Fact Sheet G3

Elections

The election for the first Legislative Assembly took place in 1856. At that time there were 60 members representing 37 multi-member electorates. There are now 88 members, each representing their own electorate. Elections can be general elections (involving each electorate) or by-elections (to fill a vacancy in one electorate). This fact sheet focuses on elections for the Assembly.

Becoming a candidate
Registering a political party
Compulsory voting and enrolment
General elections
Timetable for general elections
By-elections
Timetable for by-elections
Voting system and election results
Disputing an election
Members are sworn in
Legislative Council elections

Becoming a candidate
To be a candidate for an election, you must enrol to vote. The Constitution Act 1975 says to enrol you must be:

• an Australian citizen (or a British citizen enrolled on an Australian electoral roll on 26 January 1984), and
• aged 18 years or over.

Anyone enrolled to vote 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.

You cannot be elected to both the Legislative Assembly and the Legislative Council at the same time.

**Registering a political party**

Parties who wish to contest seats in an election can apply to the Victorian Electoral Commission (VEC) to be registered. They can only be registered if they meet certain formal requirements.

The VEC prints each registered party’s name (or an abbreviation) next to their candidates on each ballot paper. They also benefit from other rights, such as an easier method of nominating candidates.

You cannot register a political party during the election period. That period begins when the Governor or Speaker asks the VEC to hold an election. The election period ends at 6.00 pm on election day.

**Compulsory voting and enrolment**

Voting in Victorian elections is compulsory. This means if you are eligible to enrol, you must do so. Once enrolled, you must vote. You may be fined if you do not enrol or vote when you are eligible.

If you are unable to vote at a voting centre on an election day, you may be able to vote using a different method. For more information, contact the VEC:

- **email**  info@vec.vic.gov.au
- **phone**  13 18 32 or 03 9299 0520 from outside Victoria
- **fax**  Enrolment and other forms: 03 9277 7126
  General: 03 9629 8632
- **write**  Victorian Electoral Commission, Level 8, 505 Little Collins Street, Melbourne, Vic 3000

**General elections**

Members of the Legislative Assembly are elected for one term. That term runs for a fixed period of four years, unless the Governor dissolves the Assembly earlier. A general election then takes place involving all electorates in Victoria.

The Governor may only dissolve the Assembly in two situations:

**No confidence motion**

The Assembly passes a motion of no confidence in the Premier and other ministers, and does not pass a motion of confidence within eight calendar days.

**Deadlocked bill**

On the Premier’s recommendation, the Governor dissolves the Assembly when a bill is deadlocked. This can only happen if the Assembly and Legislative Council disagree about a bill, and attempts to agree through dispute procedures have failed.
Timetable for general elections

The *Electoral Act 2002* sets out the timetable for general elections. After a four year term the election is held on the last Saturday in November.

**TIMETABLE FOR A GENERAL ELECTION AFTER A FOUR YEAR TERM**

<table>
<thead>
<tr>
<th>Event</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Assembly expires on the Tuesday 25 days before the last Saturday in November. The Saturday must be the one nearest to the fourth anniversary of the previous election day.</td>
<td><strong>Example: Expiration 4 November</strong></td>
</tr>
<tr>
<td>The day the Assembly expires</td>
<td>The Governor issues a writ for a general election requiring the VEC to hold the election. The writ shows the election timeframe. <strong>Example: Writ issued 4 November</strong></td>
</tr>
<tr>
<td>7 days after the writ</td>
<td>The electoral rolls close at 8.00 pm. To be able to vote, you must have enrolled, or updated your enrolment, by this time. <strong>Example: Rolls close 11 November</strong></td>
</tr>
<tr>
<td>10 days after the writ</td>
<td>The period for candidates to nominate closes at 12 noon. <strong>Example: Final nomination day 14 November</strong></td>
</tr>
<tr>
<td>The last Saturday in November nearest to the fourth anniversary of the previous election day</td>
<td><strong>Example: Election day Saturday 29 November</strong></td>
</tr>
<tr>
<td>Within 21 days of the election</td>
<td>The Electoral Commissioner returns the writ to the Governor with details of the successful candidates. <strong>Example: Writ returned on or before 20 December</strong></td>
</tr>
</tbody>
</table>

**By-elections**

A by-election is an election for one Legislative Assembly electorate, and can be triggered by a number of events. In recent years there have been roughly three by-elections each Parliament. The most common reasons are the resignation or death of the current member.

**Timetable for by-elections**

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

**What happens after a resignation**

For a resignation, the process starts when the Speaker receives the member’s resignation letter. The seat becomes vacant at that point.

**Speaker issues the writ**

The Speaker, rather than the Governor, issues the writ. He or she must issue it within one month of the vacancy arising. After the election, the Electoral Commissioner returns the writ to the Speaker with details of the successful candidate.
Voting system and election results

Legislative Assembly elections use the preferential voting system. Voters mark each candidate on the ballot paper in order of preference. A candidate must get more than 50 per cent of the votes to be elected.

When there are only two candidates, the candidate with the greatest number of first preference votes wins.

When there are more than two candidates, if one receives more than half of the first preference votes, then he or she is elected. If no one receives this amount, the candidate with the fewest first preferences is eliminated. His or her votes are distributed to the remaining candidates, according to the preferences on the ballot papers. This process continues until one candidate has more than 50 per cent of the votes.

The VEC advertises the result of the election and adds the successful candidate’s details to the writ.

Disputing an election

You may only dispute the election for your own electorate. Claims can be made by:

• a candidate for the disputed election
• a person who was entitled to vote at the disputed election
• the Victorian Electoral Commission.

They file a petition at the Court of Disputed Returns (the Supreme Court) explaining why they dispute the election.

The Court can declare an election void if it agrees with the complaint, and considers the issue raised affected the result of the election. The Court must also declare an election void if a candidate has committed bribery or interfered with someone’s political liberty.

Members are sworn in

A Commissioner appointed by the Governor swears in members on the first sitting day after a general election. The Speaker swears in members elected at by-elections.

Legislative Council elections

There are eight electoral regions in Victoria. Five Legislative Council members represent each region, making a total of 40 members. Members are elected by proportional representation, and have the same four year terms as Legislative Assembly members.
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 or through the Procedure Office.

Contact Details

Procedure Office, Legislative Assembly, Parliament House, Spring Street, East Melbourne, Vic 3002

Phone No: 03 9651 8563  Fax No: 03 9650 7245  Email: assembly@parliament.vic.gov.au