

DETERMINATION

Verifying the identity of an elector applying by electronic means to vote by post

Electoral Act 2002, Section 101

Determination 007/2022

Keywords

Application, elector, electronic verification, postal voting

Preamble

Section 101 of the *Electoral Act 2002* (Vic) (Electoral Act) provides that an elector may apply to vote by post. Applications may be in writing or by electronic means.

Section 101(2A) of the Electoral Act provides that applications by electronic means must be in the prescribed form and must contain information to enable the Victorian Electoral Commission (VEC) to verify the identity of the elector in accordance with the verification process determined by the VEC for that purpose.

If the VEC receives an application to vote by postal vote in accordance with section 101(2A) of the Electoral Act and is satisfied the application contains sufficient information to verify the elector's identity in accordance with the verification process, the VEC must process the postal vote application and issue a postal vote.

This process operates in respect of State general elections and State by-elections.

This Determination sets out the process to verify the identity of an elector for the purposes of section 101(2A) of the Electoral Act.

Audience

The principal audience for this Determination includes:

- election managers and election officials
- electors seeking to vote by postal vote
- registered political parties
- candidates.

Determination

I, Warwick Gately AM, Electoral Commissioner for the State of Victoria, by delegation of the Victorian Electoral Commission pursuant to section 16(1)(b) of the Electoral Act, make the following determination in accordance with section 9(3) of the Electoral Act.

This Determination is made under section 101(2A) of the Electoral Act.

1. **Identity verification process**

The process for verifying the identity of electors applying by electronic means to vote by post is as follows:

- 1.1 For a State general election and a State by-election, the VEC may publish an electronic postal vote application on its website. If available, the application must operate from the day after the writ is issued for the election until 6.00 pm on the Wednesday immediately preceding election day.
- 1.2 The postal vote application provided by 1.1 must capture information required by Form M of the Electoral Regulations 2022 (Vic) (Electoral Regulations).
- 1.3 The postal vote application provided by 1.1 will include functionality to allow the elector to select one of at least three elector verification questions. The elector must enter an answer to the selected elector verification question.
- 1.4 The VEC must store the selected elector verification question and the elector's answer against the elector's electronic postal vote application for use in the subsequent verification process.
- 1.5 Once satisfied that the electronic postal vote application satisfies Form M of the Electoral Regulations and an elector verification question has been selected and an answer captured, the VEC will fulfil the requirement of a postal vote and make the appropriate record of issuing the postal vote.
- 1.6 Upon receipt of a returned postal vote declaration envelope, the procedures prescribed by regulations 25 and 42 of the Electoral Regulations are to be followed, subject to 1.7 of this Determination.
- 1.7 In respect to each returned postal vote declaration envelope issued to an elector who made their postal vote application by electronic means, the verification process to be completed under regulation 42(3) of the Electoral Regulations is as follows:
 - 1.7.1 The election official must locate the answer to the elector verification question on the returned postal vote declaration.
 - 1.7.2 The election official must compare this answer with the selected elector verification question and the answer kept with the elector's electronic postal vote application.
 - 1.7.3 If the answer to the elector verification question on the returned postal vote declaration does not match the answer kept with the elector's electronic postal vote application, the ballot paper must be put aside as disallowed, without opening the postal vote declaration envelope.
 - 1.7.4 If the answer to the elector verification question on the returned postal vote declaration matches the answer kept with the elector's electronic postal vote application, the postal vote declaration envelope is accepted for further processing.

Revocation of previous instrument

Determination 004/2018 ('Verifying elector identities when applying for postal vote') made by the Electoral Commissioner on 26 September 2018 is revoked by the commencement of this Determination.

Commencement of this Determination

This Determination commences on 1 November 2022 and remains in effect until it is amended, revoked, superseded, or otherwise replaced.

Warwick Gately AM
Electoral Commissioner
Victorian Electoral Commission

31 October 2022

Document details

Determination name	Verifying the identity of an elector applying by electronic means to vote by post			
VEC Electra ref	EDRM155-166419294-60			
Custodian	Director, Electoral Integrity and Regulation			
Scheduled review date	1 November 2026			
Document history	Reference:	Effective date:	Supersedes:	Superseded by:
— Version 1.0	004/2018	26 Sep 2018	Not applicable	007/2022
— Version 2.0	007/2022	1 Nov 2022	004/2018	Not applicable

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