

Local council elections

Candidate handbook

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Glossary

Election personnel

Candidate	A person who has nominated to contest an election.
Chief executive officer (CEO)	The person appointed under the <i>Local Government Act 2020</i> (Vic) by a council to be its chief executive officer or any person acting in that position.
Councillor	A person who holds the office of member of a council.
Electoral Commissioner	The statutory officer appointed by the Governor-in-Council with responsibility for the proper conduct of parliamentary and local council elections.
Election manager	The person appointed by the Electoral Commissioner to be responsible for the administration of a council election.
Election official	A person appointed by the VEC to work at an election.
Scrutineer	A person appointed by a candidate to represent the candidate during electoral activities and make sure the election is conducted according to the law.

Election terms

The Act	The <i>Local Government Act 2020</i> (Vic).
Ballot pack	For a local council election, the VEC mails each voter an envelope with all the ballot materials the voter needs. It includes: <ul style="list-style-type: none"> • a ballot paper • candidate statements, photographs and voting instructions • a multi-language leaflet for selected councils • a ballot paper envelope with a detachable declaration flap the voter must sign • a reply-paid envelope to post the sealed ballot paper envelope in.
Ballot paper	The official paper listing the names of all the candidates contesting the election on which the voter records their preferences for each candidate in the election.
Ballot paper envelope	The envelope the voter puts their completed ballot paper in. The envelope includes a detachable flap containing the name and address of the voter. The voter is required to sign a declaration on the flap.

Body corporate/corporation	A person, association or group of people legally incorporated in a corporation as registered with ASIC. A body corporate has either an Australian Business Number (ABN) or Australian Company Number (ACN).
By-election	An election to fill an extraordinary vacancy on a council.
Candidate questionnaire	A prescribed non-compulsory questionnaire candidates can complete which is posted on the VEC website.
Candidate statement	A personal statement and photograph candidates provide that is part of the ballot pack. It includes the statement text and candidate photograph.
Chief executive officer's (CEO's) list	The list of people who are entitled, and have applied, to vote in a council election where they are not a State-enrolled elector (such as owners of rateable property that is not their primary residence). This list is maintained by the council.
Close of roll	The last date people can apply to be enrolled or update their enrolment for the voters' roll.
Computer count	The electronic counting of votes after ballot paper preferences are manually entered by an election official.
Council	A local government authority as defined and set out in the Act. There are 79 councils in Victoria.
Countback	The method used to fill an extraordinary vacancy in a multi-councillor ward or unsubdivided council until there are no more candidates left. If an extraordinary vacancy occurs when there are no candidates remaining, a by-election will be held.
Election day	The day of an election, fixed under the Act. For elections held entirely by postal voting, there is no voting on election day.
Election Management System (EMS)	The VEC's computerised election management system. EMS is used by election managers to capture election data such as nominations, candidate statements, questionnaires, and photographs. Results data is also entered directly into EMS.
Election office	The location where the election manager conducts the election. There is one election office for each council's election. Details of each election office will be on the VEC website at vec.vic.gov.au and in election advertisements.
Election period	The 39-day period that starts when nominations close and ends at 6 pm on election day.
Electoral material	Any advertisement, handbill/flyer, pamphlet or notice that contains electoral matter. This does not include newspaper advertisements announcing the holding of a meeting.

Electoral matter	<p>Anything intended to (or likely to) affect voting in an election including express or implicit references to, or comment on:</p> <ul style="list-style-type: none"> • the election or • a candidate in the election or • an issue submitted to, or otherwise before, the voters in connection with the election. <p>It does not include any electoral material produced by or on behalf of the election manager to help in conducting an election.</p>
Electoral offences	<p>Electoral offences include, but are not limited to:</p> <ul style="list-style-type: none"> • bribery in its various forms • multiple voting in a single election • intimidation of a voter or interference with a voter's political liberty • unlawful opening of ballot material • violation of secrecy of the vote by a person present when a voter casts their vote.
Extraordinary vacancy	An extraordinary vacancy occurs when a councillor ceases to hold the office of councillor. This may be due to resignation, death, or other reasons.
Local Government Inspectorate (LGI)	The Local Government Inspectorate (LGI) investigates alleged offences under the Act, including electoral offences. LGI's role in elections is to receive, assess and investigate offences related to electoral provisions of the Act. This may involve candidates, community groups and voters.
Local Government Victoria (LGV)	Local Government Victoria, or LGV, is the State government agency responsible for administering local government legislation and policy on behalf of the Minister for Local Government.
Municipality	An area defined under legislation which is administered exclusively by a single council for the purposes of the Act.
Newspaper leading article	A principal editorial article in a newspaper (also known as a leader).
Nomination	The process by which a person becomes a candidate at an election.
Nomination day	The last day a person can lodge their <i>Nomination form</i> with the election manager.
Nomination form	The form that a person must complete and lodge in the presence of the election manager to become a candidate. The content of the form is defined in regulation 24 of the Regulations.
Nomination period	The period during which a person can lodge their <i>Nomination form</i> . It begins at 9 am the day the voters' roll is certified and ends at 12 noon on nomination day.
Notice of election	A public notice of the election and call for nominations. It must be published no less than 50 days before election day.

Publish	To publish by any means including print, audio-visual or electronic.
Recount	A re-examination and count of one or more parcels of ballot papers by an election manager before the declaration of the result.
The Regulations	The <i>Local Government (Electoral) Regulations 2020</i> (Vic).
Unsubdivided council	A council not divided into wards.
Victorian Civil and Administrative Tribunal (VCAT)	The body empowered to hear appeals against administrative decisions made by certain agencies, including the VEC. VCAT also hears disputes for local council elections under the Act.
Victorian Electoral Commission (VEC)	The Victorian Electoral Commission (VEC) is responsible for the conduct of parliamentary and local council elections in Victoria. The Electoral Commissioner is the head of the VEC.
Voter	A person enrolled to vote at a local council election.
Voters' roll	A list of the names and addresses of people who can vote in the election. The certified voters' roll is a merger of the CEO's list provided by council with the Electoral Commissioner's list of State electors in that council area. A voters' roll is created for each individual election.
Ward	A subdivision of a council. In subdivided councils, one or more councillors are elected to represent each ward.

Introduction

This handbook is for anyone who wishes to nominate as a candidate in a local council election or by-election in Victoria. The Victorian Electoral Commission (VEC) administers these elections and has produced this resource.

The handbook outlines the electoral law that directly relates to candidates. It is not a substitute for the law and should be read in conjunction with the Act and the Regulations. You can access current Victorian legislation at legislation.vic.gov.au

We strongly encourage you to make an appointment with the election manager of your council early in the nomination period. You can book your nomination appointment by calling the Candidate Services team on (03) 8620 1316 or by calling the election office directly from the first day nominations open.

The Candidate Services team can also help you to use our Candidate Helper tool. Candidate Helper is available online at vec.vic.gov.au to pre-complete your nomination, candidate statement, photograph and questionnaire lodgement forms. To save you time, we strongly encourage you to use to Candidate Helper to prepare your forms and lodge them together at one appointment.

Councils may choose to hold an information session for anyone wishing to nominate in the election. A series of videos that cover the same information will also be available on the VEC website at vec.vic.gov.au/candidates-and-parties/becoming-a-local-council-candidate. A *Candidate information kit* with important handbooks and forms for you and your scrutineers will be available online at vec.vic.gov.au and from the election office.

Please remember that while the VEC will provide you information on how to become a candidate, we cannot provide legal advice. We encourage you to seek independent legal advice on your position, eligibility, and other relevant matters.

It is your responsibility to make sure you comply with all electoral law.

The local council elections timeline is defined in the *Local Government Act 2020* (Vic) (the Act) and the *Local Government (Electoral) Regulations 2020* (Vic) (the Regulations).

The election timeline is on the VEC website at vec.vic.gov.au

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Candidate timeline



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1. Nominating as a candidate

Overview

The chapter explains the eligibility requirements all local council candidates must meet and has information on how to nominate, including how to prepare your *Nomination form* using Candidate Helper.

1.1 Eligibility to nominate

Please read sections 34 and 256 of the *Local Government Act 2020* (the Act) for more detail on candidate eligibility. We strongly encourage you to do this before completing your nomination form. It is your responsibility to make sure you are qualified to be a candidate. Seek legal advice if you are unsure.

Qualifications

You are eligible to nominate as a candidate if you are:

- 18 years or older
- an Australian citizen
- enrolled on the voters' roll for the council you wish to nominate in
- not disqualified from being a councillor (see [Disqualifications](#)).

British subjects who were on an Australian electoral roll between 26 October 1983 and 26 January 1984 are also eligible to nominate.

You must complete the mandatory Local Government Candidate Training before submitting your nomination form. This training is provided by Local Government Victoria (LGV) and not the VEC. You can find more information at localgovernment.vic.gov.au/council-governance/candidate-training

If you are not eligible to nominate or have not completed the mandatory training, the election manager must reject your nomination.

Disqualifications

You cannot nominate as a local council candidate or become a councillor if you:

- are a member of an Australian Parliament, including the Federal Parliament or a Parliament of a state or territory of the Commonwealth of Australia.
- are employed as a ministerial officer, parliamentary adviser or an electorate officer (however designated) by a member of an Australian Parliament. This includes Federal Parliament or a Parliament of a state or territory of the Commonwealth of Australia (unless you have taken leave from that office or position for the election period)

- are a councillor of another council, including interstate councils
- are a member of council staff of the council (unless you have taken leave from that office or position for the election period)
- are an undischarged bankrupt
- have property that is subject to control under the law relating to bankruptcy
- have been convicted of any of the offences referred to in section 34(2) of the Act
- are currently disqualified for any of the reasons referred to in the *Local Government Act*
- are otherwise incapable of becoming or continuing to be a councillor.

1.2 Enrolment conditions

To nominate for a local council election, you must be on the voters' roll of the council you wish to nominate in. You can join the council roll in 2 different ways: by being on the State roll (referred to as a state-enrolled voter) or the Chief Executive Officer's list (CEO's list) of each council (referred to as a council-enrolled voter).

State-enrolled voters are eligible to vote in Victorian State elections and local council elections. Enrolment on the CEO's list is a special enrolment category that only applies at local council elections.

Make sure your enrolment details are up to date before you begin the nomination process. You must be correctly enrolled before the close of roll. Late enrolment changes cannot be accepted.

This section explains who can be on the roll for a local council election.

Who can enrol (state-enrolled voters)

You must enrol to vote if you:

- are an Australian citizen
- are 18 years or older, and
- have lived in Victoria for longer than a month.

Who can apply to enrol (council-enrolled voters)

Each council maintains a CEO's list. This list is made up of voters with additional enrolment entitlements. We refer to these people as council-enrolled voters.

Council-enrolled voters include ratepayers who are property owners, occupiers or corporations. Non-Australian citizens can enrol as a council-enrolled voter.

You have a council-enrolment entitlement if you are:

- 18 years or older
- a property owner, occupier or represent a corporation
- not a State-enrolled voter within the council area.

If you meet all these conditions for a council you are not already enrolled in, you can contact the council directly to enrol. The VEC does not manage the CEO's list and cannot add anyone to it.

You cannot stand for election if you are not enrolled in that council. If you're not sure which council you are entitled to enrol in you can look up your entitlement address on the VEC website at vec.vic.gov.au/electoral-boundaries/which-boundaries-cover-where-i-live

It is compulsory for all enrolled voters to vote.

Entitlement limitations

If you are a State-enrolled voter in the council you wish to nominate in, you cannot join the CEO's list for that council. This is regardless of any additional entitlements you may hold.

Limits on council enrolment

For any council entitlements, only 2 people per property can join the CEO's list.

You should contact your council with any questions about your CEO's list eligibility.

How to enrol

To enrol, or check or update your state enrolment, visit the VEC website at vec.vic.gov.au/enrolment. You must enrol, or update your enrolment, before the close of roll.

To apply for council enrolment, you must contact your council directly and apply before the close of roll. Council contact details are on each council profile on the VEC website at vec.vic.gov.au/electoral-boundaries/local-councils

1.3 Mandatory local government candidate training

All local council candidates must complete the Local Government Victoria (LGV) local government candidate training. This training is required even if you are currently or have already been a councillor. Training must have been completed within 2 years before election day in order to be valid. You must have already completed the training at the time you lodge your nomination.

Previously, some candidates have confused the prescribed candidate training with the VEC's candidate information sessions or training courses from third-party providers. Make sure you have completed the correct training course on the LGV website at localgovernment.vic.gov.au

You must provide the time and date you completed the training when submitting your nomination form. Please bring a copy of the completion certificate to your nomination appointment for the election manager to check that you have completed the correct training.

If you have not completed this training by the time you nominate, you are not eligible to nominate as a councillor. If we receive information indicating that you have not completed the training, we will ask you to provide evidence of completion. If you do not provide satisfactory evidence, you may be retired from the election (see [Retirement of a candidate](#)).

For more information on this mandatory training, contact LGV or visit localgovernment.vic.gov.au

1.4 How to nominate

To nominate, you must complete and lodge a *Nomination form*. You can prepare your nomination form:

- online using our Candidate Helper tool – this is the fastest and easiest way to complete your *Nomination form*
- by picking up a hard-copy form from the election office.

You must lodge your nomination form by appointment with the election manager of the council you are nominating in.

You can book your nomination appointment by calling the VEC's Candidate Services team or the election office directly from the first day nominations open. Phone numbers for the election office will be listed on the VEC website.

If you do not make an appointment, you may have a significant wait for an election official to be available to process your nomination. We highly recommend booking an appointment to avoid delays. We encourage you to make a single appointment to lodge your nomination, statement text and photograph, and questionnaire together. This is the most efficient option.

 You must lodge your *Nomination form* by 12 noon on the day nominations close.

Late nominations cannot be accepted.

You can use the checklist in [Appendix 2. Nomination checklist](#) to help you prepare and lodge your nomination.

Candidate Helper

The online Candidate Helper tool guides candidates through each part of the *Nomination form*, as well as your candidate statement, photograph and questionnaire.

A link to Candidate Helper will be available on the VEC website 2-3 weeks before the opening of nominations.

When you have entered all your details you can save your information and generate a pre-completed *Nomination form* to print. You must print your *Nomination form* before your nomination appointment. You will not be able to use any printers at the election office.

To use Candidate Helper, you will need to create an account with your email address and a password. You can save your nomination, statement, photograph and questionnaire progress and return by logging into your Candidate Helper account.

Candidate Helper includes a 'Help' page you can refer to if you have any difficulties. You can also telephone the Candidate Services team on 03 8620 1316 for further assistance if needed. The Candidate Services team may also contact you if you start filling out a *Nomination form* but do not complete it.

Using Candidate Helper does not submit and approve your nomination. You must still attend an appointment with the election manager at the relevant election office with your completed nomination form and nomination fee.

Paper *Nomination forms*

You can get a paper nomination form in the *Candidate information kit* from us before the nomination period begins. Contact the Candidate Services team on 03 8620 1316 to request a *Candidate information kit*.

You can also pick up a *Candidate information kit* from the election office.

Forms completed by hand are entered into our Election Management System during your nomination appointment. Because of this there may be a significant wait time if you nominate with a hand-written form, especially on the final day of nominations.

Completing the *Nomination form*

When you nominate you must provide:

- your full name
- the address at which you are enrolled
- your residential and postal addresses (if different from enrolled address).

If you have changed your name from the name that appears on the voters' roll, you must attach evidence of the change of name to your *Nomination form*.

You cannot nominate for more than one council or ward. Any nominations for multiple elections to be held on the same day are void.

You should carefully check your public contact details before your nomination appointment. Once these details are published on the VEC website it is not possible to make any changes.

You must sign the first page of the *Nomination form* after checking all your details are correct. The signature on the second page is the candidate's declaration and must be signed in the presence of the election manager. If you have already signed this before your nomination appointment, you will need to sign it again.

The election manager will give you an opportunity to confirm your nomination details have been correctly entered into our Election Management System before your nomination is finalised.

Penalties for incorrect nomination information

There are strict penalties for providing false or misleading information or submitting an unlawful nomination. See [6.1 Election offences](#) for detailed information on election offences.

Candidate name on ballot paper

The Nomination form confirms how your name will appear on the ballot paper.

The best way to ensure that your name appears on the ballot paper as you would like is to update your details on the voters' roll. To find more information about updating your enrolment, see [1.2 Enrolment Conditions](#). If you wish to update your enrolment before nominating, you must do so before the close of roll.

You may use an acceptable alternative to your full given name as it appears on the voters' roll. Acceptable alternatives include:

- initials standing for that name. For example, S. Williams instead of Sarah Williams
- a commonly accepted variation of that name, including an abbreviation or an alternative form of that name. For example, Tom instead of Thomas, or Peg instead of Margaret.
- a name you are commonly known by, but is not your legal first name. For example, a middle name or an Anglicised first name. You must provide evidence with your Nomination form that confirms you are publicly known by the name.
 - Acceptable evidence may include, for example, a business card or ID card, work email address, news publication or utility bill.
 - Social media profiles or posts are not sufficient evidence to demonstrate that you are known by a different name.

If the evidence is not satisfactory, you may be required to use your enrolled name on the ballot paper.

You may only use a different family name (surname) from the one that appears on the voters' roll if you can demonstrate that you have changed your name. You must provide evidence in the form of a legal document, such as a government-issued ID card or a certificate from the Victorian Registry of Births, Deaths and Marriages. Please note that a decorative marriage certificate is not acceptable legal evidence.

If you have changed your family name, we strongly encourage you to update your enrolment before the close of roll.

Your name will appear on the ballot paper in the format:

FAMILY NAME, First name

Or:

FAMILY NAME, F. Name

Or:

FAMILY NAME, F. N.

When specifying how you want your name to appear on the ballot paper, you must:

- print your FAMILY NAME and any INITIALS, in capitals (for example SMITH, T. E.):
 - if the family name normally has any lower-case letters or special characters such as accents, please specify them clearly on the form (for example, McALISTER, van LEW or GLASÉ)
 - make sure any initials include a full stop and a space between each initial if there are more than one (for example, T. E.)
- print your given names in title case (e.g. McALISTER, John P. or de FRIES, Joan Anne).

No affiliations or allegiances (for example ALP, Liberal, Australian Greens), titles (for example Dr., Prof.), professional memberships (for example FRACP, CPA, MIPAA), qualifications (for example PhD, MA, DipEd), or honours (for example AO, PSM, OBE) are allowed to appear on the ballot paper beside any candidate's name.

Candidate Helper will help you format your name for your *Nomination form*. If your name needs a special character like an accent applied to a letter, you must inform the election manager during your nomination appointment.

Candidate not on voters' roll

The election manager must reject your nomination if you cannot be located on the voters' roll for the election. There is no recourse to fix this after the roll has closed.

❗ Important: Make sure your enrolment details are up to date before the close of roll for the election.

Candidate contact details

You must provide at least one method for the VEC to contact you: mobile phone, alternate phone and/or email address. You must designate one of these as your preferred short-notice contact.

If you provide an email address, we will use this for regular communications from the election manager with important updates. We will also use this email address to contact you about accessing the voters' roll.

If you do not provide an email address, you will not be able to access the voters' roll.

Candidate contact person

You may choose to provide a name, telephone number and/or email address that will be published on the VEC website and accessible to the public. The contact person can be you, or you can provide the name and contact details of another person.

If you give the name and contact details of another person, make sure you tell them that their details will be publicly available.

Nomination fee

You must bring your nomination fee of \$250 to your nomination appointment. You must pay this fee in cash or by a cheque drawn on a bank, building society or credit union. The VEC cannot accept online or electronic payments, personal cheques or money orders.

Cheques must be made payable to the Victorian Electoral Commission.

❗ Important: This must be paid in person when you lodge your nomination form. There is no other way to pay this fee.

Lodging your nomination at the election office

When you arrive at the election office for your appointment, a staff member will check that you have your completed *Nomination form* and have brought the nomination fee with you.

The election manager will check your *Nomination form* to ensure it is complete. If there are any issues with missing or incorrect information, the election manager will discuss these with you. You must initial any changes you make to your *Nomination form*.

The election manager will enter your *Nomination form* information into our Election Management System and will give you an opportunity to review it to check it is the same as what is on your *Nomination form*.

Once your nomination is confirmed as lodged at the election office, the VEC will conduct further checks. If we identify an issue, we will contact you to ask you to resolve it.

Candidate lodgement record

Appendix 1. Candidate lodgement record is your record of the documents you have submitted to the election manager in your nomination appointment. You may complete and retain the form as evidence of the completed process, but it is not mandatory.

Accessing the voters' roll

After the close of nominations, you may request access to the voters' roll for the council or ward you are nominated in. This is to help you conduct your election campaign. You must provide an email address on your nomination form if you wish to access the voters' roll.

We will give you a copy of the roll using the VEC's secure data exchange server (DEX). We will email you instructions on how to use the data exchange program once the nomination period has ended. You will need to sign a declaration that you understand the roll data must only be used for campaign purposes and that you must not misuse or fail to return or destroy the voters' roll before you receive access.

❗ You must return or destroy the roll you receive and any copies you make of it within 30 days of election day.

Contact the Candidate Services team on 03 8620 1316 to discuss returning your voters' roll.

There are severe penalties for misusing or failing to return or destroy the voters' roll. See [6.1 Election offences](#) for more details.

List of candidates

A summary of candidates, including the contact details for each candidate, will be updated at the end of each business day during the nomination period. This information will be displayed at the election office and on the VEC website.

Ballot draw

The order that candidates' names appear on the ballot paper is determined by a computerised random draw after nominations close for an election.

The randomness of the computerised draw has been independently audited. More information is available on the VEC website at vec.vic.gov.au/candidates-and-parties/becoming-a-local-council-candidate.

In some cases a manual draw may be conducted.


The election manager will conduct the ballot draw at the election office following the close of nominations. We will tell you the time for the ballot draw so you or someone in your campaign can attend. After the draw, the election manager will give all candidates a report listing the ballot paper order. The lists of candidates on the VEC website will also be updated to reflect the ballot paper order.

Nomination fee refund

We will refund your nomination fee if you:

- are declared elected, or
- receive at least 4% of the total formal first preference votes in the council or ward you nominated in.

To request an electronic transfer of funds, you must complete the electronic transfer request form (*Candidate refund of fees*) received from the election manager after nominations have closed and included in the *Candidate information kit*.

-  You must lodge your completed *Candidate refund of fees* form with the election manager before the close of voting.

If you do not complete this form, we will send you a cheque for the refund amount, if you are entitled to it. This is a manual process and will take additional time.

We will provide your refund within 8 weeks from the declaration of results.

Withdrawing your nomination

If you no longer want to stand as a candidate you can withdraw your nomination before the close of nominations. A *Notice of withdrawal* form is available from the election manager.

Your nomination fee will not be refunded.

You are allowed to withdraw your nomination from one council or ward to nominate in another council (as long as you are enrolled in that council). You must submit a new *Nomination form* and a new nomination fee to submit a new nomination.

Retirement of a candidate

Retirement from an election occurs when a candidate does not wish to take part in the election and the nomination period has closed. The VEC may also retire candidates if we determine that you are not qualified to be a councillor. You can only retire from an election if:

- your retirement will result in an uncontested election (where the number of candidates is the same as the number of vacancies), or
- after the election manager gives you advice that states you are not qualified to be a councillor, or
- you are not qualified to be a councillor and you provide evidence to support this.

A *Notice of retirement* form is available from the election manager. You must complete and give the signed form to the election manager.

If a candidate retires (or is retired by the VEC) after the close of nominations, but before ballot packs are mailed to voters, the election continues and the VEC will make every effort to have ballot papers reprinted without the name of the retired candidate. If reprinting the ballot papers is not possible, the law gives directions on how to manage any preferences the retired candidate receives. In this situation the VEC will communicate the retirement of the candidate to all stakeholders, including voters and the other candidates, to explain the ballot paper provisions.

If the retirement of a candidate results in an uncontested election (where the number of candidates is the same as the number of vacancies) the remaining candidate(s) will be declared elected.

Your nomination fee will not be refunded if you retire.

❗ Important: You must return or destroy any copies of the voters' roll you hold within 30 days of your retirement.

Death of a candidate

If a candidate who has nominated dies before the close of nominations their nomination is void.

If a candidate dies after the close of nominations, but before ballot packs are mailed to voters, the election continues and the VEC will make every effort to have ballot papers reprinted without the name of the deceased candidate. If reprinting the ballot papers is not possible, the law gives directions on how to manage any preferences the deceased candidate receives. In this situation the VEC will communicate the death of the candidate to all stakeholders, including voters and the other candidates, to explain the ballot paper provisions.

If the death of a candidate results in an uncontested election (where the number of candidates is the same as the number of vacancies) the remaining candidate(s) will be declared elected.

The nomination fee will be refunded to the deceased candidate's representative.

Uncontested, incomplete and failed elections

An uncontested election occurs when the number of candidates nominated matches the number of vacancies on the council. This can occur in 3 situations:

- at the close of nominations
- after the retirement of a candidate
- after the death of a candidate.

If there are fewer candidates than the number of vacancies, the election manager must declare those candidates elected. These are referred to as 'incomplete elections'. The remaining vacancies are treated as extraordinary vacancies (see [6.5 Extraordinary vacancies](#)).

If there are no candidates it is a failed election. The election manager must give public notice that the election has failed. This notice will be posted at the election office, as well as on the VEC website. The vacancy (or vacancies) is treated as an extraordinary vacancy.

In a general local council election, wholly uncontested councils will be declared on or after election day. The election manager will give public notice of this declaration.

Uncontested, failed or incomplete (fewer candidates than there are vacancies) wards will be declared with all other contested wards within the council as soon as possible after election day.


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2. Candidate statement and photograph

Overview

The candidate statement is made up of your statement text and photograph. This chapter explains how to complete and lodge your candidate statement.

Candidate statement text and photographs are optional.

 If you choose to submit a statement, it must be lodged with the election manager before the close of nominations.

Late submissions will not be accepted.

Candidate statements and photographs are included in ballot packs mailed to voters and are also published on the VEC website after the statement lodgement period closes.

You can use the checklists in [Appendix 3. Candidate statement checklist](#) and [Appendix 4. Candidate photograph checklist](#) to help you prepare your statement text and photograph.

2.1 About the candidate statement

Candidates can lodge a statement of up to 200 words with the election manager to be included in the ballot pack sent to voters. If you do not lodge a statement, the election manager must let voters know in the pack that you did not provide a statement.

If you lodge your statement in person, you or your authorised representative must make an appointment with the election manager to review your statement and make sure it meets legislative requirements. Any statements that do not comply with these requirements will be rejected. These requirements are discussed under [Qualifications](#) and [Reasons for rejection](#) later in this section.

Please follow the checklist on the *Candidate statement lodgement* form to make sure your statement is processed as quickly as possible.

Candidate Helper for candidate statements

Candidate Helper guides you through each part of preparing your statement.

Candidate Helper can:

- check your formatting meets requirements
- give an indicative word count
- allow you to save your progress and amend your statement before you print your pre-completed *Candidate statement lodgement* form.

You cannot use Candidate Helper to pre-complete your statement and photograph if you completed a paper nomination form.

The Candidate Services team may contact you if you start filling out a *Candidate statement lodgement* form in Candidate Helper but do not complete it.

Candidate statements cannot be finalised or submitted online. When your statement is complete and you have checked the details are correct, save your statement in Candidate Helper. You can then print your pre-filled *Candidate statement lodgement* form to bring to your appointment with the election manager.

Paper statement forms

You can get a paper *Candidate statement lodgement* form in the *Candidate information kit* from us before the nomination period begins. Contact the Candidate Services team on 03 8620 1316 to request a *Candidate information kit*.

You can also pick up a *Candidate information kit* from the election office.

The form includes the declaration which you are required to sign.

If you complete a paper form make sure to check manually that your statement is within the 200 word limit.

Statement requirements

There are requirements your statement must meet before it is accepted by the election manager. Your statement must be:

- 200 words or less. Any statements that go over 200 words will be cut off at the 200-word mark when printed. Punctuation marks (dashes, brackets, etc.) are not counted in the word count.
- in English
- submitted as one continuous text block, with no paragraph breaks
- aligned to the left.

If you need a special character (such as an accent) applied to any letters in your statement, you must tell the election manager when you lodge your statement.

The election manager will apply the following formatting rules to verify the final word count.

Formatting

These format options are not allowed and will be automatically removed by the system if they are part of your electronically submitted statement:

- bullet points
- tab indentations
- bold text

- italics text
- underlined text.

Web addresses and email addresses in statements

We advise against placing web addresses and email addresses in your candidate statement, as they are difficult to read in print publications.

If you choose to include a web address or an email address, it may be broken over multiple lines.

Word count guidelines

Guideline	✓ Allowed	✗ Not Allowed
You cannot use punctuation in a non-standard way to join words, characters or numbers. This will be corrected by the election manager.	1, 2, 3, 4 (4 words)	1,2,3,4
	Vote! For! Me! (3 words)	Vote!For!Me!
You cannot use punctuation or characters to create excessive emphasis.		Any emoticons, e.g.: :) :0 :(
	level! (1 word)	level!!!!
You cannot use hyphens to attempt to lower the word count. Non-standard use of hyphenated words or numbers will be corrected.	day of the week (4 words)	day-of-the-week
	19-08-1909 (1 word)	1-2-3-4-5-6
You cannot use a forward slash (/) to join words or numbers in a non-standard way.	she/her (1 word)	council/resident/ ratepayer
	19/8/2017 (1 word)	1/2/3/4/5/6
You cannot use non-standard characters such as a percent sign or ampersand to join words and numbers.	roads & rubbish & rates (5 words)	roads&rubbish&rates
	Increase of 50% to 60% (5 words)	Increase of 50%to60%
You cannot list multiple social media accounts or hashtags without spaces.	#votefor #election (2 words)	#votefor#election
	#vec @elections (2 words)	#vec@elections
Telephone numbers will count as one word as long as they are in one of these formats.	(xx) xxxx xxxx (1 word)	
	xxxx xxxx (1 word)	
	xxxx xxx xxx (1 word)	

Guideline	✓ Allowed	✗ Not Allowed
Commonly used acronyms and initialisms are counted as one word.	VCAT (1 word) VEC (1 word)	
Commonly used abbreviations are counted as one word.	Ph.D. (1 word) DipEd (1 word)	
Normal use of initials are counted as one word.	J.D. Rowley (J.D. = 1 word)	J.D.R.o.w.l.e.y.

Word guidelines

Guideline	✓ Allowed	✗ Not Allowed
You cannot use all capitals to emphasise your message.	Make sure you vote for me.	MAKE SURE YOU VOTE FOR ME.
Websites and email addresses are counted as one word.	vec.vic.gov.au facebook.com/ councilcandidate same.person@gmail.com	

To make sure you do not go over the word limit we recommend that you prepare your statement using Candidate Helper and lodge the barcoded form it generates. The program will format the text to meet the above requirements.

If you prepare your statement by hand, please make sure to follow the above requirements. The election manager will review and advise you or your authorised representative of any changes your statement needs before it is processed.

The election manager will not correct any errors in grammar, punctuation or spelling in your statement. We strongly advise you proofread your statement thoroughly before submitting it to the election manager.

It is the responsibility of you or your authorised person to make sure your statement is accurate.

Reasons for rejection

The election manager must reject your statement if it:

- refers to another candidate standing for an election in the council without their written consent
- includes a claim of endorsement or support from a party, organisation or person without providing the written consent of that party, organisation or person when you lodge your statement

- includes offensive or obscene material
- includes material that is likely to mislead or deceive a voter when casting their vote
- includes material that is against the law, such as containing defamatory statements or a threat of violence.
- is not lodged with a signed declaration.

The election manager must notify you no later than 24 hours after the close of statement lodgements if they reject your statement. They will use the short-notice contact details you provided with your nomination.

They will tell you:

- that your statement has been rejected and why it was rejected
- which parts of your statement need to be fixed for it to be accepted
- that you may make changes to the incorrect part(s) of your statement and once fixed, resubmit it to the election manager.

You have 24 hours from being notified of the rejection to resubmit your statement after you have made any required changes. If you don't resubmit your statement within the required timeframe after it has been rejected, the ballot pack mailed to voters will say you did not lodge a statement.

If you resubmit your statement you can only make changes to the parts that do not meet the above requirements.

Evidence of endorsement and consent to name

Some statements include a claim of endorsement or support from a party, organisation or person. If you include an endorsement like this, you must also provide the written consent of the party, organisation or person to include the endorsement when you lodge your statement with the election manager.

If you name another candidate in your statement, you must provide written consent from that candidate when you lodge your statement with the election manager.

Penalties


When you submit a candidate statement, you are required to sign a declaration that your statement is true and correct. There are penalties for making a false declaration.

This includes falsely attributing an endorsement to a party or group when the statement did not comply with the requirement to have written consent from that party or group.

Falsely claiming or implying endorsement may also mislead or deceive a voter and may result in a penalty.

See [6.1 Election offences](#) for more information on these penalties.

How to lodge your statement

 Candidate statements must be lodged with the election manager before the close of nominations.

Your statement must be lodged by you or a person you have authorised in writing to act on your behalf. You or your authorised representative can lodge your statement:

- in person by giving the election manager a hard copy of your completed and signed *Candidate statement lodgement form*, or
- by scanning and sending your completed and signed *Candidate statement lodgement form* to the email address the election manager has given you.

Your completed *Candidate statement lodgement form* must include the signed declaration.

If an authorised person is lodging your statement on your behalf, you must give written authorisation for that person to lodge the candidate statement.

The election manager will check your statement after they have received your *Candidate statement lodgement form*. If there are any issues with your statement, the election manager will discuss these with you. You must initial any changes you make to your *Candidate statement lodgement form*.

If all details are complete and the statement appears to comply with the legislation and formatting rules, the election manager will process it.

If you have prepared your statement by hand, the election manager must enter it into the Election Management System at the election office. Your candidate statement must include the signed declaration, regardless of whether it was prepared with Candidate Helper or by hand.

Once your statement is confirmed as lodged at the election office, the VEC will conduct further checks. If we identify an issue, we will contact you to ask you to resolve it.

The text of your candidate statement will be printed in the ballot packs exactly as it appeared when you lodged it.

Declaration

Your statement must be accompanied by a signed and dated declaration that states:

I declare that my candidate statement is true and correct, that it does not contain matter that may mislead or deceive a voter in the casting of the voter's vote and that I am aware I may be liable to prosecution if my candidate statement contains matter that may mislead or deceive a voter when casting a vote.

Statements without a signed declaration must be rejected by the election manager. It does not have to be signed in the presence of the election manager, so you can sign this before lodging.

2.2 About the candidate photograph

You may include a photograph of yourself to accompany your candidate statement in the ballot pack mailed to voters.

The most efficient way to do this is using Candidate Helper to upload your photograph, print out the pre-completed form and bring it to the election office when you nominate. If you don't use Candidate Helper, you can email the election manager your photograph. Photographs provided by USB or any other portable device will not be accepted.

 Your photograph must be lodged before the close of nominations.

You can use the Candidate Photograph Checklist at [Appendix 4](#) to help you prepare your photograph.

Candidate Helper for candidate photographs

Candidate Helper guides you through the process of uploading your photograph.

With Candidate Helper you can:

- choose a photograph from your device and upload it
- view the photograph in greyscale to match how it will be printed in the postal ballot pack
- make basic cropping adjustments.

You can change your photograph as many times as you like before you lodge your form with the election manager. Once it's finalised, you can't change your photograph using Candidate Helper.

Candidate photographs cannot be finalised and submitted online. When your photograph is uploaded and you don't need to make any further changes, save your photograph in Candidate Helper. You can then print your pre-filled *Candidate statement lodgement* form, which includes the photograph and a barcode, to bring to your appointment with the election manager.

Electronic submission

If you don't use Candidate Helper, you can supply your photograph by email:

- as an attachment to the address provided by the election manager
- in JPG format, with a high resolution to ensure clarity when printed
- following the naming convention "<Council Name>, <Ward Name> (if applicable), <Family Name, Given Name>".(jpg).

This is a format requirement.

For a visual representation of candidate photograph requirements, please refer to the document *Candidate photograph guidelines* in the *Candidate information kit*.

Photograph requirements

Your photograph will be printed in greyscale (black and white). For the best possible printing quality, photographs should:

- be recent (taken in the last 12 months)
- have a plain, light-coloured background
- contain just you (no distracting objects, animals or other people)
- show your head and shoulders only
- not use filters or digital zoom
- not be cropped.

Unsuitable photographs

The following photograph types and formats are unsuitable for reproduction:

- Side profiles
- Photocopies
- Scans
- Draft quality prints
- Group photographs or pictures cut from group photographs
- Pictures containing more than one person (for example, a candidate holding a baby)
- Copies from printed documents
- Under- or over-exposed photographs
- Distracting backgrounds
- Low resolution photographs.

We cannot accept any responsibility for the reproduction of photographs that do not comply with these specifications. It is up to you to make sure your photograph is of the best possible quality.

The election manager may need to make cropping adjustments to your photograph. You will have the opportunity to review the adjustments before your photograph is accepted.

If you do not provide a photograph, the ballot pack mailed to voters will explain that you did not provide one in place of the photograph.

3. Candidate questionnaire

Overview


This chapter explains how to complete and lodge your answers to the candidate questionnaire. Candidate questionnaires are optional.

The candidate questionnaire is a prescribed set of questions. All candidates' answers will be published on the VEC website. Candidates' answers to the questionnaire will also be available from the election office on request. If a candidate has not provided responses to the questionnaire or only partially answered the questionnaire we will advise voters of this.

You can use the checklist at [Appendix 5. Candidate questionnaire checklist](#) to help you lodge your questionnaire.

3.1 About the candidate questionnaire

The candidate questionnaire gives voters background information on each candidate. This information allows voters to compare each candidate's experiences.

-  If you choose to submit a questionnaire, you must lodge it with the election manager before the close of nominations.

Questionnaire format

The questionnaire has several questions, in a mix of yes/no, multiple choice and free-text responses. If you don't provide responses to the whole questionnaire or individual questions, the VEC website will contain a sentence explaining this.

The free text responses have word limits which are set out by the legislation.

Please follow the instructions written on the form when completing your questionnaire. You must not:

- include offensive or obscene material
- include material that is not relevant to the question
- include material that is not completed in accordance with the instructions on the form, such as an answer which exceeds the word count limit for that question
- include a claim of endorsement from a registered political party without written consent from the registered officer of the party (see [Evidence of political party endorsement](#)).

We will not publish answers that do not comply with these requirements.

Candidate Helper for candidate questionnaires

Candidate Helper guides you through the questionnaire. Each question in the questionnaire is optional, and Candidate Helper will let you skip any questions you don't want to answer.

Your candidate questionnaire cannot be finalised online. Once you are satisfied your answers are complete you can save your questionnaire to print for lodgement with the election manager.

The Candidate Services team may contact you if you start filling out a *Candidate questionnaire lodgement* form in Candidate Helper but do not complete it.

Paper questionnaire form

You can get a paper *Candidate questionnaire lodgement* form in the *Candidate information kit* from us before the nomination period begins. Contact the Candidate Services team on 03 8620 1316 to request a *Candidate information kit*.

You can also pick up a *Candidate information kit* from the election office after it opens to the public.

The form includes the declaration that all candidates are required to sign.

You are responsible for making sure your answers are correct and do not exceed word count limits. Please check your questionnaire carefully before your lodgement appointment.

Declaration


You must submit a signed and dated declaration that your questionnaire answers are true and correct alongside your completed questionnaire. Your questionnaire answers cannot be accepted without this declaration. It does not have to be signed in the presence of the election manager, so you can sign this before lodging.

Evidence of political party endorsement

If your questionnaire contains an endorsement from a registered political party, you must provide written consent from the party's registered officer when you lodge your questionnaire.

This requirement only applies to endorsements from parties currently registered in Victoria. The Register of Political Parties, including the name of each party's registered officer, is available on the VEC website at vec.vic.gov.au/registered-parties

How to lodge your questionnaire

 Candidate questionnaires must be lodged before the close of nominations.

You or your authorised representative must submit:

- your completed *Candidate questionnaire lodgement* form (including signed declaration)
- your written authorisation (if your questionnaire is being submitted by an authorised person)
- written consent from the registered officer of the political party (if you are endorsed by any registered political party).

These documents must be lodged with the election manager in person or by email.

Your answers will be printed as written. The election manager will not correct any spelling or grammar errors. Please make sure to check your answers thoroughly before lodging your form.

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4. Election campaign material and donations

Overview

This chapter explains the rules for publishing electoral material and election campaign and donation returns.

The Local Government Inspectorate (LGI) is the body responsible for ensuring compliance with the Act, including electoral offences.

4.1 Printing and publishing electoral material

Any person can publish electoral material about a candidate's campaign or any other issue before the voters at an election. All electoral material must be authorised and must comply with the Act.

Electoral material can take many forms, including:

- a pamphlet, flyer, handbill, or notice
- a billboard, poster, or sign
- a how-to-vote card
- paid or unpaid print, digital or online advertising
- social media posts or profiles
- websites
- certain electronic communications, like SMS or emails.

Authorisation of electoral material

Electoral material must not be printed, published, or distributed unless the name and address of the person who authorised the electoral material is clearly visible on the main side of the material. The address can be a street address or a PO Box address but cannot be an email address.

Authorisation requirements do not apply to car stickers, items of clothing, lapel buttons and badges, fridge magnets, pens, pencils, or balloons.

You may authorise and print your own electoral material.

This requirement always applies, not just during an election period. It applies to all people, not just candidates and registered political parties. The penalty for failing to authorise electoral material is 10 penalty units for a person, and 50 penalty units for corporations.

If you are unsure whether your material is electoral material, it is better to authorise it.

Misleading or deceptive material

It is an offence to print, publish, distribute, or allow or authorise to be printed, published, or distributed electoral material that is misleading or deceptive, being:

- any matter or thing that the person knows or should reasonably be expected to know is likely to mislead or deceive a voter in relation to the casting of their vote
- electoral material that contains a representation or purported representation of a ballot paper that is likely to induce a voter to vote in an election other than in accordance with the directions on the ballot paper.

The terms 'misleading' and 'deceptive' in this context have been narrowly defined by the courts. They refer to the effect and understanding of a voter's vote rather than influencing how the voter decides who to vote for.

For example, the statement 'A vote for Candidate X is really a vote for Party Y' could influence how the voter understands the effect of their vote. This would be misleading or deceptive if untrue.

A statement like 'Candidate X is lying about living in this ward for 20 years' would not be thought of as misleading or deceptive even if it is untrue. This is because it while it may influence who a voter decides to vote for, it would not influence what they understand the effect of casting their vote will be.

The maximum penalty for publishing misleading or deceptive material is 60 penalty units or 6 months prison for a person, or 300 penalty units for a corporation.

Newspapers, pamphlets and circulars

During an election period, all articles which are electoral material and are printed, published or distributed in a newspaper, circular or pamphlet must include the name and address of the author at the end.

If you write a letter to a newspaper you must include your name and the suburb or locality you live in.

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

The penalty for not identifying the author is 10 penalty units for a person, or 50 penalty units for a corporation.

Social media, blogs, and emails

Any electoral material published on social media must comply with the requirements of the Act. It must also meet the terms and conditions of the platform it is published on. All electoral material posted to social media (such as Facebook, X (formerly Twitter), blogs, websites, and other social media sites) must carry or directly link to an authorisation statement (see [Authorisation of electoral material](#) above). For examples of what authorisations on various platforms may look like, see lgi.vic.gov.au/authorising-social-media-posts

Electronic mailing list communications sent by email or SMS must also either contain an authorisation statement or link to another source such as a website with an authorisation statement.

Messages sent through social media that defame, threaten, or harass another person are against the law and any messages of a threatening nature may be referred to Victoria Police. Significant penalties apply, including prosecution and imprisonment, for any person convicted of threatening or harassing another person.

Leaflets and direct mail

Leaflets, flyers and other forms of unaddressed mail delivered to households or handed out in public locations must be authorised if they are electoral material. This material must not contain a representation or purported representation of a ballot paper intended to be used in the election.

Australia Post has previously advised that electoral material is included in mail that is exempt from letterboxes marked 'No Junk Mail'. You should be aware of all Australia Post rules about handling and delivering unaddressed direct mail.

Contact Australia Post at auspost.com.au or 13 76 78 for more information.

Television and radio broadcasts

All electoral material broadcast on radio or television (including election advertisements), must comply with the requirements in Schedule 2 of the *Broadcasting Services Act 1992* (Commonwealth). We are not able to give candidates advice about Commonwealth legislation such as the *Broadcasting Services Act 1992*.

Please contact the Australian Communications and Media Authority (ACMA) if you have any questions about this legislation:

Post

PO Box 13112
Law Courts
Melbourne VIC 8010

Phone

1300 850 115

Email

info@acma.gov.au

Online

acma.gov.au/contact-us

Posters and billboards

All posters and billboards which are electoral material must be authorised (see [Authorisation of electoral material](#) above).

If you plan on producing, distributing, and displaying posters and billboards you should check with:

- the owner and, if relevant, resident of any private property or business where you want to display the poster or billboard
- the relevant local council about any local laws that may apply to the display of electoral material (including rules around public and private property)
- VicRoads for regulations that apply to the display of electoral material on and alongside freeways, highways, and major road corridors
- Public Transport Victoria about the display of electoral material at public transport locations (buses, bus stops, trains, train stations, trams, and tram stops)
- the Department of Education and Training in relation to the display of electoral material on government-owned schools.

Local laws and public land


You must check with the relevant local authority (for example, the local council, Department of Transport and Planning) to see if there are any laws on the distribution and display of electoral material in public spaces, on public land or alongside highways or road corridors.

This includes holding events or campaigning in public spaces such as parks or shopping centres.

4.2 Disclosure of election campaign donations

All local council candidates are legally required to lodge an Election campaign donation return form with the Chief Executive Officer of the council they were a candidate in. The election donation return must either disclose gifts you receive in the lead up to an election or provide a statement that no gifts were received. This applies to all candidates, including those who were not elected or did not receive any campaign donations.

Lodging the form

-  You must lodge your *Election campaign donation return* form with the Chief Executive Officer within 40 days from election day.

It is offence to fail to lodge this form under section 306 of the Act.

The submission of campaign donation returns is a focus of LGI due to high levels of non-compliance in previous elections. LGI monitors the submission of campaign donation returns by candidates in council elections and may prosecute any candidate who fails to comply with the Act.

The penalty for failing to lodge, or providing false or misleading information, is 60 penalty units.

The *Candidate information kit* contains a leaflet from LGI with more information on these requirements. There is an *Election campaign donation return* form in the *Candidate information kit*. You can also find both the leaflet and form on LGI's website at lgi.vic.gov.au/councillor-campaign-donation-returns

Councils must publish a summary of candidate disclosures on their website, including the details prescribed in the Act, as well as any late returns. The summary must be available on the council's website until the close of roll date for the council's next general election.

❗ Important: You cannot lodge your *Election campaign donation return* form with the election manager or the VEC.

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5. Election activities

Overview

This chapter outlines key activities that take place during local council elections and discusses the role of scrutineers in representing candidates' interests during these election activities.

More information about how the VEC manages voting and counting at local council elections is available on our website.

Certain election activities can be observed or challenged by scrutineers. Detailed information about these activities is available in the *Scrutineer handbook*.

5.1 Receiving and counting the votes

Local council elections are held by post. The VEC mails ballot packs to all voters so they can complete their vote and post it back before the voting deadline.

Returning and extracting ballot papers

Voters must post or deliver their completed postal vote before 6 pm on the final day of the voting period.

Ballot papers are extracted from the ballot paper envelopes by election officials before they can be counted.

Counting the votes

There are different ways to count votes depending on what type of vacancy is being filled.

Single vacancies (one councillor per ward) are typically counted manually but may be counted by computer in some circumstances. Multiple vacancies (more than one councillor per ward or unsubdivided councils) are counted by computer. At a computer count, the preferences on each ballot paper are entered into our computer count application by data entry operators and a result calculated.

After the final number of candidates in each council is confirmed, the VEC will determine the requirements for counting activities. We will communicate the count activity schedule to you so you can inform your scrutineers. See [Count timeline](#) for more details.

Candidates are not allowed to be present while votes are being counted.

Candidates may attend the calculation of results.

Scrutineers may represent your interests at the count. See [5.2 Scrutineers](#) for more information on the rights and responsibilities of your scrutineers.

Adjournments

The election manager can suspend the extraction of ballot papers or the count of votes. This can occur for reasons such as (but not limited to):

- it's the end of the day and the venue must be packed up so counting can continue at a later date (usually the next day)
- an emergency or natural disaster.

If counting or ballot paper extraction is suspended, the election manager will inform all scrutineers that are present. Candidates will be notified of the time, location and additional details (such as the scrutineer quota) for resuming the activity.

If counting or ballot paper extraction is adjourned for any reason, all ballot material will be packed and securely stored.

Recounts

Any time before a candidate has been declared elected, the election manager can open any sealed parcel of ballot papers and recount ballot papers.

The election manager can do this at their own discretion, or at the written request of a candidate if the candidate has given reasons that are strong enough to support their request. A candidate can only request a recount following the completion of counting activities and up until declaration. Any requests received outside of this period will be rejected.

The election manager will conduct any recounts before declaration. They must make reasonable efforts to notify you or your representative before a recount is conducted.

Candidates are not allowed to be present at a recount. You can appoint scrutineers to represent your interests at a recount. See [5.2 Scrutineers](#).

The election manager will consider several factors when deciding to conduct a recount, including:

- any close margins at critical points during the distribution of preferences
- any procedural or system errors or failures that may have interrupted or interfered with the counting process
- the accessibility of the counting process for scrutineers to properly perform their duties.

What is considered a close margin is informed by previous elections. Previous recounts have shown limited changes occur when comparing the critical margin between the recount and the original count.

Availability of results

Result reports are made available to scrutineers at certain points throughout counting activities. Result reports should not be shared by candidates or scrutineers to any interested parties, including the media, until they are officially announced or published by the VEC.

For more information on availability of results, see the *Scrutineer handbook*.

Declaration of the result

The election manager will publicly declare the result of the election at a suitable time after counting has finished, including any recounts.

The election manager will advise candidates by email of the declaration time and venue. We will also publish a notice of results and advise the Minister for Local Government of the successful candidate.

The VEC will provide councils with the contact details of successful candidates.

Count timeline

The VEC will create a count timeline that sets out each activity in the extraction and counting process and when we expect it will take place. The count timeline will be communicated to candidates by email.

❗ Important: It is your responsibility to notify your scrutineers of the count timeline.

We will make every effort to complete counting as quickly as possible. The VEC's priority, however, is the integrity rather than the speed of the count.

Our counting timelines are based on several considerations, including:

- the number of candidates
- the number of votes cast
- staff numbers and wellbeing during long work days.

We will update counting timelines after the close of voting and the postal receipt period as required.

Preference distributions cannot be completed until after the postal vote receipt period has closed.

We will make sure all elections are declared as soon as possible after counting is finished, including any recounts.

More details of the count timeline will be available after nominations have closed and the final number of candidates is available. However, we will not know which elections will be close and where a recount will be conducted.

If counting activities need to be suspended for any reason, you will be notified of the time, location and any additional details (such as the scrutineer quota) for resuming the activity.

The timeline will also allow for rest time for staff working long hours across the election. We ask candidates to respect the wellbeing needs of our staff during the count.

5.2 Scrutineers

Role of scrutineers

You can appoint scrutineers to represent your interests at election proceedings. A scrutineer represents a candidate's interests by ensuring the integrity of the election process. More details are available in the *Scrutineer handbook*.

Scrutineering activities comprise observable and challengeable activities.

Scrutineers have the right to observe election activities throughout the election from posting ballot packs and voting, to processing ballot envelopes and counting. They can challenge the formality of ballot papers, but the ruling of the election manager is final.

You may appoint scrutineers for the activities of the election you are contesting. They must be separately appointed to represent any other candidate for other elections.

You can appoint a scrutineer to represent you for the following election activities:

Activity	Observe	Challenge
Posting of ballot packs	Yes	No
Opening and emptying a post office box	Yes	No
Opening and emptying a postal ballot box	Yes	No
Receiving and processing of returned ballot paper envelopes	Yes	No
Ballot paper extraction	Yes	No
Manual count (first preference and preference distribution)	Yes	Yes
Computer count	Yes	Yes
Recount	Yes	Yes

Scrutineer quotas

From time to time, the VEC may change a scrutineer quota or limit the number of scrutineers able to represent each candidate for an activity or process to:

- maintain fair access for all scrutineers
- meet health and safety requirements
- meet other lawful obligations.

Candidates will be advised by email at the earliest time available, if any changes need to be made to the scrutineer quota for each activity.

Appointment and declaration of scrutineers

Before a scrutineer can perform their role at an election activity, the scrutineer must make a written declaration containing details required by law.

The declaration is part of the *Appointment and declaration of scrutineer* form available in the *Candidate information kit*, on the VEC website at vec.vic.gov.au or from the election manager.

There are 2 parts to the *Appointment and declaration of scrutineer* form:

- appointment of the scrutineer signed by a candidate in advance
 - You may sign the form by hand or apply your signature digitally, such as inserting an image of your signature or signing using a finger or stylus on a digital version of the form.
- declaration signed by the scrutineer by hand, in the presence of an election official.
 - Scrutineers must sign the declaration on a hard copy (printed) form by hand in the presence of an election official. The scrutineer cannot pre-sign the form and cannot apply a digital signature to the declaration.

You must sign an *Appointment and declaration of scrutineer* form for every scrutineer you appoint.

Activities for your election may take place at different venues during the election period. You need to formally appoint scrutineers for each venue they attend by providing your scrutineer with a separate *Appointment and declaration of scrutineer* form per venue. Scrutineers register one form per venue per candidate.

More than one election may take place at some venues. Scrutineers can represent candidates in other elections but must provide a separate *Appointment and declaration of scrutineer* form for each election they are appointed to. Scrutineers cannot observe activities for elections they have not been appointed to, even if the activity is taking place at the same venue. This includes other wards in the same council.

Who cannot be a scrutineer

A person cannot be a scrutineer if they are:

- a councillor of the council
- a candidate at the election
- a candidate at another ward's election occurring at the same time for the same council
- working for the VEC at the election.

Removal of scrutineers from a venue

Scrutineers may be removed from a venue if:

- the candidate has exceeded the scrutineer quota for the activity
- the scrutineer touches any ballot papers or ballot paper envelopes
- the scrutineer breaches the Act or the Regulations
- the scrutineer disrupts or hinders electoral activities, or behaves in a disorderly manner
- the scrutineer fails to obey a lawful direction from an election official.

6. Election compliance and post-election activities

Overview

This chapter describes the offences that exist for local council elections and activities that occur after the election and during the council term. This includes compulsory voting enforcement and the process for filling extraordinary vacancies.

This section also explains your obligations around election campaign donations.

The value of a penalty unit is set annually by the Victorian Treasurer and is indexed on 1 July each year. For information on penalty units see Justice and Community Safety Victoria at justice.vic.gov.au/justice-system/fines-and-penalties/penalties-and-values

6.1 Election offences

The following list of offences is not exhaustive and should not be taken as legal advice.

Division 8, Part 9 of the *Local Government Act 2020* (Vic) (the Act) contains the majority of electoral offences. Refer to the Act and the *Local Government (Electoral) Regulations 2020* (Vic) for more information about electoral offences. We encourage you to seek independent legal advice if you are concerned about any of these offences.

Provision of voters' roll to a candidate

The copy of the voters' roll we give you must only be used for the purpose of conducting the election campaign. This is set out in section 252(3) of the Act.

The maximum penalty is 120 penalty units.

If you retire after nominations have closed you must destroy or return the copy of the voters' roll and any copies made from it within 30 days of retiring. This is set out in section 252(4) of the Act.

The maximum penalty is 120 penalty units.

A candidate must destroy or return the copy of the voters' roll and any copies made from it within 30 days after the election day [section 252(5) of the Act].

The maximum penalty is 120 penalty units.

Unlawful nomination

It is an offence to nominate as a candidate for election if you do not meet the requirements to be a candidate under section 256 of the Act [section 286 of the Act].

The maximum penalty is 240 penalty units or 2 years imprisonment.

Misleading or deceptive matter

It is an offence to print, publish, distribute or cause to be printed, published, or distributed any matter or thing that the person knows, or should reasonably be expected to know, is likely to mislead or deceive a voter in relation to the casting of the vote of the voter [section 288(1) of the Act].

This means it is against the law to create and distribute documents with claims that you know are deliberately misleading or deceptive in how a voter casts their vote. You are also not allowed to give others information that will mislead or deceive people for them to print and distribute. For more information, see [Misleading or deceptive material](#).

The maximum penalty is 60 penalty units or 6 months imprisonment for a person.

The maximum penalty is 300 penalty units for a corporation.

False or misleading information

It is an indictable offence to knowingly make a false or misleading written or spoken statement in a significant matter about voter enrolment or in any declaration or application (such as a nomination declaration or scrutineer appointment) under the Act or the Regulations [section 293 of the Act].

The maximum penalty is 600 penalty units or 5 years imprisonment.

Voting offences

Under section 294 of the Act, it is an indictable offence to:

- a. forge any ballot paper, prescribed form or other form or document submitted or lodged in connection with an election
- b. use any forged ballot paper, prescribed form or other form or document submitted or lodged in connection with an election
- c. forge the signature of any person on any ballot paper, prescribed form or other form or document submitted or lodged in connection with an election
- d. vote in the name of another person, including a dead or fictitious person at any election
- e. vote more than once at any election
- f. apply for a ballot paper in the name of another person.

The maximum penalty is 600 penalty units or 5 years imprisonment.

Secrecy of vote

Except as authorised by law, it is an offence for anyone who is present when a voter votes to:

- a. ascertain or disclose by word, act or other means, the vote of the voter or
- b. directly or indirectly require, induce or attempt to induce the voter to show how the voter intends to vote, or
- c. communicate with or assist the voter while voting or look at the voter's vote or ballot paper [section 297 of the Act].

The maximum penalty is 120 penalty units or one year imprisonment.

Interfering with postal ballots

It is an indictable offence to interfere with any postal ballot material that will be sent or delivered to a voter by the VEC at an election [section 299 of the Act].

The maximum penalty is 600 penalty units or 5 years imprisonment.

Bribery, treating and undue influence

It is an indictable offence for a person to:

- ask for, receive, or obtain,
- offer to ask for, receive or obtain
- agree to ask for, receive or obtain

any property or benefit of any kind for themselves or any other person on an understanding that the person's election conduct will in any manner be influenced or affected [section 300(2) of the Act].

This means you cannot offer, ask for, or offer to ask for someone else:

- property or benefits in return for a vote, public support, or written endorsements.
- property or benefit means goods, services, or favourable circumstances (like a job or other position).

The maximum penalty is 600 penalty units or 5 years imprisonment.

It is an indictable offence for a person to give, promise to give, or offer to give any property or benefit of any kind to any person to influence or affect the person's or any other person's conduct at an election [section 300(4) of the Act].

The maximum penalty is 600 penalty units or 5 years imprisonment.

The above offences do not apply to declarations of public policy or a promise of public action.

These offences also apply to the officers of a corporation if committed by a body corporate under section 320 of the Act.

See sections 300(2) or 300(4) of the Act for more information on these offences.

Restrictions for councillors and council staff

It is an offence for a councillor or a member of council staff to use council resources in a way that is intended or likely to affect the result of an election. See section 304(1) of the Act for more detail.

The maximum penalty is 60 penalty units.

It is an offence for a councillor or a member of council staff to use council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation [section 304(2) of the Act].

The maximum penalty is 60 penalty units.

Election campaign donation return

Section 306(6) of the Act sets out offences related to candidates' election campaign donation returns.

You must keep a record of any donations you receive during your local council election campaign. A donation can be money, gifts, goods, or in-kind services.

This record is used to submit as a campaign donation return at the end of your election campaign to the CEO of the council you nominated in. If you were not elected or if you did not receive any donations, you must still submit a return.

Campaign donation returns are monitored and audited by LGI. It is your responsibility to be familiar with your responsibilities under the Act.

The LGI website has more information about campaign donation returns at lgi.vic.gov.au/councillor-campaign-donation-returns

The maximum penalty is 60 penalty units.

Failure to provide a complete and accurate campaign donation return (under section 306(6)(b) or (c) of the Act) may also represent false and misleading information under section 293 of the Act.

Interference with rights

It is an indictable offence to hinder or interfere with the free exercise or performance of any other person's political right or duty. This applies to any right or duty relevant to an election under the Act.

The maximum penalty is 600 penalty units or 5 years imprisonment.

Defamatory statements

All normal laws apply to candidates in an election, including defamation laws as set out in the *Defamation Act 2005* (Vic). It is your responsibility to be aware of all relevant laws.

We encourage you to seek independent legal advice if you are not sure of your legal obligations.

6.2 Injunctions

If a person has engaged, is engaging or is proposing to engage in any conduct that constituted, constitutes or would constitute an offence under section 287 or 288 of the Act (see [Misleading or deceptive material](#)), the Supreme Court may on the application of a candidate in an election grant an injunction restraining that person from engaging in the conduct and, if in the opinion of the Supreme Court it is desirable to do so, requiring that person to do any act or thing [Section 305 of the Act].

6.3 Compulsory voting

Voting at local council elections is compulsory for all voters enrolled in the ward or council area where the election is being held. Voters who can give a sufficient reason will not be fined for failing to vote.

The VEC is responsible for compulsory voting enforcement at local council elections. Anyone who is required to vote and does not, and is not otherwise excused, will be fined. If a person fails to pay the fine, or does not satisfactorily respond to an infringement notice or penalty reminder notice, we will refer the infringement to Fines Victoria.

It is compulsory for anyone on the CEO's list at the close of roll to vote for the council or ward they are enrolled in.

See vec.vic.gov.au/council-enrolment for more information about enrolment and compulsory voting.

6.4 Disputing the validity of an election

The Victorian Civil and Administrative Tribunal (VCAT) is responsible for hearing disputes on the validity of an election under section 311 of the Act.

Applications for a review of the declared results of an election must be lodged within 14 days of the declaration. This application can be made by a candidate in the election, 10 persons who were entitled to vote at the election, or the VEC.

VCAT's powers when conducting a review are set out in section 312 of the Act and include:

- declaring that a person who was declared elected in the election was not duly elected
- declaring a candidate in election duly elected who was not declared elected
- declaring an election void
- dismissing or upholding an application they have received, in whole or in part
- amending or allowing the amendment of an application
- ordering or allowing the inspection or copying of documents used in the election. This is subject to terms and conditions considered appropriate by VCAT
- undertaking a preliminary review of an application it has received
- requesting further information about an application
- making any declaration in relation to its powers of review into the election.

VCAT cannot order a recount of the whole or any part of the ballot papers for an election unless it is satisfied that a recount is justified. VCAT has previously decided not to order a recount simply because of a close margin in an election. If an election for a ward or an unsubdivided council is declared void, an extraordinary vacancy occurs in each office of councillor for the ward or the council on the day the declaration is made.

Decisions by VCAT may be appealed by the Supreme Court in accordance with section 148 of the *Victorian Civil and Administrative Tribunal Act 1998* (Vic).

For more information on VCAT, including its procedures and details on making an application, visit vec.vic.gov.au/voting/how-voting-works/challenging-an-election or contact VCAT directly:

- on 1300 018 228 Monday to Friday 9 am to 4:30 pm
- at vcat.vic.gov.au

Please note the VEC cannot give advice on the specific grounds or likelihood of an application's success at VCAT about any election.

If you are considering applying to VCAT under section 311 of the Act we strongly recommend that you seek independent legal advice.

6.5 Extraordinary vacancies

An extraordinary vacancy occurs when a councillor resigns, dies, or is otherwise ineligible to hold the office of councillor before the next general election.

Extraordinary vacancies can be filled by either a by-election or a countback depending on how the vacating candidate was elected and how many eligible candidates remain from the last election or countback.

There are some exceptions to filling a vacancy. If an extraordinary vacancy occurs in or close to a general election year, it has to be filled before the period of three months before the general election. The VEC can determine that there is insufficient time to conduct the by-election or countback.

By-elections

If the outgoing councillor was elected to a single-member ward, a by-election is needed to fill the vacancy.

The by-election must be held on a date set by the VEC that is within 100 days of the vacancy date (usually when the councillor gives their resignation notice to the council CEO).

However, if the by-election timeline would be negatively affected by a public holiday or school holidays, we may vary the election timeline up to a maximum of 150 days from the vacancy date.

Countbacks

If the outgoing councillor was elected as a member of a multi-member ward or an unsubdivided council, the vacancy will be filled by a countback of votes instead of a by-election.

All remaining candidates from the last general or by-election who are still qualified to be a councillor are automatically included in the countback. If a countback is required, we will make all reasonable efforts to notify candidates of the countback using the contact details on each candidate's *Nomination form*.

Countback calculations are performed by computer and are open to the public. Candidates, their families and supporters, as well as council officers, the public, and members of the media may attend. All votes from the original election are included in the countback. To be successful, a participating candidate needs to achieve the same quota of votes as at the original election.

The successful candidate must complete and return a declaration stating they are still qualified to be a councillor within 48 hours before they can be declared elected. If this declaration is not returned a further countback is needed.

If there are no remaining eligible candidates, the countback fails and a by-election is required.

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7. Feedback and complaints

Overview

The chapter provides information on our election complaints process.

7.1 Responding to feedback and complaints

The VEC has a robust customer feedback and complaints process for receiving and responding to all feedback and complaints. This is detailed in our customer feedback policy and our customer service charter. These documents are available at vec.vic.gov.au/about-us/complaints

Please submit your feedback or complaints to our Customer Feedback and Complaints team. You can do this:

- using the online tool at vec.vic.gov.au/about-us/complaints
- in writing to complaints@vec.vic.gov.au
- in writing to the election manager of the council you have nominated in
- by mail to Level 11, 530 Collins Street Melbourne VIC 3000. Please address your letter to Customer Feedback and Complaints team.

7.2 Feedback and complaint processing

We will review all written feedback or complaints we receive.

The content of the complaint will determine who reviews and actions it. If the feedback or complaint:

- alleges an offence against the Act, it will be referred to the relevant enforcement agency (such as Local Government Inspectorate for candidate offences, or IBAC for alleged offences of a current councillor)
- alleges a breach of local laws, it will be referred to the relevant council CEO
- alleges a criminal offence, it will be referred to Victoria Police
- relates to the administration of the election, including the actions and behaviours of election managers or their staff, it will be referred to the Electoral Commissioner or another authorised person for investigation and response.

If your matter has been referred externally, we will advise you that the matter has been referred. In some cases, it may also be appropriate for us to notify the subject of the feedback or complaint that a matter has been raised, particularly where further information is necessary.

You may enquire about the progress of your complaint by contacting the Customer Feedback and Complaints Team on 131 832 or 03 8620 1100.

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Appendix 1. Candidate lodgement record

Council	
Ward (if applicable)	
Candidate name (as on ballot paper)	

Update this form after you have lodged your *Nomination form*, candidate statement text, photograph, and questionnaire with the election manager. Keep this form as evidence of lodgement.

You and the election manager should sign this form after completing the nomination process and if you submit the *Candidate statement lodgement form* and the *Candidate questionnaire lodgement form* in person.

If you submit the candidate statement and candidate questionnaire by email please record the time and email address you sent the forms from.

How to submit each of the documents listed below is explained in the *Candidate handbook*. It is extremely important that you carefully follow the instructions in the handbook before submitting any forms to the election manager.

	Date lodged DD/MM/YY	Signed Candidate or time sent (HH.MM am/pm)	Signed Election manager or sent from (email address)
Nomination form			
Candidate statement			
Candidate photograph			
Candidate questionnaire			

Appendix 2. Nomination checklist

Nomination checklist for candidates	✓
1. Confirm you are eligible to nominate.	
Make sure you are enrolled on the voters' roll for the council you wish to nominate for.	
Make sure you are an Australian citizen or a qualified British subject.	
Make sure you are not disqualified for any other reason.	
Complete the mandatory local government candidate training. For further information visit localgovernment.vic.gov.au	
2. Complete a <i>Nomination form</i>.	
Use Candidate Helper and print your completed <i>Nomination form</i> , or find one in the <i>Candidate information kit</i> and complete it.	
3. Nominate before 12 noon on the day nominations close.	
Call the election office to make an appointment with the election manager.	
Lodge your <i>Nomination form</i> at the election office and sign the declaration in the presence of the election manager.	
Pay the nomination fee (\$250) by cash or bank cheque (made payable to the Victorian Electoral Commission).	
Complete the <i>Candidate lodgement record form</i> (Appendix 1).	
4. Check your electoral material is compliant with the law.	
Make sure your electoral material is compliant with requirements listed in 4. Election campaign material and donations All electoral material must be properly authorised.	

Appendix 3. Candidate statement checklist

Follow this checklist if you wish to submit a candidate statement for printing in the ballot pack sent to voters.	✓
Use Candidate Helper and print the completed <i>Candidate statement lodgement</i> form, or complete the form in the <i>Candidate information kit</i> .	
Check your statement meets the word count and formatting requirements.	
Check the spelling, grammar and punctuation of your statement.	
Read and sign the declaration on the form.	
Before 12 noon on the day nominations close , submit your completed form either: <ul style="list-style-type: none"> • in person yourself or using an authorised person • by email. 	
Complete the <i>Candidate lodgement record</i> (Appendix 1) for your own records.	

Appendix 4. Candidate photograph checklist

Follow this checklist if you wish to submit a photograph for printing in the ballot pack sent to voters.	✓
Read the photograph specifications in chapter 2 of this handbook and the <i>Candidate photograph instructional sheet</i> .	
Find or take a photograph with a plain light-coloured background. Make sure your photograph has space around your head and shoulders and does not use digital zoom.	
Check your photograph has a high resolution for clarity when printing.	
Make sure your photograph meets all other format requirements.	
Use Candidate Helper to upload for your photograph and print the completed <i>Candidate statement lodgement</i> form, or complete the form in the <i>Candidate information kit</i> .	
Before 12 noon on the day nominations close , submit your photograph either: <ul style="list-style-type: none"> • by providing your <i>Candidate statement lodgement</i> form to the election manager, or • by email. 	
Update the <i>Candidate lodgement record</i> (Appendix 1) for your own records.	

Appendix 5. Candidate questionnaire checklist

Follow this checklist if you wish to submit a candidate questionnaire for publication on the VEC website.	✓
Check the election timeline for submission dates and times.	
Use Candidate Helper to complete and print the <i>Candidate questionnaire lodgement</i> form, or find one in the <i>Candidate information kit</i> and complete it.	
Complete the declaration on the form and sign it.	
Before 12 noon on the day nominations close , submit your completed form and any supporting documents in person, via an authorised person or by email.	
Update the <i>Candidate lodgement record</i> (Appendix 1) for your own records.	

Appendix 6. Election material and donation disclosure checklist

1. Printing and publishing electoral material.	✓
Familiarise yourself with the rules about authorisation of electoral material	
Check who you need to contact if you plan to place posters or billboards in public space	
Seek legal advice if unsure	
2. Disclosure of election campaign donations.	
Record all disclosable election donations and gifts, including in-kind, on the <i>Election campaign donation return</i> form.	
Lodge the form with the council chief executive officer within 40 days of election day. You must lodge a form, even if you didn't receive any donations or gifts.	

Appendix 7. Scrutineer appointment checklist

To appoint scrutineers:	✓
Obtain a <i>Scrutineer handbook</i> from the VEC website	
Complete the <i>Appointment and declaration of scrutineer</i> form for each scrutineer	
Brief each scrutineer on their role	
Notify scrutineers of the activity schedule	
Each scrutineer must submit an <i>Appointment and declaration of scrutineer</i> form with the candidate's original signature at each venue they attend.	

Appendix 8. Election compliance and complaints process

1. Election offences.	✓
Familiar yourself with the offences that exist for local council elections.	
Seek independent legal advice if uncertain.	
2. Alleged election offence complaints process.	
Is an offence being alleged under any Act or Regulations?	
Refer the matter to the VEC's Customer Feedback and Complaints Team directly at vec.vic.gov.au/about-us/complaints or by another method listed in 7. Feedback and complaints .	
Make sure your complaint is in writing.	

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(Victorian Electoral Commission)

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