

Victorian Electoral Commission

Report on the Benalla District by-election

13 May 2000



VIEC

Report on the Benalla District by-election 13 May 2000

The Hon Bruce Chamberlain, MLC
President of the Legislative Council

The Hon Alex Andrianopoulos, MP
Speaker of the Legislative Assembly

I am pleased to submit to you, for presentation to Parliament, my report on the administration of the Benalla District by-election held on 13 May 2000.

The report is presented to Parliament as required by section 144D(1)(d) of *The Constitution Act Amendment Act 1958*.

A handwritten signature in black ink that reads "Colin Barry". The signature is written in a cursive style and is followed by a long horizontal line that extends to the right.

Colin Barry
Electoral Commissioner
1 August 2000

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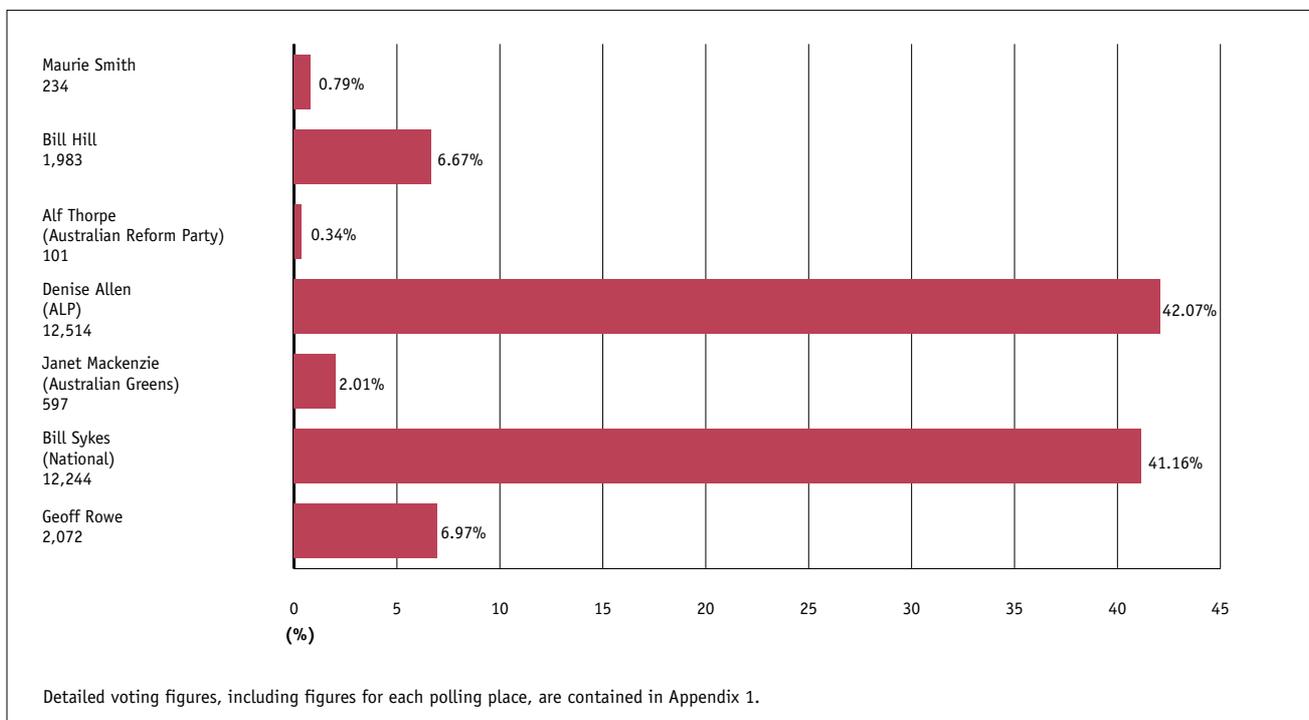
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The Benalla District by-election at a glance

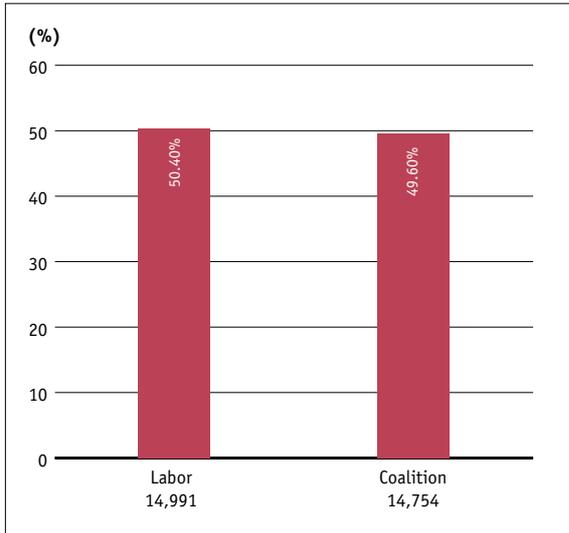
Result

Enrolment:	34,144
Formal votes:	29,745
Informal votes:	849 (2.78% of total votes)
Total votes:	30,594 (89.60% of electors enrolled)

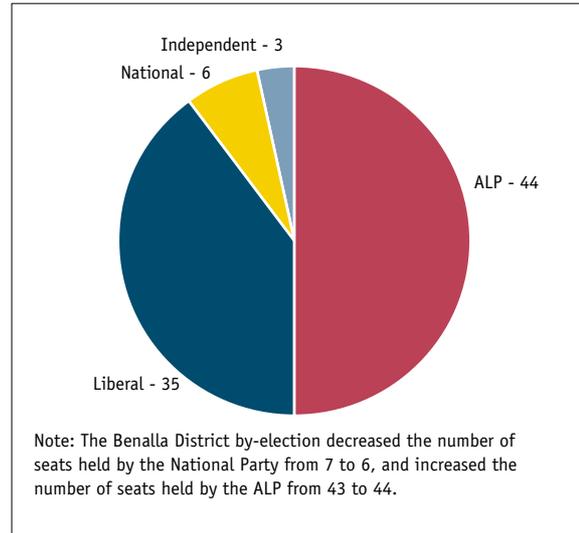
First-preference votes



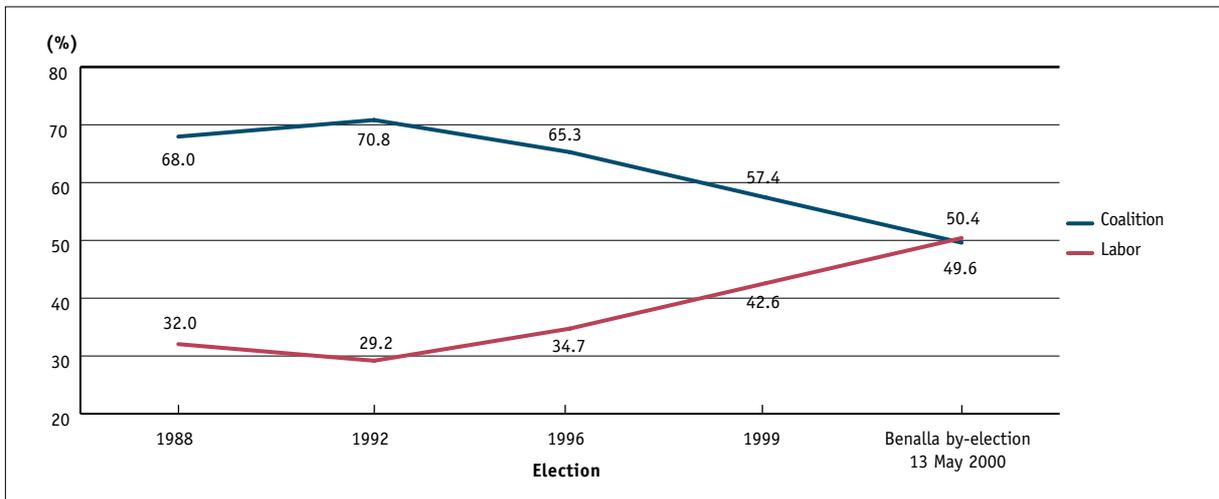
Two-party-preferred vote: Benalla District by-election 2000



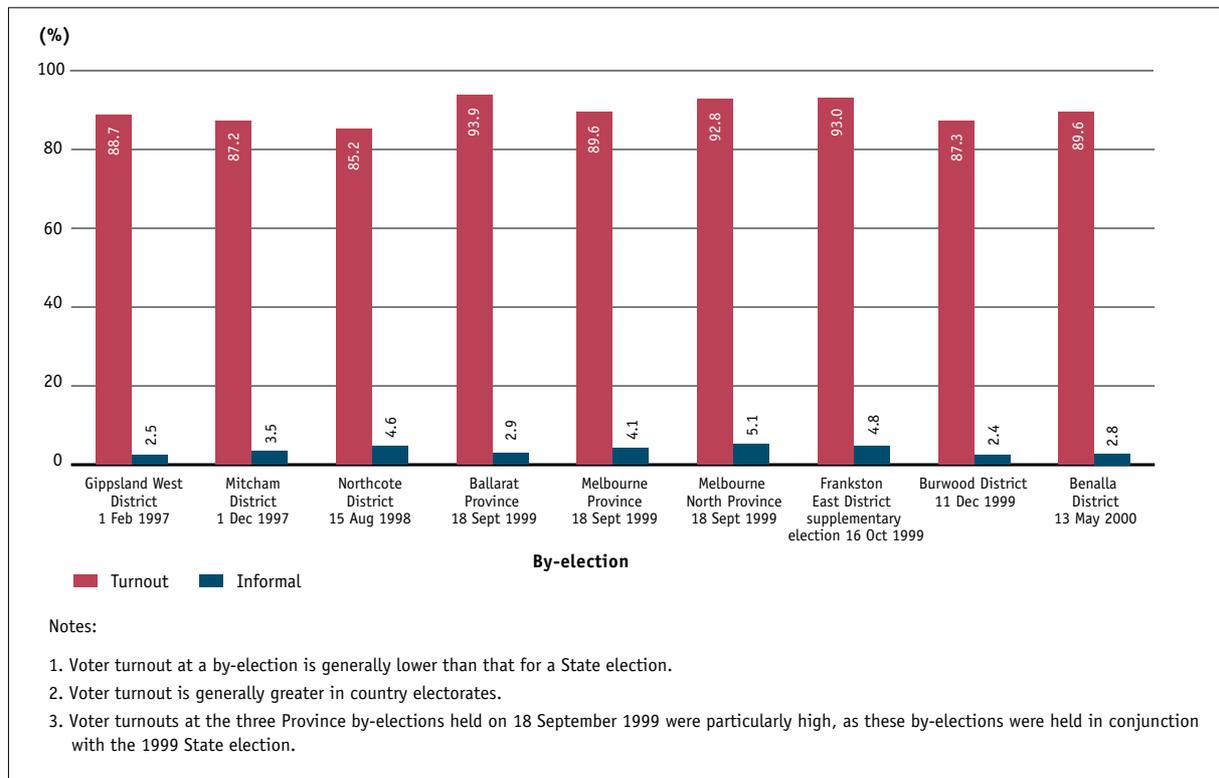
Composition of the Legislative Assembly following the Benalla District by-election



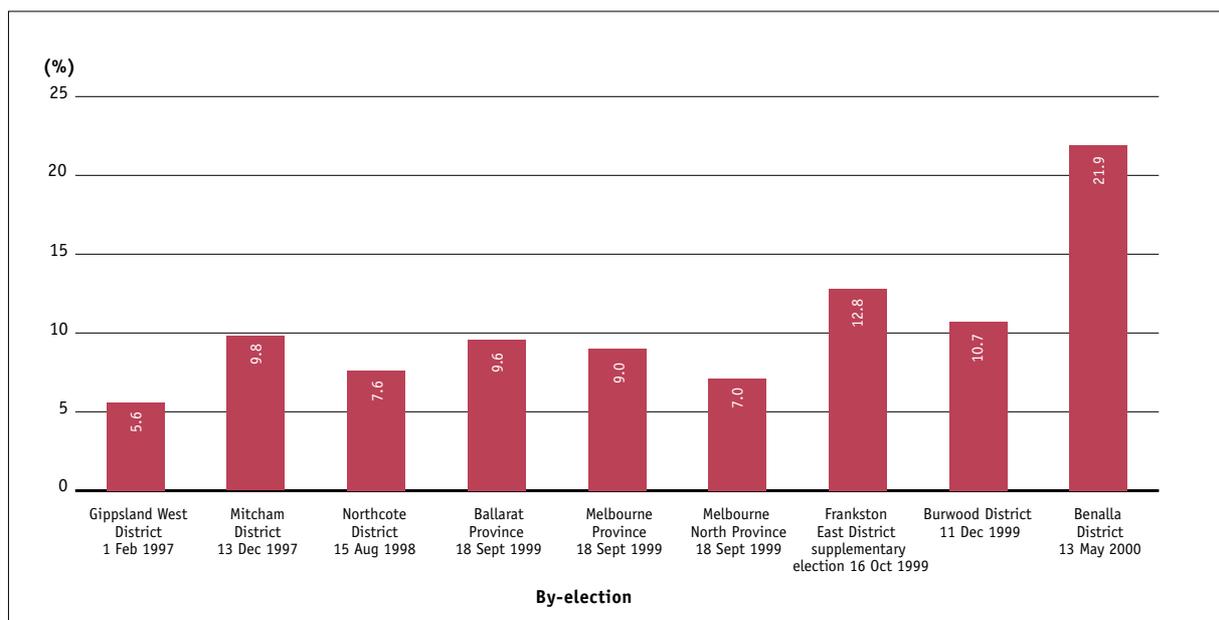
Two-party-preferred vote: Benalla District 1988 to 2000



Voter turnout and informal votes at Victorian State by-elections 1997-2000



Votes cast before election day at Victorian State by-elections 1997-2000



Cost

The cost of the Benalla by-election was \$201,100. This cost includes all direct costs, plus apportioned costs of VEC general expenses.

Background information

The Honourable Patrick McNamara, MP, Member for the Electoral District of Benalla, resigned from the Legislative Assembly, effective on 12 April 2000.

By-election dates

The Speaker of the Legislative Assembly announced the following dates for the by-election.

Issue of writ	17 April 2000
Close of roll	20 April 2000
Close of nominations	27 April 2000
Election day	13 May 2000
Return of writ	on or before 2 June 2000

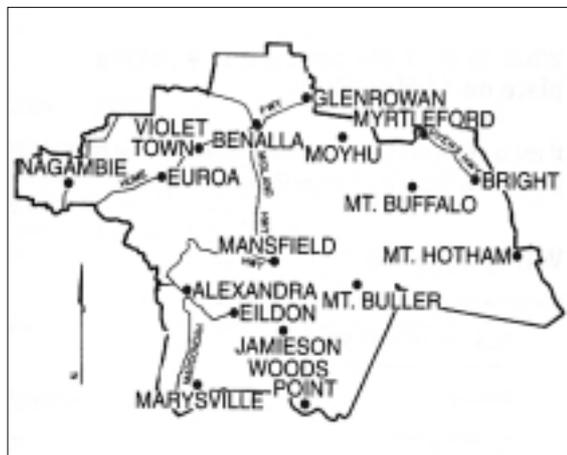
The former Member

Mr McNamara was the Member for Benalla from April 1982 and was the Deputy Premier from 1992 until September 1999. His Ministerial portfolios comprised Agriculture (a caretaker position in 1992), Police and Emergency Services, Corrections and Tourism (1992 to 1996), and Agriculture and Resources (1996 to 1999). Mr McNamara was the leader of the National Party from 1988, and was the National Party spokesperson, in turn, for Labour in 1986, Police and Emergency Services from 1986 to 1990, and Premier, Treasury and Corrections from 1988 to 1990. He was also a Coalition Shadow Minister from 1990 to 1992, with his portfolios comprising Police and Emergency Services, Corrections and Tourism. He served in local government between 1974 and 1983 as a Councillor (and president in 1978) of the Goulburn Shire, and as a member of both the Nagambie Water Board and Nagambie Sewerage Authority. Before entering Parliament, Mr McNamara was a farmer and a real estate agent and auctioneer.

The electorate

Part of the Central Highlands Province, Benalla District is a rural electorate covering 17,155 square kilometres (making it the sixth-largest District in Victoria). Its major centres include Benalla, Euroa, Nagambie, Alexandra, Eildon, Marysville, Mansfield, Myrtleford, Bright and Violet Town.

Map of Benalla District



Past results

1999 State election results

Electors enrolled	34,087
Total votes	31,684 (92.95% of electors enrolled)
Informal votes	1,128 (3.56% of total votes)

First-preference votes

Denise Allen (ALP)	13,013	42.59%
Pat McNamara (National)	17,543	57.41%

Two-party-preferred vote

Labor	13,013	42.59%
Coalition	17,543	57.41%

1996 State election results

Electors enrolled	32,966
Total votes	31,274 (94.87% of electors enrolled)
Informal votes	601 (1.92% of total votes)

First-preference votes

Bill Hill	4,711	15.36%
Zuvelo Leschen (ALP)	7,250	23.64%
Pat McNamara (National)	18,055	58.86%
Brian Lumsden	382	1.25%
James Charwood (Natural Law Party)	275	0.90%

Two-party-preferred vote

Labor	10,628	34.74%
Coalition	19,969	65.26%

Historical pattern

Conservative	1904-07
Fusion	1907-08
Liberal	1908-09
Fusion Liberal/Liberal	1909-16
Economy	1916-18
NP	1918-20
VFU/Country	1920-26
Independent	1926-27
Country Progressive	1927-30
Country	1930-36
Independent UAP	1936-37
Independent	1937-39
Liberal Country	1939-43
Country/NP	1943-2000
ALP	2000-present

Services to registered political parties and candidates

Appointment of a returning officer

Mr David Zeplin was appointed as the returning officer for the Benalla by-election.

The returning officer's duties included:

- staffing an office;
- receiving candidates' nominations;
- conducting the draw for ballot paper positions;
- dealing with electoral enquiries;
- issuing postal votes;
- securing venues for polling places within the electorate;
- employing polling place managers and polling officials;
- training polling place managers;
- training electoral visitors for special hospitals;
- the registration of how-to-vote cards;
- supervising polling, and receiving and recording voting figures; and
- declaring the poll.

Mr Zeplin was assisted in the conduct of the by-election by experienced election staff who had worked in the returning officer's office at recent State and municipal elections.

Support for candidates

Candidates' information kits containing electoral information and material were made available to candidates for the by-election. The kits contained:

- a copy of the *Candidate's Handbook for State Elections*;
- a map of the electorate and information about the electorate;
- previous election results for the electorate;
- contact details of the returning officer's office;

- a list of names and addresses of polling places appointed for the by-election;
- a candidate nomination form;
- *Appointment of Scrutineer* forms;
- a *How-to-vote Card Declaration* form; and
- a supply of postal vote application forms.

Candidates were also provided with reference rolls for the Benalla District in hardcopy format, or on CD if requested. Candidates had to apply to the Electoral Commissioner for a list of general postal voters.

Registration of how-to-vote cards

As at all State by-elections, how-to-vote cards registered by the VEC were the only printed electoral material permitted to be distributed within 400 metres of a polling place on election day. Any person or organisation could submit a how-to-vote card for registration. The following eight cards were registered by the returning officer for the Benalla by-election.

William Hill	1 card
Australian Reform Party	1 card
Australian Labor Party–Victorian Branch	2 cards
The Australian Greens–Victoria	1 card
National Party of Australia–Victoria	1 card
Geoffrey Rowe	2 cards

Appendix 2 contains samples of how-to-vote cards registered for the by-election.

Provision of election results

Results were received by the VEC and relayed by e-mail and fax to candidates and political parties. In addition the results were available on the VEC's web site.



The how-to-vote cards handed out at polling places on election day must be officially registered by the returning officer.

The VEC's performance in providing services to registered political parties and candidates

At the ceremony for the declaration of the poll all candidates complimented the Victorian Electoral Commission, the returning officer and staff on the professional way in which the by-election was conducted, and for the assistance provided throughout the election process. Comment was also made commending the site for the declaration of the poll—the Weary Dunlop Memorial.

The VEC did not receive any formal complaints from registered political parties or candidates during the period of the by-election.

Services to voters

Enrolment

Benalla voters had the opportunity to update their enrolment for a three day period once the by-election was announced. Enrolment forms were available at the usual outlets prior to the close of the roll (post offices and the returning officer's office). In addition, enrolment forms were able to be downloaded from the VEC's web site. During the enrolment period, from the issue of the writ on 17 April, to the close of roll on 20 April 2000, 415 people updated their enrolment for the District.

Arrangements for voting before election day

There is a continuing trend towards an increasing number of voters opting to vote before election day. This is because of a growing awareness amongst voters of pre-poll and postal voting facilities and because of greater availability of such facilities. In addition, Benalla electors were accustomed to voting by post, as they had participated in postal elections for their municipal Councils only a month earlier. There were 6,693 people who voted before election day (21.88% of voters). This is the highest proportion on record for a Victorian State election or by-election.

Voting in person—extended use of pre-poll voting

Following the 1999 State election, the Victorian Electoral Commission engaged ACNielsen to undertake a survey of key stakeholders, including Parliamentary political parties, regarding the VEC's performance in providing election services. Pre-poll voting was identified as an area where the VEC should consider providing services in more locations.

In most cases the returning officer's office is considered to be appropriately located for the purposes of voting prior to election day. However, at the 1999 State election, additional voting centres were established to supplement returning officer's offices where locations were inconvenient for a large number of voters.

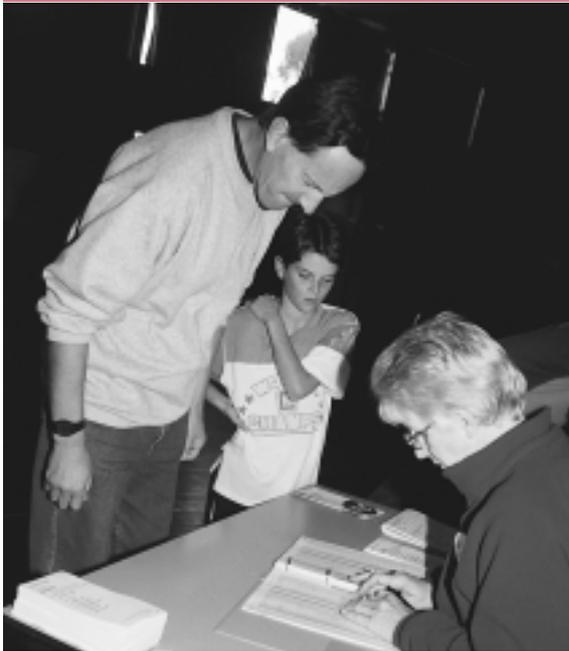
In response to the suggestion that the VEC extend pre-poll voting services at future elections, the Benalla by-election was an excellent opportunity to further trial additional pre-poll voting services, in order to determine whether there was a strong demand from the public for the service. The District of Benalla was an ideal electorate in which to conduct the trial as it is one of the largest rural electorates in Victoria, and it has a number of key business and commercial centres that serve the electorate.

The returning officer's office, located at 56 Bridge Street East, Benalla, was the principal pre-poll voting location. The office was open to the public from 9.00 am to 5.00 pm on weekdays from Tuesday, 18 April to Thursday, 11 May, from 9.00 am to 5.00 pm on Saturday, 6 May, and until 6.00 pm on Friday, 12 May for pre-poll voting purposes. Pre-poll voting commenced from the close of nominations (27 April 2000), at the returning officer's office.

Additional pre-poll centres were established at Mansfield and Myrtleford from Monday, 1 May to Friday, 12 May.

The reasons for selecting Mansfield and Myrtleford were that:

- both locations have commercial centres that service sizeable sections of the electorate;
- both are on significant highways; and
- suitable shop front venues were readily available.



Over 2,300 people voted at the Benalla Secondary College, making it the second largest polling place.

The shops were fitted out with the VEC's cardboard furniture and the VEC produced signage for the windows and footpaths. Each pre-poll centre was staffed by two trained election officials.

The VEC also provided facilities for Benalla electors to vote in person at the VEC's office at 505 Little Collins Street, Melbourne.

The candidates were advised of the operation of the pre-poll voting centres and some arranged for their workers and representatives to distribute how-to-vote cards outside the centres.

The pre-poll services were very well used, with 2,370 people voting at the returning officer's office in Benalla, 784 at Mansfield, 979 at Myrtleford and 189 at the VEC's office in Melbourne. The number of pre-poll votes received at the returning officer's office in Benalla alone almost equalled the total pre-poll and written postal votes recorded for Benalla District at the 1999 State election.

The Electoral Commissioner and Deputy Electoral Commissioner visited the centres during the course of the election to observe the operations and to gauge the level of support for the service from electors and candidate representatives. Positive feedback was received from electors and the candidate representatives regarding the service.

Based on the number of electors who used the service and the favourable comments from electors and candidate's workers, the trial was considered to be successful.

The success of the trial at Benalla suggests that at future by-elections, particularly in large rural and regional electorates, there is merit in providing additional pre-poll voting centres as a service to electors.

The VEC will also consider expanding the number of pre-poll centres at the next State election. Key stakeholders will be consulted in this process.

Voting by post

Benalla electors who applied for and were qualified to receive a postal vote were able to vote by post. Postal voting services were provided for Benalla electors travelling interstate or overseas at the time of the by-election at interstate electoral offices, and at Victoria House, London. Eighteen Benalla electors took advantage of these services. Postal voting material was issued to 3,235 people. Subsequently, 2,349 of these votes were returned and admitted to the count.

Voting at special hospitals

The Electoral Commissioner may appoint certain institutions to be 'special hospitals'. Mobile polling teams visit these 'special hospitals' in the week before polling day to enable patients or residents to vote without having to apply for a postal vote or go to a polling place on election day.

The Electoral Commissioner appointed the Benalla District Hospital to be a special hospital for the by-election. The number of votes cast there was 22.

Registered general postal voters

Electors who are permanently disabled or who care for those who are permanently disabled, who live 20 kilometres or more from a polling place, who cannot vote on a Saturday for religious reasons, who are 'silent' electors, or who have another lawful reason why it is always extremely difficult to get to a polling place on election day, may apply to be registered as general postal voters.

Registered general postal voters are automatically sent postal voting material when an election is announced to enable them to vote.

Postal voting material was sent to 342 general postal voters at the by-election. (General postal voters are included in the 2,349 postal votes quoted above.)



The voter turnout (89.60%) was better than average for rural and regional by-elections.



Handing out how-to-vote cards at Baddaginnie, a small rural community in the Benalla District.

Arrangements for voting on election day

Polling place arrangements

Forty-four polling places were appointed for the Benalla by-election. The Mt Buller and Mt Hotham polling places were not appointed for the by-election because there was no demand at that time of year. Nearly all of the venues used as polling places were the same as those used for the State election held on 18 September 1999. Polling places were located throughout the electorate and were generally known to electors.

Information to voters

Voter information campaign

During the Benalla by-election, a campaign to provide information to the electorate on enrolment and postal voting, and on how, when and where to vote was developed by the VEC.

The main elements of the VEC's voter information campaign were:

- an information leaflet posted to every elector;
- newspaper advertisements in metropolitan daily newspapers, thirteen local newspapers and the *Weekly Times*;
- news releases; and
- interviews with the media.

Voter information leaflet

The VEC produced a voter information leaflet for the by-election, which was posted to every elector. The leaflet, which was posted on 4 May 2000, informed people of:

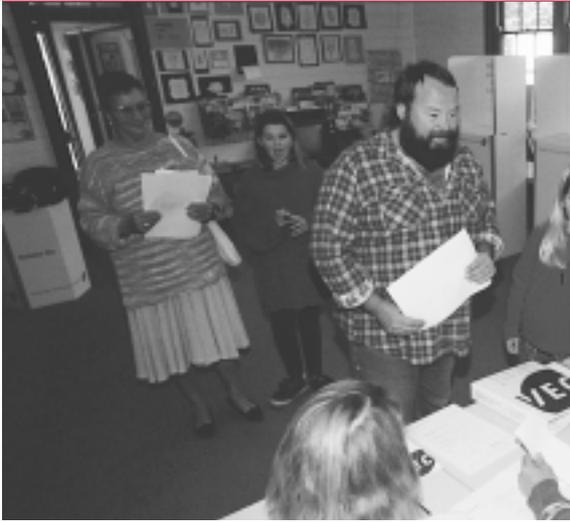
- the date of the by-election;
- the fact that voting was compulsory;
- when and where to vote on election day;
- how to obtain a postal vote;
- where to vote in person before election day; and
- how to vote correctly.

Appendix 3 contains a copy of the voter information leaflet.

Newspaper advertisements

Advertisements were placed in two metropolitan daily newspapers (*Herald Sun* and *The Age*), thirteen local newspapers covering the Benalla District (*Alexandra and Eildon Standard*, *Benalla Ensign*, *Euroa Gazette*, *Healesville Mountain Views*, *High Country Times*, *Mansfield Courier*, *Myrtleford Alpine Times*, *Ovens and Kiewa Valley Echo*, *Seymour-Nagambie Advertiser*, *Seymour Telegraph*, *Shepparton News*, *Wangaratta Chronicle* and *Wangaratta Weekly Telegraph*), and the *Weekly Times* in order to convey information to the entire electorate at various stages of the voter information campaign.

The advertisements provided information about enrolment, publicised the key dates for the by-election, invited nominations, informed voters how they could vote if they were unable to vote on election day,



Voting at the Baddaginnie polling place.

advertised the location of polling places and provided information on how to complete a ballot paper. The telephone numbers of a multi-language enquiry service were included in major advertisements to assist electors from non-English speaking backgrounds.

The newspaper advertisements are reproduced in Appendix 4.

Telephone enquiry service

During the early period of the by-election, the VEC operated a telephone enquiry service from its Melbourne office. From 17 April 2000, experienced staff were employed in the returning officer's office to provide information such as names of candidates, polling place addresses and what to do if an elector could not vote on election day. The service at the Melbourne office was then used as an 'overflow' service.

The VEC's performance in providing services to voters

The voter turnout at the by-election was 89.60 per cent of all enrolled electors, and the informal voting rate was 2.78 per cent of total votes. These figures are better than the average figure for rural and regional by-elections, and are considerably better than the average for all by-elections held during the past ten years. It seems that the substantial media and political attention focussed on the by-election supplemented the VEC's voter information campaign, ensuring that electors were made well aware of the by-election.

In early May the returning officer's office received a considerable number of calls from electors who had seen the VEC's voter information leaflet and 'voting before election day' advertisement, and who were under the impression that this was to be a postal election. Any confusion was soon cleared up, but the calls indicated uncertainty in view of the recent Council elections that were conducted entirely by post. This will be taken into account in future by-election advertising.

Information services to the media

Information kit and information on the web site

An information kit, prepared for the by-election, and the VEC's web site: www.vec.vic.gov.au provided detailed information about the Benalla District for the media.

News releases

The VEC distributed to the media five news releases, which supplemented advertisements, and an electorate profile containing key electoral information.

Media enquiries

The Benalla by-election raised a good deal of media interest from the outset because of the high profile of the retiring Member and the finely balanced position in the Legislative Assembly.

Enquiries received from the media related to:

- key dates and arrangements for the by-election;
- the names and contact details of candidates;
- requests for descriptive information and maps of the electorate;
- previous election results for the electorate; and
- arrangements for receiving election results on election night.

VEC spokespeople participated in several interviews on local radio, providing essential election information to listeners.

There was also a large contingent of media present at the returning officer's office to witness the draw for candidates' positions on the ballot paper after the close of nominations.

Provision of results and the media centre

The VEC established a media centre at the Delatite Civic Centre in Benalla for election night, where media representatives congregated to receive results. The results were phoned through from polling places promptly to the returning officer's office and were distributed to the media representatives present. The results, down to polling place level, were also displayed on a tally board at the media centre, were e-mailed to a number of media organisations and were available on the VEC's web site.

Left to right: Michael Rowland (ABC Radio), David Broadbent (Channel 9), Brendan Donohoe (Channel 7) and Misha Schubert (The Australian) at the media centre set up for the Benalla by-election.





Results were displayed on the tally board and distributed at the media centre, as well as being posted on the VEC's web site on election night.

The VEC's performance in providing information services to the media

Background information provided by the VEC was well used in a variety of media reports during the course of the by-election. The VEC was thanked for the excellent support it gave the media on election night.

On election night the first results from polling places were provided to the media at approximately 6.45 pm and the last by about 8.30 pm. All pre-poll and postal votes received up to 12 May were then counted. It was not until after the completion of the count at midnight that the result of the by-election became clear.

VEC personnel

VEC support

The role of the VEC at the by-election was to support the returning officer by providing:

- advice on election management;
- equipment and furniture, telephone and facsimile installation, ballot boxes, voting screens and polling place furniture;
- Help Desk support and assistance for the VEC's election management system and other technical issues;
- electoral materials, including polling place and office manuals and forms;
- a voter information campaign for the by-election;
- assistance with public and media relations; and
- electoral rolls for use in polling places.

Employment of staff

The returning officer employed 142 staff to work as election officials on election day. The electorate is vast and needed forty-four polling places. Thirty-six of these had only one issuing point. Training was conducted for

the forty-four polling place managers (PPMs) appointed for the by-election.

The training enabled the returning officer to:

- explain arrangements for preliminary counting of votes and for the two-candidate-preferred distribution of votes;
- emphasise procedures and draw the PPMs' attention to by-election requirements;
- explain polling place staffing and equipment arrangements; and
- discuss issues raised by the PPMs.

Election liaison officers (ELOs) were trialed for the first time at this by-election. Six officers were employed to visit polling places on election day. The vast area of the Benalla District meant that each ELO covered approximately 400 kilometres during the day and night. There were a number of occasions where having an ELO on the road proved to be invaluable.

The returning officer was very satisfied with the level of support provided by the VEC.

Polling officials at the Baddaginnie polling place.



Counting the votes and return of the writ

Votes were counted in the polling places and progressively relayed to the returning officer after 6.00 pm on election night. All pre-poll and postal votes on hand were also counted on election night. A recheck of ballot papers and a preference distribution were conducted by the Tuesday after election day.

Eighty-four declaration votes were checked after election day, using the State Roll System to determine the eligibility of voters whose names could not be found on the by-election roll. Forty-three declaration votes were admitted to the count.

On 19 May 2000, the returning officer declared Ms Denise Allen (Australian Labor Party) elected, and the Electoral Commissioner returned the writ to the Speaker of the Legislative Assembly.

On 23 May 2000, Ms Allen was duly sworn-in by the Speaker of the Legislative Assembly as the Member for the Electoral District of Benalla.

Pre-poll and postal votes were counted at the Delatite Civic Centre on election night. The Hon Bill Baxter, MLC (second from left) and the Hon Peter Batchelor, MP (right) were amongst the scrutineers.



The returning officer, David Zeplin, declared the poll at the Weary Dunlop Memorial in Benalla.

