

Candidate Handbook

District election

Contents

| | |
|--|-----------|
| 1. Introduction | 1 |
| Key checks for candidates and parties | 1 |
| Resources for candidates..... | 2 |
| 2. Election writs..... | 4 |
| 3. Candidate eligibility and qualifications..... | 5 |
| 4. How to nominate..... | 7 |
| When and where to nominate | 7 |
| Nomination process for endorsed candidates | 7 |
| Nomination process for independent candidates | 8 |
| Ballot paper name requirements..... | 10 |
| Contact information for candidates | 12 |
| Nomination deposit..... | 13 |
| Candidate retirement..... | 13 |
| Death of a candidate | 14 |
| Uncontested elections | 14 |
| 5. Enrolment data for candidates | 15 |
| 6. The ballot paper | 17 |
| 7. Electoral campaign material | 18 |
| Understanding the need for authorisation | 18 |
| Understanding authorisation requirements..... | 18 |
| Who needs to authorise electoral campaign material? | 19 |
| How to authorise electoral campaign material..... | 20 |
| What does not need to be authorised?..... | 22 |
| Electoral campaign material during the relevant period | 22 |
| Other laws | 23 |
| 8. How-to-vote cards..... | 25 |
| HTVC registration process..... | 26 |
| Requirements for HTVC registration | 28 |
| Decision on HTVC applications..... | 29 |
| 9. Election day voting..... | 31 |
| 10. Postal voting and postal voter data | 32 |
| 11. Early voting centres..... | 34 |
| 12. Mobile voting centres..... | 35 |
| 13. Telephone Assisted Voting | 36 |

| | |
|---|-----------|
| 14. Conduct near voting centres | 37 |
| Identifying the designated entrance..... | 39 |
| Canvassing-free zone (6 metre rule) | 39 |
| Limited sign zone (100 metre rule)..... | 40 |
| Distribution of electoral campaign material (400 metre rule)..... | 43 |
| Behaviour in relation to voting centres..... | 43 |
| Enforcement powers | 44 |
| 15. Count of ballot papers..... | 45 |
| 16. Determining the election result | 48 |
| 17. Scrutineers..... | 49 |
| 18. Recounts, tied, and disputed elections..... | 50 |
| 19. Parliamentary induction | 52 |
| 20. Privacy..... | 53 |
| 21. Complaining about a breach of the law during your campaign | 54 |
| 22. Political donations..... | 56 |
| 23. Funding..... | 60 |
| Administrative expenditure funding..... | 60 |
| Public funding | 60 |
| Funding returns | 62 |
| 24. Annual returns | 63 |
| Appendix 1: HTVC applicant checklist | 64 |
| Appendix 2: How-to-vote card examples | 65 |
| Appendix 3: Ballot paper formality | 67 |
| District ballot papers | 67 |
| Damaged ballot papers | 71 |
| Appendix 4: Electoral offences..... | 72 |
| Offences that apply at all times..... | 72 |
| Offences that apply between the issue of the writs and 6 pm on election day | 76 |
| Offences that apply at a voting centre..... | 78 |
| Offences that only apply on election day..... | 80 |
| Injunctions | 80 |
| Appendix 5: Glossary of terms..... | 81 |

1. Introduction

If you are a candidate, registered officer, or supporting a candidate for the election, this handbook intends to help you understand aspects of electoral law that apply to district candidates. At the end of this handbook in Appendix 5 you will find a glossary that may assist you to understand specific election terms.

This document is not a substitute for the law. Victoria's electoral law is set out in several pieces of legislation, including the *Constitution Act 1975* (Vic) (Constitution Act), *Electoral Act 2002* (Vic) (Electoral Act), and Electoral Regulations 2022 (the Regulations). Links to these are available from: vec.vic.gov.au/about-us/legislation

While the Victorian Electoral Commission (VEC) can give you information, it cannot provide legal advice. You are responsible for complying with electoral law and obtaining your own advice if you need it. You should also be aware of the responsibilities and obligations of donors and scrutineers.

Key checks for candidates and parties

| Check: | Section |
|---|---|
| I have checked the eligibility and qualification requirements to stand as a candidate | 3. Candidate eligibility and qualifications |
| I have lodged my nomination form and deposit by the required deadlines (endorsed candidates to nominate in bulk through their registered officer) | 4. How to nominate |
| I have authorised my campaign advertising for print and online | 7. Electoral campaign material |
| I have checked that my how-to-vote cards meet the requirements for registration | 8. How-to-vote cards Appendix 1: HTVC checklist Appendix 2: HTVC examples |
| I have familiarised myself with the rules for conduct and behaviour near voting centres | 14. Conduct near voting centres |
| I have created a State Campaign account for receiving donations and funding | 22. Political donations |
| I have registered on VEC Disclosures | 22. Political donations |
| I have familiarised myself with the process for appointing scrutineers (optional) | 17. Scrutineers |
| I am aware of the circumstances and procedures that may lead to a recount of an election | 18. Recounts, tied and disputed elections |
| I have familiarised myself with election offences | Appendix 4: Election Offences |

Resources for candidates

Candidate kit

This handbook is part of a comprehensive *Candidate kit* produced by the VEC which will be available on the VEC website. The kit also contains:

- a copy of the *Nomination of an independent candidate for the Legislative Assembly (by 6 electors) P301* form
- a *Postal vote application details confidentiality agreement P381*
- *2 Single How-to-vote card declarations P305*
- a **Scrutineer handbook**
- *2 Appointment of scrutineer P380* forms
- a list of voting centres in the district, including early voting centres
- contact details for the Election Manager for the district
- a map of the district.

The VEC will provide candidate kits to registered political parties.

Candidate Helper

If you are an independent candidate, you are strongly encouraged to make use of the VEC's Candidate Helper to generate your nomination form. This is accessible via the VEC website and using this tool will guide you through the nomination form and save you time at the election office.

Candidate Helper is an online tool which will guide you through drafting your nomination form and allow you to print the form to take into your nomination appointment. The Election Manager will then be able to use a barcode on the form to upload your details directly into the VEC's system.

VEC website

The VEC website (vec.vic.gov.au) contains information about Victorian electoral processes, including profiles of electorates, funding and disclosure laws, information about authorising electoral campaign material and previous election results. Electors can also update their enrolment through the website. In particular, you are encouraged to explore the VEC's candidates and parties resources here:

vec.vic.gov.au/candidates-and-parties

During the election, the website will include important information about voting including voting options and locations.

The contact details of the person you list as your contact person on your nomination form will be published on the VEC website after nomination. As soon as practicable after registration, copies of registered how-to-vote cards will also be displayed on the VEC's website.

Election results will be posted on election night and over the weeks that follow.

2. Election writs

Issue of the writ

A writ is an order to the Electoral Commissioner requiring an election to be held. The writ prescribes key election dates.

The writ specifies the critical election dates for:

- close of rolls for the election
- close of nominations
- election day.

Refer to sections 61 to 64 of the Electoral Act.

Declaration of the election and the return of the writ

As soon as practicable after the result of an election is known, the Election Manager will publicly declare the result and announce the name of the candidate elected. After the Electoral Commissioner receives this declaration statement, they indorse the name of the candidate declared elected on the writ and return it. See section 121 of the Electoral Act.

The writ must be returned within 21 days after election day. See section 61(4) of the Electoral Act.

3. Candidate eligibility and qualifications

Refer to sections 44 to 61A of the Constitution Act.

Eligibility to nominate

To nominate as a candidate for the Legislative Assembly (Lower House) you must be enrolled to vote in Victoria. Therefore, you must be:

- at least 18 years old
- a Victorian resident
- an Australian citizen
- or
- a British subject who was on either a Victorian or Commonwealth electoral roll any time between 26 October 1983 and 25 January 1984 inclusive. See sections 44(1) and 48(1) of the Constitution Act for more information.

You are strongly encouraged to check your enrolment and ensure your details are up to date by visiting: enrolment.vec.vic.gov.au. You need to provide your enrolled address when completing your nomination form so it must be up to date.

Section 44 of the Constitution Act disqualifies you from election to the Victorian Parliament if:

- you are not enrolled to vote in Victoria
- you are a judge of a court of Victoria
- you have been convicted or found guilty of an indictable offence punishable by imprisonment for life, or a term of 5 years or more, on first conviction. The offence must have been committed when you were 18 years or over and be an offence under Victorian law or the law of any other part of the British Commonwealth of Nations
- you are an undischarged bankrupt. A person who has not been discharged from bankruptcy by order of the court or by operation of law
- you are a member of either House of Parliament or the Commonwealth of Australia.

If you hold an office of profit under the Crown, including if you are an employee in the Victorian or Commonwealth public service, you can nominate as a candidate for election to State Parliament, but you will need to leave the office of profit if elected. See section 61 of the Constitution Act for more information.

If you are a local councillor, you can nominate as a candidate for the election, but you will become ineligible to continue as a councillor if you are elected to the Victorian Parliament. See section 34(2) of the *Local Government Act 2020* (Vic) for more information.

Certain contractors with the Crown cannot sit in State Parliament. See sections 54 to 58 of the Constitution Act.

You cannot be elected to or sit as a member of both Houses simultaneously. See sections 29 and 36 of the Constitution Act.

If you intend to stand for election, you must be enrolled as an elector in Victoria before the close of roll for the election.

4. How to nominate

Refer to sections 68 and 69 of the Electoral Act.

When and where to nominate

The timeline for an election will be made available on the VEC website. Please carefully check the timeline for the opening and closing of nominations.

Independent candidates

If you are an independent candidate, you will need to make an appointment to nominate with the Election Manager. It is a good idea to make an appointment early in the nomination period to optimise your opportunity to discuss any questions you have and resolve any issues with your nomination or forms.

If you are unable to lodge your nomination in person, you should contact the Election Manager to discuss other options. You may be able to authorise a person to lodge your nomination in person on your behalf or lodge your nomination by post. If you have a representative, they should carry evidence that you have authorised them to be your representative and that proof should contain your signature.

It is your responsibility to ensure that your nomination is received by the Election Manager before the deadline.

**❗ Important: You cannot submit your nomination form by email.
Late nominations cannot be accepted.**

See section 69(3) of the Electoral Act for more information.

Endorsed candidates

If you are a candidate endorsed by a registered political party, the registered officer of the party must complete your nomination at VEC head office. See section 69(2) of the Electoral Act for more information.

Nomination process for endorsed candidates

Registered political parties must submit their candidate nominations by appointment to VEC head office. Nomination forms specific to endorsed candidates and further information on the nomination process will be provided directly to registered officers of registered political parties.

Nomination process for independent candidates

| Eligibility | Nomination forms | Nominators |
|--|---|--|
| Check you are eligible to stand as a candidate by consulting the rules and using the VEC's "Check my enrolment". | Create your nomination forms via Candidate Helper and print them out. | Get your nominators to fill out and sign Part 1 of your nomination form. |
| Deposit | Nomination appointment | Nomination |
| Organise your \$350 deposit by cash or bank cheque. | Make an appointment to nominate. | Lodge your nomination forms and pay your deposit at the VEC election office. |

If you are an independent candidate, the VEC strongly encourages you to use Candidate Helper to start your nomination. Candidate Helper is an online tool on the VEC website that guides you through each part of the nomination form.

Using Candidate Helper means your information can be loaded into the election system automatically at your nomination appointment and you will not have to wait for the Election Manager to manually enter the information.

Candidate Helper is accessible from candidatehelper.vec.vic.gov.au

❗ Important: You can save and make edits to your form on Candidate Helper – you do not need to complete it in one session. Please note that Candidate Helper does not check your enrolment or verify your eligibility to nominate. If you are a silent elector, you are still required to provide your enrolled address on your nomination form.

1. Visit candidatehelper.vec.vic.gov.au to start your nomination form. When you generate your nomination form on Candidate Helper you will be asked to input:
 - your full name, enrolled residential address and date of birth as they appear on the electoral roll
 - your postal address (if different to your residential address)
 - your name as you wish for it to appear on the ballot paper (refer to the next section of this chapter for ballot paper name requirements)
 - your contact details (for official use only)

- details of a public contact person on behalf of your campaign — these details will be published by the VEC for public use, and your contact person will also be your contact point for formal notification of a recount
- details of a designated contact for urgent contact regarding compliance with campaign signage issues that might arise during your election campaign (for official use only).

Once you have generated your form, you will be able to download and print Part 1 and Part 2 of your nomination form, ready to collect your nominators.

2. On Part 1 of your nomination form, you must collect the full name, signature, enrolment address and dates of birth of at least 6 people entitled to vote in the district for which you are nominating. There is space to collect more than 6 nominators in case any of your nominators are not found on the electoral roll during your nomination appointment.
3. Your nomination form will also require you to sign a declaration stating that you are qualified under the Constitution Act to be elected. See **Chapter 3: Candidate eligibility and qualifications** and sections 69(2) and (3) of the Electoral Act for more information.
4. Make an appointment to nominate. Take your completed nomination form to your nomination appointment with the Election Manager. You are encouraged to make an appointment for early in the nomination period and not leave your nomination to the last minute in case there are any issues with your nomination form or nominators.
5. At the election office, the Election Manager will receive your nomination form and check that your form complies with legislation. The VEC's head office will check the details of your nominators. Please be aware that this process takes time and you will be asked to wait while your nominators are checked against the electoral roll.
6. When your nominators are confirmed, the Election Manager will process your nomination in the election management system (EMS) and will ask you to check and approve your details to ensure all your personal and contact information is captured correctly.
7. You will pay your \$350 nomination deposit (refer to the nomination deposit section of this chapter).

Once these steps are completed and your nomination has been finalised by the VEC, you will become a candidate for the election. The VEC website will be regularly updated during the nomination period, and your ballot paper name and public contact information will be made available online and displayed in your VEC election office.

Hard copy nomination forms

If you do not use Candidate Helper and instead complete a hard copy nomination form entirely by hand, you will need to wait for the Election Manager to enter all your details into EMS at your nomination appointment. You will also need to carefully check and approve the information once it has been entered into the system. This can be time consuming, especially at the close of nominations.

If you do want to complete the form by hand, you can download and print a hard copy version from the VEC website. The form will also be included in your *Candidate kit*.

The information that you will need to provide on your hard copy nomination form is the same as outlined in Step 1 of the nomination process. Once you have a copy of the nomination form and have filled out your personal details, the process for nominating is the same as in Steps 2 – 7.

Ballot paper name requirements

As part of completing your nomination form you will be asked to provide the format for how your name should appear on the ballot paper. It is important to make sure that your ballot paper name on your nomination form meets the requirements. The VEC may ask you to amend your ballot paper name if it does not meet the requirements. This may delay the processing of your nomination or your endorsed candidates' nomination.

Ballot paper names must appear in the following format, with the family name in capitals and the given name in sentence case:

FAMILY NAME, First name(s)

For example:

ATKIN, Tim

NGUYEN, Van Nam

HOPKINS–WELLS, Anna

Middle names, second given names and initials

Including your middle name or a second given name as part of your ballot paper name is optional. Additionally, you may use initials in place of your given names. Initials must be set out as the letter followed by a full stop and a space between each letter.

Refer to section 69(5)(a) of the Electoral Act.

For example, a person whose name is listed on the roll as Tara Jane Grecco may choose for their ballot paper name to be either:

GRECCO, Tara

GRECCO, Tara Jane

GRECCO, T. J.

GRECCO, Tara J.

Accents in ballot paper names

Ensure that you type or clearly write any accents that should appear on your ballot paper name as part of completing your nomination form. You should confirm with the Election Manager as part of your nomination appointment that any accents have been recorded correctly. Registered Officers submitting nomination forms to VEC head office staff should alert staff to candidates with accents in their ballot paper name and check this carefully during the quality assurance steps.

Lower case letters in family names

If your family name contains specific lower-case letters, you must ensure that these are specified on your nomination form. For example, a person whose name is Evelyn McDonnell on the roll may write their ballot paper name as:

McDONNELL, Evelyn

And a person whose name is Anthony van Etten may write their ballot paper name as:

van ETTEN, Anthony

Abbreviations of first names

You may use an abbreviation of your given name on the ballot paper. For example: Alexander abbreviated to Alex, Jessica abbreviated to Jess. Refer to section 69(5)(b) of the Electoral Act.

Variations to first names

If you wish to use a different given name to your enrolled name, you must provide evidence that this is a name you are known by. This evidence could take the form of a birth or marriage certificate, utility bill, license or other identity card. It is at the VEC's discretion to determine if the evidence provided is satisfactory. You are encouraged to ensure that your name is up to date on the roll to avoid any discrepancies with your ballot paper name. Refer to section 69(5)(c) of the Electoral Act.

You may not vary your family name.

Designations or titles

You may not include affiliations or titles beside your name on the ballot paper. For example: Mr, Mrs, Ms, Dr, Prof or MP.

Contact information for candidates

Independent candidate contact information

If you are nominating as an independent candidate, you must provide contact information for each of the following purposes through your nomination form. You may use the same contact details across these purposes. Please ensure you familiarise yourself with these requirements as the VEC will rely on these details to contact you during the election and your public contact person's details will also be published for the media and public to use.

| | |
|---|---|
| Candidate contact details | <p>You must provide a method of contact for yourself as a candidate. This will be used by the VEC to contact you regarding your nomination, for candidate bulletins, electoral roll data and funding and disclosure matters during and after the election. You should provide a phone number and email address that you will use even after the election has concluded.</p> <p>These details will only be used for official purposes – they will not be publicly available, but they will be passed on to the Department of Parliamentary Services to contact you to arrange your on-boarding as a Member of Parliament if you are elected.</p> |
| Public contact details and recount contact details. Refer to section 69(3)(bb) of the Electoral Act. | <p>You must provide a name, email address and phone number for publication on the VEC website. As this information will be available on the VEC website and used by the public, please ensure that your contact person for this purpose is aware and ready to receive enquiries after your nomination is finalised. These details will also be displayed in your election office. The VEC will use these details to notify you by email should a recount be conducted in the election where you are a candidate.</p> |
| Designated contact for electoral signage. Refer to section 158A(7) of the Electoral Act. | <p>You must provide a contact person for the VEC to reach regarding enquiries or complaints about your electoral signage. This contact person must be available and ready to respond to issues during the busy periods of the election, including at short notice and outside business hours.</p> |

Endorsed candidate contact information

Contact information for each candidate endorsed by a registered political party must also be provided. This includes the candidate's own contact details for official purposes (these will not be made publicly available) and the details of a public contact person who can receive media and public enquiries.

In the event of a recount, the VEC will formally notify the registered officer of each registered political party which has endorsed a candidate for the district.

Separately, registered political parties will be required to designate a person for enquiries or complaints about the electoral signs displayed by the party or its endorsed candidates. These details will be required during the nomination process for endorsed candidates.

List of nominations on display

A summary of nominations will be displayed at each election office and on the VEC website. This summary will be updated at the end of each business day during the nomination period and will include each candidate's ballot paper name and their public contact person's details. See section 68 of the Electoral Act for more information.

Nomination deposit

Each nomination must be accompanied by a nomination deposit of \$350.

The nomination deposit must be paid by cash or bank cheque made payable to 'Victorian Electoral Commission'. See section 69(4) of the Electoral Act for more information. **Personal cheques and money orders cannot be accepted.**

The nomination deposit will be refunded for candidates who:

- are elected
- receive at least 4% of the first preference votes in the electorate
- retire before the close of nominations
- die before 6 pm on election day
- are candidates in a failed election.

In all other circumstances, nomination deposits are not refunded. See section 180 of the Electoral Act for more information.

Candidate retirement

If you are an independent candidate and wish to retire, you may withdraw your nomination by lodging a notice of retirement with the Election Manager at any time before the close of nominations.

If you are endorsed by a registered political party and wish to retire, the party may lodge a notice of retirement with the VEC any time before **12 noon** on the day of the close of registered political party nominations. This notice must be signed by the candidate.

If a notice of retirement is received by the deadline, the nomination will be cancelled and the VEC will refund the nomination deposit. See section 71 of the Electoral Act for more information.

Changes to endorsed candidates after the close of nominations

After the close of nominations for registered political party candidates, there is no provision in the Electoral Act for an endorsed candidate to be “dis-endorsed” by the party. A registered political party can only withdraw an endorsed candidate’s nomination by lodging a notice of retirement, signed by the candidate, with the VEC at any time before **12 noon** on the day of the close of registered political party nominations.

The VEC cannot change a candidate’s nomination details once the nominations are finalised.

At the close of nominations, any candidates who have been successfully nominated by a registered political party are final and will appear on the ballot paper with the name of the party that endorsed them.

Death of a candidate

If a nominated candidate dies **before the close of nominations**, the nomination deadline is extended to the next day. See section 63(6) of the Electoral Act.

If a candidate dies **between the close of nominations and 6 pm on election day**, or if the successful candidate dies after 6 pm on election day and before being declared elected, the election will be declared ‘failed’ and nomination deposits will be returned for all candidates. See sections 72(1) and 180(1) of the Electoral Act for more information.

A new writ will be issued for a supplementary election in the district. The supplementary election will be held using the electoral roll prepared for the original election. See sections 72(2)(c) and 72(4)(a) of the Electoral Act for more information.

Uncontested elections

An uncontested election occurs if only one candidate has nominated for a district election by the close of nominations. If this occurs, the Election Manager will declare the candidate elected on the final nomination day. See section 121(1) of the Electoral Act for more information.

5. Enrolment data for candidates

If you are an independent candidate, you are entitled to receive enrolment information for the district you have nominated for after you have nominated for election.

This will be made available to you only via the VEC's secure data exchange portal: dex.vec.vic.gov.au (DEx).

The data file provided contains the name and address of electors entitled to vote in the election for your district. Pursuant to sections 33(6) and (7) of the Electoral Act the file will not contain any silent electors, elector contact details or the address details of itinerant or overseas electors.

Using the roll

The VEC takes its custodianship of the enrolment information of Victorians very seriously. As a candidate you must treat the enrolment data provided to you with the greatest care as it contains electors' personal information. Enrolment data may only be used for purposes related to your election campaign for the election for which it was provided and must not be shared or distributed with any person for any other purpose. Strict penalties apply for the misuse of enrolment information, which could also jeopardise public trust in the election process. The VEC also has obligations to protect elector information under the *Privacy and Data Protection Act 2014* (Vic).

Some of the permitted uses of enrolment information are:

- to send electors campaign material
- for door-knocking campaigns
- to provide a mail house with the details of electors so that it may directly mail out your campaign material. If the mail house misuses the information, you will be responsible.

Refer to sections 36 and 37 of the Electoral Act.

Accessing the roll

The VEC uses a secure data exchange portal called DEx (dex.vec.vic.gov.au) to provide enrolment information to registered political parties and candidates.

Roll products will be uploaded to DEx as soon as possible after the close of nominations. Registered political parties and independent candidates will receive an email notification when the roll products are available.

Registered political parties will receive a file containing electors' enrolment information for the district. Registered political parties already receive data files as part of the VEC's scheduled roll products program pursuant to section 33 of the Electoral Act, and already have access to DEx.

If you are an independent candidate, before you can access the roll data in DEx, you must complete the declaration in the portal stating you will only use the data for the purposes of your election campaign pursuant to section 36 of the Electoral Act.

The VEC will provide one data file in comma separated format. You can open this file in Microsoft Excel. The VEC will not provide technical assistance on how to use roll data, or Microsoft Excel.

Candidates and political parties are only permitted to use the roll data in connection with the election or monitoring the accuracy of information contained on the roll. As misuse of the roll data is a serious offence, you are strongly encouraged to delete the roll data once the election is over.

6. The ballot paper

Refer to section 74 of the Electoral Act.

Order of names on the ballot paper

Your name will appear on the ballot paper using the format specified on your nomination form. The order of names on the ballot paper is determined by a random computerised draw. The Election Manager will conduct this draw at the election office, as soon as possible after nominations close. You will be advised of the exact time so you may attend. As soon as practicable following the ballot draw the VEC website will reflect candidate names in ballot paper order.

Following the draw, the Election Manager will provide you with a 'How-to-vote card sample', which shows all candidates' names as they will appear on the ballot paper. You must pay close attention to the order, spelling, and format of candidate names on the ballot paper as errors on your how-to-vote cards may result in your how-to-vote card being refused. See **Chapter 8: How-to-vote cards** for more information.

Registered political party names and logos on ballot papers

Only a **registered** political party is allowed to have its registered party name or abbreviation and registered logo printed on the ballot paper adjacent to the name of the candidate endorsed by the party. See sections 74(4) and (5) of the Electoral Act.

Parties not registered with the VEC are not allowed to have a party name, abbreviation or logo printed on ballot papers, no matter how the party is constituted.

Registered political parties must specify the form of their party name (whether they intend to use the party's full name or the registered abbreviated name) on Part 1 of the nomination form.

The register of political parties can be found here:
vec.vic.gov.au/candidates-and-parties/currently-registered-parties

Additional descriptions

If 2 candidates have similar names that are likely to cause confusion, the VEC may include additional descriptions to distinguish them from one another. See section 74(2) of the Electoral Act.

7. Electoral campaign material

Refer to the VEC's Determination on authorisation of electoral campaign material (Determination 001/2022) available on the VEC website and to sections 3, 4 and 83 to 86 of the Electoral Act.

Understanding the need for authorisation

Why is there an authorisation requirement?

The VEC encourages authorisation to ensure members of the public are aware of the origins of electoral campaign material. Authorisation ensures transparency and allows someone to decide for themselves how much they value or trust electoral campaign material.

Section 83 of the Electoral Act sets out the requirements for authorisation.

The penalty for failing to authorise electoral campaign material is 10 penalty units for an individual and 50 penalty units for a body corporate.

Material that needs to be authorised

Electoral campaign material requires 'authorisation'. 'Authorising' material means including a person's name and address on electoral campaign material. The name and address form an 'authorisation statement'.

Electoral campaign material may appear online, in digital or electronic format, or in print.

The VEC does not require the spoken or written words of a person to have an authorisation statement unless the words are represented as or in electoral campaign material.

Understanding authorisation requirements

What is electoral campaign material?

Electoral campaign material is the VEC's term for an advertisement, handbill, pamphlet, or notice that contains 'electoral matter'.

What is an advertisement?

An 'advertisement' is anything that is made or intended to draw the attention of the public, or a section of the public, to a particular person, thing, event or movement.

An advertisement can appear in many forms, including online, by spoken, written or printed words, pictorial representation, light or sound, or by exhibition to the public.

What is a handbill?

A 'handbill' is printed material delivered by hand, usually not more than a few pages.

What is a pamphlet?

A 'pamphlet' is a printed document, which would ordinarily be available publicly, whether or not upon payment of a fee.

What is a notice?

A 'notice' is an item that conveys a brief piece of information to the public or a section of the public, by written or printed word. A notice may be accompanied by an image. A notice does not include audio or a moving visual image, such as a video or a digital media file.

What is electoral matter?

'Electoral matter' is defined under section 4 of the Electoral Act. The VEC regulates electoral matter **that is intended or likely to affect voting in an election.**

Material made expressly for academic, artistic, educational or satirical purposes that is not intended or likely to affect voting in an election is not regulated by the VEC.

What 'contains' electoral matter?

For electoral campaign material to 'contain' electoral matter, the electoral matter must have a sufficiently strong connection to an election. Proximity to an election day is relevant to whether the material has a sufficiently strong connection to the election.

Who needs to authorise electoral campaign material?

The person printing, publishing or distributing the electoral campaign material, or causing the same, should include the relevant authorisation on the material.

The VEC considers that a person is 'printing, publishing or distributing' electoral campaign material (or causing the same) if they:

- cause electoral campaign material to appear on an electronic billboard, electric road sign or other similar device; or
- post electoral campaign material on a website or social media platform accessible by the public or a section of the public; or
- send electoral campaign material to a group (or groups) of strangers by electronic transmission, such as an email, text message, messaging or social media.

How to authorise electoral campaign material

Electoral campaign material should include the name and address of the person who authorised the material. This person can be a natural person or a body corporate (e.g. a political party, company, organisation).

Where electoral campaign material is printed, published or distributed other than in a newspaper, the name and place of the business of the printer should also appear. This requirement only applies to printed material.

In the case of electoral campaign material that is published or distributed online, the authorisation statement must be easily located. For example, a website may contain an authorisation statement as a footer or on an 'About' page, or posts on social media can be authorised by a post pinned to the top of the person's social media feed or appearing on the 'About' section of the author or author's page. Posts can also link to a website which has an authorisation statement.

What name should be used?

The full name of the person or body corporate who authorised and, where applicable, printed the electoral campaign material is required. A person or body corporate may use a name they are generally known by, provided they can be easily identified by the public.

An abbreviated name or alias, account name, username or social media handle is not a name, unless it is clearly attributable to the full name of a person. An initial and last name is accepted as clearly attributable to the full name of a person.

You cannot use a position name as an authorisation name, i.e. Authorised by the Chief Executive Officer, Organisation.

Examples

| Acceptable? | Birth name | Name appearing in authorisation |
|-------------|-------------------------|--|
| Yes | John Citizen | John Citizen |
| Yes | Joanne Victoria Citizen | Jo Citizen |
| Yes | John Citizen | J. Citizen |
| No | John Citizen | Voter123 (i.e. an account name or username that is not the individual's real name) |

What address should be used?

The geographical address of the person (typically a street address and suburb) should be visible in the authorisation statement.

While the address should be the person's usual address, it does not need to be a residential address. It can include the address of an office, such as a company or business address, or the address of an election campaign office.

For example:

John Citizen, 1 Democracy Way, Melbourne Victoria.

Democracy Matters Corporation, Level 2, 100 Voters St, Melbourne, Victoria.

A post office box is not an acceptable address under the Electoral Act. An address cannot be an email address, domain name, URL or the like.

The person authorising the material needs to have more than sporadic or ad hoc access to the address.

Who is responsible when it's printed?

In some cases, the printer and authoriser of electoral material may be the same person. In this case, the statement may be written as

Authorised and printed by: {Name} {Full street address}

For a printer (who is not also the authoriser), the geographical place of business must be provided in the authorisation statement.

In the case of where the material is copied for distribution by a machine or an algorithm, the person with responsibility for the machine or the algorithm will be regarded as the person who is publishing and printing the material. The person should include an authorisation statement in the material.

In the case of a news alert with automatically generated content, the authorisation requirement will be satisfied by the news alert stating the name of the distributor of the news alert.

If a person prints online electoral campaign material to a physical form to distribute it, that person is the printer.

What about other languages?

An authorisation statement must be in accordance with the following language requirements:

- If the material is only in English – the authorisation statement must be in English.
- If the material is in a language other than English – the authorisation statement must be in English and the language used in the material.
- If the material is in 2 or more languages – the authorisation statement must be in English and all other languages used in the material.

What does not need to be authorised?

Advertisements, handbills, pamphlets or notices that **do not include** electoral matter do not need to be authorised as these items are not regulated by the Electoral Act.

If the electoral matter is contained in something **which is not** an advertisement, handbill, pamphlet or notice, or newspaper, it does not need to be authorised.

Exemptions under the Electoral Act

Authorisation requirements do not apply to car stickers, clothing, lapel buttons and badges, fridge magnets, pens, pencils or balloons. They don't apply to letters or cards which bear the name and address of the sender, provided they don't include a representation of a ballot paper for an election (refer to section 83(3) of the Electoral Act).

Does electoral campaign material need to be authorised if it is published or distributed privately?

No, communications made privately between persons who have an existing social relationship do not need to be authorised. The exception to this is where the message is part of a bulk message to multiple recipients.

If in doubt – authorise

If you are unsure if your content or material needs to be authorised, you are encouraged to seek independent advice. The VEC's general advice is: "When in doubt, authorise."

Electoral campaign material during the relevant period

The Electoral Act identifies as the 'relevant period' the time that starts on the day a writ is issued for the election and ends at 6 pm on election day. Please refer to the published timeline for the election to ensure that you are familiar with the dates for the relevant period.

Regulatory approach during relevant period

Where a candidate in the election or a Registered Political Party under the Act holds a social media account in their full name, any electoral campaign material which appears on or is a product of the account is taken by the VEC to be authorised by the candidate.

Where a candidate in the election or a Registered Political Party under the Act sends an electronic communication in their full name, any electoral campaign material which appears within or comprises the communication is taken by the VEC to be authorised by the candidate.

Provisions only in effect during the relevant period

Misleading or deceptive material

During the relevant period it is illegal to print, publish, distribute, permit, or authorise:

- anything that is likely to mislead or deceive an elector in relation to the casting of their vote; or
- electoral material containing a representation of a ballot paper that is likely to induce an elector to vote otherwise than in accordance with the directions on the ballot paper.

A penalty of 60 penalty units or six months imprisonment for an individual and 300 penalty units for a body corporate applies.

Refer to **Appendix 4: Electoral offences** and section 84(1) and (2) of the Electoral Act for more information on the definition of misleading and deceptive material.

Identification of authors

During the relevant period, all articles, reports, or letters containing electoral matter which are printed, published, or distributed in a newspaper, circular, or pamphlet must include the name and address of the author at the end ('Address' does not include a PO box).

However, letters in a newspaper simply must include the author's name and the suburb or locality in which the author's address is located.

The identification requirement does not apply to a newspaper leading article or an article that is solely a report of a meeting.

Failure to comply attracts a penalty of 5 penalty units for an individual or 25 units for a body corporate. Refer to section 86 of the Electoral Act.

Other laws

Candidates should be aware that they have rights and responsibilities under other laws beyond those outlined in this handbook.

❗ Important: Candidates must not defame, threaten or harass any person.

Local laws

Candidates should check with their local council to see if there are any local laws that may apply to the distribution and display of advertising material within the local area and with the Department of Transport for provisions covering the display of material on highways and public transport facilities.

Broadcast or televised matter

The broadcast on radio or television of all political and election matter (including election advertisements), must comply with the requirements set out in Schedule 2 of the *Broadcasting Services Act 1992* (Cth).

The VEC is not able to offer any advice regarding the operation of Commonwealth legislation. Any enquiries concerning the operation of Schedule 2 of the *Broadcasting Services Act 1992* (Cth) should be directed to:

Australian Communications and Media Authority
PO Box 13112 Law Courts, Melbourne Vic 8010
Tel: (03) 9963 6800
acma.gov.au

8. How-to-vote cards

A how-to-vote card (HTVC) is any electoral material that

- includes a representation of a ballot paper, including partial or purported partial representations of a ballot paper; or
- lists the names of any or all of the candidates for an election with a number indicating an order of voting preference against the names of any or all of those candidates. Refer to section 3 of the Electoral Act.

HTVCs at election day voting centres

Registered HTVCs are the only form of printed electoral material that can be distributed within 400 metres of a voting centre on election day. *A penalty of 60 penalty units or 6 months imprisonment applies.* Refer to section 156(1) of the Electoral Act.

This restriction does not apply to posters, bunting and similar material that are attached to a structure or vehicle, material in campaign offices, or the normal distribution of newspapers. Refer to section 156(4) of the Electoral Act.

On election day an Election Manager or election official can ask a person they reasonably suspect to be distributing unregistered HTVCs to produce their HTVCs for inspection and hand over all unregistered cards. *Failure to comply with this request is an offence that attracts a penalty of 10 penalty units.* Refer to section 157 of the Electoral Act.

HTVCs at early voting centres

HTVCs distributed at early voting centres do not need to be registered. However, they must contain the name and street address of the person authorising the card and the name and place of business of the printer. *The penalty for failing to authorise electoral material is 10 penalty units for an individual and 50 penalty units for a body corporate.* Refer to section 83(1) of the Electoral Act.

HTVCs distributed at early voting centres that are not registered must not contain the endorsement "Registered by the Victorian Electoral Commission".

HTVCs at mobile voting centres

HTVCs at mobile voting centres must be registered. If you would like your HTVC to be available to electors at mobile voting centres, you must have it registered with the VEC and provide printed copies of the registered HTVC to the Election Manager to supply to mobile voting teams.

When supplied, the Election Manager will enclose the registered HTVCs in folders for the mobile voting teams in the same order as candidates or group names appear on the ballot paper. Mobile voting teams will advise electors that they can view the folder of HTVCs. Refer to section 65(4) of the Electoral Act.

HTVC registration process

Read the rules

There are requirements that your HTVC must meet to be eligible for registration.



Prepare your HTVC

HTVCs must be final versions and submitted digitally (PDF) and hard copy.



Check your HTVC carefully

Use the VEC's HTVC checklist as a guide.



Independent candidates or others

Submit your HTVC and declaration form to the Election Manager.



Registered political parties

Submit your HTVC and declaration form by appointment at VEC head office.



Await your application outcome

The VEC will provide an outcome to your HTVC application by noon of the day following your application.



Application refused

Your HTVC application has been refused as it does not meet the legislative requirements.

You can submit a new HTVC application with a corrected version of your HTVC until the close of the HTVC period.



HTVC registered

Your HTVC is registered and will be made available on the VEC website.

You may now use your HTVC at voting centres on election day. You can provide printed copies to the relevant Election Manager for use at mobile voting centres.

Only the VEC can register a HTVC. Any person, including independent candidates, may lodge a single HTVC for registration with the Election Manager for the electorate the card relates to. Registered political parties must lodge HTVCs with the VEC head office for registration. Registered political parties will be provided information on how to submit the soft copy and hard copy versions of their HTVCs.

Applications to register a HTVC must be submitted during the HTVC registration period. Please check the election timeline carefully.

Once a HTVC is submitted for registration, the VEC will advise the applicant of its decision by 12 noon on the next day. If a HTVC does not meet the criteria for registration, it will be refused and will need to be corrected and re-submitted using a new HTVC application, including a new declaration.

To submit a HTVC, ensure that you email an electronic copy in PDF format. This copy must be in a finalised 'print ready' format and must not introduce any changes during the formatting and printing process. You must also provide 2 hard copies of the card in its finalised format at the time of lodging it.

Registered HTVCs must include the following endorsement in the footer of the card:

*Authorised by [name and street address of authoriser, not a PO Box]
Printed by [name and place of business]
Registered by the Victorian Electoral Commission*

If a HTVC goes over more than one page, the "Registered by" part of this endorsement must appear only on page(s) that contain how-to-vote instructions.

If your HTVC contains multiple languages, the authorisation and endorsement statements must appear in all languages represented on the HTVC. HTVCs must contain authorisation and endorsement statements in English, even if the HTVC is not written in English. For example: A HTVC written in Vietnamese and Italian must contain authorisation and endorsement statements in Vietnamese, Italian and English.

A HTVC which purports to be registered by the VEC must not be handed out until the VEC confirms it is registered. **Do not** print HTVCs until you have received confirmation that it is registered.

This handbook contains a 'How-to-vote card checklist' in Appendix 1 and example HTVCs in Appendix 2. Check each item on the checklist as it applies to your HTVC, paying attention to the spelling of candidates' names. The Election Manager and the VEC will also check each item when you submit the HTVC.

The HTVC declaration form

Your HTVC must be accompanied by a 'How-to-vote card declaration' form. This form is included in the *Candidate kit* and available on the VEC website.

If the HTVC includes any language other than English, it must be submitted for registration with a translation of that section, including a signed declaration that the translation is fair. Refer to section 148 of the Electoral Act.

Requirements for HTVC registration

To be registered:

- a HTVC must clearly identify the person, registered political party, organisation, or group on whose behalf the card is to be distributed
- any logos, emblems or insignias on the card must not be less than 4 square centimetres (4cm²). Remember this if you print a card at a smaller size to when it was registered
- the HTVC must contain the name and street address (not a post office box) of the person authorising the card and the name and place of business of the printer on any side that contains electoral campaign material
- the HTVC must not deceive or mislead an elector about how to vote. Voters must complete their ballot paper in line with the instructions on the ballot paper provided by the VEC. This requirement also applies to unregistered HTVCs distributed at Early Voting Centres. *The penalty for non-compliance is 60 penalty units or 6 months imprisonment for an individual and 300 penalty units for a body corporate.* Refer to section 84 of the Electoral Act.
- any representations of a ballot paper must contain the correct spelling of any listed candidate names, party names and district or region names.
- any representations of a ballot paper must contain candidates listed in correct ballot paper order
- the HTVC must not contain offensive or obscene material
- the HTVC must contain the endorsement 'Registered by the Victorian Electoral Commission' in the footer of the card. However, this endorsement **must not** appear on unregistered HTVCs.

Refer to **Appendix 1: 'How-to-vote card checklist'** as your guide to ensure that your HTVC meets the requirements for registration. Refer to section 79 of the Electoral Act and regulation 18 in the Regulations for further information on HTVC registration requirements.

Use of photographs and quotes on HTVCs

You are strongly advised to gain permission from the people or organisations concerned if your HTVC includes:

- photographs of people other than the candidate
- photographs that clearly identify members of a particular organisation
- quotes from people other than the applicant.

There have been instances where people or organisations have objected to the use of photographs or quotes on HTVCs without their permission because it has suggested that the person or organisation supported that candidate.

While the use of photographs or quotes in most cases would not prevent HTVC registration, the VEC recommends that you seek permission from others where relevant to avoid time consuming disputes, including civil action.

The VEC is not responsible for advising you on potentially contentious photographs or quotes and has limited authority to regulate the use of photographs or quotes unless they are offensive or obscene or likely to mislead or deceive an elector in casting their vote.

Decision on HTVC applications

The VEC will inform you before 12 noon the day after receiving a HTVC for registration that:

- your HTVC is **registered**
- or
- your HTVC application is **refused** as your HTVC fails to meet a requirement for registration. The grounds for refusal will be provided.

Last day submissions

You are advised to submit your HTVC(s) for registration well before the deadline. If you submit your HTVC on the last day of registration and your application is refused, you may not have time to submit a new HTVC. Consequently, your HTVC will **not** be able to be distributed within 400 metres of voting centres on election day and will not appear on the VEC website.

Review of HTVC decision

Any person may apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of the VEC's decision to register or to refuse to register a HTVC no later than 12 noon on the next working day after the VEC has advised the applicant of that decision. VCAT must make a decision before 5 pm the next working day after receiving the application. Refer to section 82A of the Electoral Act. For more information or to make an application for a review of a HTVC decision, contact VCAT's review and regulation list.

Inspection of registered HTVCs

As soon as possible after registration, registered HTVCs will be displayed on the VEC website. Any person has the right to inspect a registered HTVC card at the VEC's head office once it has been registered. Registered HTVCs will also be made available for inspection as soon as possible at the election office. Refer to section 82 of the Electoral Act.

Correcting errors on registered HTVCs

If you need to correct an error on your registered HTVC, you must submit an amended version to the VEC for registration no later than **12 noon on the fifth working day before election day**. Please consult the specific timeline for your election.

Before 12 noon on the next day after receiving the amended card, the VEC will inform the applicant that they are:

- registering the amended HTVC
- or
- refusing to register the amended HTVC.

9. Election day voting

Voting takes place between 8 am and 6 pm on election day at voting centres within the electorate.

Ordinary votes

Electors who attend an election day voting centre in their own electorate complete an ordinary vote. An ordinary vote is issued to an elector in their enrolled electorate. An election official at the voting centre marks the elector's name off the roll, and issues them with their ballot papers. The elector completes their ballot papers and places them into the ballot boxes available at the voting centre. Counting for ordinary votes begins in voting centres after 6 pm on election day.

Provisional votes

Eligible electors whose name cannot be found on the electoral roll for the district can enrol and complete a provisional vote. These electors must show proof of identity prescribed by the Regulations.

If the elector does not have a proof of identity document with them, they can ask the VEC to verify their identity with the Department of Transport, their local council, or their utilities provider after election day. The elector must complete and enclose their ballot papers in a declaration envelope. The VEC will check these applications after election day. If the address of the elector is not in the district for which the election is being held, the elector is not eligible to vote in the specific election.

10. Postal voting and postal voter data

The VEC will conduct postal voting activities through a centralised operation. This centralised processing location will minimise delays to postal vote mailouts and will process and count completed postal vote declarations.

Postal vote applications are available following the issue of the writ for the election.

Electors can also complete a postal vote application online via the VEC website. Online applications do not have to be witnessed. However, the voter must provide a verification question from a drop-down menu and the answer on their application. The voter must write the answer to their verification question on their return declaration envelope when completing their ballot material.

❗ Important: It is an offence for a person other than the VEC to distribute postal vote applications. *This offence is subject to a penalty unit of one penalty per occurrence.* Refer to sections 101(3A) and (3B) of the Electoral Act.

Postal vote applications must be made after the issue of the writ and must be received by the VEC no later than 6 pm on the Wednesday before election day.

As a candidate, you can appoint scrutineers to observe postal vote verification for returned postal vote declarations. You can also appoint scrutineers to observe the opening and counting of postal votes. The VEC will provide you or your registered political party with venue details for these activities, including operation times.

Access to postal voter data

Independent candidates and registered political parties may request an electronic copy of the details of voters wishing to vote by post. This will be provided via DEx at dex.vec.vic.gov.au. Both independent candidates and registered officers on behalf of their registered political party must complete a *Postal vote application confidentiality agreement P381* to access the data. By completing this agreement, you are agreeing that you take full personal responsibility for the confidentiality of the data. As part of the process, you will need to provide an email address to receive the data.

Once the agreement is completed, and when data is available, you will be sent an email containing instructions on how to create an account in DEx (if you do not already have one) and download electronic copies of the postal voting application details as they become available from the secure data exchange portal.

The postal voting application details will contain the name and address of voters who applied to vote via post in the election. The information will not contain any silent electors nor address details of itinerant electors. Refer to section 104A(3) of the Electoral Act.

The information will be presented as one comma separated file. This can be opened in Microsoft Excel, and then used to look up names, for a mail merge, or as a basis for street walks (street order).

- ❗ Important: You must not use the information provided for any purpose other than in connection with the election. You also must not disclose the information provided unless the disclosure is for a purpose in connection with the election. A penalty of 600 penalty units for an individual and 3000 penalty units for a body corporate or registered political party applies. Refer to sections 104A(4) and (5) of the Electoral Act.**

Independent candidates

The *Postal vote confidentiality agreement P381* must be signed by you, it cannot be signed by your representative on your behalf. Lodge this form with the Election Manager when you nominate.

Registered political parties

Registered political parties can make this data available to their endorsed candidates. Registered officers can lodge the *Postal vote confidentiality agreement P381* when they submit their nominations at VEC head office.

11. Early voting centres

The VEC establishes early voting centres to support electors who wish to vote in person in advance of election day.

As a candidate, you may appoint scrutineers to view early voting activities. Refer to **Chapter 17: Scrutineers** and the **Scrutineer handbook**.

Additionally, you must be aware of the canvassing rules that apply at early voting centres. You can find more information on this in **Chapter 8: How-to-vote cards** and **Chapter 14: Conduct near voting centres**.

Early voting centres will open on the first working day after the close of nominations. Details of all early voting centres and operating hours will be available on the VEC website.

Any elector can vote at any early voting centre, and electors do not need a reason to vote early.

12. Mobile voting centres

Mobile voting centres are venues that a mobile voting team attends before election day to help people vote. A mobile voting team may move around a venue issuing early votes to patients and residents or create a temporary voting area within the venue.

As explained in **Chapter 8: How-to-vote cards**, you may provide printed copies of registered HTVCs to the Election Manager to be included in folders carried by mobile voting teams. Mobile voting teams will advise electors that they may view a folder of registered HTVCs. Refer to section 65(4) of the Electoral Act.

You may appoint scrutineers to attend sites with the mobile voting team. The itinerary for mobile voting activities will be communicated to candidates and registered political parties once it is finalised.

❗ Important: Scrutineers must not display election material or distribute HTVCs while accompanying the mobile team.

Party and candidate workers are not allowed to canvass for votes or distribute election material – including HTVCs – within 6 metres (or other distance as determined by the mobile voting centre manager) of the designated entrance to the voting centre while voting is in progress. Additional restrictions apply to the display of notices or signs within 100 metres of the designated entrance to the voting centre. Refer to **Chapter 14: Conduct near voting centres**.

13. Telephone Assisted Voting

The VEC's telephone assisted voting service enables eligible electors to cast their vote by telephone. The VEC will establish a call centre to manage this voting process.

Telephone assisted voting will be available to the following groups and any other electors prescribed by the Regulations:

- electors who are blind or have low vision
- electors who have a motor impairment
- electors who are unable to travel to a voting centre due to a declared emergency
- electors who qualify for any other prescribed eligibility

You may appoint scrutineers to view the operation of the VEC's Telephone Assisted Voting Centre. These scrutineers must be appointed using the same procedures as outlined in the **Scrutineer handbook**.

14. Conduct near voting centres

Refer to sections 156 to 158A and 174 of the Electoral Act.

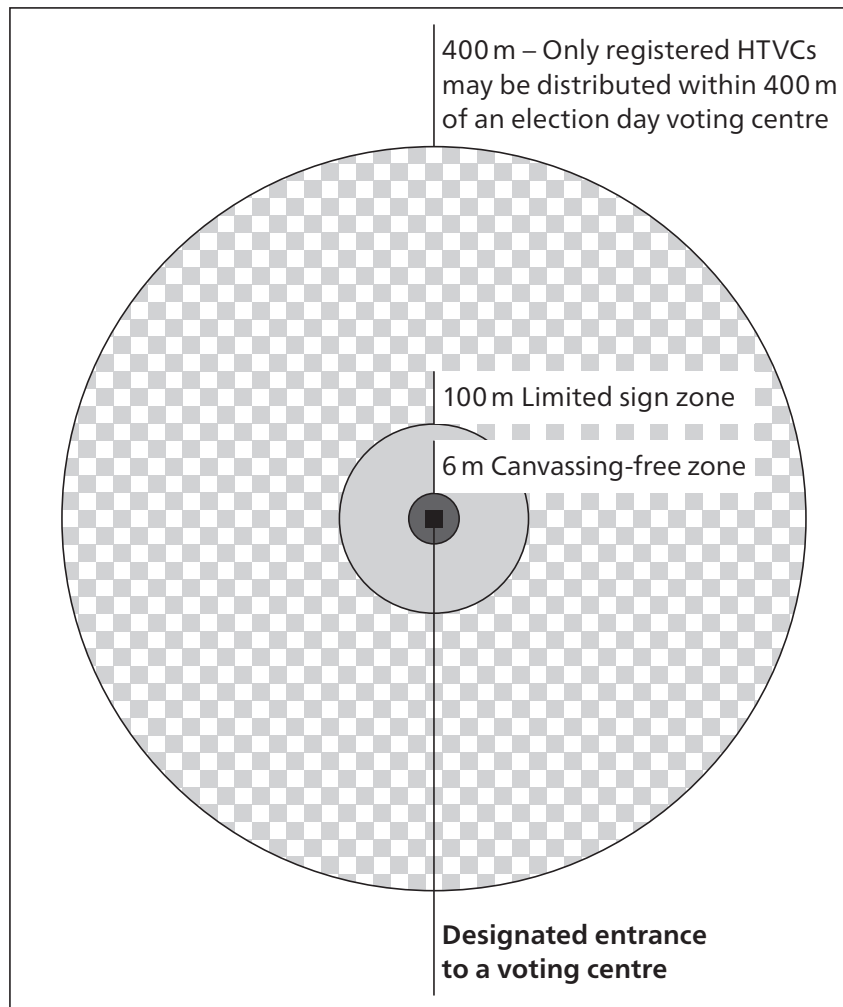
The Electoral Act sets out conduct within certain distances from the entrance of a voting centre during the hours of voting, including:

- canvassing outside a voting centre within 6 metres
- exhibiting notices or signs within 100 metres
- displaying a mobile billboard within 100 metres
- distributing printed electoral material on election day within 400 metres.

The penalties that apply for not complying and the powers of election staff to respond to alleged offences are also outlined.

Anyone canvassing near a voting centre needs to be aware of the rules that apply at early, mobile and election day voting centres.

❗ Important: You should ensure that your campaign workers are aware of the legislative requirements.

Conduct near voting centres

6 m Canvassing-free zone

No canvassing, exit polling or campaigning may occur within 6 m of a designated entrance to a voting centre (or a lesser distance, if fixed by the VEC).

No signs may be exhibited other than official VEC signs.

100 m Limited sign zone

There are limits on the number and size of signs that each candidate and registered political party is permitted to display between 6 m and 100 m from a designated entrance to a voting centre.

Mobile billboards are not permitted within 100 m of a designated entrance to a voting centre.

Beyond 100 m

Beyond 100 m of a designated entrance to a voting centre, the limits on the number and size of signs do not apply. Local laws may apply to the display of signs on public land.

400 m – On election day HTVCs must be registered

Only registered HTVCs can be handed out within 400 m of a designated entrance to an election day voting centre, but not in the 6 m canvassing-free zone.

Beyond 400 m

Beyond 400 m of a designated entrance to an election day voting centre, electoral campaign material may be distributed – not limited to registered HTVCs.

Identifying the designated entrance

Distances apply as a radius from the voting centre's designated entrance. A radius is a straight line that extends from a point out to the edge of a circle. The circle makes a zone. Voting centre staff will be able to provide guidance to candidate and party workers about the distances and zones at a voting centre. Information about designated entrances will also be made available to candidates and registered political parties so they can estimate the distances and zones in advance. Note, however, that definitive distances and zones will be determined by the Voting Centre Manager, Early Voting Centre Manager or Mobile Voting Centre Manager (as applicable).

Primary designated entrance

A designated entrance will be identified for each voting centre.

An official VEC sign denoting the designated entrance will be displayed at each voting centre during the hours of voting.

Secondary designated entrance

Sometimes it is necessary to designate a secondary entrance. For example, if there are several main entrances to the grounds in which the voting centre is situated, one of those entrances may also need to be designated.

If a secondary designated entrance is required, it will also be identified by an official 'designated entrance' sign. The canvassing and signage rules that apply to the primary designated entrance also apply to any secondary designated entrances.

Canvassing-free zone (6 metre rule)

Refer to section 158 of the Electoral Act.

During the hours of voting, within 6 metres of the voting centre's designated entrance, or within the building used as a voting centre (**the canvassing-free zone**), a person must not:

- canvass for votes, including hand out how-to-vote cards or registered how-to-vote cards
- ask for the vote of any elector
- induce an elector not to vote for a particular candidate
- induce an elector not to vote at the election
- exhibit a notice or sign (other than official VEC signs)
- conduct an exit poll.

Scrutineers are also prohibited from wearing or displaying any badge, emblem or political slogan of a candidate or political party within those 6 metres. See section 158(2)(g) of the Electoral Act.

Any person distributing registered how-to-vote cards **must** be outside the canvassing-free zone. *The penalty for non-compliance is 5 penalty units.*

If it is practically necessary for reasons such as poor weather or for safety reasons, an election official, on behalf of the VEC and in consultation with the Election Manager, can reduce the canvassing-free zone to less than 6 metres. A notice must be posted at the designated entrance stating the new canvassing-free zone that applies to that voting centre and the reason for the reduction from 6 metres. The canvassing-free zone cannot be extended beyond 6 metres.

Where a voting centre has any secondary designated entrances, the canvassing-free zone also applies to those entrances.

Limited sign zone (100 metre rule)

Section 158A of the Electoral Act provides limits to the number and size of signs that can be displayed within 100 metres of a designated entrance to a voting centre during the hours of voting for that voting centre (**the limited sign zone**).

The only signs that are permitted to be displayed within the limited sign zone during the hours of voting are official signs of the VEC, or signs displayed by a candidate or political party for the election that comply with the following:

- Each candidate can display up to 2 signs. If you are an independent candidate, you may only have 2 signs in a limited sign zone.
- Each registered political party may display up to 2 signs.

Registered political parties and their endorsed candidates may display up to four signs in a limited sign zone. Registered political parties cannot display signage in a limited sign zone at an election that they have not endorsed a candidate for.

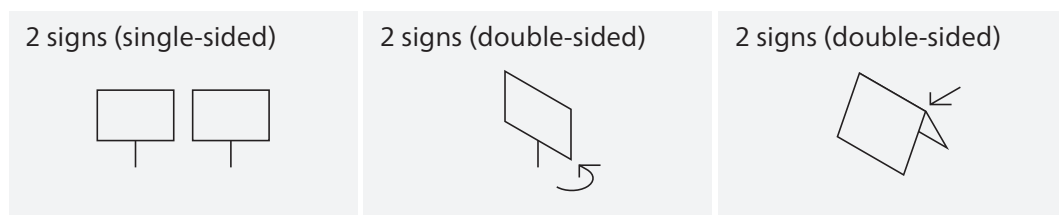
Any notice or sign must not exceed 600 mm x 900 mm in size. Voting centres will have a tape measure for voting centre staff to check the size of signs.

Where a voting centre or its grounds has more than one designated entrance, a **limited sign zone** will also apply within 100 metres of any secondary designated entrance(s).

What counts as one sign?

For the purposes of counting signs, one sign consists of a single visible side. Any sign or notice that has 2 visible sides counts as 2 signs. For example, an A-frame sign would be considered 2 signs, or if 2 sides of a notice are visible on a window or fence.

- Flags, balloons, bunting or posters connected to a candidate or party are signs.
- Signs or notices printed on marquees or other fixtures, or affixed or attached to persons or other structures, are signs.
- Items of clothing worn by pets are not considered as signs or notices.
- Images or text printed on clothing worn by candidate/party workers or voters are not considered as signs or notices.



Mobile billboards

Mobile billboards are prohibited within the limited sign zone. A mobile billboard is any billboard capable of being displayed while being transported by any means. This includes billboards attached to vehicles such as bicycles or cars, vehicles that are painted or vinyl wrapped, as well as billboards that can be worn by a person or animal. It does not include stickers on vehicles which are permitted under section 158(4)(a) of the Electoral Act.

Identifying the responsible party/candidate

Signs or notices that promote a single candidate endorsed by a party will be identified to the candidate first.

A party can decide on the content of the 2 signs permitted in their name. For example, the signs of a party may include reference to all, some or none of their endorsed candidates for that election.

If a party sign does not refer to any of the candidates endorsed by the party in respect to that election, it will be counted for the party first.

If the party has more than 2 signs that do not promote a candidate or candidates in the election, the excess signs will be counted for an endorsed candidate if they don't already have 2 signs. Where all conditions are met, a party and its candidates cannot display more than four signs in total.

Voting centre staff may need to ask party or candidate workers at the voting centre who is responsible for signs which have been exhibited. The VEC may contact designated signage contacts which were provided as part of the nomination process.

An Election Manager or election official is authorised to remove, or have removed, a notice or sign that they consider does not comply with the rules.

Removal of signs

During the hours of voting, an Election Manager or election official is allowed to remove a notice or sign if it doesn't comply with the requirements for the canvassing-free zone or the limited sign zone.

Campaign offices

Where a campaign office or other location operated by a candidate or party is located within 100 metres of the designated entrance of a voting centre (including an early voting centre, mobile voting centre, and election day voting centre), the signage requirements apply during the hours of voting. This means that any signs displayed at the location count towards a party's or candidate's allocated number of signs and no sign may exceed 600 mm x 900 mm.

Signs at private residences

Signs displayed at private residences are **not subject** to the rules regarding signs within 100 metres of a designated entrance. Private residences include buildings, grounds and any perimeter fencing that belongs to a private residence within the 100 metre zone. This includes premises used as a private residence, including above a commercial property which may be the designated entrance of a voting centre.

Distribution of electoral campaign material (400 metre rule)

Refer to section 156 of the Electoral Act.

The only electoral material that may be distributed or made available during the hours of voting within 400 metres of a voting centre on election day are **registered how-to-vote cards**. The canvassing-free zone means that registered how-to-vote cards aren't allowed within 6 metres of the voting centre's designated entrance.

A penalty of 60 penalty units applies.

How-to-vote cards distributed outside early voting centres do not need to be registered as this rule applies on election day only, but any unregistered how-to-vote cards must not purport to be registered how-to-vote cards.

An Election Manager (including a Voting Centre Manager) or election official may request a person reasonably suspected of contravening these rules to show them any how-to-vote card in their possession and/or hand them all over. Anyone who fails to comply with this request is guilty of an offence. *The associated penalty is 10 penalty units.* Refer to section 157(1) and (2) of the Electoral Act.

Behaviour in relation to voting centres

Voting Centre Managers, Early Voting Centre Managers and Mobile Voting Managers will engage with party and candidate workers throughout the day to establish rapport and encourage cooperation outside voting centres. All workers have an equal entitlement to convey their message.

❗ Important: The VEC asks all stakeholders (election officials, candidates, scrutineers, party/candidate workers and the public) to ensure a respectful environment exists outside each voting centre so that electors are not obstructed or intimidated as they enter the venue.

Conduct when handing out how-to-vote cards

On election day, only registered how-to-vote cards are allowed to be distributed within 400 metres from the designated entrance. Individuals may assist electors by handing out how-to-vote cards. They must always remain at least six metres from the designated entrance of a voting centre when canvassing for votes.

Individuals canvassing at a voting centre may only enter the voting centre to cast their vote and must exit the voting centre once they have voted. They can continue to hand out how-to-vote cards outside the authorised limits if they wish to do so.

Within 100 metres of the designated entrance of a voting centre, a person **must not** subject any person who is handing out how-to-vote cards or supporting a candidate in an election, to violence or intimidation (see section 152(4) of the Electoral Act). A person who contravenes this section of the Act is guilty of an indictable offence. *The penalty for which is 600 penalty units or imprisonment for up to 5 years.*

Consideration of venues

Venues used as voting centres are not the property of the VEC and the VEC relies on goodwill to retain venues for future elections.

All people canvassing at voting centres need to:

- be attentive to any local restrictions requested by venue owners and the VEC regarding the placement of personnel, notices or signs to ensure that canvassing does not interfere with any other activities at the venue
- ensure workers and materials do not impede or intimidate people moving in and out of the venue, or neighbouring properties
- ensure the complete removal of any notices or signs (including ties), how-to-vote cards and equipment before leaving the venue at the end of each day, unless otherwise instructed by voting centre staff.

Enforcement powers

Section 174 of the Act outlines the enforcement powers of Election Managers and election officials to maintain order and keep the peace at voting centres. An Election Manager or election official has the power and authority to request the removal of any person who:

- obstructs the approaches (pathways and entrances) to a voting centre
- wilfully or unnecessarily obstructs or delays the proceedings at a voting centre
- behaves in a disorderly manner
- remains in a voting centre for a longer time than is reasonably necessary for the purpose of voting
- causes a disturbance at any election.

Voting Centre Managers will request cooperation from all parties in the first instance, but if unsuccessful, the VEC will escalate the matter to the relevant party or candidate contact to resolve. If necessary, voting centre staff will request Victoria Police to assist them in maintaining order. Police officers must assist in the removal of any person.

An Election Manager (including a Voting Centre Manager) or election official is authorised to remove, or have removed, a notice or sign that they consider does not comply with the Electoral Act.

On election day, if an Election Manager (including a Voting Centre Manager) or election official suspects that a person is handing out or distributing printed electoral material which is not a registered how-to-vote cards within 400 metres of the entrance to a voting centre, the Election Manager or election official may request that person show them any how-to-vote cards in their possession, and hand over any how-to-vote cards that are not registered. *Anyone who fails to comply with this request is guilty of an offence. The associated penalty is 10 penalty units.* Refer to sections 157(1) and (2) of the Electoral Act.

15. Count of ballot papers

Candidates and registered political parties will be advised of the count plan arrangements specific to their election after the close of nominations.

Ordinary votes issued in election day voting centres

Ordinary district votes will be counted in voting centres from 6 pm on election day.

First preference and 2-candidate-preferred (2CP) district results will be phoned through to the election office and published on the VEC website.

Early votes

Early votes, including those cast at mobile early voting centres, will be counted in early voting centre(s) on election night. Election officials will start extracting and sorting early votes from 8 am on election day. Strict rules apply to scrutineers between 8 am and 6 pm.

Counting of early votes will start at 6 pm. Most, if not all, early votes will be counted to first preference and 2CP on election night.

Postal votes

Postal votes will be processed, verified and subsequently counted at the established centralised processing centre. You will be given a schedule of anticipated start times for activities that can be observed by scrutineers. Strict rules will apply for scrutineers attending these activities.

Provisional and marked-as-voted (MAV) votes

All provisional and MAV votes received as part of early and mobile voting or election day voting will be assessed by enrolment officers for eligibility.

Accepted provisional and MAV votes will be counted in the week after election day.

Other centralised support votes

The VEC will advise candidates and registered political parties regarding the extraction, sorting and count arrangements for other centralised votes including those taken by the TAV service. These will be counted in the week following election day.

Counting process for district elections

Election officials sort and count each individual ballot paper to first preference by hand. During this process, the election officials sort ballots at a table where there are 'sorting cards' for each candidate.

After an election official examines each ballot paper, they place it next to:

- the sorting card for the candidate who received the number '1' vote if the vote is formal
- the 'informal' sorting card if the vote is informal.

At the end of this sort, the Election Manager tallies and enters the total first preference votes for each candidate, along with the total number of informal votes, in the VEC's election management system.

All results are then published on the VEC website.

You are encouraged to read through **Appendix 3: Ballot paper formality** to ensure that you are familiar with what constitutes a formal and informal ballot. This guide is also available to Scrutineers in the **Scrutineer handbook**.

Two-candidate-preferred count (2CP)

Following the count to first preferences, election officials sort all formal ballot papers to the 2 candidates considered 'most likely' to be in the lead after the distribution of preferences to give an early indication of the election result. Scrutineers will be told who the 2 candidates are before this count begins. These 2 pre-selected candidates are chosen by the Electoral Commissioner in advance of election day.

Election officials assign ballot papers to each selected candidate according to who has the highest preference on the ballot paper. The highest preference is indicated by the lowest of the numbers the voter has entered on the ballot paper (the number closest to one).

As the two candidates selected for the 2CP count is a prediction only, this count is used for indicative purposes only and does not impact the flow of preferences if a preference distribution is required.

Recheck

Rechecking is an administrative process where, following a first preference count, ballot papers are checked again for formality, correct sorting to first preference, and correct reconciliation of totals.

Rechecked results are entered progressively into the VEC's election management system and are published on the VEC website. It is not uncommon for minor variations in sorting and counting to be identified during the rechecking process. Election Managers can provide scrutineers with consolidated reports of rechecked results.

Preference distribution

If no candidate has more than 50% of the first preference votes (an 'absolute majority') after the recheck, a preference distribution will be conducted to determine the result of the election. See **Chapter 16: Determining the election result** for more information.

Declarations

Once the Election Manager determines that no outstanding votes will change the result of the election, the Election Manager will make a time to formally declare the result. It is possible that counting of small batches of ballot papers will continue after the declaration.

District candidates and registered political parties will be advised by the VEC of the time and location of the declaration.

16. Determining the election result

Refer to sections 113 and 114 of the Electoral Act.

How does the VEC determine the result of a district election?

For the Legislative Assembly of State Parliament, the preferential system is used to count votes. This means you must achieve an absolute majority to be elected.

An absolute majority means you have *received more than 50% of the total formal votes*.

For example, if 20,000 formal votes are cast, the winner needs 10,001 votes.
If 20,001 formal votes are cast, the winner still needs 10,001 votes to be successful as this represents more than 50% of the total formal votes.

After election officials have sorted all votes to first preferences, they count the number of votes for each candidate. If no candidate has achieved an absolute majority, a preference distribution is conducted.

Preference distributions

In a preference distribution, the candidate with the lowest number of votes is excluded.

Election officials inspect the excluded candidate's votes and allocate them to the next preferred candidate – in other words, the candidate whose name appears next to the number 2 on the ballot paper.

The election officials then count the totals again. If there is still no absolute majority, the candidate who now has the least number of votes is excluded and, again, their votes are redistributed to the next available preference on the ballot paper.

For example, if the second preferred candidate has already been excluded, then the third preference is considered, and so on.

Election officials continue this process until one candidate receives an absolute majority of formal votes and is successful.

17. Scrutineers

Scrutineers play an important role in the election process to ensure that our democratic values of transparency are maintained.

Resources for scrutineering

The **Scrutineer handbook** is available on the VEC website and in the *Candidate kit*. The **Scrutineer handbook** outlines the rights, responsibilities and procedures associated with scrutineering at an election.

❗ Important: Ensure that you and your scrutineers are familiar with the Scrutineer handbook.

Additionally, refer to section 76 of the Electoral Act.

You and your scrutineers are encouraged to read **Appendix 3: Ballot paper formality** to ensure that you are familiar with the rules for formal and informal ballots.

Appointing your scrutineers

As a candidate, you can appoint scrutineers to observe electoral processes where election officials handle ballot material. Scrutineers can observe both voting and counting processes, please refer to the **Scrutineer handbook** for further detail on the specific activities where scrutineering applies. The **Scrutineer handbook** also contains details on the number of scrutineers that you may appoint to observe an activity. The extraction and sorting of postal and early votes, which commences at 8 am on election day, before the close of voting, takes place in a restricted zone. There are specific rules relating to the appointment and conduct of scrutineers in restricted zones which can be found in the **Scrutineer handbook**.

To appoint a scrutineer, you must use the *Appointment of scrutineer P380* form to specify the name and address of a scrutineer. This form is available in the Candidate kit, from the Election Manager, and on the VEC website.

You must sign the form and your scrutineer must bring the form with them when they observe any electoral activity. Under section 76(4) of the Electoral Act, Election Managers or election officials can ask to see this form.

Handwritten and digital signatures are acceptable on the form, however typed signatures are not accepted.

Your scrutineers must present a new P380 form for each venue they attend. However, when they are visiting the same venue and representing the same candidate over several days, your scrutineer can use the same form.

18. Recounts, tied, and disputed elections

Recounts

Refer to section 120 of the Electoral Act.

Recounts usually occur if the result of an election is extremely close. Recounts can only occur before an election result is declared.

In a recount, parcels of ballot papers are opened, and each ballot paper is re-examined. A recount can be conducted on all ballot papers for an election (known as a full recount) or only some of the ballot papers for an election (known as partial recount). The type of recount to be conducted is determined by the Election Manager and Electoral Commissioner.

There are 3 circumstances that can lead to a recount. A recount may occur:

- when an Election Manager believes there are sufficient grounds, they can seek the permission of the Electoral Commissioner to conduct a recount
- when the Electoral Commissioner independently directs an Election Manager to conduct a recount
- because a candidate has written to an Election Manager to request a recount. The letter must detail the reasons for the request and the Election Manager will consult with the Electoral Commissioner, who will decide if the recount will go ahead.

The Election Manager does not have to conduct a recount just because a candidate requests one. In deciding whether to go ahead, the Election Manager and Electoral Commissioner will consider:

- the occurrence of close margins at critical points during the distribution of preferences
- any procedural or system error that may have interfered with the counting process
- if scrutineers were given the opportunity to access the counting process to perform their duties.

Where a decision is made to conduct a recount, the Election Manager must provide all candidates and specified contact persons with written notice a minimum of 4 hours prior to the commencement of the recount.

The Election Manager conducting a recount has the same powers as if the recount were the original count and may reverse any decision to admit or reject a ballot paper. See section 120(3) of the Electoral Act for more information.

Under section 120(4) of the Electoral Act, the Election Manager can set any ballot paper aside for the Electoral Commissioner to rule on. A scrutineer can also request that any ballot paper be set aside if they disagree with the decision of the Election Manager.

However, the Electoral Commissioner is only required to rule on ballot papers where the number reserved could change the outcome of the recount. Refer to section 120(5) of the Electoral Act.

You are encouraged to appoint scrutineers to represent you at any recount, particularly if you have requested the recount or your success or defeat at the election will likely be determined as a result of the recount.

Tied elections

If 2 or more candidates have an equal number of votes on the final count:

- the Election Manager must declare that the election is tied
- the VEC or a candidate with the same number of votes as another candidate can petition the Court of Disputed Returns within 14 days of the declaration that the election is tied. The Court of Disputed Returns may declare one of the candidates elected, or that a new election must be held
- if the Court of Disputed Returns has not been petitioned within 14 days after the declaration that the election is tied, the election will be declared absolutely void and a new election must be held.

Refer to section 117 of the Electoral Act for more information.

Disputed elections

Under section 133 of the Electoral Act, the validity of any election can only be disputed by a petition to the Court of Disputed Returns.

Candidates, electors, or the VEC can petition the Court of Disputed Returns. The petition must be filed with the Prothonotary of the Supreme Court of Victoria within 40 days after the return of the writ.

Procedures for disputing an election appear in Division 2 of Part 8 of the Electoral Act. If you are considering a petition to the Court of Disputed Returns, you should seek independent advice.

19. Parliamentary induction

Recognition of the successful candidate

Candidates will not be recognised by the Parliament of Victoria as the successful candidate until the result has been formally declared by the VEC and communicated to the Clerk of the Legislative Assembly.

Service provision

Provision of services to Members of Parliament will not commence until the official VEC advice is received by the Clerk of the Legislative Assembly and communicated to the Department of Parliamentary Services.

Following receipt of official advice, the Parliament of Victoria will provide the successful candidate with information on scheduling time for a formal induction program and beginning the process of allocating resources (including electorate office, motor vehicle and salary).

The VEC will provide the Department of Parliamentary Services with contact details for all candidates as provided on Nomination Forms for this purpose. Personal information will be maintained by the Parliament of Victoria in accordance with the Information Privacy Principles as derived from the *Privacy and Data Protection Act 2014* (Vic).

20. Privacy

The VEC is subject to the *Privacy and Data Protection Act 2014* (Vic) and handles all of the personal information it collects and holds in accordance with the information privacy principles.

Although your nomination form will not be available for public inspection, the VEC is required to disclose some of your personal information. By nominating for an election, you are taken to understand this. These disclosures, which are governed by legislation, are as follows:

- during the nomination period and once nominations for an election close, the VEC will make each candidate's name and contact details publicly available by publishing these details on the VEC's website and by making them available for inspection at the election office. See sections 68 and 73 of the Electoral Act and **Chapter 4: How to nominate**.
- and
- candidate's names will appear on ballot papers and how-to-vote cards and, where appropriate, will appear together with the name and logo on the ballot paper, of the registered political party that has endorsed the candidate. See sections 74 and 82 of the Electoral Act, **Chapter 6: The ballot paper** and **Chapter 8: How-to-vote cards**.

All candidate names, postal addresses, phone, and email details will also be provided to the Department of Parliamentary Services to enable contact with successful candidates regarding their introduction into Parliament.

All internal uses of your personal information by the VEC are either required by or necessary to implement the VEC's requirements under the Electoral Act. These requirements include processing applications to:

- nominate for an election
- register a HTVC
- pay for election expenses
- monitor the distribution of electoral campaign material at or near voting centres on election day.

Under the *Freedom of Information Act 1982* (Vic) (FOI Act), you have the right to access and correct any of your personal information held by the VEC. These rights are subject to the FOI Act. Further information on the VEC's privacy policy, including how to make a privacy enquiry or complaint can be found at: vec.vic.gov.au/privacy

21. Complaining about a breach of the law during your campaign

Complaint management is an important component of conducting an election.

Feedback and complaints must be submitted in writing, either through the online submission form or by email or post.

The VEC also provides accessible options to assist customers to capture their complaint, including over the phone or via an interpreting service. Easy English guides are available to assist customers to make their submission.

Online:

vec.vic.gov.au/about-us/complaints

Email:

complaints@vec.vic.gov.au

Post:

Complaints
Victorian Electoral Commission
Level 11, 530 Collins Street
Melbourne VIC 3000

Any complaints lodged with the Election Manager that require escalation will be forwarded to the VEC head office for consideration and response.

Feedback and complaint processing

Any feedback or complaint made in writing will be reviewed by the VEC.

If the feedback or complaint:

- relates to the administration of the election, including the actions and behaviour of Election Managers or election staff, it will be referred to the Electoral Commissioner or another authorised person for investigation and response
- alleges an offence against the Electoral Act and provides appropriate evidence, it will be referred for investigation (for more information what offences are covered under the Electoral Act, see **Appendix 4: Electoral offences**)
- alleges a breach of local laws, the complaint will be directed to the Chief Executive Officer of the relevant local council
- alleges a criminal offence under other legislation, the complaint will be directed to Victoria Police or the appropriate regulator.

A person can raise their complaint directly with a local council or Victoria Police.

If the VEC does refer the matter to another regulator, the VEC will advise the person who lodged the feedback or complaint that the matter has been referred to another regulator and the regulator to which it has been referred. In some cases, it may also be appropriate for the VEC to notify the subject of the feedback or complaint that a matter has been raised, particularly if further information is necessary.

Complainant confidentiality is protected and the VEC will not generally provide media or public commentary in respect to complaints so as to avoid politicising the complaints process. In certain circumstances, like when it's necessary for the VEC's investigation of a matter, limited statements may be made in respect to emerging or ongoing complaints.

Existing complainants may enquire about the progress of their complaint by contacting the Customer Feedback and Complaints Team on 131 832 or (03) 8620 1100.

Reporting to the VEC

Elections in Australia allow for robust debate and expression of opinion. Candidates are free to rebut opinions expressed by others in the public domain during the campaign.

- ❗ Important: The VEC is not in a position to regulate candidate behaviour outside of the scope of the Electoral Act.** There are also civil and criminal mechanisms which can be used to regulate candidate behaviour, including injunctive action through the Supreme Court.

Consider the **Allegations Checklist** before raising an allegation with the VEC.

| Allegations Checklist | |
|---|---|
| 1. Appropriate to receive complaint | ✓ |
| The VEC is Victoria's electoral regulator. The VEC administers the Electoral Act and other electoral legislation. The VEC can also receive feedback about its staff and procedures. | |
| It might be appropriate for another regulator to receive a complaint or feedback, for example Victoria Police, IBAC, ACMA, or local council. | |
| 2. The matter concerns an electoral offence under the Electoral Act | ✓ |
| Become familiar with the offences that exist for state elections, outlined in Appendix 4: Electoral offences | |
| Seek independent legal advice if unsure if a complaint can or should be made. | |
| 3. Reporting a breach of the Electoral Act through the complaints process | ✓ |
| Any relevant evidence must be included with the complaint. | |
| Complaints must be made in writing to the 'Feedback and Complaints' page on the VEC website or emailed to complaints@vec.vic.gov.au | |
| 4. Outcome after submitting a complaint | ✓ |
| The VEC will confirm by email that a complaint has been received and advise if an investigation will be conducted or the matter referred. | |
| If an investigation does take place, the person making the complaint will be advised of its outcome at the conclusion of the investigation. | |

22. Political donations

Refer to sections 206 to 222I of the Electoral Act.

People who make and receive political donations have responsibilities to disclose them to the VEC if the donation meets certain thresholds. There are also caps on the amounts any one person can donate within the 4-year period between general elections, and certain donations are banned, see the Prohibited donations section below. People making and receiving political donations must be aware of these rules and ensure that they comply with their disclosure requirements, which exist throughout the year — not just during an election timeline.

As a candidate at a Victorian State election, you are considered a recipient if you receive donations towards your campaign. Registered political parties as well as groups of region candidates can also be recipients if they receive donations as a party or a group, respectively.

The disclosure rules apply to you from the time you make a public announcement that you intend to run as a candidate for election. This includes if you start campaigning and collecting donations, even if you do not ultimately nominate to be a candidate.

State campaign account

If you are nominating as an independent candidate, you must have a 'State campaign account' with an authorised deposit-taking institution on the Australian Prudential Regulation Authority (APRA) register at apra.gov.au/register-of-authorised-deposit-taking-institutions. You must deposit all political donations and any public funding you receive into your State campaign account. See **Chapter 23: Funding** for more information on public funding. Additionally, you **must** pay for your political expenditure from the State campaign account.

Registered political parties and groups must also have a State campaign account to manage political donations and public funding for their candidates.

Political donation caps

You cannot receive political donations equal to or more than the general cap from any single donor within the 4-year period between two State general elections. Note that the general cap applies regardless of if the amount is from an individual donation or multiple donations from a single donor in aggregate over the period.

The general cap is subject to indexation each financial year.

For further indexation details please see:

vec.vic.gov.au/candidates-and-parties/political-donations/indexation

How to register for VEC Disclosures

Before you can disclose a political donation, you need to register as a user on VEC Disclosures, the VEC's political donation and annual return reporting tool.

Register for access to VEC Disclosures at: disclosures.vec.vic.gov.au/

How to register: Endorsed candidates

If you are an endorsed candidate, your political party's registered officer has the obligation to register you and should already have registered you on VEC Disclosures. The registered officer is responsible for disclosing any political donations you receive and you do not have an individual annual return obligation. You must still disclose any disclosable donations that you make to another recipient. Refer to 'Disclosing a political donation' for details on how to make a disclosure.

How to register: Independent candidates

If you are an independent candidate, you must register on VEC Disclosures. Once registered you can administer your political donation and annual return obligations yourself or you may nominate an agent to do so on your behalf. More information, including user guides for VEC Disclosures, is available here: vec.vic.gov.au/candidates-and-parties/political-donations/information-for-recipients

Disclosing a political donation

If you make or receive a political donation of \$1,080 or more you must disclose it on VEC Disclosures. If you are endorsed by a registered political party, you must ensure your registered officer is notified of any donations you receive as they are responsible for disclosing to the VEC donations received by endorsed candidates, endorsed elected members and the party's nominated entity. Note that the disclosure threshold is indexed each financial year.

Disclose a political donation through VEC Disclosures.

❗ Access VEC Disclosures at: disclosures.vec.vic.gov.au/public-donations

When you disclose a political donation, you will be asked to provide details about the donor and recipient, the amount of the donation, and the date that the donation was given or received (as applicable). Donation disclosures must be made **within 21 days** of giving or receiving a donation.

Further information on disclosure rules, including the definition of what counts as a donation, can be found here: vec.vic.gov.au/candidates-and-parties/political-donations

Small contributions (under \$54) do not count towards the \$4,320 general donation cap (over a 4-year period). However, it is an offence to deliberately avoid your disclosure obligations by making or receiving multiple small donations.

You do not need to disclose political donations received under the disclosure threshold. There are no rules against disclosing these donations if you wish to do so, but the VEC will only publish on its website donations that are required to be disclosed.

Prohibited donations

You **must not** accept a political donation:

- from a donor that is not an Australian Citizen, Australian resident or an Australian business with a relevant Australian business number
- when you should reasonably know that the donor has exceeded the general cap
- from an anonymous donor.

❗ Important: It is unlawful to accept a prohibited donation. Any prohibited donations must be forfeited to the VEC and further penalties may apply. See Division 3A of Part 12 of the Electoral Act.

Information you must provide to donors

If you receive a political donation, you must notify the donor of their obligation to disclose the donation when:

- the individual donation is **equal to or more than the disclosure threshold of \$1,080**
- the donation makes the total value of their donations made to you (including registered political party endorsed candidates) within one financial year meet or exceed the disclosure threshold of \$1,080
- they make further donations after the disclosure threshold of \$1,080 has been reached or exceeded within one financial year (each donation must be disclosed).

The VEC may require you to show evidence that you took reasonable steps to notify donors.

❗ Important: To help you meet your reporting obligations we strongly recommend you provide donors with a receipt that clearly states the donation amount and prompts them to register the donation. If it applies, the receipt should also show the donation–cost split, such as when a donor pays for an event or purchase.

More information for donors is available on the VEC website at vec.vic.gov.au/candidates-and-parties/political-donations/information-for-donors

Offences that apply to political donations

| Offence | Prescribed penalty |
|--|---|
| Failing to disclose a donation equal to or more than the disclosure threshold via VEC Disclosures within 21 days of receiving the donation. Section 218A(1) of the Electoral Act | <i>200 penalty units.</i> |
| Knowingly accepting a donation above the general cap, a foreign donation or an anonymous donation equal to or more than the disclosure threshold. Section 218(5A) of the Electoral Act | <i>You must forfeit any of these donations to the State.</i> <i>A fine of 300 penalty units or up to 2 years imprisonment.</i> |
| Entering or carrying out a scheme to avoid a ban or requirement under the funding and disclosure provisions of the Act. Section 218B(1) of the Electoral Act | <i>Up to 10 years imprisonment.</i> |
| Giving false or misleading information in a political donation disclosure return or an annual return. Sections 218(2) and 218A(2) of the Electoral Act | <i>300 penalty units and/or 2 years imprisonment.</i> |

23. Funding

There are three funding streams potentially available to eligible candidates, elected members or registered political parties under the Electoral Act: (1) Administrative expenditure funding, (2) Public funding, and (3) Policy development funding. Policy development funding is only available to registered political parties.

Administrative expenditure funding

If you are elected, you will be eligible to receive administrative expenditure funding for administrative expenses, including expenses related to meeting your funding and disclosure obligations. This funding cannot be used for political expenditure or electoral expenditure.

Independent elected members are eligible to receive up to \$216,210 per year. Registered political parties can receive a tiered amount based on the number of elected members they have, capped at 45 members.

Payments for registered political parties start at \$216,210 per year for the first elected member, \$75,660 per year for the second elected member, and \$37,850 per year for the third to forty-fifth elected members.

Elected independent members and registered officers on behalf of their elected candidates must apply through the VEC to receive administrative expenditure funding. Administrative expenditure funding is paid quarterly and in advance.

Administrative expenditure cannot be paid into a State campaign account.

Further information can be found at: vec.vic.gov.au/candidates-and-parties/funding. Refer to section 207GA of the Electoral Act for more information.

Public funding

The purpose of public funding is to cover costs associated with running a State election campaign. For endorsed candidates, your Registered Officer will make the application on behalf of the registered political party, including any claim associated with your election results.

Independent candidates are eligible to make a public funding application if they receive 4% of the first preference vote in the district/region they contest or they are elected.

The application process for public funding involves providing an audited statement of expenditure. This is a report that shows the costs you or your party incurred during the election.

If your eligibility and entitlement is properly met, within 30 days of receiving your properly completed and audited statement of expenditure, you will be paid whichever is the lesser of:

- the result of the number of first preference votes you receive multiplied by the payment rate for the house of parliament you are contesting; or
- the total amount of audited political and electoral expenditure on your statement of expenditure.

❗ Important: Public funding must be paid into a State campaign account

Public funding is payable in Retrospective and Advance payments.

Retrospective payments are made after the declaration of districts and region elections has occurred. To receive retrospective payments of public funding you must:

- have achieved 4% of the first preference votes (FPV) in the district or region you contest; or
- have achieved election in the district or region you contest; and
- have submitted a completed and independently audited statement of expenditure form to the VEC within 20 weeks after the election day.

Advance payments are paid annually between State general elections. For recipients of advance public funding, a 40% instalment will be paid in the first year and then in 20% instalments for each of the following three years within the 4-year election period.

To receive advance payments of public funding you must:

- have been entitled to a retrospective payment of public funding; and
- request advance public funding in writing **at the same time** you submit your application for retrospective public funding; and
- acknowledge that if:
 - you do not contest the next State general election; or
 - you contest the next State general election and don't achieve 4% FPV in the district or region you contest; or
 - you contest the next State general election and do achieve 4% FPV and/or are elected but your FPV is less than your FPV in the previous State general election; then
 - you are liable to repay some or all of the advance public funding received over the 4-year election period.

❗ Important: The Statement of expenditure form acts as both part of the application form and the funding return and must be submitted with an audit certificate from an independent auditor confirming the expenditure outlined.

Further information on funding, including forms for applying for public funding can be found at: vec.vic.gov.au/candidates-and-parties/funding

Funding returns

If you receive **any** funding available to you through the Electoral Act, you have a reporting obligation in respect to the funding paid to you. The reportable elements, the timelines and the process depend on the type of funding. For endorsed candidates, your registered officer will submit the funding returns. Independent candidates and independent elected members have the following obligations:

For **Administrative expenditure funding**, the funding return is due to be submitted to the VEC within 16 weeks of the end of the calendar year (typically 22 April each year). The return must be:

- audited by an independent auditor; and
- contain a statement from you or your nominated agent that states the amount of funding spent and contains a declaration that the information contained in the return is true and correct.

For **Public funding**, the audited statement of expenditure required as part of the application process acts as the return. If you have received advance public funding payments since the last State general election, you must:

- contest the next State general election; and
- meet the conditions outlined above to receive retrospective payments of public funding.

If you have received advance public funding since the last State general election and you do not ultimately nominate as a candidate in the next State general election, or if you do not achieve 4% of the FPV's in the district or region you contest, **you will be required to re-pay the entire amount of advance public funding paid to you.** You will also be required to re-pay advance public funding if you fail to submit an audited statement of expenditure showing you incurred political expenditure that meets or exceeds your entitlement within 20 weeks after the election.

Further information on funding returns can be found at:
vec.vic.gov.au/candidates-and-parties/funding

24. Annual returns

Annual returns must be submitted to the VEC by reporting entities each year. Annual returns report on the transactions involving the State campaign account kept by each reporting entity. The VEC uses annual returns to check that entities are complying with their funding and disclosure obligations, including the disclosure of political donations.

For endorsed candidates the Registered Officer of your registered political party will complete the annual return. Annual returns by registered political parties must be accompanied by an audit certificate from a registered company auditor.

Independent candidates, groups of independent candidates, and independent elected members are only required to lodge an annual return if they have received political donations that met or exceeded the disclosure threshold for the reporting year. These reporting entities must submit their annual return through VEC Disclosures at disclosures.vec.vic.gov.au accompanied by an audit certificate from an independent auditor.

❗ Important: Annual returns for the financial year are due by 20 October following the financial year.

Further information regarding annual returns for independent candidates can be found here:

vec.vic.gov.au/candidates-and-parties/annual-returns/independent-candidates

Appendix 1: HTVC applicant checklist

| Do not mass produce HTVCs until the VEC confirms the HTVC is registered | Check |
|---|-------|
| Is the HTVC for a single district? (For applicants other than registered political parties) | |
| Have you submitted an electronic PDF copy version of the how-to-vote card in final print ready format ? | |
| Have you submitted 2 hard copies of the how-to-vote card in final print ready format ? | |
| Have you completed the how-to-vote card declaration form? | |
| If the how-to-vote card includes text in a language other than English, have you attached a translation? Have you included the authorisation and endorsement statement in all languages including English? | |
| Does the how-to-vote card clearly identify the person, Registered Political Party, organisation, or group it is being distributed for? | |
| For district HTVCs: <ul style="list-style-type: none"> Is the order of voting preference included on the how-to-vote card for all candidates listed? No number can be used more than once and no boxes can be blank. Or the how-to-vote card must include a statement to instruct the voter to number all the boxes | |
| Are any candidates listed on the HTVC in ballot paper order, with correct spelling of their name? | |
| Have you made sure that no "titles" (e.g. Mr, Mrs, Ms, Dr. or MP), or other designations are included against the names of candidates? | |
| Have you checked that any logos/emblems/insignias are at least the prescribed size (4cm ²)? | |
| Have you made sure that the how-to-vote card is not misleading, deceptive, offensive, or obscene? | |
| Has the name and street address of the authoriser been included on the how-to-vote card? Authorisation statement must be printed in all languages and English. <i>E.g. Authorised by Jane Smith, 123 Sample Street, Melbourne</i> | |
| Have the details of the Printer been included on the how-to-vote card? <i>E.g. Printed by: Sample Printers, 11A Example Street, Melbourne</i> | |
| Have you included the endorsement ' Registered by the Victorian Electoral Commission ' on the footer of your print-ready how-to-vote card? It cannot appear on cards distributed at early voting centres until it has been registered. | |

Appendix 2: How-to-vote card examples

District HTVC example

1. Candidate party

2. District name

3. LOGO
Min 4cm²

SMALL BALLOT PAPER
Number all the boxes from 1 to 6

5. DISTRICT OF
DISTRICT NAME

4. CANDIDATE, One

1. CANDIDATE, Two

2. CANDIDATE, Three

3. CANDIDATE, Four

5. CANDIDATE, Five

6. CANDIDATE, Six

6. Remember to **number every box** to make your vote count

8. Authorised by Joe Citizen, 104 Smith Street, Smithton
Printed by Special Printers, 87 Top Street, Smithton South
Registered by the Victorian Electoral Commission

7.

1. Identify

Clearly identify the person, political party, organisation, or group – on whose behalf the card is to be distributed.

2. District name

Check that the District Name is spelt correctly. And it is for the correct district.

3. Logo

Make sure that the size of any logo, emblem, or insignia belonging to the person, or group – is at least 4 cm².

4. Candidates

Candidates must be listed, in ballot paper order, and with the exact same spelling as the ballot paper, including any punctuation or capitalisations.

Do not include designations, e.g. Dr., Prof. or MP.

5. Voting

If the HTVC contains a representation of the ballot paper, then every box must be numbered, and no number can be used more than once.

6. Numbering every box

Ensure to instruct people to number every box.

7. Authorisation

The HTVC must be authorised with the name and full street address of the person authorising the card. Make sure "Authorised" is spelt correctly.

8. Footer

Make sure to have:

- Full street address and place of business of printer
- VEC Endorsement (required for registered HTVCs).

You may wish to produce a how-to-vote card which instructs electors on where to direct their first preference for a district election but does not contain preference instructions for the remainder of the ballot. In this case, you must ensure that your HTVC contains the instruction that voters must number every box to ensure they cast a formal vote. Here is an example:

Open district HTVC example

1. How to put
Candidate / Party
first in DISTRICT X

2.

3. LOGO
Min 4cm²

On your ballot paper **number every box**
in order of your preference

Put _____ first
CANDIDATE NAME

1 CANDIDATE NAME

4. Remember to **number every box** to make your vote count

Authorised by Joe Citizen, 104 Smith Street, Smithton
Printed by Special Printers, 87 Top Street, Smithton South
Registered by the Victorian Electoral Commission

5.

6.

1. Identify

Clearly identify the person, political party, organisation, or group – on whose behalf the card is to be distributed.

2. District name

Check that the District Name is spelt correctly. And it is for the correct district.

3. Logo

Make sure that the size of any logo, emblem, or insignia belonging to the person, or group – is at least 4 cm².

4. Numbering every box

Ensure to instruct people to number every box.

5. Authorisation

The HTVC must be authorised with the name and full street address of the person authorising the card. Make sure “Authorised” is spelt correctly.

6. Footer

Make sure to have:

- Full street address and place of business of printer
- VEC Endorsement (required for registered HTVCs).

Appendix 3: Ballot paper formality

District ballot papers

District ballot paper formality rules

- Any poorly formed numbers must be considered in the context of the whole ballot paper and are acceptable if they can reasonably be construed as numbers in the sequence.
- Unconventional-but-recognisable numbers, such as continental 1s and 7s, are acceptable. Roman numerals are also acceptable if all numbers are clearly written in this format. Other 'non-English' characters are not acceptable. Numbers may be spelled out, but only in English.

Examples of recognisable numbers

| One | Seven |
|----------|------------|
| <i>j</i> | <i>Vii</i> |
| <i>/</i> | <i>7</i> |
| <i>1</i> | <i>7</i> |
| <i>1</i> | <i>7</i> |
| <i>I</i> | <i>VII</i> |

- Ballot papers without an initial by an election official must not be excluded for that reason alone if the ballot paper is printed on official VEC security paper.
- Numbers next to, or on the other side of, candidate names are acceptable if the voter's intention is clear.
- Amendments to the ballot paper are acceptable if the voter's intention is clear. All other marks must be ignored.
- Ballot papers must have a number 1 in, adjacent to, or level with, one box to be considered formal.
- Ballot papers must have all boxes numbered using the full sequence of numbers indicated on the ballot paper to be considered formal, unless there is one box left blank only and this would logically have contained the last number. For example, there are 6 candidates on the ballot paper and the number 6 is the only missing number.
- A number other than the last number in the sequence missing makes the ballot paper informal.
- More than one blank box makes the ballot paper informal.
- A duplicated number or a number missing from the sequence makes the ballot paper informal.
- If the voter has included the number '0' (zero), the ballot paper is informal.
- Ticks, crosses, letters or other marks in the boxes are not indicators of preference and must be ignored.

Ballot Paper Sample District

Election of the Legislative Assembly

Number the boxes **1** to **4** in the order of your choice.

Number every box to make your vote count.

- CANDIDATE, One**
Sample Party Name
- CANDIDATE, Two**
Sample Party Name
- CANDIDATE, Three**
Sample Party Name
- CANDIDATE, Four**
Sample Party Name

Informal

The number '0' makes it informal.

Ballot Paper Sample District

Election of the Legislative Assembly

Number the boxes **1** to **8** in the order of your choice.

Number every box to make your vote count.

| | |
|---|---------------------------------------|
| 6 | CANDIDATE, One Sample Party Name |
| 2 | CANDIDATE, Two Sample Party Name |
| 4 | CANDIDATE, Three Sample Party Name |
| 1 | CANDIDATE, Four Sample Party Name |
| 3 | CANDIDATE, Five Sample Party Name |
| 5 | CANDIDATE, Six Sample Party Name |
| 7 | CANDIDATE, Seven Sample Party Name |
| 8 | CANDIDATE, Eight Sample Party Name |

Formal

The numbers
are consecutive.

Ballot Paper

Sample District

Election of the Legislative Assembly

Number the boxes 1 to 7 in the order of your choice.

Number every box to make your vote count.

7

CANDIDATE, One

Sample Party Name

✓

CANDIDATE, Two

Sample Party Name

2

CANDIDATE, Three

Sample Party Name

3

CANDIDATE, Four

Sample Party Name

4

CANDIDATE, Five

Sample Party Name

5

CANDIDATE, Six

Sample Party Name

6

CANDIDATE, Seven

Sample Party Name

Informal

There is no number '1'.

Ballot Paper

Sample District

Election of the Legislative Assembly

Number the boxes 1 to 5 in the order of your choice.

Number every box to make your vote count.

2

CANDIDATE, One

Sample Party Name

CANDIDATE, Two

Sample Party Name

1

CANDIDATE, Three

Sample Party Name

CANDIDATE, Four

Sample Party Name

CANDIDATE, Five

Sample Party Name

CANDIDATE, Six

Sample Party Name

Informal

More than one square has been left blank.

Ballot Paper

Sample District

Election of the Legislative Assembly

Number the boxes 1 to 4 in the order of your choice.

Number every box to make your vote count.

3

CANDIDATE, One

Sample Party Name

2

4

CANDIDATE, Two

Sample Party Name

1

CANDIDATE, Three

Sample Party Name

4

CANDIDATE, Four

Sample Party Name

Formal

The correction is clear.

Ballot Paper

Sample District

Election of the Legislative Assembly

Number the boxes 1 to 10 in the order of your choice.

Number every box to make your vote count.

3

CANDIDATE, One

Sample Party Name

5

CANDIDATE, Two

Sample Party Name

1

CANDIDATE, Three

Sample Party Name

8

CANDIDATE, Four

Sample Party Name

7

CANDIDATE, Five

Sample Party Name

9

CANDIDATE, Six

Sample Party Name

2

CANDIDATE, Seven

Sample Party Name

6

CANDIDATE, Eight

Sample Party Name

10

CANDIDATE, Nine

Sample Party Name

4

CANDIDATE, Ten

Sample Party Name

Formal

In the context of all the other numbers it is clearly the '4' that is in the last box.

1✓

CANDIDATE, One

Sample Party Name

2

CANDIDATE, Two

Sample Party Name

3

CANDIDATE, Three

Sample Party Name

4

CANDIDATE, Four

Sample Party Name

5

CANDIDATE, Five

Sample Party Name

Formal

While there is a tick, the number '1' is clear.

3

CANDIDATE, One

Sample Party Name

1

CANDIDATE, Two

Sample Party Name

2

CANDIDATE, Three

Sample Party Name

5

CANDIDATE, Four

Sample Party Name

--

CANDIDATE, Five

Sample Party Name

Informal

The sequence has been discontinued between '3' and '5' (there is no '4' indicated).

4

CANDIDATE, One

Sample Party Name

3

CANDIDATE, Two

Sample Party Name

2

CANDIDATE, Three

Sample Party Name

1

CANDIDATE, Four

Sample Party Name

Formal

The third number is '2' as the second is clearly a '3'.

4

CANDIDATE, One

Sample Party Name

2

CANDIDATE, Two

Sample Party Name

2

CANDIDATE, Three

Sample Party Name

1

CANDIDATE, Four

Sample Party Name

Informal

The second and third number cannot be distinguished.

Damaged ballot papers

Election officials may come across torn or cut ballot papers. If a ballot paper is cut or torn during processing by an election official, and there is no doubt that the different parts belong to the same ballot paper, they can be taped together and counted as one ballot paper.

If an election official is sure a voter had access to all candidate and party information on the ballot paper when recording their preferences, the ballot paper can be ruled 'formal' if it meets all other formality requirements.

If a ballot paper is torn across one of the boxes next to a candidate's name, but the preference in the box can still be understood, the ballot paper may still be deemed formal. See below for examples of damaged ballot papers.

Damaged district ballot papers

Ballot Paper
Sample District

Election of the Legislative Assembly

Number the boxes **1 to 10** in the order of your choice.
Number every box to make your vote count.

| | |
|----|---------------------------------------|
| 3 | CANDIDATE, One Sample Party Name |
| 5 | CANDIDATE, Two Sample Party Name |
| 1 | CANDIDATE, Three Sample Party Name |
| 8 | CANDIDATE, Four Sample Party Name |
| 7 | CANDIDATE, Five Sample Party Name |
| 9 | CANDIDATE, Six Sample Party Name |
| 2 | CANDIDATE, Seven Sample Party Name |
| 6 | CANDIDATE, Eight Sample Party Name |
| 10 | CANDIDATE, Nine Sample Party Name |
| 4 | CANDIDATE, Ten Sample Party Name |

Ballot Paper
Sample District

Election of the Legislative Assembly

Number the boxes **1 to 10** in the order of your choice.
Number every box to make your vote count.

| | |
|----|---------------------------------------|
| 3 | CANDIDATE, One Sample Party Name |
| 5 | CANDIDATE, Two Sample Party Name |
| 1 | CANDIDATE, Three Sample Party Name |
| 8 | CANDIDATE, Four Sample Party Name |
| 7 | CANDIDATE, Five Sample Party Name |
| 9 | CANDIDATE, Six Sample Party Name |
| 2 | CANDIDATE, Seven Sample Party Name |
| 6 | CANDIDATE, Eight Sample Party Name |
| 10 | CANDIDATE, Nine Sample Party Name |
| | CANDIDATE, Ten Sample Party Name |

Ballot Paper
Sample District

Election of the Legislative Assembly

Number the boxes **1 to 10** in the order of your choice.
Number every box to make your vote count.

| | |
|----|---------------------------------------|
| 3 | CANDIDATE, One Sample Party Name |
| 5 | CANDIDATE, Two Sample Party Name |
| 1 | CANDIDATE, Three Sample Party Name |
| 8 | CANDIDATE, Four Sample Party Name |
| 7 | CANDIDATE, Five Sample Party Name |
| 9 | CANDIDATE, Six Sample Party Name |
| 2 | CANDIDATE, Seven Sample Party Name |
| 6 | CANDIDATE, Eight Sample Party Name |
| 10 | CANDIDATE, Nine Sample Party Name |
| 4 | CANDIDATE, Ten Sample Party Name |

Formal

The official can discern all preferences.

Informal

The number 4 is missing and the official cannot be sure that it existed.

Formal

If the paper can be identified as being printed by the VEC the removal of the official's initials does not make the ballot paper informal.

Appendix 4: Electoral offences

Refer to the *Electoral Act 2002* (Vic) for electoral offences.

Offences that apply at all times

False information

It is an offence to provide orally or in writing any false or misleading information under the Electoral Act, or to make a declaration, application or claim which is false or misleading. Refer to section 148 of the Electoral Act.

A separate offence applies if the false or misleading information is provided for Part 12 of the Electoral Act.

This includes, but is not limited to:

- making a false statement in a candidate nomination declaration
- making a false statement when applying to register a how-to-vote card
- making a false declaration as to your identity
- providing false information when completing a vote declaration
- providing false enrolment information
- providing false information about the electors supporting a nomination, for example false addresses.

Indictable Offence

Penalty: 600 penalty units or 5 years imprisonment

It is an offence for a registered officer of a registered political party or a candidate to give a statement under Part 12 of the Act that contains information that the registered officer or candidate knows to be false or misleading. Refer to sections 218(1) and 218(2) of the Electoral Act.

Penalty: 300 penalty units or 2 years imprisonment

It is an offence for a person to provide false or misleading information to a person required to give a statement under section 218(5) of the Electoral Act.

Penalty: 300 penalty units or 2 years imprisonment

Forging

A person must not make or use a false electoral paper knowing it to be false, or forge the signature of any person on any electoral paper. Refer to section 149 of the Electoral Act.

An electoral paper includes a form prescribed by the Electoral Regulations 2022, or an application or declaration made under the Act.

Indictable Offence

Penalty: 600 penalty units or 5 years imprisonment

Bribery

A person must not give, or promise or offer to give, a benefit of any kind, including property, to a person in order to influence or affect that person's or any other person's election conduct. Refer to section 151(2) of the Electoral Act.

Conversely, a person must not ask for, receive or obtain (or offer or agree to do these things) a benefit of any kind, including property, from another person on an understanding that the person's election conduct will be influenced or affected. Refer to section 151(1) of the Electoral Act.

Indictable Offence

Penalty: 600 penalty units or 5 years imprisonment

Enter into or carry out a scheme

A person must not enter into or carry out a scheme with the intention of circumventing a prohibition or requirement under Part 12 of the Electoral Act. Refer to section 218B of the Electoral Act.

Indictable Offence

Penalty: 10 years imprisonment

Interference with political liberty

A person must not hinder or interfere with the free exercise or performance of any other person's political right or duty relevant to an election. Refer to section 152(1) of the Electoral Act.

Indictable Offence

Penalty: 600 penalty units or up to 5 years imprisonment

A person must not, by violence or intimidation, influence the vote of a person at an election. Refer to section 152(2) of the Electoral Act.

Indictable Offence

Penalty: 600 penalty units or up to 5 years imprisonment

Impersonation

A person must not pretend to be a VEC employee, Election Manager or election official in the performance of duties or the exercise of powers under the Electoral Act. Refer to section 160 of the Electoral Act.

Penalty: 10 penalty units

Misuse of enrolment and postal voter information

A person, party or organisation must not use enrolment information that is provided by the Commission (including copies of the electoral roll given to candidates) except for the purpose for which it was provided. Refer to section 36(1) of the Electoral Act.

For candidates, this purpose must be in connection with the election or monitoring the accuracy of the information on the electoral roll.

Penalty: 600 penalty units or six months imprisonment for an individual and 3000 penalty units for a body corporate

It is also an offence to disclose enrolment information except for the purpose for which it was provided. Refer to section 37(2) of the Electoral Act.

A person must not use enrolment information for a commercial purpose. Refer to 37(3) of the Electoral Act.

Penalty: 600 penalty units or six months imprisonment for an individual and 3000 penalty units for a body corporate

A person must not use or disclosure postal voter information that is provided by the Commission under section 104A unless it is for a purpose in connection with the election. Refer to section 104A(4).

Penalty: 600 penalty units or six months imprisonment for an individual and 3000 penalty units for a body corporate

Authorisation of electoral material

A person must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, an electoral advertisement, handbill, pamphlet or notice unless

- a. the name and address of the person who authorised the electoral advertisement, handbill, pamphlet or notice appears; and
- b. in the case of an electoral advertisement, handbill, pamphlet or notice that is printed or published otherwise than in a newspaper, the name and place of business of the printer or publisher appears. Refer to section 83(1) of the Electoral Act.

Penalty: 10 penalty units for an individual or 50 penalty units for a body corporate

Authorisation of how-to-vote cards

A person must not print, publish or distribute or cause to be printed, published or distributed a how-to-vote card unless it contains the name and address of the person who authorised it and the name and place of business of the printer or publisher. Refer to section 83A(1) of the Electoral Act.

Penalty: 10 penalty units for an individual and 50 penalty units for a body corporate

Headings of electoral advertisements

Newspaper proprietors must ensure that all paid paragraphs or articles containing electoral matter that appear in their newspapers are headed by the word 'Advertisement'. Refer to section 85 of the Electoral Act.

Penalty: 5 penalty units for an individual and 25 penalty units for a body corporate

Misuse of election information

Parties and independent elected members can receive election information about electors who voted, whether they voted personally or by post, and which voting centre they voted at (where applicable). This information contains the names and addresses of the voters, unless they are a silent or itinerant voter. Refer to section 123(2) of the Electoral Act.

A person must not use or permit the use of electoral information for any purpose other than in connection with an election. Refer to section 123(4) of the Electoral Act.

Penalty: 600 penalty units for an individual and 3000 penalty units for a body corporate

Unlawful donations

A person must not knowingly make or accept a political donation that is unlawful under the Electoral Act. Refer to section 218(5A) of the Electoral Act.

A donation may be unlawful if:

- the donor is not an Australian citizen, Australian resident or does not have a relevant business number (if not a natural person)
- the donation is equal to or above the disclosure threshold and made anonymously
- the donation exceeds the general cap and the recipient knows or should have reasonably known that the donation exceeds the general cap.

Penalty: 300 penalty units or 2 years imprisonment

Donation disclosure offences

A person who receives a political donation equal to or more than the disclosure threshold and fails to disclose that donation via the VEC's online disclosure system within 21 days of receiving the donation is guilty of an offence. Refer to section 218A(1) of the Electoral Act.

Penalty: 200 penalty units

A person who provides or discloses a donation via the VEC's online disclosure system that contains information that the person knows is false or misleading is guilty of an offence. Refer to section 218A(2) of the Electoral Act.

Penalty: 300 penalty units or 2 years imprisonment

It is an offence for a person to provide false or misleading information to a person required to provide a donation disclosure or annual return. Refer to section 218A(3) of the Electoral Act.

Penalty: 300 penalty units or 2 years imprisonment

A person who makes or obtains a record that includes details which are, or could be, required to be disclosed in a donation disclosure or an annual return must retain the record for at least 4 years after the disclosure or annual return is provided to the Commission. This does not apply where records are transferred in the normal course of business administration. Refer to section 218A(4) of the Electoral Act.

Penalty: 200 penalty units

Offences that apply between the issue of the writs and 6 pm on election day

Misleading or deceptive matter

A person must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any matter or thing that is likely to mislead or deceive an elector in relation to the casting of the vote of the elector. Refer to section 84(1) of the Electoral Act.

The Courts have interpreted this section to concern misleading or deceptive conduct which might affect the process of casting a vote rather than the formation of the political judgment about how the vote will be cast. That is, the section concerns conduct that is likely, for example, to lead a voter to make an invalid vote or to record a valid vote but not for the candidate or candidates of the voter's choice.

The Electoral Act does not regulate the truthfulness of political messages or claims in election material, except where it is likely that the message or claim misleads or deceives voters in relation to casting their vote.

If you are unsure, seek independent legal advice.

Examples of a thing which is likely to mislead or deceive an elector includes:

- a statement that a person who wishes to support a particular party should vote for a particular candidate, when that candidate in fact does not belong to that party. For example: "Vote for Candidate A and you'll get Party B" where Candidate A is not endorsed by or in coalition with Party B.
- representing a candidate endorsed by a political party as an independent
- representing an independent as being endorsed by a political party
- a sign which instructs that the only way to cast a valid vote is to vote for a particular party
- providing incorrect information about the hours and place of a voting centre.

In contrast, statements like "Vote 1 for Candidate A, your true local candidate" where Candidate A does not live or work locally, is unlikely to fall within the narrow definition of misleading under section 84 of the Electoral Act.

A person must also not print, publish or distribute or cause, permit or authorise to be published or distributed any electoral advertisement, handbill, pamphlet or notice that contains an image or representation of a ballot paper for the election which is likely to make a voter mark their ballot paper in a different way to the ballot paper instructions which may result in the vote made being informal.

Examples of where material may be in breach of section 84(2) include:

- giving misleading or incomplete instructions for how to correctly complete the ballot paper
- telling voters to tick boxes or indicate their preferences using letters of the alphabet
- leaving boxes blank on a representation of a district ballot paper.

Penalty: 600 penalty units or up to 5 years imprisonment

Tampering

A person must not open any sealed envelope containing a ballot paper or deal with ballot material, unless authorised by or under the Act. Refer to section 153 of the Electoral Act.

This includes a person opening posted ballot material which is not addressed to that person.

Penalty: 600 penalty units or up to 5 years imprisonment

Secrecy of vote

Except as authorised under the Act, a person who is present when an elector votes must not ascertain or disclose the elector's vote, attempt to induce the elector to show how the elector intends to vote, communicate with the elector during voting, or look at the elector's vote. Refer to section 154 of the Electoral Act.

Penalty: 120 penalty units or one year imprisonment

Distribution of printed electoral material (how-to-vote card)

It is an offence to print, publish, or distribute a how-to-vote card which has not been registered and which suggests that it has been registered with the Victorian Electoral Commission. Refer to section 156(2) of the Electoral Act.

Penalty: 60 penalty units or six months imprisonment

Compulsory voting

Voting is compulsory for all electors, including candidates, for the electorate for which they are enrolled. Refer to section of 166 and 170 of the Electoral Act.

An elector may have a valid and sufficient excuse for not voting.

Penalty: Half a penalty unit if paid as an infringement penalty, otherwise one penalty unit.

Voting offences

A person must not vote in the name of another person (including a dead or fictitious person), vote more than once, or apply for a ballot paper in the name of another person. Refer to section 150 of the Electoral Act.

Indictable Offence

Penalty: 600 penalty units or 5 years imprisonment

Offences that apply at a voting centre

These offences may apply in respect to early voting centres, mobile voting centres and election day voting centres.

Interference with political liberty

A person must not subject any person, who within 100 metres of the entrance of a building used as a voting centre is handing out how-to-vote cards or supporting a candidate at an election, to violence or intimidation. Refer to section 152(4)(5) of the Electoral Act.

Indictable Offence

Penalty: 600 penalty units or up to 5 years imprisonment

Conduct near voting centres

The following acts are prohibited within 6 metres of the designated entrance of, or within, the building used as a voting centre during voting hours:

- canvassing for votes
- asking for the vote of any elector
- inducing any elector not to vote for any particular candidate, or not to vote at the election
- exhibiting any notice or sign (other than an official notice) relating to the election
- conducting an exit poll
- if the person is a scrutineer, or is employed or appointed by the VEC, wearing any badge, emblem or slogan of a candidate or political party. Refer to section 158 of the Electoral Act.

Penalty: 5 penalty units

Exhibition of notice or sign

A person must not exhibit any notice or sign in relation to the election within 100 metres of the designated entrance of a voting centre except as provided by the Electoral Act. Refer to section 158A(2) of the Electoral Act.

Each candidate – whether they are an endorsed candidate or independent – must not display more than 2 signs.

Political parties must not display more than 2 signs (in addition to those displayed by their candidates).

All signs and notices must not exceed 600 mm by 900 mm.

These rules do not apply to official notices or signs, such as those of the VEC.

Penalty: 5 penalty units

Prohibition of use of public address system

A person must not, during the hours of voting, use any loudspeaker, public address system, amplifier or other device to disseminate something to affect the result of the election, or make any public demonstration about an election, within 400 metres of the entrance of, or within the building used as, a voting centre. Refer to section 159 of the Electoral Act.

Penalty: One penalty unit

Offences that only apply on election day

Distribution of printed electoral material (within 400 metres)

A person may not distribute printed electoral material other than registered how-to-vote cards within 400 metres of the entrance of, or within the building used as, a voting centre on election day. Refer to section 156(1) of the Electoral Act.

Penalty: 60 penalty units or six months imprisonment

Prohibition of public dissemination of exit poll results

A person may not, during the hours of voting, publicly disseminate (or cause, permit or authorise the public dissemination) of the results of an exit poll carried out at an election day voting centre. Refer to section 155 of the Electoral Act.

Penalty: 60 penalty units or 6 months imprisonment

Injunctions

If a person has engaged, is engaging, or is proposing to engage in any conduct that would constitute a contravention of the Act (or any other law of Victoria in its application to elections), the Supreme Court may, on the application of a candidate or the VEC, grant an injunction restraining the person from engaging in the conduct.

Similarly, if a person has refused or failed, is refusing or failing, or is proposing to refuse or fail to do an act or thing and the refusal or failure was, is, or would be, a failure to comply with the Act (or any other law of Victoria in its application of elections), the Supreme Court may, on the application of a candidate or the VEC, grant an injunction requiring the person to do that act or thing. Refer to section 176 of the Electoral Act.

Appendix 5: Glossary of terms

| Term | Meaning |
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| Authorised period | The period on election day prior to the close of voting that allows for the extraction and sorting of votes. This is 10 hours prior to the close of voting. |
| Candidate | <p>A person who is nominated under section 69 of the Electoral Act to stand for election to Parliament.</p> <p>For political donation disclosures and reporting under Part 12 of the Electoral Act:</p> <ul style="list-style-type: none"> • a person who has been selected by a registered political party to be a candidate in an election; or • a person other than a member of a registered political party, who has publicly announced an intention to be a candidate in an election. |
| Canvassing | Campaigning for votes at an election for a candidate or political party. |
| Close of roll | The last day to enrol or update enrolment details prior to an election. |
| Declaration vote | Votes that require a written declaration by the voter. There are several types of declaration vote: postal vote, provisional vote and a vote by an elector whose name on the roll has already been marked. |
| Designated entrance to voting centre | The nominated entry point to a voting centre as specified by the VEC. A voting centre can have more than one designated entrance. |
| District | An electorate for the Legislative Assembly. There are 88 districts, each electing one member. There are 11 districts in a region. |
| Early vote | Electors can vote before election day at an early voting centre. |
| Early voting centres | <p>Types of early voting centres:</p> <ul style="list-style-type: none"> • static early voting centres where an eligible elector can vote up to 6 pm on the day before election day (either in Victoria, interstate, or overseas) • mobile voting facilities to assist electors to cast a vote. The voting is mobile because election officials move around the premises and issue votes directly to patients or residents. Mobile voting centres operate for a scheduled period. <p>The Electoral Commissioner appoints early and mobile voting centres for each election.</p> |
| Election | Means a general election, a by-election, a supplementary election, or a re-election. |

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| Election day | The day named as the election day on the Writ for an election. |
| Election Manager | A senior election official appointed by the Electoral Commissioner to conduct an election for an electorate. |
| Election office | The location from where the Election Manager conducts the election for a district. |
| Election official | A person appointed by the Election Manager to assist the voting centre manager with voting and counting at an election day voting centre. |
| Election period | In relation to election expenditure and political donations, means the period commencing on the day after election day of a general election and ending on election day of the subsequent general election. |
| Elector | A person whose name appears on the electoral roll for the election. |
| Electoral Act | <i>Electoral Act 2002</i> (Vic) |
| Electoral Commissioner | A person appointed by the Governor-in-Council to be responsible for the administration of electoral law in Victoria. The Electoral Commissioner is the Chief Executive Officer of the VEC with the power to appoint Election Managers, voting centres, and early voting centres. |
| Electoral expenditure | Electoral expenditure (as defined in section 206 of the Electoral Act) incurred in relation to an election within the period of 12 months immediately before election day. |
| How-to-vote card | Any electoral material that: <ul style="list-style-type: none"> includes a representation of a ballot paper, including partial or purported partial representations of a ballot paper or lists the names of any or all of the candidates for an election with a number indicating an order of voting preference against the names of any or all of those candidates. |
| Independent candidate | A candidate not endorsed by a registered political party. |
| Mobile billboard | Any billboard that is capable of being displayed while being transported by any means. This includes billboards attached to vehicles such as bicycles or cars, vehicles that are painted or vinyl wrapped, as well as billboards that can be worn by a person or animal. It does not include stickers on vehicles which are permitted under 158(4)(a) of the Electoral Act. |
| Ordinary vote | A vote cast at a voting centre in the elector's own district on election day. |
| Party/candidate worker | A person who assists a candidate by distributing how-to-vote cards or other electoral material outside a voting centre. |

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| Penalty unit | <p>A unit used to define the amount payable for fines for many offences recorded in Victoria's Acts and Regulations. The dollar amount of a penalty unit is released on 1 July every year.</p> <p>vec.vic.gov.au/candidates-and-parties/funding/funding-glossary</p> |
| Political expenditure | Expenditure for the dominant purpose of directing how a person should vote, by promoting or opposing the election of any candidate, registered political party or elected member. |
| Provisional vote | A vote issued to a person who claims to be entitled to vote at an election and the name of that person is not on or cannot be found on, the electoral roll. |
| Publish | To publish by any means, including by publication on the internet. |
| Recheck | The standard procedure undertaken by an Election Manager when ballot papers are re-examined for formality and correct sorting. Should not be confused with the term 'recount'. |
| Recount | A re-examination and count of all formal and informal ballot papers before the declaration of an election. |
| Region | An electorate for the Legislative Council. There are 8 regions, each electing 5 members comprising 11 districts. |
| Registered officer | The person whose name appears on the Register of Political Parties for a party. |
| Registered political party | <p>A political party that is registered with the VEC on the Register of Political Parties.</p> <p>Registration entitles a political party to have the registered party details, including a registered logo, placed next to its candidate(s) names on district ballot paper(s) or above the group name above the line on region ballot paper(s). Further information can be found at: vec.vic.gov.au/candidates-and-parties/register-a-party</p> |
| Relevant period | In relation to an election, means the period that starts on the day on which the writ is issued for the election and ends at 6 pm on election day. |
| Restricted zone | The area established under section 110J (6) of the Electoral Act that allows early and postal vote extraction and sorting to take place prior to the close of voting to ensure the security and secrecy of the process. |
| Scrutineer | A person appointed by a candidate to observe certain procedures on the candidate's behalf at an election. Scrutineers are permitted to observe voting, scrutiny and counting procedures during an election. |
| Silent elector | A silent elector's address details are not included on the roll because of a request made under section 31 of the Electoral Act. The elector's address is listed on the roll as 'address suppressed' because they have declared that having their address details on the roll would place their safety, or their family's safety, at risk. |
| Telephone assisted voting | A secure voting facility provided by the VEC for electors prescribed by the regulations to use this service. |

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| Victorian Electoral Commission (VEC) | The VEC is responsible for the conduct of state Parliamentary elections. In addition, it is responsible for the conduct of local government elections. The VEC is established under section 6 of the Electoral Act. |
| Voting centre | A venue appointed by the VEC for voting at an election as an early voting centre, a mobile voting centre, or an election day voting centre. |
| Writ for election | An order by the Governor or Speaker of the Legislative Assembly to the Electoral Commissioner that an election be held. The writ specifies key election dates. |