

STATE DISTRICT BY-ELECTIONS



Victorian Electoral Commission **VEC**



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BACKGROUND AND PURPOSE

1.1. Victorian State District By-elections

Victoria has two houses of Parliament. The lower house comprises of 88 electoral districts; each district is represented by one member for a four year term. The upper house comprises eight regions, each represented by five members for a four year term. There are 11 districts in each region

The Victorian Electoral Commission (VEC) is responsible for the conduct of all Victorian State by-elections. VEC State District by-election operations are governed by four main pieces of legislation:

- *Electoral Act 2002*: establishes the VEC as an independent statutory authority, and sets out the processes for State elections including the timeframe for the conduct of the election.
- *Constitution Act 1975*: sets out who is entitled to enrol as an elector, who is entitled to be elected to Parliament, and the size and term of Parliament.
- *Electoral Boundaries Commission Act 1982*: governs the determination of State electoral boundaries. Under this legislation the Victorian Electoral Commissioner is nominated as a member of the Electoral Boundaries Commission.
- *Infringements Act 2006*: provides for stages two, three and four of compulsory voting enforcement.

All procedures and processes implemented by the VEC during a State District by-election take each piece of legislation into consideration and implement rules prescribed therein.

1.2. Purpose of this document

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

The document will set the road map for a District by-election and will include direction and strategies the VEC will implement for the by-election. This document is to be used to gain a clear understanding of the projects and services to be implemented for the by-election.

The strategies in place for the conduct of a State District by-election are in line with the VEC Strategic Plan, 2013/2014 to 2017/2018.

ELECTION TIMELINE

The dates of a State District by-election are unknown and may be caused by the resignation or death of a District Member of Parliament.

The trigger for a District by-election is the issue of the Writ that occurs at least 25 days before election day. The Writ is issued by the Speaker of the Legislative Assembly and sets out the key dates for the by-election. The Writs for a by-election must be returned no later than 21 days after election day. Therefore the minimum timeframe for the conduct of a District by-election is 46 days.

Given the lack of advance notice and the short timeframe for a District by-election it is essential that the VEC is 'election ready'. The lead-time for the management of a State election is estimated to be 12 – 16 months, with most major projects in place by the issue of the Writs. Given the unknown date for a District by-election, the VEC must be well placed to conduct a by-election should one occur.

SERVICE PLAN



1.3. Resource management and sustainability

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

For some time, the VEC has been effecting environmentally sustainable changes in its practices and these have been reflected in its operations.

Examples of environmentally sustainable strategies that deliver co-benefits of efficiency and cost savings include:

- the provision of recycling facilities at VEC head office and all election offices for State elections;
- electronic device sharing arrangements with other states and territories in the conduct of elections (up to 1000 netbooks and other devices);
- the provision of posters at each voting centre encouraging the return of how-to-vote material to party workers;
- clearly-labelled recycling bins available at each voting centre;
- careful consideration and planning of a more environmentally

sustainable use of transportation for election materials across the State to reduce 12 million logistic kg klms; and

- paper reduction strategies (such as reducing the amount of paper sent to election offices for use during elections, emailing offers of appointment to elections casuals instead of printing and mailing, moving instruction manuals to an on-line format instead of printed copies, and provision of electronic copies of reports where possible).
- The VEC values and promotes knowledge, learning and collaboration; it actively works to empower and engage staff and the community in decisions of importance to all and will continue to promote sustainable practices during all electoral events.

1.4. Enrolment and Close of Rolls

1.4.1. Overview

Under a joint roll arrangement, the State and the Commonwealth share the responsibility for maintaining enrolment in Victoria. Both the VEC and the Australian Electoral Commission (AEC) have programs to assist people to enrol and update their enrolment details. An enrolment facility that allows enrolling and updating of enrolment online at vec.vic.gov.au is available to electors. Additionally, enrolment applications processed by the AEC are provided to the VEC via a transaction file that is used to update the Victorian register of electors.

1.4.2. Enrolment eligibility checks

Nominations open after 6.00pm on the day the Writ is issued. The VEC will check that candidates are enrolled on the Victorian register of electors and that their nominators (where applicable) are enrolled within the electorate where the candidate is nominating.

1.4.3. Close of roll

The roll for the election closes at 8.00 pm seven (7) days after the issue of the Writ.

The election office and AEC Divisional Offices that cover the District where the by-election is occurring will remain open until 8.00pm on the evening of the close of rolls as will the VEC's head office at 530 Collins Street, Melbourne.

The VEC makes arrangements to ensure that close of roll enrolment data from the AEC is received within 24 hours of the close of roll.

All electors in the by-election District who enrol or update their details in the week following the close of roll will be contacted and advised of the appropriate action. Where applicable, electors will be advised to attend a voting centre and complete an 'Application for Enrolment/Provisional Vote'.

1.4.4. Election roll products

Roll product generation for the by-election will commence as soon as the final update processing has been completed to allow printing of scannable and reference rolls and EasyVote letter, and production of RPP and candidate rolls.

1.5. Advertising and Communication Campaign

1.5.1. Enrolment letter mail-out

As soon as possible after the issue of the Writ (or as soon as details of the election are known), the VEC will send written notification to each household within the District advising eligible people not on the roll to enrol, and reminding those that have recently moved to update their enrolment details. The VEC aims to provide a minimum of three working days

notice to households of the date and time of the close of roll.

1.5.2. Newspaper advertising

A series of advertisements that meet the requirements set out in the *Electoral Act 2002* will be published in local newspapers, as well as *The Age* and *Herald Sun* throughout the election period.

Advertisements will include multi-lingual telephone enquiry service numbers that operate all year round.

1.5.3. Telephone enquiry service

The telephone enquiry service for the by-election will operate from the VEC's head office until the election office opens. The election office will run this service for the remainder of the election supported by an overflow service at the VEC head office during peak periods.

1.5.4. Multi-language telephone interpreting service

A telephone interpreting and multi-language information service will operate throughout the by-election period. Operated by the Victorian Interpreting & Translating Service (VITS), interpreting services are available in more than 100 languages. A minimum of twenty dedicated telephone numbers are provided for the most widely spoken languages in Victoria (plus another for English). See Appendix 3.

However, if the District has a substantial proportion of non-English speakers, translated information will be provided in those languages specifically for the by-election. Options will then link the caller with an interpreter if required.

1.5.5. Website

The VEC's website will feature comprehensive information for the by-

election, updated at each phase of the election cycle. Information will be provided about:

- enrolment;
- registering to work at an election
- nominating for the by-election;
- early and postal voting;
- details of how, when and where to vote on election day;
- interstate/overseas elector information;
- how-to-vote cards; and
- election results.

Candidate information, nomination forms and postal vote applications will be made available for download. Election day voting centres and their accessibility will be listed with maps showing the physical location of each voting centre.

As results information becomes available it will be published progressively on the website and via a virtual tally room.

Information in languages other than English (including telephone numbers for interpreting services) will also be accessible on the website.

The VEC will direct voters to the site by promoting the website address in all advertisements and any supplementary promotional material produced.

1.5.5.1 info@vec.vic.gov.au

The VEC will provide an email service info@vec.vic.gov.au where electors can email any request or query in regard to the by-election. Many electors (including the hearing-impaired and many who are overseas and are unable to call the VEC directly) prefer to use the VEC's email contact facility to receive a reply to their query in Writing. During weekdays election queries will be responded to within 24 hours of receipt.

1.5.5.2 Enrolment and recruitment helper

The enrolment and recruitment helper applications have been designed to be 'web-friendly' and to provide the voter or prospective election official with the ability to input data through clearly worded text boxes to complete an online pre-populated form to enrol or register interest in working at the by-election. Where legislation requires it, these forms have to be printed by the user and posted or faxed to the VEC.

1.5.6. EasyVote letter

The VEC will mail an EasyVote letter to all electors on the roll at the close of roll (excluding General Postal Voters). The letter will detail early voting, postal voting, overseas and interstate voting, and election day voting arrangements and will include the location and accessibility of all voting centres.

1.5.7. Social media

The VEC's social media channels will be used to build interest in the by-election and disseminate key messages at strategic points in the by-election timeline.

1.5.8. Community and local government agencies

The VEC works with community and local government agencies to ensure that all eligible Victorians have the opportunity to enrol and exercise their democratic right to vote – regardless of their background, age or ability.

Once the by-election Writ is issued, the VEC Education team will send details of the by-election date, enrolment and voting options and translated information to Culturally and Linguistically Diverse (CALD) local community groups, youth organizations, homelessness agencies

and other community services in the by-election District.

1.6. Election Office and Staff

1.6.1. Election Manager, Assistant Election Manager and staff

The VEC has a pool of senior election officials (SEOs) to draw on for appointment as Election managers and assistant election managers. The majority of SEOs have previous local government or Parliamentary election experience and all will have completed the VEC's comprehensive training program. The Election manager will be appointed from this pool and will be assisted by up to two assistant election managers. Alternatively, the VEC may appoint staff currently working at the VEC to undertake these roles.

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

During the by-election the VEC will work to facilitate the appointment of election officials from indigenous backgrounds, those with multi-language skills and those with disabilities.

1.6.2. Election office

For metropolitan by-elections, the election office will be located at the VEC office at Level 11, 530 Collins Street, Melbourne. For regional by-elections, an election office will, where possible be provided within the District. The VEC endeavours to provide an office in a convenient position for both candidates and electors with appropriate access for disabled voters. The election office will be clearly identified with appropriate

signage and will have appropriate security.

When establishing the election office the VEC ensures it provides facilities for the Election manager to meet with candidates and/or their representatives, provide a counter service to members of the public, accommodate staff dealing with the public and for issuing declaration votes, scrutiny and count of votes etc.

As the public face of the VEC, the following points are considered when selecting premises:

- suitable access to the public, including access for elderly and disabled voters; and
- proximity to public transport;

The election office will be open to the public from the day following the issue of the Writ.

1.6.3. Furniture and equipment

The VEC will provide all furniture and materials required by the election office. This will include a network of computers, printer, photocopier, letter openers, ballot-paper counting machines, cardboard furniture and other furniture. Additionally, the office will be resourced with all stationery and materials required during the conduct of the election. Recycling facilities will also be made available during office operations.

During and at the completion of the election, arrangements will be made for the collection and recycling of used paper and cardboard products from the election office.

IT infrastructure will be provided to the election office and the office will access the VEC's computerised election management system (EMS) that has been specifically developed to support

the conduct of elections and by-elections conducted by the VEC. The election management system will provide access to the roll of electors for the by-election and will allow for entry of nominations, early and postal votes and results. From the system the VEC will produce the artwork for printing ballot papers, and other products required for the election, and information published directly to the VEC's website.

1.6.4. Office hours

Election offices will open to the public from the day after the issue of the Writ and will close to the public at 6.00 pm on election day.

The election office will operate on standard hours from 9.00 am –5.00 pm Monday to Friday from the issue of the Writ until the day prior to the close of nominations. Extended hours (from 8.30 am - 8.00 pm) will apply on day of the close of rolls to receive enrolments.

Extended hours will also apply during the early voting period, as follows:

- until 6.00 pm on the close of nominations day;
- from 8.30 am-6.00 pm weekdays from the day after the close of nominations until the last day of early voting (the Friday before election day), except for the Thursday before election day when hours will be extended until 8.00 pm; and
- from 9.00 am-2.00 pm on the Saturday before election day.

The election office will also be open for public enquiries on election day, from 7.00 am-6.00 pm.

This arrangement will meet all legislative requirements and provide candidates and voters with adequate access.

1.7. Support for Election Manager

1.7.1. Election Support Officer

An Election Support Officer (ESO) will be provided to support the election manager throughout the election. Located at the VEC's Melbourne office, the ESO will be the central point of contact between the election manager, the Electoral Commissioner and other VEC staff. The ESO will assist the election manager with procedural and other issues.

1.7.2. Helpdesk

Helpdesk support will be provided to the election manager principally, to assist with the operation of the election management system and other technical issues.

1.7.3. Election Liaison Officers

The election manager will be able to appoint one or more election liaison officers (ELO) who will visit voting centres on election day. The ELO's role will be to alert the election manager to instances where voting centres may need extra resources and deliver them where appropriate, and to ensure procedures are applied consistently.

1.8. Registered Political Parties

1.8.1. Briefing sessions

After the announcement of the by-election the VEC will offer a briefing session to registered political parties (RPPs) regarding the election process. Sessions will provide information on:

- the VEC's preparations for the by-election;
- infrastructure arrangements;
- postal voting arrangements;
- nomination procedures;

- the registration of how-to-vote cards;
- the VEC's voter information campaign;
- complaints procedures; and
- public funding of election expenses.

As support documentation (including early voting and voting centre lists) becomes available, it will be provided to RPPs.

The VEC will publish circulars for RPPs until nominations close (if required). For the remainder of the election period, the election manager will keep candidates informed of specific election activities and timelines.

1.9. Independent Candidates

1.9.1. Information session

An information session will be held for independent candidates as soon as possible after the issue of the Writ. This information session will cover key timelines and procedures relevant to independent candidates.

1.10. Nominations

The VEC will produce Candidate Information Kits to be provided to prospective candidates. The kits will contain all forms and information required for nominating at a State District by-election as well as information specific to the electorate for which they are nominating.

The VEC will continue to receive and record nominations from RPPs. The election manager will receive and record nominations from independent candidates including the receipt of the \$350 nomination deposit.

Independent candidates will be able to complete their nomination form online -

but will still need to lodge their hard copy nomination form with the election manager, as required by legislation.

The election manager will publish all nominations received on a daily basis in a prominent position in the election office. Details of nominations that have completed a full quality assurance process will be published on the VEC's website twice daily at 10.00 am and 5.00 pm.

1.10.1. Draw for ballot paper position

The election manager will hold a ballot to determine the order of candidates' names on the ballot paper as soon as practicable after the close of nominations. The ballot draw will be conducted electronically. The order of names on the ballot paper will be determined by a computerised single random draw.

(Only a registered political party is allowed to have its name printed on the ballot paper adjacent to the name of the candidate endorsed by the party.)

1.10.2. How-to-vote cards

All how-to-vote cards to be distributed within 400 metres of voting centres on election day, or to be carried by mobile voting teams, must be registered by the Electoral Commissioner. Independent candidates may lodge their how-to-vote cards with the election manager who will forward these to the Electoral Commissioner for registration. Registered political parties must lodge their how-to-vote cards directly with the Commission.

Detailed information on the requirements for how-to-vote card registration will be contained in the candidate handbook. Examples of how-to-vote cards that may

be submitted for registration are included in Appendix 3.

The VEC will publish registered how-to-vote cards on its website in accordance with legislation.

1.10.3. Candidate enquiries

The election manager will deal personally with all enquiries from candidates to ensure that authoritative and consistent information is being provided.

Registered political parties will deal directly with the VEC.

1.10.4. Electoral entitlements

The *Electoral Act 2002* provides for public funding for candidates who gain at least 4% of the total number of first preference votes given in the election. The entitlement amount per first preference vote will be calculated as soon as possible once the by-election has commenced. For the 2010 State election the amount (entitlement) was set at \$1.4849 per first preference vote. The calculation of each entitlement will be performed after the final count of all votes has occurred for each District and Region.

The lodgement of expenditure statement by registered political parties and independent candidates is due 20 weeks after the election day as required by the *Electoral Act 2002*.

1.10.5. Refund of nomination deposits

Candidates who are elected, and candidates who obtain 4% or more of the formal vote, will have their nomination deposit refunded as soon as practicable after the declaration of the election.

Nomination deposits for independent candidates will be refunded to the

candidate. Nomination deposits for candidates represented by a registered political party will be refunded directly to the party.

1.11. Ballot material and roll products

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

Quality assurance staff overseeing ballot material and roll production will be thoroughly trained in the process.

1.11.1. Ballot papers

Ballot papers will be produced by the VECs contracted ballot material printer as soon as possible after the ballot draw has been completed for the by-election.

Mailhouse stock that will be used for postal voting will be pre-printed with the initials of the VEC officer responsible for postal voting.

The artwork for ballot papers will be created using the InDesign application. Ballot paper templates have been developed and will be populated by data extracted directly from EMS after close of nominations by way of an XML (Extensible Mark-up Language) data file. Print ready PDF files will be transmitted directly to the VEC's contracted ballot material printer requiring minimal work by the printer prior to sending to the printing press.

1.11.2. Braille ballot papers

The VEC will provide Braille ballot material to members of the community who have registered with the VEC requesting this service. A Braille ballot paper will be produced for each person registered as soon as possible after the close of nominations, along with Braille instructions for the completion of the ballot paper. The VEC will not be offering

a large print ballot material service at the by-election.

1.12. Early Voting

1.12.1. Postal voting

Any electors unable to attend a voting centre on election day may apply in writing to the VEC for a postal vote. Applications will be available from Australia Post offices within the District, the VEC, the election office, Australian Electoral Commission offices (where applicable) and on the VEC website. See Central Processing Centre below for more information.

Electors who are registered as General Postal Voters for State elections will have their ballot material posted to them as soon the ballot material is available following the close of nominations.

The VEC will discuss arrangements and protocols for the distribution of RPP applications for a postal vote with registered parties. Information regarding the protocols will also be provided to independent candidates.

1.12.2. Central Processing Centre

The VEC will establish a Central Processing Centre (CPC) at the VEC head office that will be responsible for the processing of postal vote applications and despatch of postal ballot material to electors.

Postal vote applications will be marked against the election roll in EMS to allow tracking of the postal vote through each stage of the process.

RPPs undertaking distribution of party specific postal vote applications will be required to ensure that applications they receive daily are delivered to the VEC for processing no later than 11am each day.

This will ensure same day processing and despatch of postal votes to electors.

1.12.3. Early voting

An early voting centre will be established for the by-election at the election office if it is located within the District. Should the by-election be held in a District of large geographical area additional early voting centres may be established as required. Where the election office is at the VEC head office, an additional early voting centre will be established within the District.

Electors unable to attend a voting centre on election day will be able to vote early at an early voting centre. Early voting will be available from the Monday following the close of nominations to 6.00 pm on the Friday before election day. Early voting will be available at the election office after 4.00 pm on the close of nominations for electors with special circumstances.

Early voting will operate from 8.30 am-6.00 pm Monday to Friday with extended hours until 8.00 pm on the Thursday before election day. Early voting centres will also operate from 9.00 am - 2.00 pm on the Saturday before election day in recognition of the needs of those members of the community who cannot vote during business hours.

Staff at early voting centres will be provided with electronic roll mark-off facilities connected to the VEC's central database that contains the by-election roll (as at the close of roll) to allow direct roll mark-off of electors voting early.

1.12.4. Interstate and overseas voting

Early voting facilities will be established at the offices of each State and Territory electoral commission and at Victoria House in London.

1.12.5. Mobile voting

The Electoral Commissioner will appoint as many nursing homes, hostels, hospitals and other institutions as is necessary as mobile voting centres to enable electors in those institutions to vote on the spot when a mobile voting team visits in the lead-up to the by-election. The class of elector able to vote at each mobile voting centre will also be determined by the Electoral Commissioner.

Additionally where homeless support agencies, centres for blind or low-vision electors and prisons are affected by the by-election, they will also be appointed for mobile voting.

1.12.6. Armed services personnel serving overseas

The VEC will contact the Department of Defence and provide it with information regarding the by-election for communication to Australia's armed services personnel serving overseas up to and during the election. The Department of Defence circulates information on voting for all Australian elections to all personnel.

1.12.7. Antarctic voters

The VEC will continue to work with staff from the Australian Antarctic Division in order to ensure that any 'Antarctic electors' employed in Antarctica during the by-election are able to vote. The VEC will prepare, for each registered elector, a specially designed ballot paper that will be emailed in a secure format to their registered email address. Antarctic electors will complete their ballot and return it to the VEC by similar means, for inclusion in the count.

1.13. Voting Centres

1.13.1. Selection of voting centres

The VEC will book all voting centres for the by-election once the date of the by-election is known. Voting centre bookings will be based on the most recent State election taking into account any recommendations made by the election manager for that election.

The VEC will also consider those voting centres that have been used at Federal and Council elections in the past, and will ensure that voting centres are geographically well located within the District. The VEC will ensure that, as far as possible, voting centres provide maximum access for voters and that there is at least one fully accessible voting centre in the District.

A full accessibility audit of each proposed voting centre will be undertaken.

1.13.2. Voting centre equipment

The VEC will arrange for the delivery of furniture (where required) and equipment to each voting centre at an appropriate time during the week before election day. This will include customised cardboard voting centre equipment (voting screens, directional signs, ballot boxes, recycling rubbish bins etc).

The VEC will provide posters to each voting centre encouraging the return of how-to-vote material to party workers. Additionally, clearly-labelled recycling bins will be available at each voting centre.

1.13.3. Operation of voting centres

Election day voting centres will operate between 8.00 am and 6.00 pm. Voting centre managers will be trained in the strict legal requirement to adhere to these times.

1.13.4. Voting centre staff

The Election manager will appoint as many staff as are necessary to ensure voting centres are adequately staffed and that election office tasks are completed as required. The VEC has developed job specifications to assess potential candidates and ensure that Equal Employment Opportunity (EEO) principles are considered in the selection of all staff.

The VEC online registration system for prospective election officials will also be available to capture details of potential new staff. The VEC will continue to encourage staff from Aboriginal backgrounds, those with disabilities and those with multi-language skills to register as prospective election officials. Additionally the VEC will provide the opportunity for people experiencing homelessness to become election officials.

Election Liaison Officers (ELOs) will visit voting centres during the hours of voting and during the count to support a number of voting centre managers. They will check procedures are being carried out correctly, provide advice where necessary and deliver any additional materials if shortages occur during the day.

Election day staff will be provided with a DVD that outlines voting centre procedures, with special emphasis on integrity, accuracy and good customer service. The VEC will provide a training package for use by election managers to conduct face-to-face training sessions for ELOs, voting centre managers (VCMs) and assistant voting centre managers (AVCMs).

1.13.5. Multi-language instructions

Voting instructions in minimum of twenty languages will be available in voting compartments at voting centres. A list of the languages is included in Appendix 2.

1.14. Vote Counting

1.14.1. Election day

After the close of voting at 6.00 pm, ordinary votes issued in election day voting centres will be counted in voting centres. Two counts will be conducted, as follows:

1. 1st preference count
2. Two candidate preferred count

After the counting of first-preference votes, a two-candidate-preferred count will be conducted, with preferences distributed to the two candidates considered 'most likely' to be in the lead after the distribution of preferences. The purpose of the two-candidate-preferred count is to provide an early indication of the result of the by-election, and also to provide detailed information for political parties and analysts.

Counting of postal and early votes will commence at 6.00 pm on election night in the election office in the same count order as at the voting centres.

1.14.2. Counting after election day – recheck and preference distribution

The primary counts will be rechecked in the election office after election day. A preference distribution to determine the result of the by-election may be required where no candidate obtains an absolute majority (more than 50 per cent) of the first-preference votes. Preference distributions will take place after all rechecking has been completed.

1.14.3. Counting after election day – recount

A full recount of votes can take place before a candidate is declared elected. A recount may be conducted at:-

- the election manager's discretion; or
- the request of a candidate.

Alternatively a recount **MUST** be conducted if directed by the Commission.

The Commission will observe the outcome of the by-election and work with the election manager to determine if a recount should take place.

1.14.4. Counting after election day – corrected two-candidate-preferred count

The VEC will monitor the results of the two-candidate preferred count on election night. Where the two candidates selected were incorrect, the VEC will not adjust the two-candidate preferred count on election night. A corrected two-candidate preferred count will take place during the week following election day.

1.14.5. Counting after election day – two-party-preferred counts

The VEC will use 2CP or preference distribution results as the two-party result, but will conduct special two-party-preferred counts where 2CP or preference distribution results do not show how the vote is divided between the ALP and the Liberal and National parties.

The VEC will only conduct a two-party-preferred count where the parties listed above stand candidates for the by-election, once all counting in the District has been completed.

1.14.6. Provisional vote checking

Checking of the enrolment entitlement for voters completing an *Application for Enrolment/Provisional Vote* is to take place at the VEC early in the week after election day. Enrolment entitlement must be checked before these votes can be admitted to the count.

Forms from provisional votes taken in voting centres on election day and at early voting centre prior to election day will be forwarded to the VEC head office for checking.

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

As a result of these checks, a decision will be made to either admit the vote to the count or for it to be rejected and not included in the count. Enrolment will also be updated for provisional votes where required.

1.14.7. Availability of by-election results

Progressive results will be made available on the VEC website as they become available.

The VEC will also provide downloadable data files for the by-election in a form that can be readily used by TV and print media and any interested parties. The data files will include information on candidates, party affiliation (where applicable) and voting location. Each

result set will be in ballot paper position order and will contain the total number of votes received by each candidate.

1.14.8. Declaration of the result

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

Prior to declaring an election the election manager will ensure that the number of outstanding ballot papers could not possibly affect the result of the by-election. Candidates will be advised of the date and time of the declaration.

The by-election must be declared before the return of the Writ (21 days after election day).

1.14.9. Management of complaints

The VEC will only accept and act on complaints made in writing – these may be in letter, fax or email form. In most cases, complainants are alleging that there has been a breach of the law and as such there must be an evidentiary trail. Any complaints lodged with the election manager will be forwarded to the Electoral Commissioner for consideration and response.

The VEC will not discuss individual complaints with members of the media under any circumstances, not even to confirm or deny that a complaint has been received.

1.14.10. Compulsory voting

Section 162 of the *Electoral Act 2002* determines that the Commission must, within six months of election day, send by post to each elector who appears not to have voted a notice asking why they did not vote.

The VEC will commence non-voter follow-up of persons who were required

to vote at the by-election but who appear not to have voted within a month of the return of the Writ. Non-voter follow-up will take place in four stages. The first three stages will be conducted by the VEC with the final stage being managed by the Infringement Court.

The non-voter process is as follows:

Apparent Failure-to-vote Notice

The VEC will prepare and send an apparent failure-to-vote notice to all electors who appear to have failed to vote and are not automatically exempt.

Infringement Notice

The VEC will prepare and send an infringement notice to any apparent non-voter whose excuse is not deemed valid or who failed to reply to the apparent failure-to-vote notice. It is a requirement of legislation that non-voters who provide a valid response for not voting may have the infringement against them withdrawn. A 'Withdrawal of Infringement' letter must be mailed to each non-voter in this category. A penalty applies to this notice.

Penalty Reminder Notice

The VEC will prepare and send a penalty reminder notice to those apparent non-voters who have not paid the penalty for failing to vote. An amount for prescribed costs is added to the original penalty amount.

Infringement Court File

An infringement court file will be prepared and lodged with the infringement court within the prescribed timeframe.

Receipt of penalties

The VEC will receive and record all payments made in relation to compulsory voting enforcement. All penalty payments collected for the by-election

will be transferred to consolidated revenue at a time to be determined by the finance department.

1.14.11. Return of the Writ

The Writ for a State District by-election must be returned to the Speaker of the Legislative Assembly within 21 days of election day.

1.14.12. Informal ballot paper analysis

The VEC will conduct a survey of informal ballot papers following a by-election. The aim of the survey is to measure the incidence of various types of informal voting and to contribute to Australia-wide literature on this subject.

1.14.13. Court of Disputed Returns

The validity of an election can only be disputed by means of a petition to the Court of Disputed Returns.

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

1.14.14. Report to Parliament on the conduct of the State District by-election

Under Section 8 (2)(b) of the *Electoral Act 2002*, the VEC must report to each House of Parliament within 12 months of the conduct of each election on the administration of that election. For a State District by-election, the VEC will aim to present its report within six months of the election. The report will provide information on the conduct of the by-election including:

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

The report may also provide details of any recommendations for legislative consideration and research that are identified as a result of the review of all aspects of the by-election.

1.14.15. Disposal of by-election material

Section 122 of the *Electoral Act 2002* and Regulation 45 of the Electoral Regulations 2012 details the legislative requirements for security and storage of election material. All parcels are to be kept safely until the completion of any proceedings in the Court of Disputed Returns.

All election material will be disposed of as detailed in legislation. Where no petition is filed with the Supreme Court, election material will be disposed of as soon as practicable after the expiration of the petition lodgement period

Appendix 1 – State By-election Timeline

ISSUE OF WRIT	Day 25	TUE
	24	WED
	23	THU
	22	FRI
	21	SAT
	20	SUN
	19	MON
CLOSE OF ROLLS (8pm)	18	TUE
	17	WED
RPPs CLOSE OF NOMS (12 noon)	16	THU
CLOSE OF NOMS (12 noon) with EM Early Voting commences (4 pm)	15	FRI
	14	SAT
	13	SUN
First day for submission of HTVCs to Commission for registration	12	MON
	11	TUE
	10	WED
	9	THU
Final day for submission of HTVCs to Commission for registration (12 noon)	8	FRI
	7	SAT
	6	SUN
	5	MON
	4	TUE
	3	WED
Close of Postal Voting (6 pm)	2	THU
Close of Early Voting (6 pm)	1	FRI
ELECTION DAY	0	SAT
	6	FRI
Last day that votes can be admitted to scrutiny	9	MON

Appendix 2 – Community Languages

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

Language	Telephone
Amharic	9209 0190 - African language
Arabic	9209 0100
Bosnian	9209 0191
Chinese	9209 0101 - Cantonese
Chinese	9209 0106 - Mandarin
Croatian	9209 0102
Dari	9209 0193
Dinka	9209 0119
Greek	9209 0103
Italian	9209 0104
Khmer	9209 0192
Korean	9209 0194
Macedonian	9209 0105
Persian	9209 0195
Russian	9209 0196
Serbian	9209 0107
Somali	9209 0108 - African language
Spanish	9209 0109
Turkish	9209 0110
Vietnamese	9209 0111
All other non-English languages	9209 0112
English	9209 0189

Appendix 3 – Sample How-to-Vote cards

SAMPLE THREE

A

VOTE

CANDIDATE/PARTY

B

LOGO

Min

4cm²

IN

{DISTRICT NAME}

SMALL BALLOT PAPER

Number all the boxes 1 to 6

VOTE 1

A

{CANDIDATE NAME}

Place the number 1 next to my name, then number the remaining boxes from 2 to 6 in the order of your choice.

Picture

D

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

SAMPLE TWO

A

VOTE

CANDIDATE/PARTY

B

LOGO

Min

4cm²

IN

{DISTRICT NAME}

SMALL BALLOT PAPER

Number all the boxes 1 to 6

C

Preferences to One Party

DISTRICT OF

{District Name}

4

CANDIDATE, One

1

CANDIDATE, Two

2

CANDIDATE, Three

3

CANDIDATE, Four

5

CANDIDATE, Five

6

CANDIDATE, Six

To make sure your vote counts number EVERY BOX.

OR

DISTRICT OF

{District Name}

5

CANDIDATE, One

6

CANDIDATE, Two

4

CANDIDATE, Three

3

CANDIDATE, Four

2

CANDIDATE, Five

1

CANDIDATE, Six

To make sure your vote counts number EVERY BOX.

D

Authorised by Joe Citizen, 104 Smith Street, Smithton
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