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18 July 2007

Mr M Roberts
Executive Officer
Electoral Matters Committee
Parliament House
Spring St
Melbourne VIC 3000

Dear Mr Roberts

Please find enclosed a copy of the Victorian Electoral Commission’s Report to Parliament on the 2006 State Election, which was tabled in Parliament this morning.

The Report forms the basis of the Victorian Electoral Commission’s principal submission to the Electoral Matters Committee with regard to its Inquiry into the Conduct of the 2006 Victorian State election. Copies have been forwarded to all of the Committee members directly.

Also enclosed is a supplementary submission, which directly addresses the matters raised in the submissions to the Inquiry posted on the Electoral Matters Committee website - for further information.

Yours sincerely

Steve Tully
Electoral Commissioner
Supplementary Submission

to the

Inquiry into the Conduct of the 2006
Victorian State Election

July 2007
**Electoral Matters Committee – VEC preliminary response to submissions 2006 State Election**

<table>
<thead>
<tr>
<th>Person making submission</th>
<th>Matters raised.</th>
<th>Response</th>
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</table>
| 1. Stuart Kingsford      | • Distribution of HTVCs is a waste of paper  
                           • Recommends Tasmanian model where large print posters are placed in polling booth cubicles. | The VEC encourages recycling of HTVC material where possible.  
We also understand that the committee is contemplating a visit to the ACT where HTVCs cannot be distributed within 100 metres of a polling place. One of the main reasons this provision was introduced was in response to environmental concerns.  
Mr Kingsford may be referring to the South Australian model where large print posters are placed in voting screens. Candidates and parties are restricted to one card for inclusion on the poster. Cards are also distributed outside the centres.  
In Victoria, up to 21 cards are registered for each District and an average of 100 cards are registered for each Region. |
| 2. Mary Madigan          | • Concerns in South Eastern area and believes there were insufficient scrutineers.  
                           • Believes the result did not reflect the way constituency cast their vote.  
                           • Independent parties only had a short window to submit themselves as available. | The VEC’s report to Parliament on the conduct of the State election covers the matters raised, as we understand them.                                                                                                                                                                                                                         |
| 3. Hanover For Our Homeless – Tony Keenan (CEO) | • Surveyed clients regarding participation in the State election – 40% of the eligible 208 clients voted. Main reason was they were not enrolled.  
                           • More eligible men rather then women did not participate.  
                           • Recommends pro-active media and community | The VEC’s report to Parliament outlines the initiatives implemented by the VEC for providing election services to the homeless people.  
The VEC will include Hanover for our Homeless in future programs.                                                                 |
| 4. | Ethnic Communities Council of Victoria – Jieh-Yung Lo (Policy/Project Officer) | - Supported the initiatives in the VEC’s strategic action plan to enhance voting accessibility and communication with voters from CALD backgrounds.  
- Focuses on Victoria’s new and emerging communities – Horn of Africa, Sudan, Myanmar, Iraq and Afghanistan. | The VEC’s report to Parliament outlines the initiatives implemented by the VEC for providing election services to electors from non-English speaking backgrounds – nothing further to add. |
| 5. | DLP – John Mulholland (Secretary and Registered Officer) | - Objects to requirement for parties to disclose details of 500 members who are not also members of other registered parties.  
- Legislative demand for disclosure of member’s personal information is inappropriate.  
- Provision that only allows registered parties to include their party name on the ballot paper is discriminatory.  
- Current party registration scheme is a burden on small parties.  
- Refers to 1901 – 1984 when there was no need for party registration in Australia and UK where there is no membership threshold or disclosure of member’s details. | Nothing further to add outside the material presented in the report to Parliament. |
| 6. | Action on Smoking and Health – Anne Jones (CEO) | - Recommends investigation into models that provide greater transparency in relation to electoral funding. | Nothing further to add outside the material presented in the report to Parliament. |
| 7. | Scope – Cathy Basterfield | - Talks about work done already with VEC to develop materials for people with limited literacy.  
- Recommends all publications published by the VEC | Nothing further to add outside the material presented in the report to Parliament. |
| **8.** Australian Greens Victoria – Stephen Luntz | **Ambiguities in the formality of Legislative Council votes.**  
Eg – for a vote cast below the line 1, 2, 3, 5, 6. Claims there are 3 says of classing this vote. Other examples should be clarified prior to the next election.  
Understaffing of polling booths.  
A number of polling booths, particularly in the inner city were understaffed on polling day leading to queues.  
Booth by booth data for Legislative Council  
The VEC has not made booth-by-booth data available for the Legislative Council.  
The VEC’s view is that ballot papers marked with the numbers 1,2,3,5,6 are not ambiguous and must be treated as informal. Ref S. 93A and 112 of the Electoral Act 2002.  
"An elector must mark the elector’s vote on the ballot paper by placing the number 1 opposite the name of the candidate for whom the elector votes as first preference and at least the numbers 2, 3, 4 and 5 opposite the names of the remaining candidates so as to indicate by unbroken numerical sequence the order of preference of contingent votes.”  
In addition, the current legislation requires the Electoral Commissioner to rule on challenged ballot papers in a recount. This provides consistency in formality decisions.  
The number of election officials allocated to a voting centre is based on the number of votes anticipated for each voting centre. Our staffing ratio was increased for the 2006 State election to allow for increased time issuing the larger LC ballot papers (Same ratio as for Commonwealth elections). There were 35 voting centres where the VEC underestimated the number of votes by an amount that reduced the issuing tables by at least 1. Further detail is included in the VEC’s report to Parliament.  
The media initially requested that booth by booth figures for the Legislative Council not be provided on election night. This was because the volume of the data involved could potentially slow down the transmission of results. This data has now been published on the VEC’s website and is included in the report to Parliament. |
• **Slowness of count in certain areas** – eg. Northcote and Preston

• **Advertising and training**
  Suggests that more advertising is required. More training about the new upper house would have been valuable for election officials including one person to respond to questions about PR in each polling booth.

• **Display of Group Voting Tickets (GVTs)**
  Some people who attempted to view copies of GVTs and polling places were not able to. Some people reported not being able to find GVTs displayed on the VEC’s website.

• **Electronic Counting – Legislative Council Scrutiny**
  Difficulty in scrutinising data entry of ballot papers marked below the line. Confidence in computer algorithm is necessary. Computer counts increase chance of errors such as occurred in Northern Metropolitan region.

The VEC has recognised that the volume of processing in the days immediately following election day, for those election offices covering 3 districts was onerous and has included recommendations to address this in the report to Parliament. This includes improved strategies for processing and checking legislative Council ballot papers and in general, reducing the maximum number of Districts to be covered by one office to 2.

Details about the VEC’s advertising campaign and training program for election officials are covered in the report to Parliament. The VEC expects that on the balance of probabilities, the next State election will closely follow the Federal election and that we will need to focus our advertising and training strategies to ensure that the different systems below the line are understood.

The VEC published all GVTs on its website on 13 November which was the first day of early voting. The VEC has become aware that some voting centre managers did not have GVTs available in a prominent position for electors at their voting centre. Instructions to do so were included in their manual.

In the report to Parliament, the VEC has committed to address these matters.

These matters are covered in the VEC’s report to Parliament.
9. Nathan Lambert

- Discrepancy between 2CP figures and re-checked results in Frankston.

- Recommends full 2CP counts for every booth and full preference distributions for every District and a full reconciliation of certified lists.

The VEC conducts 2CP counts on the night as a service to the media, candidates and parties. These counts are indicative, as are all election night figures – with the result announced at the declaration of the poll being the official result. Any variations between indicative and final results come about from further checks that are conducted following election day.

The VEC notes that the difference between the total votes counted for the Frankston 2CP count and the final distribution of preferences was 12.

The management of elections requires an appropriate balance between resources, efficiency, time and accuracy.

Currently Victorian law does not require an election manager to continue to distribute preferences once a candidate has received an absolute majority.

A full reconciliation of certified lists is already conducted in the post election period.

10. Antony Green

- **Early meetings on election result media feeds** were held with media reps, VEC and AEC and it was agreed that XML be adopted as a standard for the generation of data files. Mr Green encourages cooperation between Commissions to provide consistent results formats.

- **Provision of Legislative Council results by booth**

  Media requested that media feeds did not include booth by booth LC results. This would create large files and potentially slow down transmission on election night. AEC only provide group level count on election night.

  Election night results handling is not a regulated activity and the VEC provides data feeds to electoral commentators from all media sources in an agreed format. The same feed is used to update results that appear on the VEC’s website and includes 2CP indicative counts, again that are not prescribed by the law. The VEC’s website is then updated throughout the following days as counting proceeds and again this is not prescribed by law. However, from a transparency perspective it is considered to reflect good modern election practice, and led to some parties and candidates recognising that results in two upper house regions were going to be close for the last vacancy.

  The VEC will continue to work collaboratively with the
night. Suggests that full detail of the count by booth only becomes available at a later time.

- **Validation on data entry**
  Notes possibility of data entry errors where the transposition of 2CP results can occur – suggests that validation is included to ensure that 2CP result for a candidate must be higher than their primary result. Noted that a data entry error in Caulfield briefly gave the seat to the incorrect candidate. Also noted that during testing he identified that the VEC’s system could accept a figure where the total votes counted was higher than the enrolment figure. Recommends that while data entry errors such as this will be picked up in the checking and recounting process, they should be found at the time of data entry.

- **Publication of detailed results on the VEC website.**
  Comments that material was available more readily than at other Australian elections. Recommends that attention should be given to making post election day updates more regular and LC more meaningful.

AEC and other States with similar upperhouse provisions to explore the best method for capturing and reporting upper-house results that reflect the different levels of detail required at different points in the timeline.

As Mr Green has highlighted the VEC has attempted to respond to all media needs and will continue to do so.

The VEC system currently validates the total 2CP count for each voting centre against the total primary count for the same voting centre and will not allow data entry of the 2CP result until these match. The VEC notes however, that interim transposition of 2CP results can still occur. The VEC notes that a check at data entry to ensure that each two-party preferred entry has a higher value than the primary count for the candidate would identify some but not all potential transposition errors. The VEC has noted Mr Green’s suggestions for future consideration.

The committee may wish to note that for NZ Parliamentary elections, the election night results are frozen and all subsequent counting is not updated for a period of around 2 weeks when the final result is declared.
<table>
<thead>
<tr>
<th>• Publication of preference counts</th>
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<tbody>
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<td>Suggests progressive reporting on expected preference distribution results for the Legislative Council. Notes that the ACT Electoral Commission does this. Also notes that the names of candidates elected from day to day during this period can vary.</td>
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<th>• Vision Centre Booths</th>
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<td>Suggests that eave these out of election night results 60 – 70 booths in each region were left uncounted on election night – raises confusion about the progress of the count.</td>
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<th>• Speed of reporting results –</th>
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<td>Appeared that results were slow on election night perhaps due to providing full detail for the Legislative Council.</td>
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| The ACT Electoral Commission was able to do an immediate download of all electronic votes and was able to give a preliminary indicative sample to the media. In addition, files from the data entry of ballot papers were exported each day to give an indication of the expected preference distribution result. As Mr Green has noted, indicative results varied from day to day. |
| It should be noted that all ballot papers for the ACT elections are data entered as there is no above the line voting. Only 4% of the ballot papers are data entered in Victoria and the final above the line figures are determined manually and totals are entered at the end of the process. |
| The VEC will consider options to address this issue in future. |

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<th>• Early Voting Centres (EVCs)</th>
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| The VEC indicates in the report to Parliament that it intends to further promote early voting at the next election in an effort to reduce the volume of postal votes. The VEC will be particularly concerned with providing appropriate statewide coverage of early voting venues but at this time, do not see it is necessary to commit to providing a centre within each District. Most metropolitan districts had reasonably close access to an early voting centre at this election. 77 EVCs were established across the State. |

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<th>11. Liberal Party of Australia (Victorian Division) – Julian Sheezel (State Director)</th>
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| The VEC will consider options to address this issue in future. |
| Voting centre staff sorted and recorded results for each individual candidate below the line on election night. The VEC will consider options to address this issue in future. |
| **Joint Voting Centres (JVCs)** | The VEC understands that some parties and candidates believe that there are too many joint voting centres. When considering this issue, it is important to note that the establishment of more joint voting centres had a profound impact on the number of absent votes issued, as they could be cast as ordinary votes. From an elector’s perspective, an ordinary vote is easier and quicker to cast and the vote can be counted on election night. If the VEC were to reduce joint voting centres, it is almost certain that absent votes would increase, and that party workers would be unable to furnish such electors with material, processing time for electors would increase and could impact on waiting time at voting centres. The VEC will closely study voting patterns at the next Federal election but suspects that the number of joint voting centres required for the next State election in 2010 will increase. |
| Recommend increasing the threshold of expected absent votes for a voting centre before establishing a joint venue. | The VEC is of the view that all electoral material, unless specifically exempted should be appropriately authorised. The suggestion made by the Liberal party to provide an exemption for letters would be helpful in reducing any confusion on this matter. The Liberal Party have accurately reflected current practice in regard to HTVCs at mobile voting venues and the change they have suggested could be handled administratively with a change to the legislation.  |
| **Electoral matter** | Ref. s. 65 (4) Electoral Act 2002 |
| Recommend that a letter that bears the name and street address of the author does not need authorisation, printed by etc. | The VEC increased the training, resources and support provided to temporary staff at this election. Further details are included in the VEC’s report to Parliament. |
| **Mobile Voting Centres and How to Vote Cards** | The VEC increased the training, resources and support provided to temporary staff at this election. Further details are included in the VEC’s report to Parliament. |
| Recommend that electors at mobile centres can request their own copies (Sec 65) of a HTVC. | |
| **VEC staff** | |
| Concerns about temporary VEC staff not having a sufficient understanding of electoral laws or processes. Recommends the VEC increase resources allocated to training and monitoring temporary staff. | |
12. Bob Saunder

- Recommends one authority be responsible for enrolment updates.
- Recommends greater sharing of resources between the AEC and VEC.

- EVCs should be advertised and established at the site of the largest booth in Regional areas.

- Difficult to recruit staff – long day for poor return not attractive.

- Succession planning for Managers and Assistant Managers not existent.

- No debriefing of senior staff

Victoria has been a leader in enrolment initiatives throughout Australia for a number of years and this has lead to Victoria having a superior roll to most other State or territory administrations. The VEC at the moment is seeking to research modern day enrolment update procedures aimed at making it easier to enrol and to improve the roll’s accuracy. This practice if implemented would form a major variation to the Commonwealth practice that has become more complicated in recent times.

EVCs are advertised. The largest voting centres used on election day are often schools and town halls that are generally not available for the 2 week early voting period.

The VEC bases its election casual rates on VPS rates and closely monitors rates of pay in other jurisdictions The VEC considers that the rates paid for the 2006 State election were appropriate.

Additional election managers and assistant election managers are recruited during each election cycle. The VEC is currently recruiting additional managers to cover the 2008 Local Government elections and the 2010 State election. Many new election managers are appointed to assistant manager roles in their first election, then to manager roles subsequently.

All election managers are invited to attend one of a number of debriefing sessions around the state.
|   | **Australian Labor Party**  
|   | – Stephen Newnham  
|   | (Victorian State Secretary)  
|   | • Recommends reduction in the number of joint voting centres.  
|   | • Opposes recent changes to requiring proof of identity for enrolment at a federal level.  
|   | • Options should be considered for improving the Legislative Council count.  
|   | The VEC’s response to suggestions to reduce joint voting centres has been covered previously. See submission 11.  
|   | This matter has been addressed in the VEC’s report to Parliament.  
|   | The VEC is already considering strategies to improve the Legislative Council count.  
|   | **Vision Australia – Maurice Gleeson**  
|   | (Policy and Advocacy Officer)  
|   | • Provides positive feedback in relation to the electronic voting trial.  
|   | • Recommends that electronic voting facilities be provided at all key booths in future.  
|   | The State election report includes a substantial overview of electronic voting for the Vision impaired and possibilities for the future.  
|   | **Ken Coghill and Joo-Cheong Tham – Monash University**  
|   | • Submission covers a number of matters and recommendations in relation to disclosure laws, election funding, campaign expenditure limits, government advertising and lobbying.  
|   | This is a matter for the Parliament and the VEC’s report to Parliament draws attention to practices elsewhere in Australia.  
|   | **Monash University – Governance Research Unit – Ken Coghill**  
|   | • Submission refers to the election funding and disclosure provisions that apply in Canada and recommends that limitations be placed on contributions and loans to political parties and candidates.  
|   | This is a matter for the Parliament and the VEC’s report to Parliament draws attention to practices elsewhere in Australia. |
| 17. | Senator Lyn Allison (Leader of the Australian Democrats) |  
|     | • Notes failure of VEC to prominently display group voting tickets for the LC at all voting centres. Recommends a spreadsheet format in place of GVT booklets.  
|     | • Recommends display of how-to-vote cards in voting booths for environmental reasons and to reduce the advantage to larger parties with good supplies of polling booth workers. Refers to ACT with a “no how to vote card” system.  
|     | The VEC’s response to this matter was included earlier. See submission 8.  
|     | The VEC’s response to this matter was included earlier. See submission 1.  
| 18. | The Nationals – Luke O’Sullivan (State Director) |  
|     | • **Early Voting Centres**  
|     | Volunteers obliged to stand in direct sunlight rather than take refuge in adjoining shaded areas.  
|     | • **Legislative Council Ballot Papers**  
|     | Concerns that LC ballot papers were issued to voters while still folded.  
|     | The legislation includes clear rules restricting the distribution of electoral matter, canvassing for votes, etc., within 3 metres of the entrance of a voting centre. This matter could be addressed should Parliament wish to give discretion to the Election manager to vary this distance without impeding access to voters if weather conditions are extreme.  
|     | The VEC provided instructions to election officials to unfold upper house ballot papers before issuing to electors. The VEC will consider strategies to address this issue for future elections. |
|   | Malcolm Mackerras AO | The VEC conducted two-candidate preferred counts on election night for all Legislative Assembly districts and continued to conduct two-candidate preferred counts for all subsequent counts following election day. In all but 8 of the Legislative Assembly districts the two candidates selected for the two candidate preferred count, also provided the two party preferred split. Two party preferred counts for these 8 Districts were conducted in the new year. South Australia places priority on the labor/non-labor preferred state wide counts, as it is required by the Boundaries Commission to determine new boundaries after each State election. The Boundaries Commission is obliged to meet shortly after the Writs are returned. The State has redistribution criteria that include assessing the political consequences of boundary changes and must ensure that as far as is reasonably practical, the party or group of parties that achieve 50% plus 1 of the two party preferred vote on a state-wide basis would form government. No other state or territory has this “fairness” clause and accordingly, the same urgency for delivering state wide two party preferred figures does not exist. |
|---|
| 19. | • State Commissions with the exception of South Australia do not give priority to two-party preferred counts. • Victoria provided two-party preferred figures on 23 March, but *the Australian* has not picked up Mr Mackerras’s updated pendulum because the State election it is now stale in the mind of the media. • Requests earlier determination of two-party preferred figures. |