An engaged public

The Victorian Electoral Commission (VEC) received 861 complaints relating to the 2018 State election. This was significantly more than the 454 received in 2014, with almost half of the increase due to complaints about candidates and campaign workers at voting centres.

Of these 861 complaints, 56.20% were about the activities of the VEC and 43.80% were about candidates, campaign workers, electoral material and other electors (see Figure 19). The VEC takes the view that election-related complaints provide valuable feedback from an engaged public.

A small complaints team of four people coordinated with VEC directors and Senior Election Officials in order to respond to each complaint.

The vast majority of complaints (689) were sent directly to the VEC complaints email address, where they received an automatic reply stating that the complaints team would respond within five business days. This was achieved 77.93% of the time, with some complaints requiring further investigation. A further 154 complaints came through other VEC email addresses, usually the general inquiries email address (info@vec.vic.gov.au), while 17 complaints arrived in the mail and one was given over the telephone.

Complaint categories 2018

<table>
<thead>
<tr>
<th>Category</th>
<th>Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>Services to voters</td>
<td>258</td>
</tr>
<tr>
<td>Other electors</td>
<td>6</td>
</tr>
<tr>
<td>Election officials and employment</td>
<td>150</td>
</tr>
<tr>
<td>Candidates and campaign workers</td>
<td>370</td>
</tr>
<tr>
<td>Election administration</td>
<td>77</td>
</tr>
</tbody>
</table>

Figure 19: The types of complaints made during the 2018 State election. These categories changed in 2018 so cannot be compared to previous elections, except where stated in the text.
Complaints management

Complaints about election administration

There were 76 complaints related to the election administration functions of the VEC, such as enrolment, legislation and procedures.

Enrolment

The VEC received 39 complaints related to electoral enrolment, mainly about the use and/or privacy of enrolment details. Nineteen of these complaints were about candidates and parties having access to personal details. There were five complaints about campaign material addressed to more than one elector in a household – often a previous resident who no longer lived there and was not known to the current resident. These electors were advised to contact the relevant candidate or political party as the VEC does not send material addressed to multiple electors.

Small numbers of complaints were from electors who were not found on the roll when they went to cast their vote, or whose updated address details were not on the printed rolls.

Compulsory voting

The VEC received only two complaints during the election period from people objecting to compulsory voting. The VEC’s activities related to the compulsory voting provisions under the Electoral Act 2002 (the Act) are covered in Section 10: Compulsory voting.

Procedures and legislation

There were 26 complaints about election procedures. Eight of these complaints were about the environmental impact of delivering the election – two concerned the use of paper in voting materials and campaign materials, and six were about the plastic wrap on the Election Guide that was mailed to electors. Biodegradable plastic wrap was used to protect these guides from the weather because they contain important information for electors. However, the choice of material will be given further consideration in order to meet community expectations.

Small numbers of complaints concerned the paper-based voting system being old-fashioned, preference deals, the potential for pencil marks on ballot papers to be tampered with, and concern that there is no confirmation that an elector’s name has been marked off correctly.

There were four complaints about legislation.

Complaints about services to voters

The VEC received 258 complaints relating to its services to voters. This is a decrease on the 302 received during the 2014 election. These complaints covered information about the election, voting centres and early voting centres, postal voting, and overseas voting.

Information about the election

There were 46 complaints about the information provided to the public about the election. Fourteen of these complaints were about a perceived lack of information, 11 were about the Voting Centre Locator not working (particularly on older mobile phones), and nine were about incorrect information on VEC communications (primarily the address details of voting centres). Twelve complaints covered a range of issues, such as the terminology used on the VEC website, and how the VEC determined the accessibility rating of a venue.

Voting centres and early voting centres

The VEC received 82 complaints about voting centres and early voting centres, with the main issues being the location (25 complaints) and the lack of Independent Wheelchair Access venues (23 complaints). The VEC increased the number of venues with the Independant Wheelchair Access rating in the 2018 election to 21% – up from 17% in 2014 – and further 41% of voting centres had the Assisted Wheelchair Access rating, but the provision of accessible voting centres continues to be a challenge. The VEC will continue to work
Complaints management

with the Electoral Access Advisory Group and the relevant government departments to increase the number of accessible venues at future elections.

Other complaints related to facilities and venue layout, signage indicating the voting centre entrance, mobile voting, the number of early voting centres, and the supplies of ballot papers at voting centres. There were five complaints about waiting times in general. This issue is discussed in the section on election officials, as many electors blamed officials for long queues.

Postal voting

The VEC received 119 complaints about postal voting – mainly about voting packs that did not arrive in time or at all (60 complaints), and postal vote applications being rejected with late or no notice (15 complaints). An increase in complaints about postal voting was anticipated as there was a 67.13% increase in the number of General Postal Voters alone.

There were 11 complaints about the email ballot link – mainly that it could only be used once, which presented difficulties for those without access to a printer. Small numbers of complaints related to issues such as the online application process, postal vote packs being sent to the wrong address and the security of personal information on the outside of the envelope.

Complaints about electoral material from the Liberal Party that included postal vote applications are covered on page 71.

Overseas voting

There were nine complaints related to in-person overseas voting. Six electors reported that they were unable to vote because the opening hours published on the VEC website differed from those they discovered at the Australian consulates and embassies when they arrived to vote. These locations were Bangkok, Geneva, Hong Kong, New York and Vancouver. There were three complaints from voters who reported being given incorrect instructions by election officials at the voting centre in Hong Kong.

Other complaints about services to voters

There were two complaints about the Voters Voice app. This free app was developed by the VEC to help people with complex communication needs participate in the 2018 State election (see Section 4: Communication services). One complaint was about the app not working on an older mobile phone; the other was about the name of the app.

Complaints about staffing

The VEC received 150 complaints related to election officials and employment conditions.

Employment conditions

There were 34 complaints about employment conditions – an increase on the 20 received in 2014. These complaints included working long hours with few breaks, working fewer hours than expected, inadequate training, and insufficient staffing at voting centres and early voting centres. Many electors also raised this latter issue, as discussed later in this section.

Election officials

The VEC received 116 complaints about election officials – a significant increase on the 45 complaints received during the previous election. These complaints covered incorrect procedures being used, comments made by election officials, a perceived lack of knowledge/training, and perceived bias. Seventeen complaints were made about the managers of voting centres and early voting centres, with most highlighting inexperience, poor organisation, a lack of training, and poor attitudes towards other staff members. All complaints were investigated and, where necessary, additional training was provided.

Nineteen of these complaints were about inadequate staffing levels that caused long waiting times. The VEC estimated the number of votes likely to be issued at each voting centre to within
91.64% accuracy\(^1\), although the times that people choose to vote is less predictable. Queue lengths were monitored throughout the voting period and additional staff members were deployed as soon as possible once a need was identified.

### Complaints about candidates and campaign workers

The VEC received 371 complaints in relation to candidates and campaign workers – with 72% of these about electoral material they distributed.

#### Conduct of candidates

The VEC received 45 complaints about the conduct of candidates – four times as many as during the 2014 election (11 complaints). Half of these complaints were about alleged intimidation or harassment by candidates (23 complaints). Other complaints concerned alleged assault, aggressive behaviour, alleged breaches of rules and claims that a candidate was unfit for office. As outlined in Section 1, the VEC requested a discreet police presence at voting centres on election day. In all instances of alleged assault and aggression, people were advised to contact the police.

#### Conduct of campaign workers

The VEC received 58 complaints about the conduct of campaign workers at voting centres and early voting centres – a large increase on the 17 complaints received during the 2014 election. Two thirds of these were about alleged intimidation, harassment and/or aggressive behaviour (39 complaints). Other issues included campaigners blocking pedestrians, breaching the 6 metre rule, and making inappropriate comments to electors.

The VEC asked election officials to monitor the conduct of candidates and campaign workers outside the voting centres, and to strictly enforce the 6 metre rule, but recognise that it was not possible to do this all the time in addition

---

\(^1\) Voter estimates accuracy in 2014 was 99.83%.

The large increase in early voting in 2018 accounts for the decrease in voter estimates accuracy.

### The case for change:

#### Signs at voting centres

Legislation introduced ahead of the 2018 State election limited the number of electoral signs that are permitted to be displayed within 100 metres of the designated entrance to a voting centre to two per candidate or party. There was confusion around the counting of signs, particularly for endorsed candidates for the Legislative Council. The question arose as to how many signs these candidates were permitted to display if their party did not to display a sign, effectively suggesting that five endorsed candidates in a group/party could display up to 10 signs.

As a related point, the provisions gave little direction to the VEC for enforcing the new sign limits. In particular, the law does not appoint a person specifically liable for the display of the signs. To properly administer the new requirements, the relevant provisions must be clear as to who is the person responsible for displaying the sign as it cannot be assumed that liability for placing the sign rests with the person whose name and address is printed on the sign as having authorised the electoral matter on the sign.

See Recommendation 7 on page 110.

---

to other duties inside the voting centre. The Electoral Commissioner restricted the number of campaigners at one early voting centre due to ongoing issues with campaign worker behaviour.

#### Electoral material

The VEC received 268 complaints about the electoral material distributed by candidates, parties and campaign workers during the election period. These complaints were mostly about the content of the electoral material, the authorisation details and telephone calls from candidates and parties.
Complaints management

Authorisation of electoral material

The Act requires all electoral advertisements, pamphlets and notices to include the name and address of the person who authorised it and, in the case of printed material, the name and place of business of the printer or publisher. Under the Act, ‘publish’ includes publication on the internet, but there are practical limits to the VEC’s ability to enforce this provision in an online environment. In the lead up to the 2018 State election, the VEC established formal agreements with Google, Facebook and Twitter to manage content potentially in breach of the Act. These agreements ensured that the VEC had direct reporting pathways to executives at each of the three digital platforms to ensure issues could be resolved in a timely manner.

The VEC received 77 complaints related to electoral material that appeared to be unauthorised or incorrectly authorised. The majority of these complaints were about printed material (38 complaints) and Facebook content (31 complaints), with small numbers about mobile billboards (three complaints), and content on Twitter (two complaints), Instagram (one complaint), YouTube (one complaint), and a website (one complaint). Each allegation was investigated and if found to be incorrectly authorised, the relevant candidate or party was asked to amend the material in order to comply with the legislation.

The VEC received eight complaints about registered how-to-vote cards (HTVCs) that were generally a misunderstanding of the different rules for early voting and election day voting centres: HTVCs at election day voting centres need to be registered, whereas HTVCs at early voting centres do not. All HTVCs must be correctly authorised.

Content of electoral material

The VEC received 50 complaints about the content of electoral material. Of these, 48 complaints claimed the electoral material was misleading because it contained untruths designed to influence voters. However, the provision in the Act regarding misleading electoral material refers to the casting of the vote, rather than the political judgement of voters. There were two complaints about printed material considered to be offensive.

Postal Vote Applications with campaign material

The VEC received 77 complaints about electoral material from the Liberal Party that included postal vote applications. Of these complaints, 59 people complained that it was a misleading practice by the party and 13 people accused the VEC of bias for sending campaign material from one political party and not others. Five complainants were unsure if the material had come from the VEC or the Liberal Party but felt that it must be against the rules.

The case for change: Regulating and securing our online electoral environment

Victorians are increasingly accessing information online and social media platforms enable people to engage socially and professionally. Demand and expectation for online services, including government services, has grown considerably since the Electoral Act 2002 was originally written. Over time, amendments to electoral legislation have responded to this evolving requirement, but these have generally added new online opportunities for electoral service delivery, such as online postal vote applications. The increasing dependency on technology for electoral administration (by the VEC) and electoral campaigning (by others) creates an expectation that the VEC can properly regulate and secure the online environment. The current statutory scheme regulates this area through parts of the Electoral Act 2002, as well as various ‘computer offences’ in the Crimes Act 1958, which may not be suited to this new and evolving electoral environment.

See Recommendation 8 on page 110.
Electoral signs

There were 27 complaints about electoral signs. Fifteen complaints were about alleged breaches of new legislation restricting the display of electoral material within 100m of the designated entrance to a voting centre, and many of these were about existing signs on school fences. The other 12 complaints were about signs in dangerous locations that obstructed visibility for motorists or cyclists, and signs on public and private property.

Calls and text messages

The VEC received 19 complaints about telephone calls and text messages from candidates and political parties, compared to just seven complaints in 2014. Most of these complaints were about the time and frequency of the calls and, in the case of text messages, not being able to opt out of receiving them.

Complaints about electors

Victorian electors made six complaints about other electors, primarily about their behaviour at voting centres.

By the numbers:
Complaints management

861 complaints received
9 complaints about overseas voting centres
8 complaints about the environmental impact of delivering an election
19 complaints about queues at voting centres
58 complaints about campaign worker behaviour
50 complaints about the content of electoral material