

# Response to the recommendations made to the Victorian Government by the Electoral Matters Committee in its 2020 report, *Inquiry into the conduct of the 2018 Victorian state election*

## Background

The Victorian Government thanks the Electoral Matters Committee (Committee) for its report and acknowledges the valuable work undertaken by the Committee, which includes engagement with key stakeholders.

## Response

The Government response to each of the Committee's recommendations to the Government is as follows. Note that only the Committee's recommendations 28, 41, 45, 46 and 47 are directed to the Government.

## Government related recommendations

Committee recommendation	Government response
<p>28 That the Government amend the <i>Electoral Act 2002</i> (Electoral Act) to:</p> <ul style="list-style-type: none"><li>mandate a minimum length of time between notifying candidates and parties about a recount and commencing the recount</li><li>specify a particular form of words in which recounts are announced, to avoid any confusion, and</li><li>require the Victorian Electoral Commission (VEC) to notify the relevant state secretaries of parties and contact officers for non-party-aligned candidates, as well as the candidates.</li></ul>	<p>The Government <b>supports in full</b> the recommendation.</p> <p>The Government notes the essential role scrutineers play in preventing errors and fraud in vote counting and supports in full the Committee's recommendation to ensure that candidates and parties are given timely, clear and consistent notice about a recount to assist with organising scrutineers to be present.</p> <p>Mandating a minimum length of time between notifying candidates and parties about a recount and commencing a recount, and specifying the form of words to be used for announcing a recount, will reduce confusion about recounts occurring and ensure enough time is provided for candidates and parties to arrange a scrutineer to be present at a recount.</p> <p>The Government will consult with the VEC when implementing the recommendation to mandate a minimum length of time between notifying candidates and parties about a recount and commencing a recount, recognising that the VEC's responsibility to ensure counting processes are carried out efficiently and in accordance with legislated timeframes, must be considered when determining a specific mandated timeframe.</p> <p>The Government also supports notifying the relevant state secretaries of parties and contact officers for non-party-aligned candidates, as well as</p>

	the candidates, about a recount to reduce the likelihood that the notification of a recount is misinterpreted.
41	<p>That the Government seek to amend section 158A of the Electoral Act to provide greater clarity around how many signs candidates and parties can set up at voting centres and what is permitted to be on those signs.</p> <p>The Government should also consider amendments relating to the status of mobile billboards, broadening the range of premises which are exempt from the signage restrictions and clarifying who is responsible for electoral signs.</p>
	<p>The Government <b>supports in principle</b> the recommendation.</p> <p>The Government recognises the importance of having a consistent interpretation of the rules on signage and will consider amending section 158A of the Electoral Act, in consultation with the VEC, to provide greater clarity about how many signs can be set up at voting centres, what is permitted on the signs and who is responsible for the signs. This will ensure that the rules on signage are applied equitably for all candidates and parties.</p> <p>The Government will also consider the other part of the recommendation suggested by the Committee, in consultation with the VEC, regarding the use of mobile billboards and broadening the range of premises that are exempt from the signage requirements, to ensure that there is a level playing ground for all candidates and parties.</p>
45	<p>That the Electoral Act be amended to allow early votes to be processed, but not inspected, from 8am on election day. Scrutineers should have the same access to observe this process as they have for current vote processing practices.</p>
	<p>The Government <b>supports in full</b> the recommendation.</p> <p>The Government supports in full the Committee's view that early votes should be processed earlier and at the same time as postal votes.</p> <p>The number of early votes is steadily increasing, and this amendment will assist the VEC with the prompt reporting of election results by being able to process (but not inspect) early votes early.</p> <p>The Government also supports in full the Committee's recommendation that scrutineers have access to observe the processing of early votes, to ensure there are no errors or fraud in how they are processed.</p>
46	<p>That the Government amend the Electoral Act to prohibit any person or organisation other than the VEC from distributing postal vote applications.</p>
	<p>The Government <b>supports in full</b> the recommendation.</p> <p>The Government supports in full the Committee's view that prohibiting all non-VEC organisations and persons from issuing postal vote applications will remove the confusion for voters who may mistakenly believe postal vote applications issued by non-VEC organisations or persons are from the VEC, and will thereby ensure the public can remain confident about the impartiality of the VEC.</p>
47	<p>That the Government amend the Electoral Regulations 2012 to remove the requirement for postal vote applicants to separately declare that they understand that their name and address may be provided to registered political parties and non-party-aligned candidates.</p>
	<p>The Government <b>supports in full</b> the recommendation.</p> <p>The Government supports in full the Committee's view that this amendment to the Electoral Regulations will remove the administrative burden on the VEC and postal vote applicants when postal vote applications are rejected when applicants mistakenly do not tick the declaration box.</p>

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It will still need to be made clear in the information attachments to the declaration form that the applicant's name and address may be provided to registered political parties and non-party-aligned candidates.

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