 0199 Spanish * 西班牙语 9299 0110 Turkish * 土耳其 9299 0111 Vietnamese
 * 越南语 9299 0112
 * All other non-English languages 9299 0112

TTY : 9299 0570 (Telephone typewriter for the hearing impaired).
 Authorised by S. H. Tully, Electoral Commissioner, 505 Little Collins Street, Melbourne Vic. 3000.

Where to vote in person.

- Albert Park 185 Victoria Avenue
- Altona 51A Byth Street
- Ararat 929-930 Barkly Street
- Bacchus Marsh Bacchus Marsh Village Shopping Centre, Shop 43, corner Main Young and Bennett Streets
- Bairnsdale 93 Main Street
- Ballaarat E Centre Vision Australia Ballarat, 1300 Howitt Street
- Boomer Lake Street, Wendouree
- Ballarat Shop 1 Creswick Plaza, Creswick Road
- Bayswater 1/21 Barry Street
- Beaconsfield Showroom 7, Beaconsfield Business Park, 2 Beaconsfield Emerald Road
- Bensalia 78 Sydney Road
- Bendigo 95-99 Pall Mall
- Bentleigh East Room 32, Central Wing, Moorleigh Community Village, 90-92 Bignell Road
- Blackburn Level 2, 29-33 Railway Road
- Bullfinch Suite 2 Lower Ground Bullfinch Plaza, 79-109 Manningham Road
- Burwood 11/15-21 Huntingdale Road
- Campbellfield 2/485 Cooper Street
- Chelsea Shop 10, 450 Nepean Hwy
- Cheltenham Level 5/1230 Nepean Hwy
- Clayton 2/250 Wellington Road
- Cole 52A Rae Street
- Cranbourne 1 New Holland Drive
- Croydon 3/12-14 Thomas Brew Lane
- Dandenong Level 6/209 Thomas Street
- Deer Park 775 Ballarat Road
- Echuca 501 High Street
- Elsternwick 481 Glenhurst Road
- Eltham Showroom 1, 256 Boston Street
- Ferntree Gully Shop 1, 115 Station Street
- Footscray 44 Leander Street
- Frankston Casbah Institute, Frankston Campus Level 2, 4 Baxter Street
- Geelong Geelong Catholic Regional College, 152-154 Yarra Street
- Greensborough 9-13 Flitcroft Street
- Gisborne Shop 2, 33 Hamilton Street
- Hallam Unit 3, 261 Princes Hwy
- Hamilton Hamilton Plaza, 73 Brown Street
- Hastings Shop 3, 97 High Street
- Hawthorn 37 Burwood Road
- Heidelberg North E Centre Olympic Leisure Centre, 15 Alamein Road, Heidelberg West
- Highbury 1 Beaumaris Parade
- Heppners Crossing 107 Elm Park Drive
- Horsham 39 Ungahart Street
- Kooyong E Centre Vision Australia Kooyong, 454 Glenferrie Road
- Lilydale 1/29 John Street
- Maryborough 60 Nolan Street
- Melbourne Australian Electoral Commission Cassation Place 2, Lonsdale Street
- Melbourne Election Office & Ground Floor, 505 Little Collins Street
- Melbourne E Centre Melbourne Town Hall, corner Swanson and Collins Streets
- Mildura Firststation Arcade, Langtree Avenue
- Moonee Ponds Level 7/641-649 Mt Alexander Road
- Mornington 22 Main Street
- Morwell 173 Princes Drive
- Newcomb Unit 2/114 Bellarine Highway
- Northcote 192 High Street
- Ocean Grove 24 Hodgson Street
- Perth 44 Percy Street
- Ringwood 27 New Street
- Rosebud 78 Warraneela Place
- Sale 4/201 York Street
- Seymour Old State Offices, 28 High Street
- Shepparton 456 Wyndham Street
- Shepparton E Centre Vision Australia Shepparton, corner Archer Street and Channel Road
- Sunbury Shop 9, 92 Evans Street
- Swan Hill 291 Beveridge Street
- Sydney 613-615 High Street
- Thomastown VEC Election Office 17 Macquarie Drive
- Thomastown Thomastown Library, 52 Main Street
- Tullamarine 2/21 Flight Drive
- Tullamarine Airport International Departure Lounge
- Wangaratta 27-29 Faithful Street
- Warragul 2/155 Queen Street
- Warragul E Centre Vision Australia, 23 Mowitt Street
- Warrambrook 185 Fairy Street
- Wheeters Hill Shop 33, Wheelers Hill Shopping Centre, 189-209 Jells Road
- Whittlesea 17 Church Street
- Wodonga Office 1, 103 Hume Street
- Wonthaggi Shop 10 Westend Arcade, 152 Graham Street
- Yarravong 25 McIlroy Street

♿ Full wheelchair access
 ♿ Access with assistance

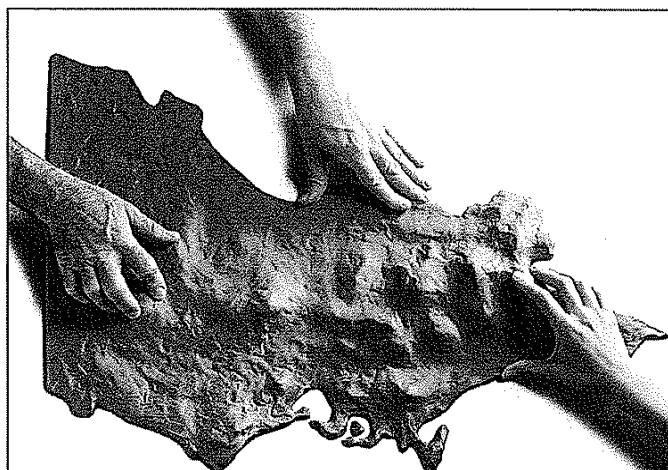
06/11/07

Every vote will shape Victoria.

Victorian Electoral Commission **VEC**

Source: Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.142.

2010 Victorian state election



If you can't vote on 27 November you can still shape Victoria

If you can't get to a voting centre on election day, you can:

Vote in person: Early voting centres are listed on this page. You can vote between Monday 15 November and Friday 26 November during operating hours: Monday to Friday between 8.30am and 6.00pm, Saturday 20 November between 9.00am and 2.00pm and Thursday 25 November between 8.30am and 8.00pm.

Vote by post: You can pick up a postal voting application form at any post office,

download one from 131VEC.com.au or phone **131 VEC(832)** and we'll send you one. To have your ballot papers sent to you, mail your correctly completed application immediately to VEC, Reply Paid 76032, Melbourne, Vic, 8060, or fax it to 9299 0595. Post your completed ballot papers promptly. Ballot papers posted after 6.00pm on Saturday 27 November 2010 cannot be counted.

If you're flying interstate or overseas, you can also vote at Melbourne and Avalon airports:

Melbourne Airport: Monday 15 November between 8.30am and 10.00pm, Tuesday 16 until Thursday 25 November between 5.00am and 10.00pm and Friday 26 November between 5.00am and 6.00pm.

Avalon Airport: Monday 15 November between 8.30am and 7.30pm, Tuesday 16 until

Thursday 25 November between 5.00am and 7.30pm and Friday 26 November between 5.00am and 6.00pm.

Voting is also available interstate and overseas. For locations and operating hours check 131VEC.com.au or call **131 VEC(832)**.

Visit 131VEC.com.au or call **131 VEC(832).**

Call 9am to 5.30pm Monday to Friday and 9am to 2pm this Saturday.

For enquiries in languages other than English call our interpreting service:
 * AMEC 9209 0190 Arabic - عربي 9209 0100 Arabic - Bosanski 9209 0191 Bosnian - វៀ 9209 0192 Cambodian - 9209 0101 Chinese (Cantonese)
 * Hrvatski 9209 0102 Croatian - 9209 0193 Dari - 9209 0103 Greek - Italiano 9209 0104 Italian - 한국어 9209 0194 Korean
 * Македонски 9209 0105 Macedonian - 9209 0106 Chinese (Mandarin) - 9209 0195 Persian - Русский 9209 0196 Russian
 * Српски 9209 0197 Serbian - Slovenščina 9209 0108 Slovenian - Español 9209 0109 Spanish - Türkiye 9209 0110 Turkish - Việt ngữ 9209 0111 Vietnamese
 * All other non-English languages 9209 0112

Authorised by S. H. Tully, Electoral Commissioner, 505 Little Collins Street, Melbourne Vic. 3000.

Where to vote in person:

- Alford West *As*
- 674 Matthews Avenue
- Alfredton *As*
- Balanaa Room 46 Elaine Avenue
- Ararat *As*
- 21 Albert Street
- Balmsside *As*
- 102-104 Macleod Street
- Bayswater *As*
- 17313 Bayswater Road
- Bayswater *As*
- Navigation High Shopping Centre
- Shop 32, 7-13 High Street
- Beaconsfield
- 116 Old Princes Highway
- Bendalla *As*
- 33 Sydney Road
- Bendigo
- 29 Miller Street
- Bentleigh *As*
- First Floor, Shop 3
- The Beehive Plaza 18 Pall Mall
- Bentleigh *As*
- 423 South Road
- Berwick
- 79 Borenia Road
- Brimbank *As*
- Central West Shopping Centre
- 0387 Ashley Street
- Briar Hill *As*
- 34 Sherbourne Road
- Brighton *As*
- 21 Esplanade
- Broadmeadows *As*
- The Gateway Business Park Office
- C1 1-13 The Gateway
- Brunswick East
- Unit 021 27 Snowwick Road
- Bundoora *As*
- Unit 3/19 Enterprise Drive
- Burwood East *As*
- Level 2, 278 Burwood Highway
- Castfield Heath *As*
- Castfield Indonesian Uniting Church
- 158 Balaklava Road
- Chadstone *As*
- 72 Balford Road
- Chelsea *As*
- 456-459 Treppean Highway
- Clayton *As*
- 171/666 Princes Highway
- Coburg
- 7 Harding Street
- Colac *As*
- 139 Watson Street
- Cranees *As*
- 65-67 Thompson Avenue
- Cranebourne *As*
- 160 Stolen Street
- Dandenong *As*
- Level 3, 237 Lonsdale Street
- Dingley *As*
- 403 Lever Dandenong Road
- Doncaster East *As*
- Doncaster East Uniting Church
- 152 Anderson Creek Road
- Doncaster East *As*
- Suite 11/660 Doncaster Road
- Droopna *As*
- Shop 14, 143 Point Nepean Road
- Brooklyn *As*
- 32 Pines Way
- Echuca *As*
- 122-126 Ogilvie Avenue
- Endeavour Hills *As*
- Endeavour Hills Shopping Centre
- Shop 86 Cor Matlow-Flinders Avenue
- 8 Heidelberg Road
- Essendon North *As*
- Shop 6 & 7, 312-318 Yellor Road
- Frankston *As*
- 62 Payne Street
- Ferntree Gully *As*
- 18, 931-987 Burwood Highway
- Geelong *As*
- Level 3 65 Broocham Street
- Glabona *As*
- Shop 1, 3 Prince Street
- Greensborough *As*
- 5/13 Flintoff Street
- Hamilton *As*
- 114 Thompson Street
- Hampden Park *As*
- 419 Enterprise Avenue
- Hawthorn East *As*
- Level 3, 20 Council Street
- Heidelberg
- 53 Burgundy Street
- Horsham *As*
- 142-144 Firebrace Street
- Hurstbridge
- 602 Heidelberg-Kingslake Road
- Kew *As*
- Suite 310, 89 High Street
- Kooyong *As*
- Vision Australia Kooyong
- 454 Glenferrie Road
- Norumburra
- Shop 5, 43-49 Commercial Street
- Lara *As*
- 80 Beach Road
- Lilydale *As*
- Factory 9, Cave Hill Industrial Gardens
- Cave Hill Road
- Melbourne *As*
- AEC Melbourne - Ground Floor
- Cusack Place 2 Lonsdale Street
- Melbourne *As*
- Ground Floor, 265 Bourke Street
- (Enter no Church Street)
- Melbourne
- Victoria University
- Flinders Campus Convention Centre
- Level 12, 900 Flinders Street
- Melbourne Airport *As*
- T3 Mezzanine Floor
- Molton *As*
- Unit 1, 93 High Street
- (Enter no Horton Drive)
- Mildura *As*
- 2/118 Eighth Street
- Mitcham *As*
- 448 Whitestone Road
- Mornington *As*
- Shop 2, 521 Main Street
- Morwell *As*
- 173 Princes Drive
- Mount Waverley
- 158 Blackburn Road
- Mulgrave
- 30 Pickering Road
- Harre Warren *As*
- 9 Len Thomas Place
- Norlane *As*
- 27 Donnybrook Road
- Oakleigh *As*
- Part Ground Floor, 20-22 Atherton Road
- Osman Grove *As*
- 78 The Terrace
- Pakenham *As*
- 19 John Street
- Point Cook
- Point Cook Town Centre, 1st Floor C503
- Cor Main Street and Humung Street
- Portland
- 40 Julia Street
- Prithon *As*
- Shop 628, Ptn Central Shopping Centre
- 325 Chapel Street
- Preston *As*
- 100A Bell Street
- Ravenshill *As*
- 74 Rebecca Drive
- Redan *As*
- 518 Skipton Street
- Reservoir *As*
- 203 Schroeder Street
- Richmond *As*
- 187 Bridge Road
- Ringwood *As*
- 11 Civic Place
- Sale *As*
- 19-23 Princes Highway
- Sandringham *As*
- 62, 254 Bay Road
- Seymour *As*
- 3 Wain Street
- Shepparton *As*
- 120-126 Maude Street
- Shepparton *As*
- Cor Archer Street and Channel Road
- Somerleville *As*
- Centre Somerleville
- Level 1, 49 Eramosa Road West
- South Melbourne *As*
- 1st Floor, 19-25 Raglan Street
- Spotswood *As*
- 138 Hill Street
- Sunshine *As*
- 149-153 Anderson Road
- Surrey Hills *As*
- 597 Canterbury Road
- Swan Hill *As*
- 345 Campbell Street
- Taylors Lakes *As*
- 35 Milton Highway
- Thomastown *As*
- 210 Mahony Road
- Tonny *As*
- 63-65 Surf Coast Highway
- Tullamarine *As*
- 1/52-60 Garden Drive
- Wangaratta *As*
- Co-Store Complex,
- Shop 20, Cor Owens and Red Streets
- Warragul *As*
- 2A Moura Street
- Warrumbold *As*
- Tonony LM-01
- Bayside City Plaza 36 Fairy Street
- Wendouree *As*
- 1300 Howitt Street
- Werrbee *As*
- 8 Walton Street
- Wheeters Hill *As*
- Wheeters Hill Business Centre
- 07, 202, Jelle Road
- Wodonga *As*
- 120 High Street
- Wonthaggi *As*
- Wonthaggi Senior Citizens Club
- 46 Murray Street
- Yarrawonga *As*
- 21 Piper Street
- Full wheelchair access
- Access with assistance

Every vote will shape Victoria

Victorian Electoral Commission **VEC**

Source: Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.119.

2010 Victorian state election


Early voting options for Ballarat residents




People in and around Ballarat who need to vote before election day have three local Early Voting Centres available until Friday 26 November. These centres will be open Monday to Friday between 8.30am and 6.00pm, Saturday 20 November between 9.00am and 2.00pm and Thursday 25 November between 8.30am and 8.00pm.

For more information please visit 131VEC.com.au or call **131 VEC (832)**.

BALLARAT EAST AND BALLARAT WEST DISTRICTS

Ballarat East Early Voting Centre 
518 Skipton Street Redan

Vision Australia Early Voting Centre* 
Vision Australia Ballarat
1308 Howitt Street Wendouree

Ballarat West Early Voting Centre 
Balanada Room
46 Elaine Avenue Alfredton
 Full wheelchair access
 Access with assistance


* Vision Australia is a small facility and you may experience delays.

Visit 131VEC.com.au or call **131 VEC(832).**

Call 9am to 5.30pm Monday to Friday and 9am to 2pm this Saturday.

Authorised by S. H. Tully, Electoral Commissioner, 505 Little Collins Street, Melbourne Vic. 3000.

Every vote will shape Victoria

Victorian Electoral Commission 

Source: Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.118.

Appendix Eight: Overseas and interstate voting centres, 2010 Victorian state election

Interstate

Adelaide South Australian Electoral Commission Level 6 60 Light Square Adelaide SA 5000	Hobart Tasmanian Electoral Commission Level 2, Telstra Centre 70 Collins Street Hobart TAS 7000
Alice Springs Northern Territory Electoral Commission Yeperenye Centre (Next to CBA) Suite 3 Gregory Terrace Alice Springs NT 0870	Noosa Magistrates Courts Office Langura Street Noosa QLD 4567
Brisbane Electoral Commission of Queensland Forestry House Level 6 160 Mary Street Brisbane QLD 4000	Perth Western Australian Electoral Commission Level 2, 111 St George's Terrace Perth WA 6000
Cairns Magistrates Courts Office Level 1 5D Sheridan Street Cairns QLD 4970	Sydney New South Wales Electoral Commission Level 25, 201 Kent St Sydney NSW 2000
Canberra Australian Capital Territory Electoral Commission Ground Floor, North Building London Square Civic Circuit Canberra City ACT 2601	Southport Magistrates Courts Office Cnr Davenport & Hinze Streets Southport QLD 4215
Darwin Northern Territory Electoral Commission 2nd Floor, AANT Building 79 Smith Street Darwin NT 0800	

Source: Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.132.

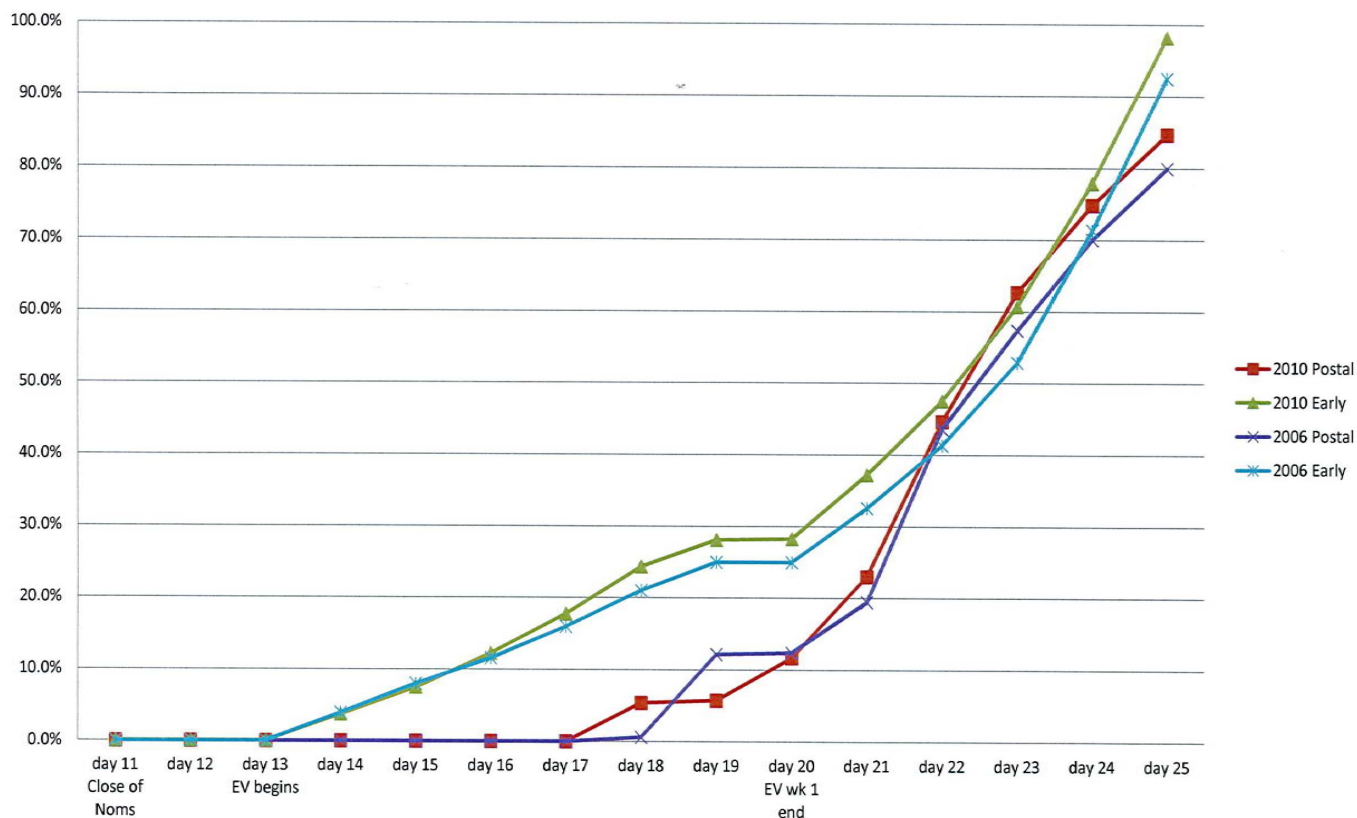
Overseas

Athens, GREECE (Australian Embassy)
Auckland, NEW ZEALAND (Australian Consulate-General)
Bali, INDONESIA (Australian Consulate-General)
Bangkok, THAILAND (Australian Embassy)
Beijing, CHINA (People's Republic of) (Australian Embassy)
Berlin, GERMANY (Australian Embassy)
Colombo, SRI LANKA (Australian High Commission)
Dili, East Timor (Australian Embassy)
Edinburgh, Scotland, SCOTLAND
(City of Edinburgh Council Headquarters)
Geneva, SWITZERLAND (Australian Consulate General)
Ho Chi Minh City, VIETNAM (Australian Consulate-General)
Hong Kong, CHINA (People's Republic of)
(Australian Consulate-General)
Jakarta, INDONESIA (Australian Embassy)
Kathmandu, NEPAL (Australian Embassy)
Kuala Lumpur, MALAYSIA (Australian High Commission)
London, United Kingdom (Government of Victoria)
Los Angeles, USA (Australian Consulate-General)
Manchester, UNITED KINGDOM
(University of Manchester)
Manila, PHILIPPINES (Australian Embassy)
New Delhi, INDIA (Australian High Commission)
New York, USA (Australian Consulate-General)
Paris, FRANCE (Australian Embassy)
Port Moresby, Papua New Guinea (Australian High Commission)
Rome, ITALY (Australian Embassy)
San Francisco, USA (Australian Consulate-General)
Singapore, SINGAPORE (Australian High Commission)
Suva, FIJI (Australian High Commission)
Taipei, TAIWAN (Australian Commerce and Industry Office)
The Hague, NETHERLANDS (Australian Embassy)
Tokyo, JAPAN (Australian Embassy)
Toronto, CANADA (Australian Consulate-General)
Vancouver, CANADA (Australian Consulate)
Washington, USA (Australian Embassy)
Wellington, New Zealand (Australian High Commission)

Source: Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.133.

Appendix Nine: Early voting, total returns, 2006 and 2010 Victorian state elections

Percentage of total returns, postal and early voting 2006 and 2010 Victorian state elections



Source: Liz Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, *Correspondence*, 22 February 2012.

Appendix 10: Results of VEC informal voting survey, 2010 Victorian state election. District analysis.

District	Blank	Nos - 1	Nos - insufficient	Nos - deliberate	Nos - other	Ticks/crosses - preference	Ticks/crosses - deliberate	Ticks/crosses - other	Writing - deliberate	Writing - other	Admin error	TOTAL
Brunswick	457	394	203	115	309	109	87	21	269	25	29	2018
	22.65%	19.52%	10.06%	5.70%	15.31%	5.40%	4.31%	1.04%	13.33%	1.24%	1.44%	
Ferntree Gully	687	445	107	150	142	89	32	16	306	23	8	2005
	34.26%	22.19%	5.34%	7.48%	7.08%	4.44%	1.60%	0.80%	15.26%	1.15%	0.40%	
Gippsland East	314	306	42	76	184	81	41	3	181	0	14	1242
	25.28%	24.64%	3.38%	6.12%	14.81%	6.52%	3.30%	0.24%	14.57%	0.00%	1.13%	
Melbourne	344	348	151	106	139	97	43	11	188	16	14	1457
	23.61%	23.88%	10.36%	7.28%	9.54%	6.66%	2.95%	0.75%	12.90%	1.10%	0.96%	
Mildura	422	446	257	108	390	106	67	5	176	29	5	2011
	20.98%	22.18%	12.78%	5.37%	19.39%	5.27%	3.33%	0.25%	8.75%	1.44%	0.25%	
Northcote	359	388	89	147	119	123	55	18	255	24	4	1581
	22.71%	24.54%	5.63%	9.30%	7.53%	7.78%	3.48%	1.14%	16.13%	1.52%	0.25%	
Richmond	327	382	50	75	112	160	50	8	163	8	17	1352
	24.19%	28.25%	3.70%	5.55%	8.28%	11.83%	3.70%	0.59%	12.06%	0.59%	1.26%	
Rodney	413	470	33	93	129	104	32	15	187	25	9	1510
	27.35%	31.13%	2.19%	6.16%	8.54%	6.89%	2.12%	0.99%	12.38%	1.66%	0.60%	
Shepparton	478	410	188	122	360	110	54	2	218	11	12	1965
	24.33%	20.87%	9.57%	6.21%	18.32%	5.60%	2.75%	0.10%	11.09%	0.56%	0.61%	
Total	3,801	3,589	1,120	992	1,884	979	461	99	1,943	161	112	15,141
	25.10%	23.70%	7.40%	6.55%	12.44%	6.47%	3.04%	0.65%	12.83%	1.06%	0.74%	
Total 2006	21.28%	26.38%	6.97%	4.54%	15.27%	8.12%	3.47%	0.67%	11.53%	0.68%	0.11%	
Change 2006-10												
Percentage Points	3.82	-2.68	0.43	2.01	-2.83	-1.65	-0.43	-0.02	1.30	0.38	-0.36	

Source: Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.67.

Appendix 11: Results of VEC informal voting survey, 2010 Victorian state election. Region analysis.

Category	Western Metropolitan	WM %	Western Victoria	WV %	Total	Total %
Blank	7920	42.16%	5939	48.04%	13859	44.5%
Writing – deliberate	3269	17.4%	2828	22.88%	6097	19.57%
Writing – other	252	1.34%	199	1.61%	451	1.45%
Fragments	18	0.1%	12	0.1%	30	0.1%
Administrative error	393	2.09%	290	2.35%	683	2.19%
ATL: nos – ALP/DLP	56	0.3%	20	0.16%	76	0.24%
ATL: nos – deliberate	530	2.82%	332	2.69%	862	2.77%
ATL: nos – other	600	3.19%	298	2.41%	898	2.88%
ATL: ticks/crosses – deliberate	333	1.77%	280	2.27%	613	1.97%
ATL: ticks/crosses – other	204	1.09%	120	0.97%	324	1.04%
BTL: nos – 1 only	2497	13.29%	1154	9.34%	3651	11.72%
BTL: nos – insufficient	250	1.33%	97	0.78%	347	1.11%
BTL: nos – repetitions	662	3.52%	182	1.47%	844	2.71%
BTL: nos – deliberate	276	1.47%	123	0.99%	399	1.28%
BTL: nos – other	521	2.77%	193	1.56%	714	2.29%
BTL: ticks/crosses – preference	307	1.63%	98	0.79%	405	1.3%
BTL: ticks/crosses – deliberate	257	1.37%	75	0.61%	332	1.07%
BTL: ticks/crosses – other	440	2.34%	122	0.99%	562	1.8%
Total	18,785		12,362		31,147	

Category	Western Metropolitan	WM %	Western Victoria	WV %	Total	Total %
Blank	7,920	42.16%	5939	48.04%	13859	44.5%
Total Writing	3,521	18.74%	3027	24.49%	6548	21.02%
Total Numbers	5,392	28.7%	2399	19.41%	7791	25.01%
Total Ticks/crosses	1,541	8.2%	695	5.62%	2236	7.18%
Total Deliberate	4,665	24.83%	3638	29.43%	8303	26.66%
Total Deliberate including Blank	12,585	66.99%	9577	77.47%	22162	71.15%
Total Preference	3,054	16.26%	1349	10.91%	4403	14.14%
Total ATL	1,723	9.17%	1050	8.49%	2773	8.9%
Total BTL	5,210	27.73%	2044	16.53%	7254	23.29%

Source: Victorian Electoral Commission, *Report to Parliament on the 2010 Victorian state election*, Victorian Electoral Commission, Melbourne, August 2011, p.p.69-70.