Your vote will help shape Victoria

Victorian Electoral Commission
Report to Parliament on the 2014 Victorian State Election
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Foreword

Victorian electors went to the polls on 29 November 2014 to elect the 58th Victorian Parliament, and at the conclusion of the election, the Australian Labor Party won 47 seats and formed Government. The Liberal Party won 30 seats, the National Party - eight seats, the Australian Greens - two seats, and an independent candidate was elected to the seat of Shepparton.

The conduct of Parliamentary elections is the core activity of the Victorian Electoral Commission (VEC) requiring disciplined and early planning, careful management of staff and resources, and strict adherence to state electoral law.

In September 2013, through its State Election Service Plan, the VEC advised stakeholders with regard to how it intended to deliver the election. This provided early indication to all election participants, enabling their plans in response to be developed.

In evaluating the overall success of the election, the VEC intended that “Every eligible Victorian will vote at an election that is fully compliant with State Law, transparent, fair and accurate and delivered to the highest standards with efficiency and enthusiasm.”

This was tested against several indicators as a means of assessing the performance of the VEC and identifying where operational improvements could be made. Pleasingly, most targets were met or exceeded, including having an estimated 94.21% of eligible Victorians enrolled with 93.02% of these electors turning out to vote. Yet, continuing challenges exist around unintentional vote informality, (which is increasing) and an inability to identify more than 17% of fully wheelchair accessible Election Day voting centres in Victoria.

The 2014 State Election was noteworthy on two counts; a record number of Registered Political Parties and candidates chose to participate, and over 34% of electors voted before Election Day.

A total of 21 registered political parties contested the election, compared to ten in 2010. Of these, three achieved registration on the day before the issue of the writs, with six in total achieving their registration in the month before the issue of the writs. The success of “micro parties” in the Federal Election in 2013 may well have stimulated this activity. While this interest in forming a political party can be construed as demonstrating a healthy democracy, it is to be noted that some parties required several attempts to garner sufficient members to satisfy the requirements of the Electoral Act 2002. A finite time limit around the party registration process could assist an integrity argument.

Candidate numbers increased by 26% on 2010 totals, with 545 candidates contesting 88 Legislative Assembly vacancies and 351 candidates contesting 40 Legislative Council vacancies. In the district of Frankston, 14 candidates nominated whereas only three candidates contested vacancies in the districts of Kew and Malvern.

A total of 52 candidates, comprising 20 groups, contested the Northern Metropolitan Region election requiring the ballot paper to take a particular prescribed form. These large increases in party, group and candidate numbers impacted ballot paper and materials production and distribution, requiring last minute planning changes.

At this election almost 295,000 postal votes were taken and over 912,000 electors presented personally to vote early. Since 2002, the proportion of postal votes has increased from 4.3% of voters to 8.3% of voters, representing a 93% increase in the proportion of voters and a 128% increase in actual voter numbers. For early voting the increase has been from 6.0% to 25.8% of voters, representing an increase of over 330% in the proportion of early voters or over 407% more people voting early. While early voting is popular across Australia, in Victoria support is particularly strong, likely reflecting elector work commitments, mobility, changing lifestyles and convenience. In response, the VEC will examine the viability of adjusting operations so that a proportion of early votes can be included in Election Day counting at future elections.

To qualify to vote early, an elector must declare their inability to vote on Election Day and this requirement was stressed in all elements of staff training for the election. Notwithstanding, the VEC was required to appear before the Court of Disputed Returns in response to a petition claiming many early voters were not required to declare their inability to vote on Election Day, and that these votes were therefore inadmissible.

As a consequence the petitioner sought that the State election be declared void. Though the petition was ultimately dismissed, the
judgment did provide comment on how the form of the voter declaration could be improved.

Amendments to governing legislation prior to the election were relatively minor. The new Electoral Regulations 2012 improved efficiency around nominations and the administration of provisional, Antarctic and overseas voting. The Electoral Amendment Bill 2014 contained provisions to enhance the conduct of the election but was defeated in Parliament in September 2014.

A particular focus was the handling, security and accounting arrangements around ballot papers and other critical documents. Physical security was enhanced in many venues and the transport and handover of materials rigidly policed and documented. Business continuity also received attention with the offsite replication of data and the setup of an alternate operating site. The heavy reliance on information and communication technology in support of the election was again clearly evident. Notably, the VEC’s new Election Management System (EMS) performed very well providing improved functionality and reduced election office setup overheads.

The ongoing investment in redeveloping EMS has been justified. The vVote system was well supported, providing voting services to electors at the London Early Voting centre, and to electors who are blind or have low vision, motor impairment or language/literacy difficulties in its 24 Victorian locations. The wider integration of technology in election operations is evident within this report.

Communicating the election to Victorians was particularly effective as evident in the turnout. A new advertising campaign focused on the importance of each vote where results are close. This and other activities such as the Democracy Ambassador Program, community outreach and education sessions and a roadshow, all contributed to an awareness of the election. A redeveloped and more accessible website, an EasyVote Guide for each elector, a presence on Facebook and Twitter and a telephone enquiry service provided further information on how to participate. The reach and impact of each of these initiatives will be reviewed for future campaigns in an ever-changing media environment.

The need to prepare around 17,000 casual staff to perform Election Day duties received considerable attention. Training sessions were held in each district, and were supported by online training. Each official received a DVD outlining Commission requirements around integrity, accuracy and service delivery. There were no reports of maladministration and on survey, 97% of election staff indicated a desire to work again for the Commission.

Vote counting and results reporting on election night and after, was efficient and timely. Of the 1,786 voting centres across Victoria, nearly 95% had reported their district results by 9.00 pm on election night allowing analysts to predict an election outcome with confidence. In turn, the incoming Government was sworn in on 4 December 2014, just five days after Election Day. Given the close result in the district of Prahran, a recount of votes was conducted, and the result declared on 11 December 2014. For the Legislative Council, the very efficient centralized counting arrangement allowed for all eight Region results to be declared on 16 December 2014. Writs for the election were returned to the Governor on 19 December 2014 as planned.

The 2014 State Election was very well conducted. Commission staff, casual staff, other employees, contractors and service providers can be pleased with the event and their contribution, for which I am grateful.

As with every election there are challenges. Many require an immediate response and others may require a change to operations or to legislation, and these are included in this report in the form of recommendations to Parliament (see page 5).

The VEC embraces continuous improvement and this report is critical in positioning the Commission and the State for the next large Parliamentary electoral event.

Warwick Gately
Electoral Commissioner

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<td>est. 94.21% of eligible electors</td>
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<td>Votes Counted</td>
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<td>93.02% of enrolment at close of roll</td>
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Introduction
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 42,000 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. 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 465,000 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.

**Victorian Electoral Commission**

The Victorian Electoral Commission’s (VEC) is responsible for the conduct of fair, efficient and impartial elections in accordance with 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, and referendums
- conduct local government elections and by-elections (following a competitive tendering process)
- conduct electoral representation reviews and subdivision reviews for councils
- conduct certain statutory elections
- consider and report to the responsible Minister 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 the provision of 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:

1. The Electoral Act 2002: Victoria’s principal electoral Act, prescribing the enrolment system and the conduct of parliamentary elections
2. 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
3. The Electoral Boundaries Commission Act 1982: governs the determination of State electoral boundaries
Legislative and Regulatory Changes
Changes affecting the conduct of the 2014 Victorian State election were minor.

The new Electoral Regulations 2012 contained a number of changes that improved efficiency around nominations and the administration of provisional, Antarctic and overseas voting.

The Electoral Amendment Bill 2014, containing provisions to enhance the conduct of the election, was defeated in Parliament in September 2014.

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 Governor issued writs for the 2014 Victorian State election at 6.00 pm on Tuesday 4 November 2014. The writs set out the timetable for the election. One writ is issued for the election of the Legislative Council and one for the election of the Legislative Assembly. The writs for a State election must be returned no later than 21 days after Election Day. Given this timeframe, it is essential that planning and preparation commences well in advance of the election. The lead-time for the management of the 2014 State election was 12–18 months, with most major projects in place by the issue of the writs.

Timeline for the 2014 Victorian State Election

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<td>Expiry of the Legislative Assembly</td>
<td>Tuesday 4 November</td>
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<td>Issue of writs</td>
<td>Tuesday 4 November</td>
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<td>Close of rolls</td>
<td>Tuesday 11 November</td>
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<td>Close of nominations</td>
<td>Thursday 13 November for a Registered Political Party and Friday 14 November for independent candidates</td>
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<tr>
<td>Final day for submission of How-to-Vote Cards for registration by the VEC</td>
<td>Friday 21 November</td>
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<td>Close of Postal Voting</td>
<td>Thursday 27 November</td>
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<td>Close of Early Voting</td>
<td>Friday 28 November</td>
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<tr>
<td>Election Day</td>
<td>Saturday 29 November</td>
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<td>Last day that votes can be admitted to scrutiny</td>
<td>Monday 8 December</td>
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<tr>
<td>Return of writs</td>
<td>On or before Saturday 20 December (Writ returned 19 December 2014)</td>
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Election Planning

The VEC operates with a core staff, which is supplemented by temporary and casual staff during the preparation for and conduct of the State election. In addition, contract staff are engaged to provide specialist services such as information technology support, or software development and advice. People were engaged by the VEC on a casual basis to fill around 20,000 positions in election offices, postal vote processing centre and voting centres before and on Election Day, and to assist in the 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 2014 State election, the VEC entered into contracts with a range of specialist service providers. Contractors were selected after a procurement process, taking into account the quality of their service and value for money. Contracted services for the State election included:

- Australia Post (service level agreement)
- cardboard furniture
- cartage and courier services
- election advertising
- election staffing
- envelope production
- information technology
- mail house services
- mobile application
- printing
- telephone enquiry service
- election staff training products

Arrangements with Other Agencies

Victorian Government Solicitor’s Office

The VEC made preliminary arrangements with the Victorian Government Solicitor’s Office (VGSO) to have a senior legal adviser on stand-by 24 hours a day during the election period, to ensure that any matters could be dealt with in a timely fashion. The VEC would like to thank the VGSO for its support and assistance on matters related to this election.

Victoria Police

The VEC wrote to the Chief Commissioner of Police 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.

In addition, the VEC liaised with Victoria Police in relation to the special election night event held at Federation Square.

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 5.00 pm on the next working day after receiving the application to determine a response.

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 Supreme Court to ensure any applications for an injunction received on Election Day could be heard.
Election Budget

After an initial budget forecast, additional budget was provided to meet inflation, an increase in the number of electors, and the use of advanced technology to assist with the provision of electoral services. Actual expenditure occurs over three financial years; 2013-14, 2014-15 and 2015-16.

The cost of conducting the 2014 State election was $43.095 million up to 30 June 2015.

Resource Management and Sustainability

The VEC is committed to managing resources in a way that minimises negative environmental impact across all operations. The VEC continued to implement initiatives addressing key strategies for resource management and sustainable practises including:

- alignment of the VEC operations with Government directions in environmental sustainability
- encouraging staff to become proactively involved in reducing greenhouse emissions
- reducing the number of courier journeys by faxing ‘not on roll’ absent declarations for checking against the enrolment register
- a new contract for device sharing between electoral commissions, sharing 6,000 portable devices instead of each commission owning its own fleet
- 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
- introduction of a new personnel system that incorporates electronic offers of appointment and online time sheeting and payslips
- electronic roll mark-off capability at all early voting centres and during mobile voting reduced the number of envelopes required for the election. Electronic roll mark-off was also provided at a number of Election Day voting centres
- 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 VEC endeavours to ensure resources are effectively managed 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. However, electors receive large amounts of election material distributed through state-wide mail-outs, or by letter box drops from candidates and others that is outside of the VEC’s control.