4. Services to Candidates and Political Parties

Register of Political Parties

The Electoral Act 2002 requires the VEC to establish and maintain a register of political parties. In order to qualify for registration, a political party must have a written constitution and at least 500 members who are Victorian electors, party members in accordance with the party’s rules, and not members of another registered political party, or of a party applying for registration.

It is not compulsory for a political party to be registered to contest an election, but registration gives a party a number of important entitlements, including:

- the right to have the party’s name on ballot papers
- a requirement to nominate candidates and register how-to-vote cards centrally with the VEC
- access to enrolment and voter information on a periodic basis
- public funding for parties obtaining enough votes.

There was keen interest in party registration in the lead-up to the State election. In 2014, the VEC received applications for registration from 13 new political parties, 11 of which were registered in time for the election. Three parties were registered on the last possible day, 3 November 2014.

Before registering a party, the VEC must be satisfied that the party is an ‘eligible political party’ within the meaning of the Act. There are two main ways that the VEC tests a party’s eligibility, after confirming that the application is in order. First, the VEC advertises the application, inviting objections to the application. Objections must be received within 30 days after the VEC’s notice. At the same time, the VEC writes to the people on the party’s membership list, asking those people to use an included form and reply-paid envelope to confirm whether they are eligible members of the party.

The VEC received 12 objections to applications to party registration in 2014. Several objections alleged that the party was not a real political party, because it was a single-issue party, or its aims were unclear, or it had free membership. Other objections were to the name of the party as being misleading or confusingly similar to the name of an existing registered party. In considering objections, the VEC was guided by the Act, which contains few provisions relating to a party’s constitution and none about a party’s policies. The only grounds of objection that the VEC can consider are that the party is not an eligible political party, that the application was not correctly made, or that the party’s name is inadmissible.

Most objections were not based on these grounds, so were rejected. Two objections stated that the name of the Liberal Democratic Party so nearly resembled the name of the Liberal Party that it was likely to be confused with the Liberal Party. The VEC considered case history and experience in other jurisdictions, and decided that the name of the Liberal Democratic Party was acceptable. There were no objections to the name of Vote 1 Local Jobs, but there were two objections to its proposed abbreviation, “LJP”. In this case, the VEC rejected the argument that the abbreviation was confusingly similar to the abbreviation of the Liberal Party, but concluded that the proposed abbreviation was not a proper abbreviation of the party’s name, and required the party to change its abbreviation.

Responses to the VEC’s mail-outs to the lists of party members varied considerably. The VEC allowed parties to provide supplementary lists of members, and wrote to those on the supplementary lists. This process could take some time. The VEC only registered a party when it was satisfied, through the independent, signed confirmation of the members themselves, that the party had at least 500 eligible members. Appendix 7 shows the details for new party registration in 2014. A total of 21 parties were registered for and contested the 2014 State election (see Figure 4).

Information for Candidates

Handbooks and Briefings

Handbooks produced for candidates and scrutineers were available from the VEC, election offices and via the VEC’s website.

The handbooks were also available to registered parties and independent candidates at briefings and the information session conducted by the VEC in the lead up to the election. Political parties registered at the relevant times were invited to meet individually with the Electoral Commissioner and VEC managers. An information session was also provided for independent candidates.

Candidates and parties were provided with information and supporting material to help ensure they were familiar with their responsibilities and the applicable legislation, informed about the election services and support available to them from the VEC, and the VEC’s responsibilities and procedures as they relate to candidates and parties.

Newsletters

Circulars for registered political parties and independent candidates were distributed throughout the election period, reminding participants of deadlines, providing further data on election arrangements and progress and any other relevant information.
Nominations

The nomination period opened on Wednesday 5 November and closed at 12 noon on Friday 14 November. Registered political parties were required to submit their nominations by 12 noon on Thursday 13 November. The VEC received 886 nominations for the 2014 Victorian State election, a significant increase on the 711 candidates in 2010 and reflecting the trend observed over past elections (See Figure 3).

There were 545 candidates for the 88 Legislative Assembly (Lower House) districts compared with 502 in 2010. A total of 351 candidates stood for the eight Legislative Council (Upper House) regions, compared with 209 in 2010. A total of 789 candidates were endorsed by registered political parties, an increase on the 624 candidates endorsed in 2010. There were 107 candidates standing as independents, compared with 87 in 2010. Appendix 17 contains a list of candidates for the 2014 State election.

Registered political parties were provided with an electronic application for recording nomination details for each district and region. This enabled parties to print pre-populated nomination forms for candidates to sign. The VEC accepted electronic files that could be loaded directly into the Election Management System. The VEC again provided independent candidates with a facility to complete a nomination form online. Once the candidate was satisfied with the details they had entered, they could print the online form to lodge in person with the Election Manager. By scanning the barcode on the nomination form at the time of lodgement, details as entered by the candidate were loaded directly into the VEC’s Election Management System. These facilities streamlined the processing of nominations and reduced waiting times for candidates and party representatives.

Contentious Nomination

On Friday 14 November, the day after nominations closed for candidates endorsed by registered political parties, the VEC received advice from the Palmer United Party, that its candidate for the South Eastern Metropolitan Region, was not qualified to be elected. Accordingly, they requested that this nomination be withdrawn and the name removed from the ballot paper.

The VEC advised that there was no provision under the Electoral Act 2002 to withdraw a nomination after nominations had closed, or to remove a candidate’s name from the ballot paper. The Palmer United Party subsequently sought an injunction to have the candidate’s name removed from the ballot paper. The injunction was heard and dismissed by Justice Bongiorno in the Victorian Supreme Court on the same afternoon. The Palmer United Party subsequently lodged a Group Voting Ticket (GVT) for their registered group for the South Eastern Metropolitan Region, placing the disqualified candidate in third position on their GVT.

Figure 3: Number of candidates contesting Victorian State elections, 2006-2014

Figure 4: Number of registered political parties contesting Victorian State elections, 2006-2014

Figure 5: Candidates endorsed by registered political parties, Victorian State elections, 2006-2014
Group Registration and Group Voting Tickets – Legislative Council

Two or more candidates nominating for the same region in the Legislative Council can request that their names be grouped on the ballot paper in a specified order. Group registration closed at midday on Thursday 13 November, the same time as close of nominations for registered political parties.

A total of 133 groups were registered across the eight regions compared with 57 in 2010. This was a significant increase and gave rise to increased ballot paper sizes across all regions. Northern Metropolitan Region had the highest number of groups, with 20 groups registered. This triggered the implementation of the special ballot paper layout prescribed by Schedule 1B of the Electoral Act 2002, with two rows of above-the-line groups and two rows of candidates below-the-line. Northern Victoria Region had the least with 14 groups registered.

A total of 129 groups were from registered political parties and three further groups were registered by independent candidates. The Liberal and National Party registered combined groups in Eastern, Northern and Western Victoria Regions. Nine independent candidates remained ungrouped.

In accordance with legislation, all registered groups lodged group voting tickets with the VEC by midday on Sunday 16 November (see Figure 6). One independent group in Southern Metropolitan Region chose to lodge two group voting tickets.

How-toVote Card Registration

How-to-vote cards (HTVC) must be registered by the VEC if they are to be handed out, distributed or otherwise made available within 400 metres of a voting centre on Election Day. HTVCs carried by mobile early voting teams must also be registered. Any candidate, person or organisation can register a HTVC.

The registration period for HTVCs was from Monday 17 November, to midday on Friday 21 November. A total of 1,628 HTVCs were registered for this election compared to 1,101 in 2010. There has been a significant increase in the number of HTVCs registered at State elections since 2006 (see Figure 7). All registered HTVCs were available for viewing at the VEC head office in Collins Street, Melbourne and were published on the VEC website in accordance with legislation.

Provision of Electoral Rolls to Candidates

Under the Electoral Act 2002 (the Act) the VEC is required to provide a list specifying certain electors and limited information particulars on request to registered political parties and candidates in an election. This list is provided as encrypted data.

The Act prescribes severe penalties for any misuse of electoral information provided. When providing the information, the VEC reminds recipients of their obligations in relation to the information, the permitted purpose, the confidential nature of the information, the need for secure use, storage and destruction of the information and of the existence of the associated penalties for misuse.
Nomination Deposits Forfeited
The deposits of 460 of the 896 candidates were forfeited because they were not elected and/or because they, or their Upper House group, obtained less than four percent of the first-preference votes in their electorates (see Appendix 4).

Postal Voting Protocol
A major discussion item at meetings with registered political parties was the production and distribution of postal vote applications by registered political parties. Section 101 of the Act allows for a person other than the Commission to reproduce a postal vote application form and include it with other written material issued by that person or organisation.

The VEC postal voting protocol was distributed to registered political parties. Introduced prior to the 2006 State election, the protocol provides guidance on the production and distribution of postal vote applications and aims to minimise elector confusion about whether the application was from the VEC or a political party. The protocol directs that a postal vote application:

- must contain the information detailed in Form J of the Electoral Regulations 2012
- must not contain a VEC logo
- must not contain any information that could be considered to be misleading within the Act
- must not be produced using shiny paper
- must not contain any political comment
- must clearly identify the distributing party or candidate
- may be distributed with other political information.

To assist parties with the production of their postal vote applications, the VEC provided each registered political party with a template for a postal vote application to be used during the State election.

Parties and candidates were encouraged to discuss their proposed templates, including the envelopes, with the VEC prior to printing and distribution. All applications distributed by parties clearly indicated to electors that the mailing address for the completed application was back to the particular party.

At the 2014 State election, two parties produced and distributed postal vote applications. Over 75% of postal vote applications processed by the VEC were party specific applications. Despite the established protocol and the assistance from the VEC available to parties, a number of issues arose.

The VEC had requested parties to ensure that completed postal vote applications submitted to party offices were promptly forwarded to be delivered at the VEC by 11.00 am to ensure same day despatch of ballot material to electors. This was not always achieved and led to delays in the despatch of ballot material and subsequent queries and complaints from electors keen to receive their voting material.

In addition, the sheer volumes of postal vote applications distributed by parties across the State, along with the two week period between the issue of the writ and the close of nominations, resulted in some electors submitting multiple applications to vote by post.

Some electors who received the application form with electoral material included, incorrectly assumed it was from the VEC. A number of complaints, emails and phone queries were received by the VEC relating to what electors erroneously believed was a partisan approach by the VEC. Other complainants were not aware of, or disapproved of the parties being allowed to send postal voting applications in this way, and to the use of their personal information by parties and candidates. While the VEC provides advice that this use and disclosure is permitted by the Act, some electors expressed strong negative feelings about it.

The Greens erroneously delivered copies of a General Postal Voter application to a small number of electors who submitted these applications thinking they were applying for a postal vote. As soon as the VEC became aware of the error, the Greens were contacted and a solution was negotiated to help ensure these electors were able to submit the correct form in time to receive their voting material. One complaint was received in relation to this matter.
Communication Services