Introduction

A number of significant legislative changes preceded the 2018 Victorian State election, including the introduction of new funding and political donation disclosure laws and limits on electoral signs within 100 metres of the designated entrance of a voting centre.

Other changes included allowing any elector to vote in the two weeks prior to election day without needing to make a declaration that they are unable to vote on election day, and the ability for counting teams to extract and sort postal and early votes prior to 6.00 pm on election day. These changes are discussed in more detail later in this section.

While more Victorians voted in 2018 than at any previous State election, voter turnout was the lowest since the 1945 State election. Part of this is the result of the Victorian Electoral Commission’s success in enrolling electors, with an estimated 96.60% of all eligible Victorians now on the roll, and the surge in enrolments ahead of the 2017 Australian Marriage Law Postal Survey. Another factor appears to be a marked decrease in participation among 25-29 year olds. For more detail, see Section 16: Analysis of the election.

Voting system

Voting is compulsory at Victorian State elections. The Victorian Parliament is made up of two Houses — the Legislative Assembly (Lower House) and the Legislative Council (Upper House). A party or coalition with the majority support in the Legislative Assembly forms the Government.

Members of the Legislative Assembly are elected from 88 single-member electoral districts. The voting system for the Legislative Assembly is full preferential voting. Voters must number all the squares on the ballot paper in order of their choice. To be elected a candidate must gain more than 50% of all formal votes. If none of the candidates receive over 50% of the first-preference votes, voters’ preferences are distributed until one candidate gains an absolute majority.

Members of the Legislative Council are elected from eight electoral regions, each with approximately 500,000 electors. Each region
returns five elected members. The counting system in the Legislative Council is proportional representation. Electors can either:

- vote 1 ‘above-the-line’ for their preferred party or group of candidates (the voter’s preferences will follow the group voting tickets lodged by the party or group); or
- vote ‘below-the-line’ for individual candidates. Voters have to number at least 1 to 5 for their vote to count, and can continue numbering other squares if they wish. This is known as optional preferential voting.

Under the proportional representation system, a candidate must gain a ‘quota’ (one sixth plus one) of the formal votes to be elected. First, candidates who have gained more than a quota of first-preference votes are elected. Then, elected candidates’ surplus votes (the number of votes more than the quota) are transferred to other candidates according to the preferences on the ballot papers. Any candidate who reaches a quota through these transfers is elected. If there are still vacancies to fill once the surplus votes have been transferred, the candidate with the fewest votes is excluded and that candidate’s votes are distributed to the remaining candidates according to the preferences on the ballot papers. This process continues until five positions have been filled.

**Victorian Electoral Commission**

The Victorian Electoral Commission (VEC) is responsible for the conduct of fair, efficient and impartial elections in accordance with the law. The Electoral Commissioner is appointed by the Governor-in-Council for a ten-year term. Under the *Electoral Act 2002* (the Act), the Electoral Commissioner is independent of the government of the day and reports directly to Parliament. The responsibilities of the VEC are to:

- conduct parliamentary elections, by-elections, and referendums
- conduct local government elections, by-elections and countbacks
- conduct electoral representation reviews and subdivision reviews for councils
- conduct certain statutory elections
- consider and report to the Minister responsible on issues affecting the conduct of parliamentary elections, including administrative issues requiring legislative remedy
- ensure the enrolment of eligible electors
- prepare electoral rolls for parliamentary elections, voters’ rolls for local government elections, jury lists, and the provision of enrolment information to members of Parliament and registered political parties
- contribute to public understanding and awareness of elections and electoral matters through information and education programs
- provide administrative and technical support to the Electoral Boundaries Commission during the review and drawing of state electoral boundaries
- report to Parliament on the VEC’s activities.
Governing legislation

The VEC’s functions and operations are governed by six main pieces of legislation:

- The Electoral Act 2002 – establishes the VEC as an independent statutory authority, sets out the functions and powers of the VEC and prescribes processes for State elections
- The 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
- The Financial Management Act 1994 – governs the way the VEC manages finances and financial reporting
- The Electoral Boundaries Commission Act 1982 – governs the determination of State electoral boundaries. The Electoral Commissioner is nominated as a member of the Electoral Boundaries Commission
- The Local Government Act 1989 – provides for the conduct of local government elections and electoral representation reviews
- The Infringements Act 2006 – provides for stages 2 and 3 of compulsory voting enforcement.

The VEC also has a mandated role to conduct electoral research, provide communication and education services, and to inform and engage Victorians in the democratic process.

Legislative and regulatory changes

Changes affecting the conduct of the 2018 Victorian State election came into effect on 1 August 2018. The main changes included:

- introducing a funding and political donation disclosure regime to Victoria
- time restrictions on when a political party can submit an application for registration (see Section 3: Services to candidates and political parties)
- allowing eligible political parties to submit a logo to be printed on ballot papers next to the name of the party or group
- the ability for an elector to make an online application for a postal vote
- increasing the canvassing ‘no go’ zone outside voting centres from three metres to six metres
- changes prohibiting violence or intimidation within 100 metres of the designated entrance to a voting centre during voting hours
- restrictions to the size and number of notices or signs to be displayed within 100 metres of the designated entrance to a voting centre during voting hours.
The Electoral Amendment Regulations 2018 contained the following main objectives:

- to modify the prescribed forms for enrolment and provisional enrolment
- to modify the prescribed forms for a postal vote application and postal voter declaration
- to prescribe requirements for the sorting and reconciliation of ballot papers from early voting centres and postal votes before the close of voting
- to provide for electronic assisted voting for electors who otherwise cannot vote without assistance because of blindness, low vision, or a motor impairment
- to provide for matters in relation to the disclosure and reporting of political donations (see Section 11: Funding and Disclosure).

Election timeline

The Victorian State election timeline is set in legislation. The Constitution Act 1975 prescribes that, barring exceptional circumstances, the Victorian State election is to be held every four years on the last Saturday in November. The writs for the 2018 Victorian State election were issued at 6.00 pm on Tuesday 30 October 2018 (25 days before election day). The writs set out the timeline for the election. One writ is issued for the election of the Legislative Assembly and one for the election of the Legislative Council. The writs for a State election must be returned no later than 21 days after election day. Given this timeframe, it is essential that planning and preparation commences well in advance of the election. The lead-time for the management of the 2018 State election was two years, with all major projects in place or in progress by the issue of the writs.
# Timeline for the 2018 State election

<table>
<thead>
<tr>
<th>Activity</th>
<th>Date</th>
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<tbody>
<tr>
<td><strong>Expiry of the Legislative Assembly</strong></td>
<td><strong>Tuesday 30 October</strong></td>
</tr>
<tr>
<td>Parliament is dissolved 25 days before the last Saturday in November.</td>
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<tr>
<td><strong>Issue of writs</strong></td>
<td><strong>Tuesday 30 October</strong></td>
</tr>
<tr>
<td>The issue of the writs commences the election process. The writs command the VEC to hold an election and contain the dates for the close of rolls, the close of nominations, election day and the return of the writs. One writ is issued for the election of all the members of the Legislative Assembly (Lower House) and one writ for the election of all members of the Legislative Council (Upper House).</td>
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<tr>
<td><strong>Close of rolls</strong></td>
<td><strong>Tuesday 6 November</strong></td>
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<tr>
<td>Electors have until 8.00 pm – seven days after the writs are issued – to enrol or to update their enrolment.</td>
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<tr>
<td><strong>Close of nominations</strong></td>
<td><strong>Thursday 8 November for a registered political party and Friday 9 November for independent candidates</strong></td>
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<tr>
<td>The deadline for receipt of candidate nominations is midday on the date specified on the writ. The close of nomination date differs for registered political parties and independent candidates.</td>
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<tr>
<td><strong>Final day for submission of how-to-vote cards for registration by the VEC (12 midday)</strong></td>
<td><strong>Friday 16 November</strong></td>
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<tr>
<td><strong>Final day for electors to apply for a postal vote (6.00 pm)</strong></td>
<td><strong>Wednesday 21 November</strong></td>
</tr>
<tr>
<td><strong>Close of early voting (6.00 pm)</strong></td>
<td><strong>Friday 23 November</strong></td>
</tr>
<tr>
<td><strong>Election day</strong></td>
<td><strong>Saturday 24 November</strong></td>
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<tr>
<td>Election day is the day nominated for the election to be held.</td>
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</tr>
<tr>
<td><strong>Last day that votes can be admitted (6.00 pm)</strong></td>
<td><strong>Friday 30 November</strong></td>
</tr>
<tr>
<td><strong>Return of writs</strong></td>
<td><strong>On or before Saturday 15 December (writs returned Friday 14 December 2018)</strong></td>
</tr>
<tr>
<td>After the results are declared for all Legislative Assembly and Legislative Council seats, the Electoral Commissioner returns the writs, endorsed with the names of the successful candidates, to the Governor. Writs must be returned within 21 days of the election.</td>
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</tbody>
</table>
Election planning

Delivering an event the size of a State election requires extensive planning and coordination that begins two years before election day.

Service plan

The VEC develops a service plan prior to each major electoral event. The 2018 Service Plan detailed the delivery of every aspect of the election and is available on the VEC website. The VEC set the intent that “every eligible Victorian will vote at an election that is fully compliant with State law, transparent, fair and accurate and delivered with efficiency, enthusiasm and to the highest standards”. In meeting this intent, eight major operational objectives were identified:

- complete all election preparation projects by Sunday 30 September 2018
- ensure as many eligible Victorians as possible were correctly enrolled by the close of roll on Tuesday 6 November 2018
- increase public awareness and knowledge of the election process and the various participation methods
- provide every eligible elector with a voting experience that is easy to access and understand, timely to their requirements, respectful, and confidential
- assist candidates, registered political parties, and others to meet compliance requirements and participate effectively in the election
- provide electoral information to all stakeholders in a format that was easy to find and use, rapid, and deliverable through a variety of media
- ensure all votes cast are accounted for, counted accurately and efficiently, with results available in a timely manner, and maintain stakeholder confidence and trust in the VEC’s capacity to deliver impartial, transparent, accurate, and efficient election outcomes.

The service plan included a set of key performance indicators covering election preparation, election conduct, and election outcomes. The VEC met or exceeded most of these performance indicators (see Appendix 21). Those KPIs not met were largely due to circumstances outside the VEC’s control and are the impetus for some of the recommendations for legislative change contained in Section 17.

The VEC’s people

The VEC operates with a core staff which is supplemented by a temporary and casual workforce during the preparation for, and conduct of the State election. In addition, contract staff are engaged to provide specialist services such as information technology support, software development and advice. People were engaged by the VEC on a casual basis to fill 24,375 positions in election offices, postal vote processing centre and voting centres, and to assist in the centralised count centre which operated for two weeks after the election. See Section 7: Staffing the election.

External service providers

There are many aspects of a State election that require the expertise of external service providers. Contracting external service providers enables staff to focus on their election-specific areas of expertise, ensuring that Victorians are provided with the highest quality election services.

The VEC used a range of specialist service providers for the 2018 State election. Contractors were selected after a procurement process, taking into account the quality of their service and value for money. Contracted services at the State election included:

- Australia Post
- cardboard furniture supplier
Cartage and courier services

Election advertising

Envelope production

Information technology

Mail house services

Ballot paper and ad hoc printing services

Public enquiry service.

**Arrangements with other agencies**

**Victorian Government Solicitor’s Office**

The VEC made arrangements with the Victorian Government Solicitor’s Office (VGSO) to have a senior legal adviser on stand-by 24 hours a day during the election period, to ensure that any matters could be dealt with in a timely fashion. The VEC would like to thank the VGSO for its support and assistance on matters related to this election.

**Victoria Police**

The VEC wrote to the Chief Commissioner of Victoria Police outlining the election processes and requesting a discreet police presence at voting centres during the hours of voting on election day. The VEC formally records its appreciation for the support received from the Chief Commissioner and Victoria Police, not only at voting centres but at the VEC on election day for liaison duties.

**Victorian Civil and Administrative Tribunal**

The VEC made arrangements with the Chief Executive Officer of the Victorian Civil and Administrative Tribunal (VCAT) to deal with any applications for review of the Electoral Commissioner’s decision in relation to the registration of how-to-vote cards.

Section 82A of the Act provides that if an application for review of a how-to-vote card decision is received, VCAT has until 5.00 pm on the next working day after receiving the application to determine a response. For more details see Section 13: Inquiries and disputes.

**Supreme Court**

Under Section 176 of the Act, candidates may seek injunctions in certain circumstances where the conduct of a person may impact the outcome of an election. The VEC is also able to seek an injunction under the same circumstances. These matters must be heard in the Supreme Court. The VEC made arrangements with the Supreme Court to ensure any applications for an injunction received on election day could be heard. For more details see Section 13: Inquiries and disputes.

**Emergency Management Victoria**

The VEC worked closely with Emergency Management Victoria (EMV) to ensure effective communication and cooperation in planning for potential emergency situations. The EMV briefed VEC staff on emergency management arrangements and co-hosted a Code Red table-top exercise. The locations of election offices, voting and counting centres were monitored on EMV systems during the election and arrangements were made for the VEC to be represented on the State Emergency Management Team and State Consequence Team for the duration of VEC field operations. The VEC formally acknowledges the Emergency Management Commissioner and his team for their work in support of the election.
Election Budget

The election budget was developed following comprehensive service delivery planning, taking into account factors such as inflation, increase in electors and the use of advanced technology to assist with the delivery of the election program. The cost of conducting the 2018 State election was $60.2 million up to 30 June 2019.

Resource management and sustainability

The VEC is committed to managing resources in a way that minimises negative environmental impact across all operations. The VEC continued to implement initiatives addressing key strategies for resource management and sustainable practices:

- careful planning of the transportation of election materials across the State
- implementing paper reduction strategies such as online manuals for election officials and electronic copies of reports where possible.

There are items outside the VEC’s control that play a large role in the conduct of a State election, such as the large amounts of electoral material distributed by candidates and parties. The VEC encourages all stakeholders to embrace sustainable actions.

The 2018 Service Plan outlines environmentally sustainable strategies for delivering the election:

- the provision of re-use and recycling facilities at VEC head office and all election offices
- encouraging how-to-vote material at voting centres to be returned to campaign workers for re-use
- the provision of recycling bins at each voting centre
By the numbers:

2018 State election

96.60% of eligible Victorians on the electoral roll

88 members of the Legislative Assembly

40 members of the Legislative Council

6 pieces of legislation governing VEC electoral functions and operations

2 years of planning to deliver a State election

280 tonnes of cardboard furniture