By-elections for East Yarra and Western provinces
On 5 November 2002 writs were issued for two by-elections to be held simultaneously with the State election.

By-elections were required for:

Western Province – due to the resignation of the Hon Roger Hallam, MLC; and

East Yarra Province – due to the resignation of the Hon Mark Birrell, MLC.

The dates for the province by-elections were the same as for the State election.

The retiring members had been elected in 1999 and were not due to complete their terms until the State election due after the 2002 election. Consequently these by-elections were conducted using the electoral boundaries that applied at the 1999 election and not the ‘new’ boundaries used for the 2002 State election.

The conflicting boundaries introduced enormous administrative complexity, particularly in Western Province where changes to the boundaries had been quite significant.

The VEC implemented specific procedures and arrangements to inform voters and minimise voter confusion. These included:

- mailing an EasyVote card to all electors informing them of the by-election and what they were required to do. Voters were asked to take the EasyVote card with them when they voted to alert the election official that they were also voting in the by-election;
- posters were displayed in all voting centres so voters could check if they were required to vote in the by-election; and
- a supplementary list of streets was printed and distributed to all voting centres and used by election officials to confirm whether the elector required an additional ballot paper for the by-election.

Voters required to vote in a by-election received three ballot papers: a yellow one for the by-election, and two ballot papers for the State election (one for their Legislative Assembly district and one for their Legislative Council province).

The voter turnout and informal rates for the by-elections were very similar to those recorded in these provinces at the State election, suggesting that very few electors were confused by having to complete three ballot papers or by the boundary variations.
Counting the votes and the return of the writs
Counting the votes

Once voting finished on election night all voting centres were locked so votes could be counted. All ordinary first-preference votes were counted for the Legislative Assembly and the Legislative Council.

After the counting of first-preference votes, a two-candidate-preferred count was conducted with preferences distributed to the two candidates considered 'most likely' to be in the lead after the distribution of preferences. The purpose of the two-candidate-preferred count is to provide an early estimate of the likely result in each electorate, and is for information purposes only.

The Electoral Commissioner selects the candidates included in the two-candidate-preferred count before election day. In some cases the candidates selected are not the leading candidates on election night.

At the 2002 election, some Green and other candidates out-polled candidates who had been selected for the two-candidate-preferred count. Because votes are counted at voting centres in each electorate it is not possible to make changes to the candidates selected for the two-candidate-preferred count on election night.

For the first time postal votes and some early votes were counted on election night. All postal votes received were counted in election managers’ offices. As a result there was a much clearer picture of the likely result in some electorates on election night than in the past, when all postal votes were counted during the week following election day.

After election night absent votes and any remaining postal and early votes were counted.

Re-checks and preference distributions were undertaken in electorates where no candidate obtained more than 50% of the first preference votes.

The counting of votes at the 2002 State election involved counting votes for 88 districts, 22 provinces and two province by-elections, during which there were a total of:

- 46 rechecks (30 in 1999);
- 46 preference distributions (27 in 1999); and
- 4 recounts – in Evelyn and Nepean districts, and Higinbotham and Western Port provinces (2 in 1999).

Processing declaration votes

Declaration votes are all votes other than ‘ordinary votes’ (those cast by electors voting in their own district on election day). They are called declaration votes because the voter makes a declaration stating the voter’s entitlement to vote, which is then checked by the VEC to determine whether the vote should be admitted to the count. There are several different types of declaration votes, and the method of processing each type varies:
Postal votes are cast by voters who have applied to vote by post and been mailed ballot papers by the VEC. The voter places the ballot papers in the declaration envelope and posts it to the VEC. The postal vote declarations are sent to the appropriate election manager’s office, where the declarations are checked against the applications.

Early votes are cast at early voting centres before election day. The voter makes a verbal declaration that he or she is eligible for an early vote. Early votes cast outside the elector’s district are forwarded to the appropriate election manager’s office for counting.

Mobile early votes are cast when mobile polling teams visit institutions such as hospitals and nursing homes to take votes. Voters on the roll for the district where the institution is located make verbal declarations, while voters on the roll for other districts complete a declaration envelope, which is sent to the appropriate election manager’s office.

Absent votes are cast by voters at voting centres outside their own districts on election day. After election day, the declaration forms containing the ballot papers are sent to the appropriate election managers.

Unenrolled votes are cast by voters on election day whose name cannot be found on the electoral roll but who declare that they are entitled to vote. After election day, the declaration envelopes including the ballot papers are sent to the VEC to check whether the voter is entitled to vote, and are then returned to the election manager’s office.

An important innovation at the 2002 State election was that all early voting centres and 49 election day voting centres were equipped with computers containing the electoral roll for the entire State. This meant that the entitlement of all early voters (except those voting at mobile voting centres) and many absent voters could be checked as they voted, instead of after election day. This greatly accelerated the processing of declaration votes.

At the 2002 State election, 91,961 declaration votes were processed by the VEC, compared with 57,650 votes at the 1999 State election. These declaration votes included a large number of absent votes, as well as early votes where the voter’s name could not be found on the roll but the voter declared that he or she was entitled to vote. The following table shows the numbers of declaration votes checked by the VEC and the number admitted to the count:

<table>
<thead>
<tr>
<th>Type of declaration vote</th>
<th>Number checked by VEC</th>
<th>Number admitted to count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Early and mobile</td>
<td>1,883</td>
<td>1,549</td>
</tr>
<tr>
<td>Absent</td>
<td>60,102</td>
<td>30,325</td>
</tr>
<tr>
<td>Unenrolled</td>
<td>29,976</td>
<td>1,175</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>91,961</strong></td>
<td><strong>33,049</strong></td>
</tr>
</tbody>
</table>

Declaration votes were admitted to the count when the VEC established that the voter was entitled to vote.

The return of the writs
The writs for the State election were returned to the Governor of Victoria, Mr John Landy, AC, MBE, on Friday, 13 December 2002, thirteen days after election day.