Section 1
Introduction
Voting system

The Victorian Parliament is made up of two Houses — the Legislative Assembly (Lower House) and the Legislative Council (Upper House). Members of the Legislative Assembly are elected from 88 single-member electoral Districts, each with approximately 38,000 electors. A party or coalition with the majority support in the Legislative Assembly forms the Government.

The voting system for the Legislative Assembly is full preferential. Voters must number all the squares on the ballot paper in order of their choice. To be elected a candidate must gain more than 50% of all formal votes to be elected. If none of the candidates receives over 50% of the first-preference votes, voters’ preferences are distributed until one candidate gains an absolute majority. Voting is compulsory at Victorian State elections.

Members of the Legislative Council are elected from eight electoral Regions, each with approximately 418,000 electors. Each region returns five elected members.

Proportional representation vote counting for the Legislative Council was introduced in 2006. The principle of proportional representation is that candidates and parties are elected in proportion to their level of support among voters. Under this system, voters can:

- Vote 1 “above-the-line” for their preferred party or group of candidates (the voter’s preferences will follow the group voting tickets lodged by the party or group); or
- Vote “below-the-line” for individual candidates. Voters have to vote at least 1 to 5 for their vote to count, and can continue numbering other squares if they wish. This is known as optional preferential voting.

Under the proportional representation vote counting system, a candidate must gain a ‘quota’ (one sixth plus one) of the formal votes to be elected. First, 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 the ballot papers. Any candidate who reaches a quota through these transfers is elected. If there are still vacancies to fill once the surplus votes have been transferred, the candidate with the fewest votes is excluded and that candidate’s votes are distributed to the remaining candidates according to the preferences on the ballot papers. The process of transferring surpluses from elected candidates and distributing preferences from excluded candidates continues until all positions have been filled.

The Victorian Electoral Commission

The Victorian Electoral Commission’s (VEC’s) responsibility is to conduct fair and impartial elections, efficiently and according to the law. The Electoral Commissioner is appointed by the Governor-in-Council for a ten-year term. Under the Electoral Act 2002 (the Act), the Electoral Commissioner is independent of the government of the day and reports directly to Parliament.

The key responsibilities of the VEC are to:

- Conduct parliamentary elections and by-elections
- Conduct parliamentary referendums and polls
- Conduct local government elections and by-elections (following a competitive tendering process)
- Conduct electoral representation reviews and subdivision reviews for local councils
- Conduct certain statutory elections
- Provide advice to the Attorney-General and Parliament on issues affecting the conduct of parliamentary elections, including administrative issues requiring legislative remedy
- Ensure the enrolment of eligible electors
- Prepare electoral rolls for parliamentary elections, voters’ lists for local government elections, jury lists, and provide enrolment information to members of parliament and registered political parties
- Contribute to public understanding and awareness of elections and electoral matters through information and education programs
- Provide administrative and technical support to the Electoral Boundaries Commission during the review and drawing of state electoral boundaries
- Report to Parliament on the VEC’s activities
Governing legislation
The work of the VEC is governed by legislation that includes:
• The Electoral Act 2002: Victoria’s principal electoral Act, prescribing the enrolment system and the conduct of parliamentary elections
• The Constitution Act 1975: sets out who is entitled to enrol as an elector, who is entitled to be elected to Parliament, and the size and term of Parliament
• The Electoral Boundaries Commission Act 1982: governs the determination of State electoral boundaries

Legislative changes affecting the 2010 Victorian State election
The Electoral Amendment (Electoral Participation) Act 2010 (EA Act) amended the Electoral Act 2002 (the Act) as summarised below.

Automatic enrolment
Prior to the passing of the EA Act, the only way to enrol was for a person to fill in and sign an enrolment form and send it to an electoral commission. The VEC is now able to use information it holds to enrol people who have turned 18. The VEC writes to people it has enrolled, informing them of their enrolment and giving them an opportunity to correct any mistake. Initially, the VEC enrolled VCE students who had turned 18 years of age, using information supplied by the Victorian Curriculum and Assessment Authority. This will be expanded to other agencies during 2011.

Enrolment at voting centres
People who were found not to be enrolled when they attended to vote at this election were able to enrol and cast a provisional vote at a voting centre. They were required to show a proof of identification such as a driver’s licence or to nominate a service provider to be contacted to verify identity. Initially, the VEC enrolled VCE students who had turned 18 years of age, using information supplied by the Victorian Curriculum and Assessment Authority. This will be expanded to other agencies during 2011.

Electronically assisted voting
At the 2006 State election, electors who are blind or have low vision were able to vote electronically. For 2010, electors with language or literacy difficulties and those with motor skill impairment were also able to cast an electronically assisted vote. Electronically assisted voting using a telephone or touchscreen was available at 100 early voting centres within Victoria in the two weeks before Election Day.

Abolition of three month rule
Under the ‘three month rule’ electors who had changed their principal place of residence more than three months before Election Day without updating their enrolment were unable to vote. Abolition of this rule enables all electors on the roll to vote for the district at which they are enrolled.

How-to-vote cards
Under the new legislation, the VEC is required to display all registered how-to-vote cards on its website as soon as possible after they are registered.

Group voting tickets
Upper House groups of candidates are able to 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 (setting out the order of voting preferences for ‘above the line’ votes for that group) with the VEC. Previously, lodgement of a group voting ticket was optional.

Authorisation of letters and cards
Letters and cards bearing the name and address of the sender, that did not contain an example of how to complete the ballot paper no longer had to be duly authorised.

Acceptance of postal vote declarations
Under the new legislation, if a postal vote declaration envelope is postmarked the Sunday after Election Day, the VEC is permitted to use the date of the witness’s signature on the declaration to determine whether the vote should be included in the count.

Regulatory changes affecting the 2010 Victorian State election
In September 2010, the Electoral Amendment (Electoral Participation) Regulations 2010 came into operation. The purpose of the regulations was to:
• Make miscellaneous consequential amendments to the Electoral Regulations 2002 as a result of the enactment of the Electoral Amendment (Electoral Participation) Act 2010. Most notably for the 2010 election, the regulations made changes to the terminology relating to unenrolled/provisional voters
• Provide for the procedures to apply in respect of electronic voting at an overseas or interstate early voting centre in accordance with section 100 of the Electoral Act 2002
• Make minor technical amendments to improve the operation of the Electoral Regulations 2002
### Issue of the writs

The Governor issued writs for the 2010 Victorian State election at 6.00pm on Tuesday, 2 November 2010. The issue of the writs is a legal requirement and sets out the timetable of the election. One writ is issued for the election of the Legislative Council and one for the election of the Legislative Assembly.

At the issue of the writs, there were 11 registered political parties. At close of nominations there were 711 candidates, compared with 707 in 2006. Ten of the eleven registered political parties contested at least one electorate.

### Election timetable

The Victorian State election timeline is set in legislation. The Constitution Act 1975 prescribes that, barring exceptional circumstances, the Victorian State election is to be held on the last Saturday in November every four years.

The trigger for a State election is the issue of the writs, which occurs 25 days before Election Day. The writs for a State election must be returned no later than 21 days after Election Day. The timeframe for the conduct of the 2010 State election was 46 days (33 business days).

Given this timeframe, it is essential that planning and preparation commence well in advance of the election. The lead-time for the management of the 2010 State election was 12–16 months with most major projects in place by the issue of the writs.

### Business intelligence solutions for election management

Using the VEC’s EMS database, the VEC implemented a business intelligence solution that provided more granular data (smaller, detailed data packets, more frequently communicated) than at past elections. This provided the VEC with enhanced information on the progress of the elections and enabled improved and more accurately targeted management of the election process.

### Timeline for the 2010 Victorian State Election

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
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<tbody>
<tr>
<td>Expiry of the Legislative Assembly</td>
<td>Tuesday, 2 November</td>
</tr>
<tr>
<td>Issue of writs</td>
<td>Tuesday, 2 November</td>
</tr>
<tr>
<td>Close of rolls</td>
<td>Tuesday, 9 November</td>
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<tr>
<td>Close of nominations</td>
<td>Thursday, 11 November for a Registered Political Party and Friday, 12 November for independent candidates</td>
</tr>
<tr>
<td>Final day for submission of How to Vote Cards for registration by the VEC</td>
<td>Friday, 19 November</td>
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<tr>
<td>Close of Postal Voting</td>
<td>Thursday, 25 November</td>
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<tr>
<td>Close of Early Voting</td>
<td>Friday, 26 November</td>
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<tr>
<td>Election day</td>
<td>Saturday, 27 November</td>
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<tr>
<td>Last day that votes can be admitted to scrutiny</td>
<td>Monday, 6 December</td>
</tr>
<tr>
<td>Return of writs</td>
<td>Saturday, 18 December</td>
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Election planning

The VEC operates with a core of 54.5 full time equivalent (FTE) staff, which is supplemented by temporary and casual staff. At the time of the State election, there were 82.4 FTE positions at the VEC. In addition, contract staff were engaged to provide specialist services such as IT support, or election software development and advice. Around 20,000 people were engaged by the VEC to conduct the State election in election offices and voting centres, and to assist in the postal vote processing centre and central count centre, which operated for two weeks after the election.

There are many aspects of a State election that require the expertise of external service providers. Contracting external service providers enables VEC staff to focus on their election-specific areas of expertise, ensuring that Victorians are provided with the highest quality election services, using the latest technologies and systems.

For the 2010 State election, the VEC entered into contracts with a range of specialist service providers. Contractors were selected after a competitive tendering process, taking into account the quality of their service and value for money.

Contracted services for the State election included:

- Information technology
- Cardboard furniture (existing contract)
- Electronic voting kiosks
- Election advertising
- Public relations (request for quote)
- Telephone enquiry service
- SMS enrolment and reminder service
- Printing (existing contract)
- Transport (existing contract)
- Tally room services (request for quote)
- Count centre
- Australia post (service level agreement)
- Election staffing
- Mail house services (existing contract)

Arrangements with other agencies

**Victoria Police**

The VEC wrote to the Chief Commissioner of Police in late September, outlining the State election processes and requesting a discreet police presence at voting centres during the hours of voting on Election Day. The VEC formally records its appreciation for the support received from the Chief Commissioner and Victoria Police.

**Victorian Civil and Administrative Tribunal**

The VEC made arrangements with the Chief Executive Officer of the Victorian Civil and Administrative Tribunal for arrangements to be in place to deal with any applications for review of the Electoral Commissioner’s decision in relation to the registration of a how-to-vote card.

Section 82A of the Electoral Act 2002 provides that if an application for review of a how-to-vote card decision is received, the Tribunal has until 5.00pm on the next working day after receiving the application to determine the application.

**Supreme Court**

Under section 176 of the Electoral Act 2002, candidates may seek injunctions in certain circumstances where the conduct of a person may impact on the outcome of an election. The VEC is also able to seek an injunction under the same circumstances. These matters must be heard in the Supreme Court. The Victorian Electoral Commission made arrangements with the Department of Justice to ensure any applications for an injunction received on Election Day could be heard.

**Election Budget**

The cost of conducting the 2010 State election was $36.618 million. An estimate for the completion of compulsory voting is included in the figure. This compares to the reported cost of the 2006 State election of $29.329 million.

Additional budget was provided to meet inflation, an increase in the number of electors and election staff, the implementation of new legislation, and the use of advanced technology to assist with the provision of electoral services. Actual expenditure will occur over three financial years; 2009-10, 2010-11 and 2011-12.

Summaries of election expenditure, candidates’ deposits and election entitlements are included in Appendix 1, Appendix 2, Appendix 3 and Appendix 4.

**Candidates’ deposits forfeited**

Of the 711 candidates, 283 forfeited their deposits, because they were not elected and/or because they, or their Upper House group, obtained less than 4% of the first-preference votes in their electorates. The following table shows the number of candidates who were eligible to have their nomination deposits refunded.
### Figure 1: Number of candidates eligible for nomination refund

<table>
<thead>
<tr>
<th>Party</th>
<th>Number of Candidates</th>
<th>Number of Candidates eligible for refund</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Labor Party</td>
<td>128</td>
<td>128</td>
</tr>
<tr>
<td>Christian Democratic Party</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Country Alliance</td>
<td>37</td>
<td>10</td>
</tr>
<tr>
<td>D.L.P. Democratic Labor Party</td>
<td>67</td>
<td>3</td>
</tr>
<tr>
<td>Family First</td>
<td>91</td>
<td>12</td>
</tr>
<tr>
<td>Australian Greens</td>
<td>128</td>
<td>127</td>
</tr>
<tr>
<td>Liberal</td>
<td>113</td>
<td>113</td>
</tr>
<tr>
<td>The Nationals</td>
<td>21</td>
<td>19</td>
</tr>
<tr>
<td>Sex. Party</td>
<td>25</td>
<td>2</td>
</tr>
<tr>
<td>Socialist Alliance</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Independents</td>
<td>87</td>
<td>14</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>711</strong></td>
<td><strong>428</strong></td>
</tr>
</tbody>
</table>

The Victorian Electoral Commission is insured with the Victorian Managed Insurance Authority and is generally covered under the Department of Justice policy. The VEC has additional coverage for:

- Professional Indemnity — required by many organisations in tenders for election services
- Public and Products Liability — a buy-down of the excess
- Group Personal Accident — insurance coverage for Election Officials
- Travel — insurance for travel by staff

There were 58 incidents involving the public registered compared with 22 in 2006. There were 19 incidents involving election staff reported compared with seven in 2006. Two incidents resulted in claims for WorkCover made by election staff, with the VEC incurring a total cost of $925. There were 11 incidents involving damage to venues. The increase in reported incidents compared with 2006 may be attributable to the wet weather conditions on Election day which caused an increase in slips, trips and falls, and record rainfalls during the election period, which caused some water damage to venues.

### Resource management and sustainability

The VEC is committed to managing resources in a way that minimises negative environmental impact across all operations. A number of initiatives introduced at the 2010 State election addressed key strategies from the VEC’s Environmental Management Strategy including:

- Alignment of the VEC operations with Government directions in environmental sustainability
- Encouraging staff to become proactively involved in reducing greenhouse emissions
- Engaging internal and external stakeholders in positive action
- Reducing the number of courier journeys by faxing ‘not on roll’ absent declarations for checking against the enrolment register
- Improving the VEC’s environmental performance by reducing environmental impacts and resource consumption that occur as a consequence of VEC operations

The following initiatives reduced the amount of paper used during the State election:

- Online training for election officials reduced the need for the preparation and printing of training materials
- Electronic roll mark-off — the introduction of a direct roll mark off capability for mobile voting and voting at some Election Day voting centres reduced the number of envelopes required for the election
- Production of voting compartments containing pre-printed language translations for electors on how to complete their ballot papers meant the provision of pre-printed multi-language information pamphlets that were previously made available at all voting centres was no longer required. Additionally, this removed the requirement for the provision of labels containing translated voting instructions to be adhered in voting compartments
- Provision of recycling facilities at election offices and voting centres resulted in a reduction of the amount of paper that ended up in landfill
- The introduction of computer applications that increased efficiency and substantially reduced the amount of paper required

The VEC endeavours to comply with Action 16 of the Victorian State Government 2006 Sustainability Action Statement by way of effectively managing resources to minimise environmental impact across all operations. However, there are items outside its control that played a large role in the conduct of a State election. The VEC encourages all stakeholders to embrace sustainable actions.

Elector receive large amounts of election material distributed through State-wide mail-outs or by letter box drops from candidates. The VEC is encouraged to note that a large proportion of election material distributed by parties and candidates is printed in an environmentally sustainable manner.