



# 2023 Mulgrave District by-election

# Service plan

© State of Victoria  
(Victorian Electoral Commission)  
October 2023

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## **Acknowledgement of Country**

*The Victorian Electoral Commission (VEC) acknowledges the Aboriginal and Torres Strait Islander people of this nation, as the traditional custodians of the lands on which the VEC works and where we conduct our business. We pay our respects to ancestors and Elders, past, present, and emerging. The VEC is committed to honouring Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to the land, waters and seas and their rich contribution to society.*

### **Note:**

This election service plan is also available on the VEC's website at [vec.vic.gov.au](http://vec.vic.gov.au) in Microsoft Word and PDF format.

## Foreword

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The Member for Mulgrave District, the Hon. Daniel Andrews MP, has informed the Speaker of his resignation from the Parliament of Victoria. The formal resignation date is 27 September 2023. As the responsible agency, the Victorian Electoral Commission (VEC) will manage every element of the Mulgrave District by-election in line with a strict statutory regime.

This election will consume financial, logistical, human and administrative resources, and the VEC must exercise fiscal responsibility without compromising integrity or service delivery standards.

All the VEC's activities must withstand the closest scrutiny. Actions and decisions taken must be transparent and compliant to maintain public confidence in the VEC's ability to deliver an impartial, fair, accurate and timely election result.

We must also respond to changes in electors' voting behaviour, particularly the growth in electors choosing to vote early, including by post. The health and safety of all election participants is also paramount.

This plan sets out our objectives, priorities and performance measures for the Mulgrave District by-election and provides a basis for assessing our performance.

Importantly, this plan outlines why the public can have every confidence in the VEC's independence, transparency and capability.

A handwritten signature in black ink, appearing to read 'Sven Bluemmel', written in a cursive style.

**Sven Bluemmel**  
Electoral Commissioner

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# Background and purpose

## Introduction

The purpose of this document is to establish the plan for the conduct of the Mulgrave District by-election.

This document is to be used to gain a clear understanding of the services delivered by the Victorian Electoral Commission (VEC).

## Guiding principles

The Mulgrave District by-election is conducted on established and accepted principles.

The VEC will:

- follow State electoral law, and apply it impartially and equitably, with all participants in the process treated fairly and justly
- perform all tasks in a non-partisan and politically neutral manner to the highest standard of accuracy
- work to provide every elector with a quality and convenient service in which to exercise their democratic rights.

## Legal framework

The VEC is responsible for the conduct of all Victorian State general, supplementary and by-elections. The VEC's election operations are governed by 4 main pieces of legislation:

- *Electoral Act 2002*: establishes the VEC as an independent statutory authority and sets out the processes for State elections, including the timeframe for the conduct of the election.

- *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.
- *Electoral Boundaries Commission Act 1982*: governs the determination of State electoral boundaries. Under this legislation the Electoral Commissioner is one of three members of the Electoral Boundaries Commission.
- *Infringements Act 2006 and Fines Reform Act 2014*: provides for stages two, three and four of compulsory voting enforcement.

All procedures and processes implemented by the VEC during the Mulgrave District by-election consider each piece of legislation and implement prescribed rules accordingly. These include processes prescribed in the regulations, which are made under the *Electoral Act 2002*.

## Privacy

The VEC is bound by the *Privacy and Data Protection Act 2014*, as well as other laws, that impose obligations on the handling of personal and health information. The VEC privacy policy provides guidance to VEC officers on the management of personal information and supports the VEC's need to collect information and the right of the individual to privacy. All privacy enquiries and concerns should be directed to the VEC Privacy Officer.

## Statement of Intent

Victorians who are eligible to vote will do so at an election that is:

- fully compliant with State law
- transparent
- fair and accurate

## Background and purpose

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- delivered with efficiency, enthusiasm and to the highest standards.

This intent is aligned with the VEC's vision and purpose: 'All Victorians actively participating in their democracy'. This single intent will be the premise for all election plans and projects. It will assist decision-making, actions and the priorities associated with the allocation of resources.

To meet this intent, the following major operational objectives were identified:

- create a roll for the Mulgrave District by-election
- provide every eligible elector with a voting experience that is:
  - safe, convenient, and easy to access
  - timely to their requirements
  - easy to understand
  - respectful and courteous
  - confidential.
- assist candidates, Registered Political Parties and other participants to meet nomination and other compliance requirements
- provide electoral information to all stakeholders in a format that is easy to understand and use, easy to find, rapid and deliverable through a variety of media
- ensure all votes cast are accounted for, and counted accurately and efficiently, with results available in a timely manner

- maintain stakeholder confidence and trust in the VEC's capacity to deliver impartial, transparent, accurate and efficient electoral outcomes.

- ensure a safe and OHS compliant environment for our staff, contractors, and third-party providers in undertaking work on behalf of the VEC.

### Electoral compliance

The planning, delivery and evaluation of election programs has included a focus on having robust integrity and decision-making measures. These measures will focus on election office and head office compliance, as well as specific activities vital for election result integrity.

### Complaints management

Complaints and feedback can be provided in writing through the online form on the VEC website. Anyone requiring additional support to make a complaint should contact the VEC on 131 832.

Complaints alleging a breach of the law should include any available evidence. Complaints lodged with election offices will be forwarded to the VEC head office for assessment.

Customer confidentiality is protected. The customer feedback policy and customer service charter are available on the VEC website.

### Constructive compliance

A 'constructive compliance' approach is in place and focuses on providing electoral participants with resources to understand and comply with their obligations. Where necessary and appropriate, enforcement tools may be used to assist compliance. The VEC may institute proceedings against any person committing an offence against the *Electoral Act 2002*.

### Court of Disputed Returns

The validity of the Mulgrave District by-election can only be disputed via a petition to the Court of Disputed Returns. The Supreme Court is the Court of Disputed Returns for the purpose of all Victorian State elections.

A petition to the Court of Disputed Returns must be filed with the Prothonotary of the Supreme Court within 40 days after the return of the writ.

An election can be disputed by a candidate, a person who was entitled to vote at the election in dispute, or the VEC.

### Storage and disposal of ballot material

The VEC manages the security and storage of ballot material in accordance with section 122 of the *Electoral Act 2002* and associated regulations. All parcels are to be kept safely until the completion of any proceedings in the Court of Disputed Returns. Where no petition is filed with the Court of Disputed Returns, ballot material may be disposed of once the period of 40 days after the return of the writ has elapsed.

The disposal of ballot material is governed by standards and disposal authorities issued by the Public Records Office Victoria (PROV) and standards issued by the Office of the Victorian Information Commissioner (OVIC). A copy of the electoral roll prepared for the Mulgrave District by-election is retained permanently, initially by the VEC then transferred to PROV as a State Archive.

### System security

The VEC has continued to strengthen its cyber security posture by implementing the Australian Signals Directorate's Essential Eight standards (ASD8) and deployed a range of other best-in-class security technology such as protection from Distributed Denial-of-Service (DDoS) attacks and real-time vulnerability scanning and mitigation.

Significant investment in cyber and information security continues to be made. This includes transitioning to a range of advanced security controls including modern identity and access management solutions, as well as engaging specialised engineering support to further strengthen network security.

Overall, the VEC's approach is designed to provide leading cyber and information security measures, with a high base level of assurance, which is further strengthened for critical periods.

### Report to Parliament on the conduct of the Mulgrave District by-election

Under section 8(2)(b) of the *Electoral Act 2002*, the VEC must report to Parliament within 12 months of the conduct of each election on the administration of that election. The report will include:

- analysis and summary of results and trends
- selected detailed statistics
- overview of the planning process
- details of the election budget
- election administration, staffing, and infrastructure
- election services to voters, political parties, candidates, and the media
- communication services
- innovations and special projects
- summary of count processes and transparency measures.

The report may also provide details of any recommendations for legislative change or research topics which will assist the conduct of future elections.

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## Election timeline

The Mulgrave District by-election timeline is defined in the *Electoral Act 2002*.

The timeline is determined by the Speaker of the Legislative Assembly of Victoria.

The timeline for the Mulgrave District by-election, based on the writs being issued on Monday 23 October 2023, is included in Appendix 1.

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# Election service management

## External service providers

Many aspects of the Mulgrave District by-election require the expertise of external service providers. Contracting these providers enables VEC staff to focus on their election-specific areas of expertise, ensuring that Victorians are provided with the highest quality election services, built on modern technology and systems.

For the Mulgrave District by-election, the VEC will have service agreements and contracts in place for a range of specialist services, including:

- Australia Post
- ballot paper printing services
- cardboard furniture and voting centre equipment
- cartage and courier services
- envelope production
- information technology
- mail-house services.

## Arrangements with other agencies

The VEC will ensure that arrangements are in place to respond to any legal or regulatory issues arising during the election as set out below.

### Victorian Government Solicitor's Office

The VEC will arrange with the Victorian Government Solicitor's Office (VGSO) to have legal counsel on stand-by throughout the election timeline, to ensure that any legal matters can be dealt with in a timely fashion.

### Victoria Police

The VEC will engage with Victoria Police before and throughout the election timeline. Interactions with Victoria Police have been supported by more streamlined disclosure, referral and response processes and active engagement with law enforcement to build their understanding of electoral offences.

### Victorian Civil and Administrative Tribunal

The VEC will plan with the Victorian Civil and Administrative Tribunal (VCAT) for the timely determination of any applications for review of the Electoral Commissioner's decision on the registration of a how-to-vote card.

Section 82A of the *Electoral Act 2002* provides that VCAT has until 5 pm the next working day after receiving the application to determine the application or give directions on any changes required to obtain registration.

### Supreme Court

Under section 176 of the *Electoral Act 2002*, the VEC or a candidate may seek an injunction to prevent a person from committing any offence which might apply to elections. The VEC will plan with the Supreme Court to ensure any applications for an injunction received on election day can be prioritised and heard without delay.

## Evaluation and reporting

Following the Mulgrave District by-election, an evaluation will be conducted to identify successes, capture lessons learned, and identify performance improvement opportunities through an established continuous improvement framework. The VEC will collect and analyse a range of qualitative and quantitative datasets to support its findings.

### Informal ballot paper analysis

The VEC will conduct a survey of informal ballot papers in the first quarter of 2024. The aim of the survey is to measure the incidence of various types of informal voting, and to contribute to Australia-wide literature on this subject.

The VEC values and promotes knowledge, learning and collaboration. It actively works to empower and engage staff and the community in decisions of importance to all and will continue to promote sustainable practices during a Mulgrave District by-election.

### Cost management

A Cost Management Strategy for election programs enables timely and accurate forecasting across the election program to embed probity, accountability and transparency on all costs incurred in delivering the election. Details of election costs will be included in the Report to Parliament.

### Resource management and sustainability

The VEC is committed to managing resources in a way that minimises environmental impact across its operations.

Examples include:

- extending the provision of recycling facilities currently at VEC head office to all election venues
- encouraging recycling of how-to-vote cards and other materials by providing clearly labelled recycling bins at voting centres and other election venues
- careful consideration and planning for more environmentally sustainable transportation of election materials across the State
- paper reduction strategies such as reducing the amount of paper sent to election offices for election use and the provision of electronic copies of reports where possible

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# Enrolment and close of rolls

their legislative obligations and the significant penalties for the misuse of roll data.

## Overview

Under a joint roll arrangement, the State and Commonwealth share responsibility for maintaining enrolment in Victoria. Both the VEC and the Australian Electoral Commission (AEC) have programs in place to assist people to enrol and update their enrolment details. Additionally, enrolment applications processed by the AEC are provided to the VEC at least weekly, to ensure currency of the Victorian register of electors.

## Enrolment eligibility checks

Nominations open the day following the issue of the writ. The VEC will check that nominating candidates are enrolled on the Victorian register of electors and that their nominators (where applicable) are enrolled in the electorate in which the candidate is nominating.

## Close of roll

The roll for the election closes at 8 pm on Monday 30 October 2023 (7 days after the issue of the writs).

The VEC works closely with the AEC to ensure that enrolment data received by the close of roll is processed by the AEC within 24 hours.

All electors who enrol or update their details in the weeks following the close of roll will be contacted. Where applicable, electors will be advised they may attend a voting centre and complete an 'Application for Enrolment/Provisional Vote'.

## Election roll products

Registered Political Party rolls, and independent candidate rolls for Mulgrave District by-election will also be generated and provided upon request. Registered Political Parties and candidates can only use roll data for limited purposes. Registered Political Parties and candidates will be reminded of

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# Communication and engagement

## Information services

### Public enquiry service

A VEC call centre will be established to deal with the increased volume of calls and emails received during a District by-election through a public enquiry service.

The operation period for the call centre will be as follows:

| Date  | Operating Hours |
|---|-----------------|
| Weekdays<br>Tuesday 24 October to<br>Friday 27 October    | 8:30 am to 5 pm |
| Monday 30 October   | 8:30 am to 8 pm |
| Weekdays<br>Tuesday 31 October<br>to Monday 6 November    | 8:30 am to 5 pm |
| Tuesday 7 November<br>Cup Day (Public Holiday)            | 10 am to 3 pm   |
| Weekdays<br>Wednesday 8 November<br>to Friday 17 November | 8:30 am to 5 pm |
| Saturday 18 November<br>Election Day                      | 8 am to 6 pm    |

Outside VEC hours of operation, a recorded service will provide information on enrolment and voting.

### Multi-language telephone interpreting service

An existing telephone multi-language information service will be available. Voters will be able to request an interpreter if they wish. The VEC provides 20 dedicated telephone numbers for the most widely spoken languages in Victoria. See Appendix 2.

### **info@vec.vic.gov.au**

People who prefer to engage with the VEC online can email the VEC using the address info@vec.vic.gov.au

### **Digital services**

#### **VoterAlert notification service**

The VEC offers an electronic notification service – VoterAlert – by email and/or SMS.

Electors in Mulgrave District registered for VoterAlert will receive voting reminders during the election, including the digital EasyVote Guide.

#### **Website**

The VEC website will feature comprehensive Mulgrave District by-election information, updated at each phase of the election cycle. Information will include:

- how to enrol, or check or update enrolment details
- information for candidates, including nominations, campaigning and political donations
- how-to-vote cards
- early, postal, telephone-assisted, interstate and overseas voting options
- details of how, when, and where to vote on election day
- information on vote counting
- election results.

From 6 pm on election night provisional results information will become available on the VEC website. Results will continue to be updated after election night as postal votes continue to arrive before the close of the postal vote receipt period. A full preference

distribution will be conducted for this election.

#### **Voting centre locator**

The VEC's voting centre locator is an interactive map searchable by address, street name and locality and will provide detailed voting centre, early voting centre and election office information. The voting centre locator is available via the VEC website and can be used via most mobile phones. The voting centre locator will show voting centres nearest to any search result and will provide information about the facilities at the voting centres, including wheelchair accessibility.

#### **Advertising**

The VEC will run print, radio and sponsored social media advertisements through the election period to convey key electoral information to electors and other key stakeholders.

#### **Media**

##### **Media releases**

A number of media releases will provide journalists and media outlets with key election information for their publications such as: enrolment, nomination and voting information, key dates, facts and figures, and results publication information.

##### **Social media**

The VEC will use social media platforms to provide key election updates and continue to establish itself as an authoritative and trusted source of truth for all election-related enquiries. This will include proactively promoting key messages regarding the election as well as responding in a timely and accurate manner to queries received from users.

Similarly, the VEC will monitor emerging issues that arise via social media.

### **Education and inclusion services**

The VEC is committed to delivering safe and inclusive election services that enable all Victorians to participate in democracy. The VEC offers extensive education and inclusion services year-round to support the broad diversity of eligible Victorians.

### **Outreach sessions for priority communities are available on request.**

#### **Inclusion of people with disabilities**

The VEC's existing services for people with disabilities include but are not limited to braille ballot papers; telephone-assisted voting; and wheelchair-accessible voting centres. Further, a number of accessibility aids and tools are available for use at voting centres. The VEC will aim to further enhance the support provided to people with disabilities to vote.

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# Venue and resource management

## Election Infrastructure Location Strategy

The Election Infrastructure Location Strategy (EILS) sets out the VEC's strategic direction in adopting election infrastructure solutions for election events.

The following guiding principles apply:

1. Election Offices remain the centre for the administrative oversight of the delivery of the election in each district
2. Early Voting Centres (EVCs) will take the majority of votes and should be located in areas of high voter traffic to maximise the accessibility to the electorate
3. Election Day Voting Centres will be retained, though numbers and staffing will reduce as early voting rises in popularity

All election venues are audited for accessibility and the VEC is committed to ensuring that there is at least one fully accessible voting centre or early voting centre that can provide maximum access to voters. All accessibility ratings for all venues will be included on the VEC website.

## Voting centre equipment

The VEC will arrange for the delivery of furniture (where required) and equipment to each voting centre ahead of voting activities.

This will include customised cardboard voting centre equipment (voting screens, directional signage, ballot boxes etc.).

Laptops will be used for electronic roll mark-off at all voting locations. Paper scannable rolls will be used as a contingency where there are connectivity issues.

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## Election office management

The VEC will establish an election office in Mulgrave for the district by-election. The election office will also be used to provide early voting services during the period of early voting.

Once established and open to the public, the election office will be clearly identified with signage and will have appropriate security.

The election office provides facilities for the Election Manager to meet with candidates and/or their representatives and provides a counter service to members of the public.

The election office will be supplied with all equipment, stationery, and materials necessary for the conduct of the election.

The Election Manager will have access from the election office to the VEC's election management system, an IT application specifically developed to support the conduct of the election. Nominations and results for the Mulgrave District by-election will be entered directly into the application.

The VEC will arrange the collection of materials and equipment from the election office once all election services have been successfully delivered.

### Public office hours

The Mulgrave election office will open to the public following the issue of the writ to respond to public and candidate queries. The standard hours of operation for the election office will be as follows:

| Date  | Operating Hours |
|---|-----------------|
| Weekdays<br>Tuesday 24 October<br>to Friday 17 November | 9 am to 5 pm    |
| Monday 30 October                                       | 9 am to 8 pm    |

Tuesday 7 November 10 am to 3 pm  
(Cup Day - Public Holiday)

Saturday 18 November 8 am to 6 pm  
Election day

Note the election office will be open on the Melbourne Cup public holiday.

### Senior Election Officials

#### Election Managers and Assistant Election Managers

The Electoral Commissioner will appoint an Election Manager for the Mulgrave District by-election, and an Assistant Election Manager to support the Election Manager in delivering the election.

The Election Manager will appoint and train an optimum number of staff to ensure the efficient conduct of their election. This will include staff to work in the election office, in early voting centres and in election day voting centres.

#### Support for the Mulgrave election manager

##### Election Support Officer

An Election Support Officer will provide support to the Election Manager throughout the election. The Election Support Officer will be the central point of contact between the Election Manager, the Electoral Commissioner and other VEC head office staff.

The Election Support Officer will assist the Election Manager with procedural and operational issues. The Election Support Officer will visit the election office to provide in-person checks on election progress and be available for further visits to support the Election Manager as required.

### Election Liaison Officers

The Election Manager will appoint Election Liaison Officers who will visit voting centres on election day. The Election Liaison Officers' role will be to alert the Election Manager to instances where voting centres may need extra resources and deliver them where appropriate, and to ensure procedures are applied consistently.

### Help Desk

The VEC will establish a Help Desk to respond to support requests from the Election Manager. The Help Desk will triage support calls so they can be efficiently resolved or forwarded to the appropriate specialist depending on the support needed. Help Desk will provide direct support for use of the election management system, while IT infrastructure queries will be referred to the VEC's IT support team, and any questions regarding election procedures or operations, or election staffing, will be directed to the Election Support Officer.

The Help Desk also undertakes quality assurance checks of the election office's IT infrastructure provided by the VEC prior to its opening.

### Personnel Helpline

The Personnel Helpline service provides telephone and email support to election staff in the use of the VEC's personnel systems, and assists them to:

- access and navigate the election staff self-service portal to update contact details, enter banking, tax and superannuation details, access pay advices and accept any offers of appointment
- resolve queries relating to the online training platform
- complete timesheets
- resolve pay-related queries.
- complete their online registration for appointment (potential new staff)
- understand political disclosure requirements

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# Candidates and parties

## Nominations

Nominations will open following the issue of the writ. The VEC will produce information for prospective candidates including candidate and scrutineer handbooks and all forms required for nominating at the election. All candidate information will be available on the VEC website and from the Election Manager.

Nominations from Registered Political Parties must be lodged at the VEC head office and include a nomination deposit of \$350 for each endorsed candidate. The Election Manager will receive and record nominations from independent candidates, including the receipt of the \$350 nomination deposit.

Independent candidates will be able to complete their nomination form online via Candidate Helper on the VEC website but will also still need to lodge their hard copy nomination form and nomination deposit with the Election Manager.

Nomination information captured electronically will be uploaded into the VEC election management system and will be checked against the signed, hardcopy nomination forms.

Each day during the nomination period the Election Manager will publish, in a prominent position in the election office, a list of all nominations received. Details of nominations that have completed a full quality assurance process will be published on the VEC website daily.

## Draw for position on ballot paper

Following the close of nominations, the Election Manager will hold an electronic ballot draw to determine the order of candidates' names on the ballot paper by a single random draw. Following the draw, candidates' names will be updated on the website to reflect the draw order. This will happen within the hour following the draw completion.

## How-to-vote cards

All how-to-vote cards (HTVCs) to be distributed within 400 metres of voting centres on election day, or to be carried by mobile voting teams, must be registered by the Electoral Commissioner.

Registered Political Parties must lodge their HTVCs directly with the VEC's head office. Independent candidates and others may lodge their HTVCs with the Election Manager who will forward these to the Electoral Commissioner for registration. The first day for submission of HTVCs to the VEC for registration will be the first working day following the close of nominations.

Applicants will be required to submit an electronic copy of each card, as well as 2 hard copies. The provision of electronic copies will speed up the process of publishing all registered cards on the VEC website.

Detailed information on the requirements for HTVC card registration will be contained in the candidate handbook.

## Candidate enquiries

The Election Manager will personally deal with all enquiries from candidates to ensure that timely, accurate and consistent information is being provided. Registered Political Parties will deal directly with the VEC.

## Refund of nomination deposits

Candidates who are eligible will have their nomination deposit refunded as soon as practicable after the declaration of the election.

Nomination deposits for independent candidates will be refunded to the candidate. Nomination deposits for candidates endorsed by a Registered Political Party will be refunded directly to the party. Refunds will be made by direct credit into a nominated bank account where requested, or by cheque.

All other candidates forfeit their deposits.

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# Funding and disclosure

## Funding

The *Electoral Act 2002* provides registered political parties and independent candidates with access to public money to cover particular expenses.

Public funding is for electoral and political expenditure in relation to the election. To be eligible for public funding, the candidate must achieve at least 4% of first preference votes or be elected, and the candidate or party must lodge an audited statement detailing their expenditure for the by-election within 20 weeks after the by-election.

After the election results are returned the VEC will calculate the maximum entitlement amount based on the number of first preference votes received and reconcile this against candidates' statement of expenditure to determine any public funding to be paid to the parties and candidates that contested the election. The timing of payments is dependent on when candidates and parties provide the VEC with their audited statement of expenditure.

Public funding amounts are adjusted for inflation each year. For the 2023-2024 financial year, the maximum funding entitlement is \$7.01 per first preference vote for the Legislative Assembly.

The elected member is eligible to apply to receive administrative expenditure funding. This is payable to independent elected members directly and the registered political party for endorsed members. It can be used to cover the general running costs of the office of a party or an independent member of Parliament.

The VEC's Funding, Disclosure and Parties team will communicate entitlement obligations and amounts to eligible candidates and parties after the election.

## Donation disclosure

Victorian law requires donors and recipients of political donations to declare donations that meet or exceed the disclosure threshold (\$1,170 for the 2023-24 financial year). A donor must be an Australian citizen, an Australian resident, or a company with an Australian Business Number.

Recipients must confirm any donation above the threshold that they have received from an authorised donor. Disclosures must be made through the VEC within 21 days of the donation via [disclosures.vec.vic.gov.au](https://disclosures.vec.vic.gov.au).

Recipients of political donations have a legal obligation to notify donors of their requirement to disclose their donations. Failure to properly disclose a political donation is an offence against the *Electoral Act 2002*.

## Prohibited donation activity

Anonymous political donations above the disclosure threshold (\$1,170 for the 2023-24 financial year) and political donations from a foreign source are banned.

There is a general cap on political donations that can be given to any single recipient by the same donor across a four-year election period (the period in between State general elections). For the 2023-24 financial year, the general cap for the 2022-26 election period is \$4,670. Any political donations that exceed the general cap, including aggregated donations, are prohibited. While a small contribution, as defined by the *Electoral Act 2002*, does not contribute to the general cap, small contributions cannot be used as a way of evading donation disclosure and reporting obligations.

## Compliance and enforcement

The VEC's dedicated Electoral Compliance team uses a range of intelligence and investigation techniques to monitor and enforce compliance with Victoria's donation disclosure and reporting laws.

## Funding and disclosure

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This includes analysis and reconciliation of annual returns provided by reporting entities, complaints and tip-offs, and ongoing monitoring of donation activity within VEC Disclosures.

The VEC routinely works with a range of integrity and law enforcement agencies, and actively partners with other agencies to exchange intelligence and share information.

### Further information

Further information regarding Victoria's funding and disclosure laws is available on the VEC website.

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## **Ballot material**

VEC employees will supervise all stages of the preparation, printing and distribution of ballot material.

### **Ballot papers**

Artwork for ballot papers will be generated using the VEC's automation tool, which creates each product dynamically, based on nominations. The tool imports relevant candidate information into the products directly from the election management system's database.

In line with legislation, ballot papers will include Registered Political Party logos where registered. Logos will appear next to party candidate names on district ballot papers.

Mail house ballot paper stock to be used for postal voting will be pre-printed with the initials of the VEC officer responsible for postal voting.

Print ready .pdf files will be securely transmitted directly to the VEC's contracted ballot material printer.

### **Braille ballot papers**

Electors who are blind or have low vision can register to receive braille ballot material. An initial mail-out by Vision Australia and Blind Citizens Australia will be undertaken to ensure that all voters for the Mulgrave District by-election who are blind or have low vision are provided with accessible information for the upcoming election.

### **Ballot paper tracking and security**

Physical security and integrity are critical aspects of the VEC's election design. Election materials such as ballot papers and certified copies of the electoral roll, both paper and electronic, are strictly controlled.

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# Pre-election day voting

## Early voting

Electors can vote during the two weeks before election day at an early voting centre within the Mulgrave where District by-election is being held.

The VEC will work to ensure that early voting centres are well located within the district and provide ease of access, whilst at the same time ensuring early voter queuing times are kept to a minimum as much as possible.

The standard hours of operation for early voting will be as follows:

| Date                   | Operating Hours |
|------------------------|-----------------|
| Wednesday 8 November   | 9 am to 6 pm    |
| Thursday 9 November    | 8:30 am to 8 pm |
| Saturday 11 November   | 9 am to 5 pm    |
| Thursday 16 November   | 8:30 am to 8 pm |
| All remaining weekdays | 8:30 am to 6 pm |

Early voting will not be available on Melbourne Cup Public holiday Tuesday 7 November.

Staff at early voting centres will be provided with electronic roll mark off facilities.

## Postal voting

Electors may apply online for a postal vote. They do not need to sign the postal vote application, or have it witnessed; however, they will be required to provide verification information by way of a verification question and answer when completing their postal vote.

Hardcopy application forms will also be available from Australia Post offices, the VEC head office and the election office from Tuesday 24 October.

In special circumstances, electors will also be able to receive emailed ballot material - see Interstate and Overseas Voting for more information.

Electors registered as general postal voters for State elections will have their ballot material posted to them as soon as it becomes available following the close of nominations.

Postal votes will be returned to the VEC head office for processing and counting.

## Mobile voting

The Electoral Commissioner may appoint aged care facilities, homelessness support agencies, Aboriginal community locations, and other institutions as mobile voting centres at the election.

If applicable, mobile voting teams will visit these facilities during the early voting period to enable electors that are unable to attend an early or election day voting centre to vote. To reduce risk, the VEC will encourage postal vote applications or telephone assisted voting (electors who are unable to vote without assistance because they are blind, have low vision or a motor impairment) from these venues.

Registered Political Parties and candidates will be advised of mobile voting itineraries.

## Telephone assisted voting

The VEC will provide telephone assisted voting services to electors who are unable to vote without assistance because they are blind, have low vision or a motor impairment.

Telephone assisted voting entails a two-step process and electors are required to make two telephone calls. The first call is to register for a telephone assisted vote and the second is to cast their vote.

## Pre-election day voting

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The service will operate from the opening of early voting. Registration will close at 6 pm on Saturday 18 November. Voters that are still in the phone queue at 6 pm will be allowed to vote, as if they were physically at a voting centre.

## Interstate and overseas voting

The VEC will identify the volume of eligible electors for the Mulgrave District by-election outside of Victoria during the election period.

For the Mulgrave District by-election, ballot papers will be available to eligible electors outside of Victoria during the election period through secure email or post. Electors can then return their ballot by post ensuring the returned ballot is postmarked before the close of voting at 6 pm on election day.

Electors applying outside the state of Victoria will be offered an express-post delivery option for both dispatch and return of their completed ballot paper.

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# Election day voting centres

## Operation of voting centres

A Voting Centre Manager will be appointed to manage each voting centre operating on Election Day. Voting Centre Managers will be trained in the strict legal requirement to adhere to the procedures for operation of the voting centre. This includes the requirements around the display of signage outside voting centres and ballot paper security.

## Voting centre staff

The VEC's online registration system for prospective election officials is available on the VEC's website. The Election Manager will appoint the optimum number of staff for each voting centre to provide a smooth flow of electors on election day and will ensure voting centres are resourced and that election tasks are completed as required.

Election day staff will be provided with training tools that outline voting centre procedures, with special emphasis on integrity, accuracy, and quality customer service. Election officials in certain roles will be required to complete a suite of online training modules prior to election day, allowing the election manager to monitor the progress and proficiency of all staff. The online training is to complement the face-to-face training sessions for Voting Centre Managers and Election Liaison Officers.

## Queue management

Queues both inside and outside of the voting centre will be managed to ensure electors move as quickly as possible through the voting centre to cast their vote.

A queue controller will also ensure that any elector in the queue at the close of voting is able to vote and will ensure that no further persons join the queue after 6 pm.

If a disturbance occurs either within the voting centre or outside the premises, Voting Centre Managers are trained in the steps to be taken to diffuse and resolve the situation as required.

## Additional voting centre services

The following will be provided at each early and election day voting centre and where practicable also at mobile voting centres:

### Multi-language instructions

Voting instructions in a minimum of 20 languages, plus English, will be pre-printed on voting compartments at voting centres. A list of the languages included appears in Appendix 2.

### Accessibility aids and tools

A number of tools and aids are provided to assist electors to vote. These include:

- large magnifying sheets at each voting centre
- maxi pencils to allow certain electors to more easily grip the pencil
- assisted hearing devices at early voting centres and voting centres
- wheelchair or desktop voting compartments.

It is the VEC's intent to provide an accessible experience for as many electors as possible.

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## Counting the votes

An overview of the counting processes for the Mulgrave District by-election is provided below.

### Counting methods

The counting method that applies for the Mulgrave District by-election is preferential counting. All counting will be conducted manually.

### Vote counting

Progressive results information will be provided as it becomes available and will include:

- first preference results
- two-candidate-preferred (2CP) results
- recheck results
- preference distribution result
- two-party-preferred (2PP) result (if required)
- the name of the elected member.

### Election day

#### Early extraction and sort

Legislation allows for the early extraction and sort of postal and early votes on election day between 8 am and 6 pm. This activity must take place within a restricted area with tight controls in place. Restricted areas will be established at each location where the extraction and sorting activities will occur. Scrutineers and staff will not be able to take recording devices into the restricted area. Check-in facilities will be made available at each venue. Further information will be provided to candidates prior to the activities commencing.

The early extraction and sort of postal votes will take place at VEC head office at 530 Collins Street. The sort of early votes will occur in the early voting centre/s established for the event. In the instance that an early voting centre is also used as an election day voting centre, the sort will be moved to another early voting centre that isn't being used as a voting centre or to the election office.

All count details will be communicated to candidates in advance by the election manager.

### Counting

After the close of voting at 6 pm on election day, ordinary votes issued in election day voting centres will be counted in election day voting centres.

Two counts will be conducted in strict order as follows:

1. first preference count – district
2. two-candidate-preferred count – district

The two-candidate-preferred (2CP) count is a statistical count that involves preferences being distributed to the two candidates considered 'most likely' to be in the lead after the distribution of preferences. The VEC will make this determination prior to election day. The purpose of the 2CP count is to provide an early indication of the result of the election and information for candidates, Registered Political Parties and analysts. It has no status in determining the actual election outcome. Counting of postal votes received and verified up to the close of voting on the Friday before election day will commence at 6 pm at the VEC head office (first preference and 2CP) following the early extraction of these votes from envelopes. TAV votes will also be counted at VEC head office on election night.

Second and final extraction and counting activities will occur once the final postal votes have been received on the last day to admit votes into the count (Friday after election day).

### Provisional vote checking

Checking of the enrolment entitlement for voters completing an 'Application for Enrolment/Provisional Vote' will take place during the week after election day. Enrolment entitlement must be checked before any of these votes can be admitted to the count.

Information from the applications from provisional votes taken in voting centres on election day and at early voting centres prior to election day will be sent to VEC head office for processing.

A thorough check of enrolment entitlement will be conducted for each provisional vote. This will include a search of the enrolment register to check that the elector had not previously been removed from the register of electors on the grounds that they were no longer eligible. A check will also be made to determine if citizenship or British subject status has previously been confirmed for the voter, and that the address for which enrolment is claimed is a valid address for enrolment purposes.

As a result of these checks, a decision will be made to either admit the vote to the count or exclude it. VEC head office will complete the extraction and counting of these votes. The enrolment register will also be updated from provisional votes where required.

### Counting after election day

#### District rechecks and preference distributions

First preference counts will be rechecked after election day. Ordinary and early votes will be rechecked in the election office, and postal, TAV and provisional votes will be rechecked at VEC head office.

A preference distribution to determine the result of an election will occur if no candidate obtains an absolute majority (more than 50%) of the first preference votes. A preference distribution will only take place after all rechecking has been completed and

the last date for admission of postal votes to the count has passed.

Where a candidate has achieved an absolute majority of first preference votes, or a preference distribution completes with more than 2 candidates remaining in the count, a statistical full preference distribution will be performed following the declaration of the result and this will be published on the VEC website for information purposes in addition to the official results.

### Recount

At the conclusion of all counting activities, when a provisional result has been obtained but before the successful candidate is declared elected, the election manager may conduct a recount. A recount may occur:

- at the Election Manager's discretion following approval from the Electoral Commissioner, or
- at the request of a candidate, specifying reasons, and the Electoral Commissioner agrees to the request, or
- if the Election Manager is directed by the VEC to conduct one.

The VEC head office will monitor the outcome of the election and work with the election manager to determine if a recount should take place.

If so, the *Electoral Act 2002* requires the VEC to provide at least 4 hours' notice to candidates and political parties relevant to a recount.

### Corrected two-candidate-preferred counts

The VEC will monitor the results of the 2CP count on election night. Where the selected candidates are incorrect, a corrected 2CP may take place during the week following election day. The VEC will not adjust any incorrect 2CP on election night. Minor variations may be observed between the

## Counting the votes

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statistical 2CP results and the official recheck and preference distribution results.

The election must be declared before the return of the writ.

### **District two-party-preferred counts**

The purpose of the two-party-preferred vote is to show how the vote is divided among the Australian Labor Party (ALP), and the Liberal Party and The Nationals, considering the preferences of people who vote for minor parties and independents.

The VEC will conduct a two-party-preferred counts once all counting has been completed if the 2CP or preference distribution results have not provided a 2PP outcome. Should the ALP or the Liberal Party/National Party not stand a candidate, the VEC will be unable to conduct a 2PP.

### **Availability of election results**

The VEC will provide downloadable result data files for the district by-election in a form that can be readily used by TV and print media.

Results will also be published at regular intervals on the VEC website. The results will include information on candidates, party affiliation (where applicable) and voting locations. The result will be set in ballot paper position order and will contain the total number of votes received by each candidate for the district count.

First preference results should start to become available on the VEC's website and in the media data files between 7 pm and 8 pm.

### **Declaration of the result**

The election manager is required to publicly declare the election and to announce the name of the candidate elected.

The Election will be declared as soon as possible once the result has been determined and the VEC has confirmed that no residual counting activity could possibly change the successful candidate. Candidates will be advised of the date, time and location of the declaration.

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## Compulsory voting enforcement

Section 163 of the *Electoral Act 2002* determines that the VEC must, within six months of election day, send by post to each elector who appears not to have voted a notice asking why they did not vote.

The non-voter enforcement process will take place in 4 stages. The first 3 stages will be conducted by the VEC, with the final enforcement stage managed by Fines Victoria.

### Apparent failure-to-vote notice

As required under the *Electoral Act 2002*, the VEC will prepare and send an apparent failure-to-vote notice to all voters who appear to have failed to vote in the Mulgrave District by-election and are not automatically exempt.

### Infringement notice

The *Infringements Act 2006* sets out the steps to be followed at the infringement notice stage of enforcement.

The VEC will prepare and send an infringement notice to any apparent non-voter whose excuse is not considered valid and sufficient, and those who failed to respond to the apparent failure-to-vote notice. A penalty applies to this infringement notice. Non-voters must either pay the penalty in full by the due date or they may seek a payment plan.

During the infringement notice stage, non-voters may seek a review of the infringement. A request for a review may result in the infringement being withdrawn. A 'Withdrawal of Infringement' notice will be sent to each non-voter who has their infringement withdrawn at this stage.

During the infringement stage non-voters may request to have their infringement heard in the Magistrates' Court.

### Penalty reminder notice

The VEC will prepare and send a penalty reminder notice to those apparent non-voters who, at the conclusion of the infringement notice stage have not paid the penalty for failing to vote. The original penalty and a penalty reminder notice fee applies to this notice. Non-voters continue to have the same review and hearing options available as at the infringement notice stage.

### Lodgement with Magistrates' Court and Fines Victoria

At the end of the enforcement program, the VEC will commence proceedings against any non-voter that elected to have their matter heard in the Magistrates' Court.

The VEC will also collate all outstanding infringements and prepare and lodge a final court file with Fines Victoria within the prescribed timeframe.

### Receipt of penalties

The VEC will receive and record all payments made in relation to compulsory voting enforcement. At the conclusion of the enforcement program, all penalty payments collected for the Mulgrave District by-election will be transferred to consolidated revenue.

# Appendices

## Appendix 1: Election timeline

### MULGRAVE DISTRICT BY-ELECTION TIMELINE – 2023

|      |        | COUNTDOWN |   |
|------|--------|-----------|---|
| Mon  | 23 OCT | 26        | ISSUE OF WRIT   |
| TUES | 24 OCT | 25        | OPENING OF NOMINATIONS (9am)<br>First day for submission of postal vote applications                          |
| MON  | 30 OCT | 19        | CLOSE OF ROLLS (8pm)  |
| WED  | 1 NOV  | 17        | RPPs CLOSE OF NOMS (12 noon)  |
| THU  | 2 NOV  | 16        | CLOSE OF NOMS (12 noon) with EM ballot draw from 1pm  |
| FRI  | 3 NOV  | 15        | HTVCs registration open 9am   |
| MON  | 6 NOV  | 12        |   |
| TUE  | 7 NOV  | 11        | Cup Day (Public Holiday)  |
| WED  | 8 NOV  | 10        | TAV & Early Voting commences 9am to 6pm   |
| THU  | 9 NOV  | 9         | Early Voting open 8:30am to 8pm   |
| FRI  | 10 NOV | 8         | Final day for submission of HTVCs to Commission for registration (12 noon)<br>Early Voting open 8:30am to 6pm |
| SAT  | 11 NOV | 7         | Early Voting open 9am to 5pm  |
| SUN  | 12 NOV | 6         | Early Voting Centres closed   |
| MON  | 13 NOV | 5         | Early Voting open 8:30am to 6pm   |
| TUE  | 14 NOV | 4         | Early Voting open 8:30am to 6pm   |
| WED  | 15 NOV | 3         | Close of submission of postal vote applications (6pm)<br>Early Voting open 8:30am to 6pm                      |
| THU  | 16 NOV | 2         | Early Voting open 8:30am to 8pm   |
| FRI  | 17 NOV | 1         | Close of early voting at 6pm  |
| SAT  | 18 NOV | 0         | ELECTION DAY  |
| FRI  | 24 NOV | 6         | Days Past Election Day<br>Last day for votes to be admitted to count  |
| SAT  | 9 DEC  | 21        | Last Day for Return of Writ (on or before this day)   |

Include relevant acronyms here

## Appendix 2: Community languages

The VEC currently provides translated information and operates interpreter telephone lines in the community languages listed below (plus one for “all other languages”).

| Language                        | Telephone |
|---------------------------------|-----------|
| Amharic                         | 9209 0190 |
| Arabic                          | 9209 0100 |
| Bosnian                         | 9209 0191 |
| Cantonese                       | 9209 0101 |
| Mandarin                        | 9209 0106 |
| Croatian                        | 9209 0102 |
| Dari                            | 9209 0193 |
| Dinka                           | 9209 0119 |
| Greek                           | 9209 0103 |
| Italian                         | 9209 0104 |
| Khmer                           | 9209 0192 |
| Korean                          | 9209 0194 |
| Macedonian                      | 9209 0105 |
| Persian                         | 9209 0195 |
| Russian                         | 9209 0196 |
| Serbian                         | 9209 0107 |
| Somali                          | 9209 0108 |
| Spanish                         | 9209 0109 |
| Turkish                         | 9209 0110 |
| Vietnamese                      | 9209 0111 |
| All other non-English languages | 9209 0112 |



