Recommendations
2. Recommendations

The VEC raises the following issues and includes, as part of this report, 11 recommendations for consideration by Parliament. Several of these recommendations are extant from the 2010 State election and were included in the Electoral Amendment Bill 2014, which was defeated in Parliament immediately prior to the State election. These particular amendments remain necessary for the improved administration of elections.

Close of Roll

The VEC believes that with a fixed election date and enrolment on Election Day, electors who miss the close of roll deadline still have the opportunity to participate and not be disenfranchised.

Amending the close of roll to take place three days after the issue of the writ would greatly assist the VEC with ensuring all roll products are completed by the commencement of early voting.

Recommendation 1. That legislation be amended so that the close of rolls occurs three days after the issue of the writ (as per Electoral Amendment Bill 2014).

Commencement of Early Voting

Currently the Electoral Act 2002 (the Act) directs that early voting is to commence at 4.00 pm on the final nomination day. This allows the VEC only four hours to conduct the ballot draw and to print and distribute ballot papers to early voting centres.

Further, electors who use this limited voting window are restricted to voting below the line for the Legislative Council as group voting ticket lodgment will not have occurred.

Recommendation 2. That the Act be amended so that early voting commences at 9.00 am on the third day following the final nomination day (as per Electoral Amendment Bill 2014).

Applying for a Postal Vote Online

Providing an online process for the application for a postal vote was identified in the Report to Parliament on the 2010 Victorian State Election as an improved service to electors and reflects arrangements already existing in New South Wales and the Commonwealth. This online application would take a prescribed form and would contain information to allow the VEC to verify the elector in accordance with a process determined by the Commission, such as a “secret question”.

Recommendation 3. That the Act be amended so that an application for a postal vote can be made by electronic means (as per Electoral Amendment Bill 2014).

Witnessing Provisions on Postal Vote Applications

Written applications for postal votes require the authorized witness to add their title or capacity to the postal vote declaration. This has been confusing and it is considered sufficient for a witness to sign their name in their own handwriting and add the date on the application.

Recommendation 4. That the Act be amended so that an authorised witness, witnessing a written postal vote application, no longer be required to add the title or capacity in respect of which the authorised witness acts (as per the Electoral Amendment Bill 2014).

How-to-Vote Card Registration

Currently there is no provision in the Act for a combination of how-to-vote cards presented as a single item to be registered as that one item. An amendment to the Act will allow for a combined how-to-vote card, i.e. one which contains information on how to vote with respect to any combination of electoral districts and regions, to be submitted to the VEC for registration.

Recommendation 5. That the Act be amended allowing for a combined how to vote card covering any combination of electoral districts and regions to be submitted to the VEC for registration (as per the Electoral Amendment Bill 2014).

Procedure for Ascertaining Number of Votes for Legislative Council Candidate

The VEC is aware of different interpretations that have been placed on S.114A (28)(c) of the Act, which defines what constitutes a separate transfer when distributing preferences for Council candidates. The matter was raised in a submission to the inquiry into the conduct of the 2006 State election.

The VEC has obtained legal advice on the interpretation of this section. This advice confirms that the construction that the VEC has placed on s114A is preferred.

Recommendation 6. That, to avoid confusion, the Parliament amends S.114A (28) (c) of the Act to be consistent with the wording in the Commonwealth Electoral Act 1918 and the Local Government Act 1989 as follows: “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 or candidates as the case may be, at a particular transfer value.” (as per the Electoral Amendment Bill 2014).
**Registration of Political Parties**

The process to register political parties, as prescribed in the Act, requires the application to be accompanied by a statutory declaration by the Party Secretary that at least 500 members of the political party are electors and members. The VEC tests the information by comparing the enrolment status and membership status of persons listed in the application. In the 2014 State election, several parties seeking registration required several attempts to garner members to meet the requirement of the Act.

**Recommendation 7.** That the Act be amended so that political parties seeking registration are given a defined timeline within which to meet the statutory requirements regarding membership.

**Early Vote Processing**

Electors unable to vote on Election Day are able to vote early in the two weeks before Election Day. A significant number of electors exercised their right to access early voting. VEC practice has been to include up to 2000 postal votes per district into the election night count and results reporting. Given the number of electors exercising the early and postal voting option, the VEC intends to expand its capacity to count postal and early votes on election night. Having the ability to process but not count postal and early votes before 6.00 pm on Election Day will allow for increased inclusion of these results on election night.

**Recommendation 8.** That the Act be amended so that the processing of postal and early votes, in a manner determined by the Commission that does not include the inspection of ballot papers, can commence not earlier than 72 hours before the close of voting on Election Day so that these votes can be included in election night counting and results reporting.

**Remote Voting**

The Act provides for electronic voting at designated electronic voting centres for those electors who cannot vote without assistance because of blindness or low vision, a motor impairment or insufficient language or literacy skills.

At the 2014 State election, 1121 electors cast their vote using this electronic voting option, which is a marginal increase on the 961 electors who used this option in 2010.

Evidence would suggest that qualifying electors are dissuaded from this voting option given the inconvenience of attending an electronic voting centre, and have expressed their preference for a form of remote voting accessed from a familiar environment.

**Postal Voting – Postmark Review**

The Act (s106(3)(aa)) allows election officials to inspect the date that a postal vote declaration was witnessed in order to determine admissibility for declarations postmarked the Sunday immediately after Election Day. This provision reflected Australia Post operations at the time, in not processing mail on Saturdays so that any ballot papers posted after 6.00 pm on Friday evening (before Election Day) would be postmarked Sunday. Australia Post has further changed its procedure such that it cannot be guaranteed that all mail posted after 6.00 pm on Friday evening or on Saturday prior to 6.00 pm will be processed on Sunday. Some of this mail may be carried over and processed on the Monday. Accordingly, there may be some mail, postmarked Monday, that may have been posted between 6.00 pm on Friday and 6.00 pm on Saturday.

**Recommendation 10.** That s106(3)(aa) of the Act be extended to allow election officials to inspect the witness date for returned postal vote declarations that are postmarked the Sunday or Monday immediately after Election Day, to determine if the vote is to be accepted.
Party Involvement in Postal Voting

Party postal vote applications continue to be an issue for a number of reasons, not least of which is the confusion on the part of the elector receiving the applications. Section 101 of the Electoral Act 2002 allows for other individuals or groups besides the Electoral Commission to distribute postal votes. Despite significant consultation with the parties to ensure that the applications clearly identified the party details, the VEC received a number of complaints from members of the public who believed that the applications were misleading, i.e. that they were from the VEC. This caused considerable administrative management issues and electoral anger and complaints when the elector realised the application was from a party and that the party in fact collects elector details in this manner.

The timing of the distribution of party postal vote applications also causes issues. The Act requires the VEC to reject party applications that have been signed and returned prior to the issue of the writ. The VEC also receives legitimate applications from parties, in some cases, too late to issue ballot packs. This aspect is increasingly likely and was affected in November 2014 by the changing business model of Australia Post – resulting in slower mail delivery times. The potential is for greater numbers of legitimate applications failing to reach the VEC in time to issue a ballot pack – effectively disenfranchising the voter.

Further, independent qualitative research (Colmar Brunton) conducted with political party representatives resulted in Colmar Brunton making a recommendation that postal vote applications be returned directly to the VEC.

Recommendation 11. That the Act be amended so that only the Electoral Commission can distribute postal vote applications.