



**Legislative Assembly  
Parliament of Victoria**

## **Fact Sheet 20**

### **Elections**

The first elections for the Legislative Assembly took place in 1856. At that time there were 60 members in the Assembly representing, through multi-member electorates, 37 electoral districts. There are now 88 members, each representing a separate electoral district.

Since that first election many general elections (involving each Assembly electorate district) and by-elections (brought about by a vacancy in one particular electorate) have taken place. This Fact Sheet explains the procedures involved in those elections.

#### ***Candidates***

In order to be a candidate for an election, a person must be enrolled to vote. Under the *Constitution Act 1975* anyone who is:

- An Australian citizen (or a British citizen who on 26 January 1984 was enrolled on an Australian electoral roll); and
- Aged 18 years or over —

is entitled to enrol as a voter.

Anyone enrolled who lives in Victoria can stand for election except for:

- Judges of Victorian courts
- A member of the Commonwealth Parliament
- An undischarged bankrupt
- Someone convicted of a serious criminal offence.

It is not possible to be elected to both the Legislative Assembly and the Legislative Council.

#### ***Political Parties***

Parties who wish to contest seats in an election can apply to be registered providing certain formal requirements are met. Once registered, the party's name (or an

abbreviation) will appear on the ballot paper next to candidates the party endorses. They also benefit from other rights, such as an easier method of nominating candidates.

It is not possible to register a political party during the election period.

### **General Elections**

Members of the Legislative Assembly are elected for one term. That term runs for a fixed period of four years unless the Assembly is dissolved earlier by the Governor. A general election is held either at the end of the four-year term or after a dissolution has taken place.

The Governor may only dissolve the Assembly:

- If the Assembly passes a motion of no confidence in the Premier and other ministers and a motion of confidence is not passed within eight days.
- On the advice of the Premier in the case of a deadlocked bill.

When a general election is called all electoral districts of the Assembly throughout Victoria are involved. Elections for each district take place on the same day. It is compulsory for all eligible voters to enrol to vote and, once enrolled, to vote in elections.

### **Timetable for General Elections**

The timetable is governed by the *Electoral Act 2002*. If the four-year term of the Assembly expires, the election will be held on the last Saturday in November.

<b>TIMETABLE FOR GENERAL ELECTION FOLLOWING EXPIRATION OF THE ASSEMBLY</b>	
	The Assembly expires on the Tuesday 25 days before the last Saturday in November, which is nearest to the fourth anniversary of the previous election day. <b>Example: Expiration 31 October</b>
The day on which the Assembly expires	The Governor issues a writ for a general election requiring the Electoral Commission to hold the election. The timeframe is set out in the writ. <b>Example: Writ issued 31 October</b>
7 days after the writ	The electoral rolls are closed at 8.00 pm. To be able to vote, a person must have enrolled, or updated their enrolment, by this time. <b>Example: Rolls close 7 November</b>
10 days after the writ	The period for candidates to nominate closes at 12 noon. <b>Example: Final nomination day 10 November</b>

<b>TIMETABLE FOR GENERAL ELECTION FOLLOWING EXPIRATION OF THE ASSEMBLY</b>	
The last Saturday in November which is nearest to the fourth anniversary of the previous election day	Election day.  <i>Example: Election day Saturday 25 November</i>
Within 21 days of the election	The writ is returned to the Governor with details of the successful candidates endorsed on it.  <i>Example: Writ returned on 8 December</i>

### **By-elections**

A by-election just relates to one particular Assembly district and can be triggered by a number of events. In recent years there have been roughly two or three by-elections each Parliament. Examples of triggering events are:

- Resignation or death of the previous member.
- Election of the member to the Commonwealth Parliament.
- The member fails to attend the Assembly without permission for an entire session.
- The seat is vacated as it has been established that the member was not qualified to be elected as a member of Parliament.

### **Timetable for By-elections**

The timetable is similar to that for general elections. The main differences are:

- The process starts when the Speaker receives notification of the vacancy, such as receiving a letter of resignation; the member's seat becomes vacant at that point. The Speaker announces the resignation to the Assembly on the next sitting day.
- The Speaker, rather than the Governor, issues the writ. It must be issued within one month of the vacancy arising. Similarly, after the election the writ is returned to the Speaker with details of the successful candidate endorsed on it.

### **The Election**

Elections of members of the Legislative Assembly take place using the preferential voting system. Each voter marks on the ballot paper his or her first choice candidate and then indicates an order of preference for the remaining candidates. A candidate must get more than 50 per cent of the votes (an absolute majority) to be elected:

- Where there are only two candidates, the candidate with the greatest number of first preferences is elected.
- Where there are more than two candidates, if a candidate receives more than 50 per cent, then he or she is elected. If no candidate receives this amount, the candidate with the fewest first preferences is declared defeated and his or her next preferences are distributed. This process continues until one candidate has an absolute majority.

Candidates can appoint scrutineers, whose role includes representing the candidate's interests during the preliminary scrutiny and counting of votes.

The election manager declares the result of the election. The Electoral Commission advertises the result and endorses the details of the successful candidate on the writ.

### ***After the Election***

The validity of an election may be disputed. A petition can be addressed to the Court of Disputed Returns (the Supreme Court) by the Electoral Commission, a candidate or someone qualified to vote at the election.

The Court must declare the election void if it finds that the person elected has committed a specified offence relating to bribery or interference with political liberty. It also has the power to declare an election void in other circumstances but only if it considers the issue complained of affected the result of the election.

On the first sitting day after a general election the members are sworn in by a Commissioner appointed by the Governor. Where a new member is elected at a by-election, this role is performed by the Speaker.

### ***Legislative Council Elections***

Victoria is divided into eight electoral regions, each represented by five Legislative Council members, making an overall total of 40 members. Members of the Legislative Council are elected by proportional representation and their term is the same as that of members of the Legislative Assembly.

**Fact Sheets**

The Legislative Assembly Procedure Office has produced a series of Fact Sheets that explain parliamentary procedure and terminology. All Fact Sheets are available on Parliament's website [www.parliament.vic.gov.au](http://www.parliament.vic.gov.au) or through the Procedure Office.

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