

Submission to the Electoral Matters Committee inquiry into Victoria's Upper House electoral system

January 2025



Acknowledgement of Country

The Victorian Electoral Commission (VEC) acknowledges the Aboriginal and Torres Strait Islander people of this nation, as the traditional custodians of the lands on which the VEC works and where we conduct our business. We pay our respects to ancestors and Elders, past, present, and emerging. The VEC is committed to honouring Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to the land, waters and seas and their rich contribution to society.

Version history

This document was prepared for submission to the Parliament of Victoria's Electoral Matters Committee in January 2025.

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Introduction

The Victorian Electoral Commission (**VEC**) welcomes the opportunity to make a submission to this inquiry. As Victoria's independent electoral management body, our submission is limited to the administrative, operational and technical impacts of the example structures provided by the Electoral Matters Committee (**Committee**).

Running Victorian State elections is one of our core functions under the *Electoral Act 2002* (Vic) (**Electoral Act**). As such, we would administer any changes to the Legislative Council electoral system. Similarly, if changes to the electoral boundaries for the Legislative Council regions are also required, the Committee has said these would be developed by the Electoral Boundaries Commission (**EBC**). We provide administrative and technical support to the EBC.

It is critical that any change is administrable and allows sufficient time for us to plan, test and implement new and changed processes and systems.

About the VEC

The VEC is responsible for the conduct of fair, efficient and impartial elections in accordance with the law. The Electoral Commissioner is appointed by the Governor-in-Council for a ten-year term. Under the Electoral Act, the Electoral Commissioner is independent of the government of the day and reports directly to Parliament. Our responsibilities are to:

- conduct parliamentary elections, by-elections, and referendums
- conduct local government elections, by-elections, and countbacks
- conduct certain statutory elections
- consider and report to the Minister responsible on issues affecting the conduct of parliamentary elections, including administrative issues requiring legislative remedy
- ensure the enrolment of eligible electors
- prepare electoral rolls for parliamentary elections, voters' rolls for local government elections, jury lists, and the provision of enrolment information to members of Parliament and registered political parties
- contribute to public understanding and awareness of elections and electoral matters through information and education programs
- conduct and promote research into electoral matters that are in the public interest
- administer and regulate Victoria's political funding and donation laws
- regulate obligations under the Electoral Act
- provide administrative and technical support to State electoral boundary reviews and local government electoral structure reviews, and lead local government ward boundary reviews
- report to Parliament on our activities.

About this submission

The Committee's discussion paper on Victoria's Upper House electoral system outlined 6 example structures 'to help people understand the types of changes that are possible'.

We note the structure that the Committee ultimately recommends to Parliament may be an amalgamation of various example structures or a structure not outlined in the discussion paper. Accordingly, we have adopted a principles-based approach to highlight the administrative, operational and technical impacts of the example structures. We hope that this allows our submission to apply to the Committee's recommendation to the extent that the features of the recommended structure have been considered in the discussion paper.

For each of the example structures, we will draw the Committee's attention to:

- process and timeline impacts
- administrative impacts
- system and development impacts
- legislative and constitutional impacts
- any other impacts.

In Appendix 1 to this submission, we have provided sample ballot paper templates for each of the example structures to demonstrate the look and feel of the ballot paper needed to run elections for the Legislative Council under each example structure.

Appendix 2 to this submission provides a high-level summary of the impacts described throughout the body of the submission, allowing comparison between the various example structures.

We would welcome the opportunity to provide information about any alternative structures or additional assistance to the Committee should the need arise. This includes ensuring that we can properly implement the Committee's recommendations.

General matters

Any changes to the Legislative Council electoral system:

- should allow sufficient lead-in time for developing, testing and refining new and changed processes and systems, and educating and informing the public, ahead of the election at which the changes are implemented
- should be accompanied by suitable changes to the prescribed timelines for elections, proportionate to the likely impact on variables like candidate numbers, ballot material printing, production and distribution, and counting
- may require amendment of the *Electoral Boundaries Commission Act 1982 (Vic)*, including the requirements for redivisions and the factors to be considered by the EBC, especially if they are in tension with the features of the changed electoral system
- would not be able to be implemented until after a redivision by the EBC occurred, if the electoral system maintains a structure that divides the State into regions.

We note that the existing process for filling extraordinary vacancies in the Legislative Council is a parliamentary process and the VEC currently does not play a role. If the process for filling extraordinary vacancies is changed, this may impact the VEC's operations and should be accompanied by sufficient legislative clarity and resourcing.

Most changes to the Legislative Council electoral structure would require a referendum. Referendums in Victoria are conducted by the VEC under section 8(1) and Part 9A of the Electoral Act and require resourcing as a major electoral event, including staffing, ballot material production and counting. The timing for any referendum should be carefully considered alongside its potential to impact other electoral events, including State and local government general elections.

Example structure 1 impacts

40 members, elected from the State as a whole, with all members elected at every election

Given all electors would vote for all 40 members of the Legislative Council, the electorate size for a single election without regions would be eight times larger than each of the current electoral regions. The number of electors for each of the eight current electoral regions ranges from 548,620 to 589,911, whereas the number of electors for a single election under example structure 1 would be over 4.5 million.¹

This structure would likely lead to a much larger ballot paper than what is currently used, with parties and groups able to endorse up to 40 candidates each in the single election. The lower quota of 2.4% may also encourage a larger number of parties and candidates to contest elections as it would become easier to be elected on first preference votes. This would be likely to significantly expand the vertical and horizontal dimensions of ballot papers used for Legislative Council elections compared with the current ballot paper product.

Process and timeline impacts

There may be a higher risk of elector confusion and voting errors with a much larger ballot paper, including higher volumes of informal votes from numbering errors if electors are invited to preference at least 40 candidates below the line (increased from at least 5 in the current system). This could be mitigated by an 'exhaust rule', similar to what is in place for Melbourne City Council elections of councillors,² a lower minimum number of preferences below the line, or other similar savings provisions.

Voting could also take longer for each voter given the larger ballot paper, possibly impacting queue times. To manage wait times, this would require resourcing larger election venues to facilitate more issuing points and cardboard voting booths, adding cost to the election. In particular, below-the-line voting would take significantly longer than in the current system.

Data entry, formality checking, batch audits and reconciliation of ballot papers would require more resources and staffing to respond to a significantly higher number of groups and candidates on each ballot paper. It would be more complex to reconcile ballot papers and identify the source of minor discrepancies within the current timeframes. Critically, counting Legislative Council ballot papers would take significantly longer due to unfolding of larger ballot papers and data entry of significantly higher numbers of candidates on each ballot paper.

The large size of the electorate—over 4.5 million electors—in a single election would make it impractical to conduct recounting of ballot papers within the currently available timelines. Currently, a recount for a region can be conducted on a smaller scale that can be attributed to a specific localised area. The logistical challenge of conducting a recount for the entire State would significantly exacerbate the existing risk of election failure under the current timeline.

¹ Victorian Electoral Commission, [Region Statistics – December 2024](#) [data set], vec.vic.gov.au, 2025, accessed 20 January 2025.

² See *City of Melbourne Act 2001* (Vic) sch 1 cl 12.

Administrative impacts

Consideration would need to be given to the possible minimum and maximum numbers of candidates for each group. If group voting tickets are abolished, then it may be appropriate for each group to be required to nominate a minimum number of candidates such that it would cause a formal vote below-the-line when a voter only places a '1' above the line for the group. For example, in New South Wales Legislative Council elections (where 21 members are elected at each election), groups are required to nominate at least 15 candidates in order to receive a box above the line, which aligns with the formality requirement for below-the-line voters to number at least 15 boxes.³

Greater resources and costs would be incurred in designing, printing, storing, posting and transporting physically large ballot papers. However, it is likely that there would be considerably less logistical pressure in sorting, distribution and collection processes given the same Legislative Council ballot paper would be used across the State. The process of issuing ballot papers would be more streamlined under this structure as there is no chance of distributing incorrect region ballot papers to voting centres or voters, however the large size of ballot papers would slow down the printing and distribution processes.

There would be significant logistical and technological uplift required to support a larger design of the ballot paper. Given ballot paper designs are matched against legislative requirements, it would be important to ensure the layout, size and design of the ballot paper is easily understood and usable by voters. We would also need to replace much of our existing stock of ballot paper envelopes and transportation packaging to respond to the larger sized ballot paper. A larger ballot paper would also be more unwieldy for postal voters to re-fold and post back. Postal voting would be more costly given outgoing and return envelopes would become thicker and heavier than postal vote envelopes currently.

There may also be accessibility challenges for candidates from remote and regional areas to attend a singular, centralised ballot draw for a Legislative Council election. This could possibly be managed by livestreaming the event.

A lower quota is likely to increase the number of political parties and independent candidates represented in the Legislative Council. While eligibility for administrative expenditure funding (AEF) still depends on being elected, and an upper limit of 40 elected members are eligible for AEF, it may lead to an increased quantum of AEF when distributed to eligible recipients more broadly. The impact on public funding (PF) is more complex, and the eligibility threshold of 4% of first preference votes may need to be recalibrated with the lower quota. This may also have implications for resourcing in the VEC's administration of political funding.

System and development impacts

The example structure would necessitate significant investment and resourcing in the procurement, maintenance and training for specialised printers to produce large ballot papers. It would limit the number of available printers to produce the ballot papers, which could impact the ability to supply of ballot papers to voting centres within the current timelines.

Our count systems would require development and load testing to ensure the satisfactory calculation of an election result from over 4.5 million ballot papers with higher numbers of

³ See *Electoral Act 2017* (NSW) s 86 and *Constitution Act 1902* (NSW) sch 6 cl 2.

preferences being distributed at each exclusion. This may increase the duration of result calculations.

Development would also be needed to ensure the user interface for data entry of ballot papers is readable by data entry officers and scrutineers despite a larger ballot paper.

Legislative and constitutional impacts

This example structure would need to be supported by a revised legislative framework allowing expanded timelines for ballot paper production and counting.

The current prescribed forms for ballot paper design and format would need to accommodate larger ballot papers. It may be appropriate for the form of ballot papers to be determined by the VEC, allowing greater flexibility and responsiveness to different numbers of groups and candidates contesting each election.

Example structure 2 impacts

40 members, elected from the State as a whole, with 20 members elected at each election

Similar to example structure 1, the number of electors in a single electorate without regions would be over 4.5 million, eight times larger than each of the regions in the current system.⁴

This structure would likely lead to a larger ballot paper than what is currently used, with parties and groups able to endorse up to 20 candidates each in the single election. The lower quota of 4.8% may also encourage a larger number of parties and candidates to contest elections as it would become easier to be elected on first preference votes. Though the number of members to be elected would be half and the quota would be double than example structure 1, this example structure would nonetheless be likely to expand the vertical and horizontal dimensions of ballot papers used for Legislative Council elections compared with the current ballot paper product.

Process and timeline impacts

There may be a higher risk of elector confusion and voting errors with a much larger ballot paper, including higher volumes of informal votes from numbering errors if electors are invited to preference at least 20 candidates below the line (increased from at least 5 in the current system). This could be mitigated by an 'exhaust rule' similar to what is in place for Melbourne City Council elections of councillors,⁵ a lower minimum number of preferences below the line, or other similar savings provisions.

Voting could also take longer for each voter given the larger ballot paper, possibly impacting queue times. To manage wait times, this would require resourcing larger election venues to facilitate more issuing points and more cardboard voting booths, adding cost to the election. In particular, below-the-line voting would take significantly longer than in the current system.

Data entry, formality checking, batch audits and reconciliation of ballot papers would require more resources and staffing to respond to a significantly higher number of groups and candidates on each ballot paper. It would be more complex to reconcile ballot papers and identify the source of minor discrepancies within the current timeframes. Counting Legislative Council ballot papers would take longer due to unfolding of larger ballot papers and data entry of significantly higher numbers of candidates on each ballot paper.

The large size of the electorate—over 4.5 million electors—in a single election would also make it impractical to conduct recounting of ballot papers within the currently available timelines. Currently, a recount for a region can be conducted on a smaller scale that can be attributed to a specific localised area. The logistical challenge of conducting a recount for the entire State would significantly exacerbate the existing risk of election failure under the current timeline.

⁴ Victorian Electoral Commission, [Region Statistics – December 2024](#) [data set], vec.vic.gov.au, 2025, accessed 20 January 2025.

⁵ See *City of Melbourne Act 2001* (Vic) sch 1 cl 12.

Administrative impacts

Consideration would need to be given to the possible minimum and maximum number of candidates for each group. If group voting tickets are abolished, then it may be appropriate for each group to be required to nominate a minimum number of candidates such that it would cause a formal vote below-the-line when a voter only places a '1' above the line for the group. For example, in New South Wales Legislative Council elections (where 21 members are elected at each election), groups are required to nominate at least 15 candidates in order to receive a box above the line, which aligns with the formality requirement for below-the-line voters to number at least 15 boxes.⁶

Greater resources and costs would be incurred in designing, printing, storing, posting and transporting of physically large ballot papers. However, it is likely that there would be considerably less logistical pressure in sorting, distribution and collection processes given the same Legislative Council ballot paper would be used across the State. The process of issuing ballot papers would be more streamlined under this structure as there is no chance of distributing incorrect region ballot papers to voting centres or voters, however the large size of ballot papers would slow down the printing and distribution processes.

There would be significant logistical and technological uplift required to support a larger design of the ballot paper. Given ballot paper designs are matched against legislative requirements, it would be important to ensure the layout, size and design of the ballot paper is easily understood and usable by voters. We would also need to replace much of our existing stock of ballot paper envelopes and transportation packaging to respond to the larger sized ballot paper. A larger ballot paper would also be more unwieldy for postal voters to re-fold and post back, and postal voting would be more costly given outgoing and return envelopes would become thicker and heavier than postal vote envelopes currently.

There may also be accessibility challenges for candidates from remote and regional areas to attend a singular, centralised ballot draw for a Legislative Council election. This could possibly be managed by livestreaming the event.

A lower quota is likely to increase the number of political parties and independent candidates represented in the Legislative Council. While eligibility for AEF still depends on being elected, and an upper limit of 40 elected members are eligible for AEF, it may lead to an increased quantum of AEF when distributed to eligible recipients more broadly. The impact on PF is more complex, and the eligibility threshold of 4% of first preference votes may need to be recalibrated with the lower quota. This may also have implications for resourcing in the VEC's administration of political funding.

Moreover, additional clarity would be needed regarding entitlement to policy development funding (PDF), as the existing entitlement criteria related to 'the previous general election' would become confusing with only half of the members of the Legislative Council elected at each general election.⁷

System and development impacts

The example structure would necessitate significant investment and resourcing in the procurement, maintenance and training for specialised printers to produce large ballot papers.

⁶ See *Electoral Act 2017* (NSW) s 86, *Constitution Act 1902* (NSW) sch 6 cl 2.

⁷ See *Electoral Act 2002* (Vic) s 215A.

It would limit the number of available printers to produce the ballot papers, which could impact the supply of ballot papers to voting centres within the current timelines.

Our count systems would require development and load testing to ensure the satisfactory calculation of an election result from over 4.5 million ballot papers with higher numbers of preferences being distributed at each exclusion. This may increase the duration of result calculations.

Development would also be needed to ensure the user interface for data entry of ballot papers is readable by data entry officers and scrutineers despite a larger ballot paper.

Legislative and constitutional impacts

This example structure would need to be supported by a revised legislative framework allowing expanded timelines for ballot paper production and counting.

The current prescribed forms for ballot paper design and format would need to accommodate larger ballot papers. It may be appropriate for the form of ballot papers to be determined by the VEC, allowing greater flexibility and responsiveness to different numbers of groups and candidates contesting each election.

Consideration would be needed for how the first election under this example structure would be implemented, as there would need to be a robust and well-understood process for allocating which members have 8-year terms, and which have 4-year terms. This would either require allocating half of the already sitting members to continue their terms for the following 4 years, or beginning with a full election of all 40 members from which long and short terms would be allocated.

If a first statewide Legislative Council election was required for all 40 members, the electoral impacts would mirror those we have identified for example structure 1. Consideration would be required as to the process for determining longer and shorter terms, including whether these would be calculated through a formula relating to the election results. Similarly, the allocation process would need to be well-defined if incumbent members at the first election under a structure of this nature were to have their terms extended, including consideration to how members elected to specific regions would transition to represent the State as a whole.

If the VEC has a role in administering the allocation of terms, there may be additional count activities and system development required to fulfil this new function. An education program would also be necessary to ensure that the process is transparent, and that our independence and impartiality is not called into question through the administration of these allocations.

Under Victoria's existing constitutional arrangements, we note that the Legislative Council expires when the Legislative Assembly is dissolved. Unlike the federal and South Australian parliaments, it is unnecessary to formally prorogue both Houses of the Victorian Parliament. Any electoral structure involving mixed terms would need to consider the effect of a double dissolution. In the case of a double dissolution, we would need to be prepared to deliver an election of the kind described in example structure 1.

Example structure 3 impacts

40 members, elected from four 10-member regions

Victoria would be divided into four larger regions, which would increase the number of electors per region to over 1.1 million. This example structure would likely lead to a larger ballot paper than what is currently used, with parties and groups each able to endorse up to 10 candidates for each region.

The lower quota of 9.1% for each region may also encourage more parties and candidates to contest elections as it would become somewhat easier to be elected on first preference votes. This may expand the vertical and horizontal dimensions of ballot papers used for Legislative Council elections compared with the current ballot paper product.

Process and timeline impacts

Larger ballot papers with higher numbers of candidates could result in increased volumes of informal votes from numbering errors if electors are invited to preference at least 10 candidates below the line (increased from at least 5 in the current system).

Voting may also take somewhat longer for each voter than under the current system. It is unclear if this would require larger election venues or impact queue times, and this would likely be influenced by any changes to the voting system as well as the number of candidates and groups in each region.

Data entry, formality checking, batch audits and reconciliation of ballot papers may require more resources and staffing to respond to a higher number of groups and candidates on each ballot paper. It may be more complex to reconcile ballot papers and identify the source of minor discrepancies within the current timeframes. Counting Legislative Council ballot papers would likely take longer due to unfolding of larger ballot papers and data entry of higher number of candidates on each ballot paper.

Larger ballot papers and numbers of candidates would also exacerbate the existing risk of election failure within the currently legislated timeframes if a recount were required to be conducted for a Legislative Council election.

Administrative impacts

There are likely to be more resources and costs incurred in the designing, printing, storing and transporting physically larger ballot papers for each region, while there would be budget implications of replacing the current stock of envelopes and satchels designed for smaller ballot papers. However, the distribution of Legislative Council ballot papers would be less complex for four regions than the current distribution for eight regions, including absent sets.

This model would not increase eligibility for AEF, which depends on being elected, but may lead to increased quantum of AEF allocated if it needs to be more broadly distributed to eligible recipients. The possible impacts on administration of PF and PDF are not clear.

System and development impacts

The example structure would involve significant investment and resourcing on specialised printers for large ballot papers. In addition, the user interface for data entry of ballot papers

may need modifications to accommodate higher numbers of candidates while ensuring that the interface is easily used by data entry officers and transparent to scrutineers.

A redivision would be required to identify the boundaries of the regions, which would then need to be coded for each elector in our Roll Management System, and we would need to develop new products and update existing products, incorporating new region boundaries into instructions and plans.

Legislative and constitutional impacts

This example structure would need to be supported by a revised legislative framework which ensures that timelines are sufficient for ballot production and counting of larger ballot papers.

The current prescribed forms for ballot paper design and format would need to accommodate larger ballot papers. It may be appropriate for the form of ballot papers to be determined by the VEC, allowing greater flexibility and responsiveness to different numbers of groups and candidates contesting each election.

Example structure 4 impacts

49 members, elected from seven 7-member regions

Victoria would be divided into seven regions, which would increase the average number of electors per region. This example structure would require one of two approaches, by either:

- having regions of variable size, for example having some regions comprise 12 Legislative Assembly districts and others comprise 13, or
- changing the requirement for region boundaries to be contiguous to the district boundaries.⁸

The lower quota of 12.5% for each region may also encourage more parties and candidates to contest elections as it would become somewhat easier to be elected on first preference votes. This may expand the vertical and horizontal dimensions of ballot papers.

Process and timeline impacts

The approach of having non-contiguous district and region boundaries would have significant impacts on the administration of elections, as it would remove the principle that each electoral district has a corresponding region. In comparable jurisdictions with non-contiguous sets of electoral boundaries, elections are typically not run concurrently by a single electoral administrator for the different sets of electorates.⁹

Our initial view of the operational impacts of such a change is that it would require complex planning to ensure that the impact of non-contiguous boundaries could be absorbed through preliminary scrutiny so as not to disrupt the count timeline. It would also require significant additional resourcing for the VEC to ensure we could make the necessary changes and respond to the significant increase in logistical complexity.

For both approaches to this example structure, counting Legislative Council ballot papers would likely take longer due to unfolding of larger ballot papers and data entry of higher numbers of candidates on each ballot paper.

Larger ballot papers, numbers of candidates and higher numbers of voters in each region would also exacerbate the existing risk of election failure within the currently legislated timeframes if a recount were required to be conducted for a Legislative Council election.

Administrative impacts

For the approach of regions containing varying numbers of districts, there would not be significant administrative impacts beyond some additional costs in relation to the production and distribution of larger ballot papers and delivering election processes for a potentially higher number of candidates.

For the approach of regions and districts having non-contiguous boundaries, there would be significant logistical challenges which would need to be carefully considered and supported by

⁸ See *Constitution Act 1975* (Vic) s 27(2)(b).

⁹ For example, elections for Tasmania's House of Assembly and Legislative Council are not held concurrently, and New Zealand's local elections are principally administered by local councils themselves rather than the New Zealand Electoral Commission.

a strong legislative framework, sufficient additional resourcing and enough lead-in time to ensure sufficient planning and development of new processes.

This split district-region approach would pose logistical challenges in delivering and supplying ballot papers. Significant uplift would be needed to ensure additional labelling and tracking of stock to the correct election venues.

We would need to stock individual voting centres with additional ballot papers from multiple regions based on geographic location within a district. Absent voter ballots are currently calculated based on specific needs, including a voting centre's proximity to district or region boundaries. Intersecting boundaries would introduce significant additional complexity in accurately estimating absent voting and supply needs at each voting centre.

This approach would also add an additional layer of complexity to the issuing of ballot papers. Issuing officers would be required to identify each voter's district *and* region from their address, rather than simply the district. This is likely to result in confusion and may lead to voters being issued an incorrect ballot paper in some instances. We would need to provide additional training to issuing officers to minimise this increased risk and support them with undertaking this additional level of complexity.

This approach would also complicate identifying, recording and reporting of vote types, because absent voting would no longer necessarily apply to *both* district and region votes. At an election day voting centre, a voter could cast an in-district vote for the Legislative Assembly but an out-of-region vote for the Legislative Council (or vice versa). This means one of the votes would be an ordinary vote and the other would be an absent vote. This would be complex to record and could lead to considerable inconsistencies in the total number of ordinary and absent votes for the Legislative Assembly and Legislative Council elections.

Additionally, significantly higher numbers of voting centres would need to be appointed as joint voting centres for multiple districts, multiple regions, or both. This would further confuse reporting and would require the distribution of more ballot material to voting centres overall.

Under this model, funding allocation for AEF would increase as there would be more elected members, and the overall quantum may be higher if this leads to more parties and independent candidates being elected. The possible impacts on PF and PDF are less clear.

System and development impacts

For either of the two approaches in this example, a redivision would be required to identify the boundaries of the regions (and possibly the districts), which would then need to be coded for each elector in our Roll Management System, and we would need to develop new products and update existing products, incorporating new region boundaries into instructions and plans.

There would be significant costs and complexities in upgrading our existing information technology infrastructure to decouple regions and districts for the second approach. Our Election Management System is structured around the organisation of each district belonging to a single region, which would need to be redesigned to accommodate districts belonging to different regions in different geographic areas. This would have considerable impacts on our venue management, candidate services and results input within our Election Management System. It would be critical to ensure sufficient lead-in time for the development and testing of these systems, as the changes would impact both Legislative Assembly and Legislative Council elections.

Legislative and constitutional impacts

A structure with non-contiguous Legislative Assembly and Legislative Council boundaries would require significant electoral reform to ensure elections under the changed structure were administrable, including the impact on timelines. Many legislated processes would need review to respond to districts no longer being housed within a single region, such as the role of an election manager for a district which is split across regions.

The current prescribed forms for ballot paper design and format would need to accommodate larger ballot papers for both approaches. It may be appropriate for the form of ballot papers to be determined by the VEC and flexible based on the number of groups and candidates contesting the election, given there could be significant fluctuations between each region and at different elections.

Any other impacts

For both approaches, there may be increased elector confusion. For example, electors may become confused about which district or region they were enrolled in, particularly if they were in a district that had some electors belonging to one region and others belonging to another region. Alternatively, electors could become concerned about the impact of their vote if there were significantly more electors in some regions than in others.

These matters could lead to reputational impacts for the democratic process. A public education campaign would be needed to ensure the changed process was transparent and well-understood, to make the VEC's independent and impartial role clear, and to reinforce trust in the democratic process.

Example structure 5 impacts

40 members elected from eight 5-member regions, plus top-up members

Victoria would continue to elect 40 members from eight 5-member regions. Given the configuration and quota for each region would remain the same, this example structure is unlikely to impact on the electorate size per electoral region, size of ballot papers, or the number of parties and candidates contesting the election. However, there may be additional processes required for the election of top-up members.

Process and timeline impacts

There would likely be minimal process and timeline impacts in regard to the election of the baseline 40 members for the regions.

We presume that given each party's entitlement to top-up members would be determined based on the election results, the VEC would hold the responsibility for calculating these entitlements. Consideration would need to be given to the process for doing so, including whether there would be a requirement for the selected top-up members to be submitted to the VEC through a post-election nomination process and whether a declaration of their election would be required.

Administrative impacts

There would likely be minimal administrative impacts in regard to the election of the baseline 40 members for the regions.

We note that the Committee's discussion paper refers to 'parties', however Legislative Council ballot papers currently contain 'groups' of candidates. A group can be a group of candidates endorsed by the same registered political party, a group of candidates not endorsed by any registered political party, or a composite group of candidates endorsed by multiple registered political parties. Consideration should be given to:

- how a registered political party's entitlement to top-up members would be calculated if they had formed a composite group with another registered political party in all regions, for example if the parties would share a top-up entitlement based on votes received by the group, or if individual parties would receive top-up entitlements based on the first preferences received by the party of the candidate
- how a registered political party's entitlement to top-up members would be calculated if they had formed a composite group with another registered political party in some regions but not in others
- whether groups of non-endorsed candidates could share an entitlement to top-up members over multiple regions if they were affiliated with each other, and how this affiliation would be registered.

We also note that this structure would cause fluctuation and likely increase from the baseline 40 members currently in the Legislative Council. This would impact upon the overall eligibility for AEF as there would be a higher number of elected members, which would require more funding allocation. Additional clarity would also be needed with regard to the entitlement to

PF, as it is possible that members could be elected without having nominated as a candidate, if there were no requirement for top-up members to have been candidates in the election.

Under this model, the funding allocation for AEF would increase due to the presence of top-up members, if these members were deemed elected under the current provisions. In respect to PF, consideration would be required as to if or how top-up members should be eligible as their election would not be based on achieving 4% of first preference votes. Overall, this model is likely to increase the complexity of administering all political funding streams, resulting in impacts in resourcing.

System and development impacts

There would likely be minimal system and development impacts in regard to the election of the baseline 40 members for the regions.

Some system development would be needed to provide for the calculation of top-up member entitlements, including publication to the VEC website.

Legislative and constitutional impacts

Legislative amendments would be required to determine the procedures and timelines for electing top-up members to the Legislative Council, including eligibility of parties (or groups). It is unclear from the Committee's discussion paper how the entitlement for top-up members would be calculated. For example, there would need to be legislative clarity around whether the entitlement is calculated for every 2.5% of first preference votes received overall, over every 2.5% of first preference votes received above 4%.

A legislative framework would also be needed to establish how top-up members could be nominated and elected to Parliament, including whether the VEC would take a role in accepting the nomination of a top-up member or if a parliamentary process would be used similar to the current process for filling casual vacancies in the Legislative Council, which does not involve the VEC.

Any other impacts

There could be additional elector confusion or an impact in public trust in election results, depending on how top-up members could be selected. A public education campaign would be needed to ensure the changed process was transparent and well-understood, to make the VEC's independent and impartial role clear, and to reinforce trust in the democratic process.

Example structure 6 impacts

40 members, elected from one 25-member metropolitan region and three 5-member non-metropolitan regions

40 members would be elected with differing configurations and quotas for metropolitan and non-metropolitan regions. The five metropolitan regions in the current structure would likely be merged into a single electorate of 2.83 million electors, which is five times larger than the current average of 567,338 per metropolitan region.¹⁰ The three non-metropolitan regions would likely remain as they are, or similar, under the current structure.

This structure would likely lead to a much larger ballot paper for the metropolitan region than what is currently used, with parties and groups able to endorse up to 25 members, and the lower quota of 3.8% may encourage more candidates and parties to contest the metropolitan region election as it would become easier to be elected on first preference votes. This would be likely to significantly expand the vertical and horizontal dimensions of ballot papers used for the election for the metropolitan region compared with the current ballot paper product.

There would be no change to the quota and size of the three non-metropolitan regions.

Process and timeline impacts

There would likely be minimal process and timeline impacts in regard to the three non-metropolitan regions, although the additional logistical complexity of different sized regions would exacerbate pressure points in the election timeline.

There may be a higher risk of elector confusion and voting errors with a much larger ballot paper for the metropolitan region, including higher volumes of informal votes from numbering errors if electors are invited to preference least 25 candidates below the line (increased from at least 5 in the current system). This could be mitigated by an 'exhaust rule' similar to what is in place for Melbourne City Council elections of councillors,¹¹ a lower minimum number of preferences below the line, or other similar savings provisions.

Voting could also take longer for each voter in the metropolitan region given the larger ballot paper, possibly impacting queue times. To manage wait times, this would require resourcing larger election venues to facilitate more issuing points and cardboard voting booths, adding cost to the election. In particular, below-the-line voting in the metropolitan region would take significantly longer than in the current system.

For the metropolitan region election, data entry, formality checking, batch audits and reconciliation of ballot papers would require more resources to respond to a significantly higher number of groups and candidates on each ballot paper. It would be more complex to reconcile ballot papers and identify the source of minor discrepancies within the current timeframes due to the large size of the electorate for the metropolitan region. Counting metropolitan region ballot papers would take longer due to unfolding of larger ballot papers and data entry of significantly higher numbers of candidates on each ballot paper.

¹⁰ Victorian Electoral Commission, [Region Statistics – December 2024](#) [data set], vec.vic.gov.au, 2025, accessed 20 January 2025.

¹¹ See *City of Melbourne Act 2001* (Vic) sch 1 cl 12.

The large size of the metropolitan region—over 2.8 million electors—in a single election would make it impractical to conduct recounting of ballot papers within the currently available timelines. Currently, a recount for a region can be conducted on a smaller scale that can be attributed to a specific localised area. The logistical challenge of conducting a recount for the metropolitan region would significantly exacerbate the existing risk of election failure under the current timeline.

Administrative impacts

Consideration would need to be given to possible minimum and maximum numbers of candidates for each group in the metropolitan region. If group voting tickets are abolished, then it may be appropriate for each group in the metropolitan region to be required to nominate a minimum number of candidates such that it would cause a formal vote below-the-line when a voter only places a '1' above the line for the group. For example, in New South Wales Legislative Council elections (where 21 members are elected at each election), groups are required to nominate at least 15 candidates in order to receive a box above the line, which aligns with the formality requirement for below-the-line voters to number at least 15 boxes.¹²

Greater resources and costs would be incurred in designing, printing, storing, posting and transporting physically large ballot papers. However, it is likely that there would be considerably less logistical pressure in sorting, distribution and collection processes given fewer types of Legislative Council ballot paper would be used across the State, and only one would be used across the metropolitan region. The large size of ballot papers in the metropolitan region would slow down the printing and distribution processes.

There would be significant logistical and technological uplift required to support a larger design of the ballot paper for the metropolitan region. Given ballot paper designs are matched against legislative requirements, it would be important to ensure the layout, size and design of the ballot paper for the metropolitan region is easily understood and usable by voters. We would also need significant additional stock of ballot paper envelopes and transportation packaging to respond to the larger sized metropolitan region ballot paper. A larger ballot paper would also be more unwieldy for postal voters to re-fold and post back, and postal voting would be more costly for the metropolitan region given outgoing and return envelopes which would become thicker and heavier than postal vote envelopes currently.

There would be additional logistical complexities incurred in relation to administering region elections of differing scales concurrently. Separate electoral and educational communication would need to be produced for metropolitan and non-metropolitan regions, including different instructions for how to cast a formal vote. It would be complex to produce consistent educational content for electors regardless of which region they are based in.

A lower quota is likely to increase the number of political parties and independent candidates represented in the Legislative Council. While eligibility for AEF still depends on being elected, and an upper limit of 40 elected members are eligible for AEF, it may lead to an increased quantum of AEF when distributed to eligible recipients more broadly. The impact on PF is more complex, and the eligibility threshold of 4% of first preference votes may need to be recalibrated with the lower quota. This may also have implications for resourcing in the VEC's administration of political funding.

¹² See *Electoral Act 2017* (NSW) s 86 and *Constitution Act 1902* (NSW) sch 6 cl 2.

System and development impacts

The example structure would necessitate a significant investment and resourcing in the procurement, maintenance and training for specialised printers to produce large ballot papers for the metropolitan region. It would limit the number of available printers to produce the ballot papers, which could impact the supply of ballot papers to voting centres within the current timelines.

Our count systems would require development and load testing to ensure the satisfactory calculation of an election result from over 2.8 million ballot papers for the metropolitan region election with higher numbers of preferences being distributed at each exclusion. This may increase the duration of result calculations.

Development would also be needed to ensure the user interface for data entry of ballot papers is readable by data entry officers and scrutineers despite a larger ballot paper for the metropolitan region.

A redivision would be required to identify the boundaries of the regions, which would then need to be coded for each elector in our Roll Management System, and we would need to develop new products and update existing products, incorporating new region boundaries into instructions and plans.

Legislative and constitutional impacts

This example structure would need to be supported by a revised legislative framework allowing expanded timelines for ballot paper production and counting.

The current prescribed forms for ballot paper design and format would need to accommodate larger ballot papers. It may be appropriate for the form of ballot papers to be determined by the VEC, allowing greater flexibility and responsiveness to different numbers of groups and candidates contesting each election.

Any other impacts

There could be additional elector confusion or an impact in public trust in election results if the rationale for different structures in metropolitan and non-metropolitan regions were not clearly articulated and well understood. In particular, electors may be concerned that their vote does not hold the same impact as an elector in another region, regardless of how evenly the electoral boundaries are determined. A public education campaign would be needed to ensure the changed structure was transparent and well-understood, to make the VEC's independent and impartial role clear, and to reinforce trust in the democratic process.

Appendix 1: Possible ballot paper layout impacts

In this Appendix, we provide sample ballot paper templates for each of the 6 example structures from the Committee's discussion paper on Victoria's Upper House electoral system. These samples are indicative only, and intend to demonstrate some of the possible impacts of each of the example structures on the size and layout of ballot papers used for Legislative Council elections.

For each example structure, we provide two samples – one for an election with 19 groups above the line, and one for an election with 28 groups above the line. This allows us to demonstrate the size of both a single-depth and double-depth ballot paper. Within the current prescribed form for Legislative Council ballot papers, double depth must be used for elections with 20 or more groups above the line. For each sample, we have assumed the maximum number of candidates that a group could nominate would match the number of vacant seats in the election (e.g. a maximum of 40 candidates per group for an election with 40 vacancies). This most closely matches current settings and comparable Australian jurisdictions for the purpose of these samples. In practice, the actual size of ballot papers for each electorate under any structure would vary based on the number of groups and candidates contesting an election.

The feasibility of manufacturing ballot papers in these formats is to be determined. We have discussed the likely impacts on ballot material production as it relates to each of the example structures throughout the body of this submission.

Example structure 1

40 members, elected from the state as a whole, with all members elected at every election

19 groups (7.5% scale)

The screenshot displays a software interface with a menu bar at the top containing options like 'File', 'Edit', 'View', 'Tools', 'Help', and 'About'. Below the menu is a toolbar with various icons. The main area shows a grid of 19 columns, each representing a group. Each column contains a list of names and checkboxes, organized into a structured layout.

790mm (w) x 950mm (h)

28 groups (7.5% scale)

The screenshot displays a software interface similar to the one above, but with 28 columns representing groups. The layout, including the menu bar, toolbar, and grid structure, is consistent with the first example.

575mm (w) x 1865mm (h)

Example structure 2

40 members, elected from the state as a whole, with 20 members elected at every election

19 groups (7.5% scale)

The screenshot displays a software interface with a grid of 19 groups. Each group is represented by a small icon and a list of names. The interface includes a top navigation bar with various icons and a search bar. The groups are arranged in a single row, with each group occupying a portion of the screen width.

790mm (w) x 525mm (h)

28 groups (7.5% scale)

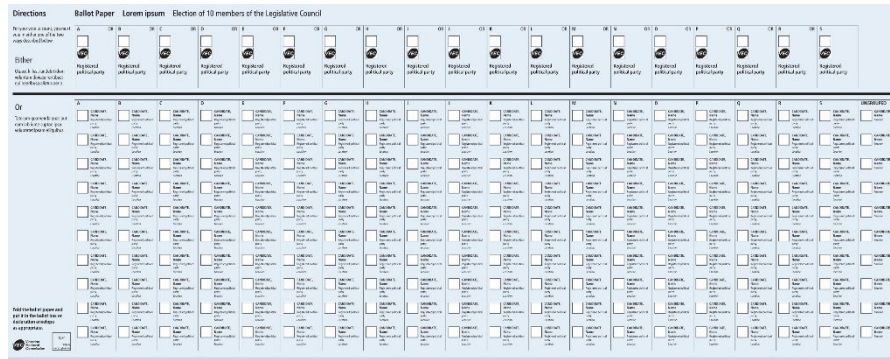
The screenshot displays a software interface with a grid of 28 groups. Each group is represented by a small icon and a list of names. The interface includes a top navigation bar with various icons and a search bar. The groups are arranged in a single row, with each group occupying a portion of the screen width.

575mm (w) x 1020mm (h)

Example structure 3

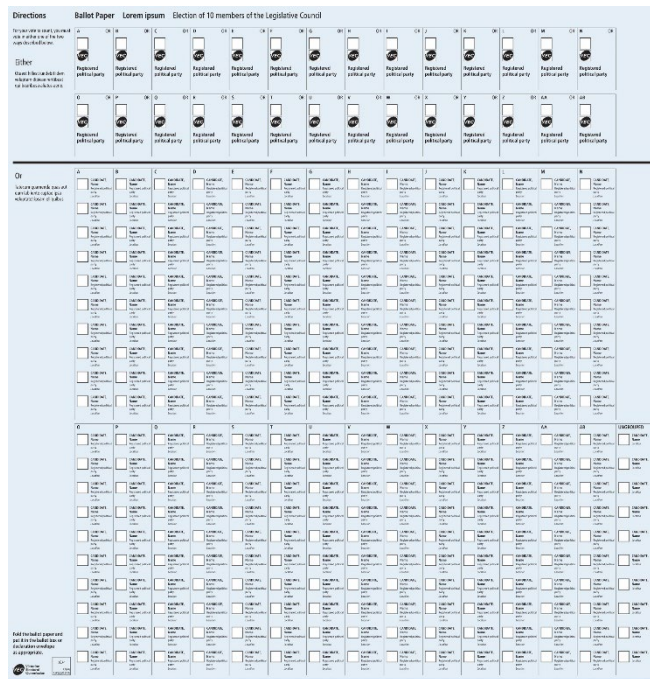
40 members, elected from four 10-member regions

19 groups (15% scale)



790mm (w) x 315mm (h)

28 groups (15% scale)



575mm (w) x 595mm (h)

Example structure 4

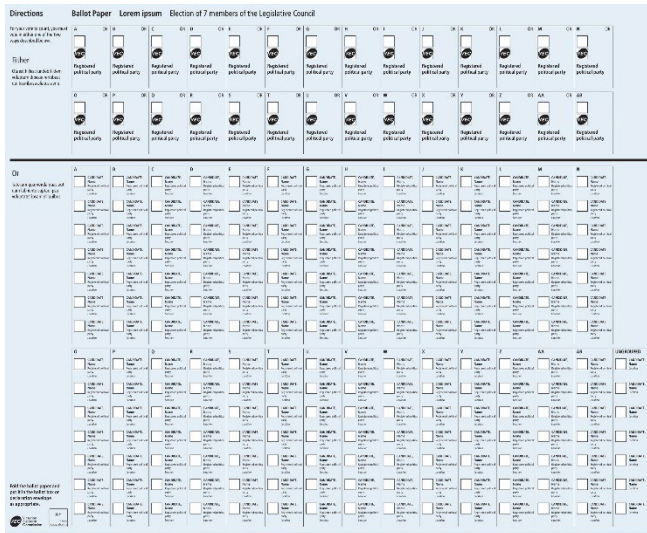
49 members, elected from seven 7-member regions

19 groups (15% scale)



790mm (w) x 250mm (h)

28 groups (15% scale)

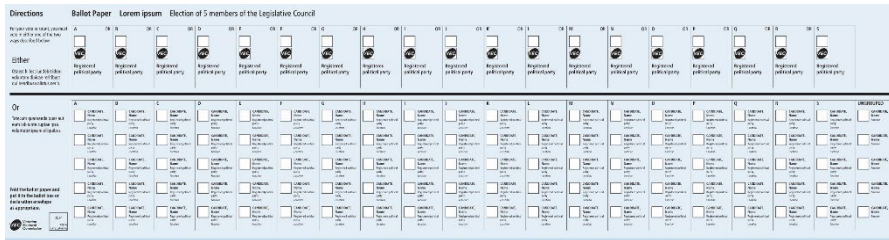


575mm (w) x 470mm (h)

Example structure 5

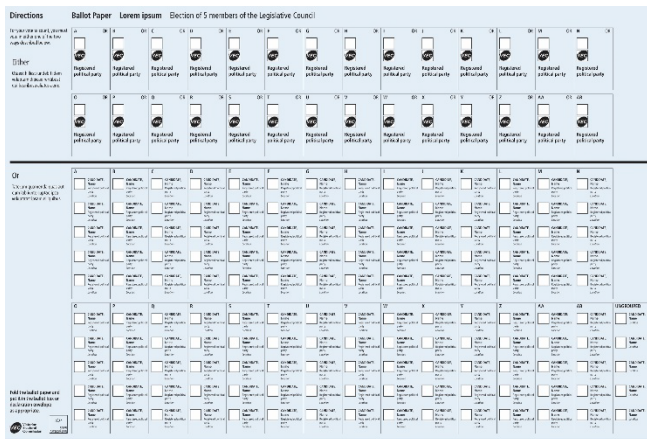
40 members elected from eight 5-member regions, plus top-up members

19 groups (15% scale)



790mm (w) x 210mm (h)

28 groups (15% scale)

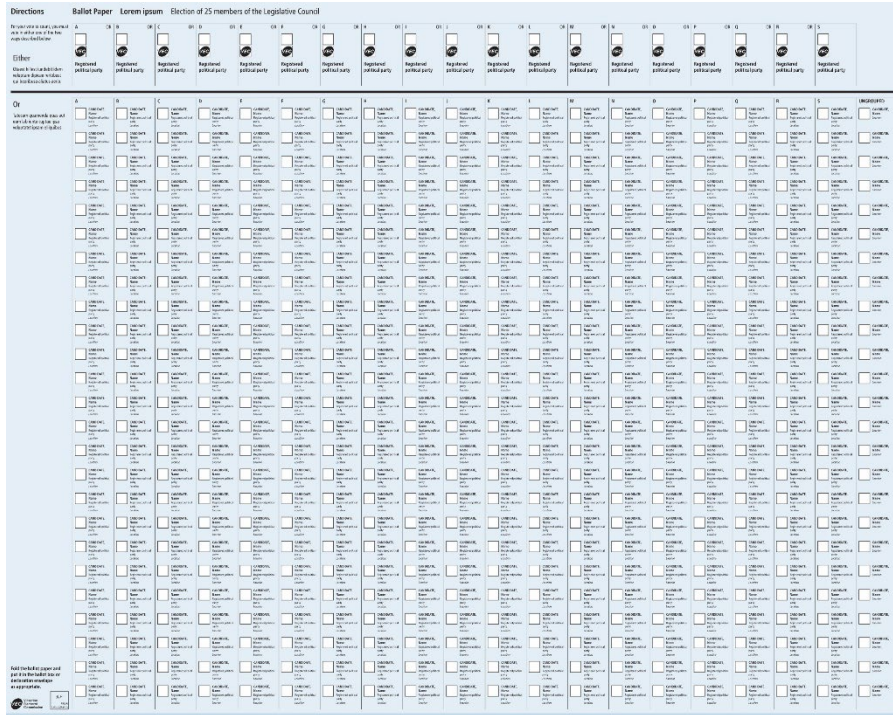


575mm (w) x 385mm (h)

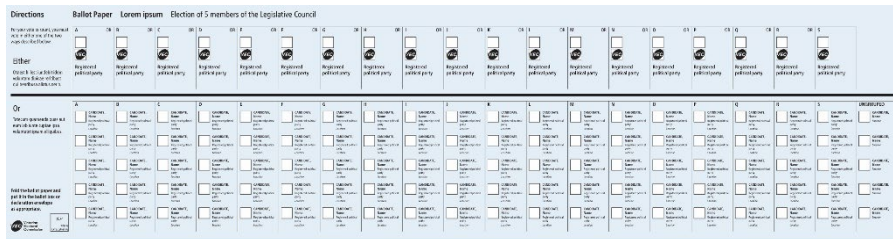
Example structure 6

40 members, elected from one 25-member metropolitan region and three 5-member non-metropolitan regions

19 groups (15% scale)

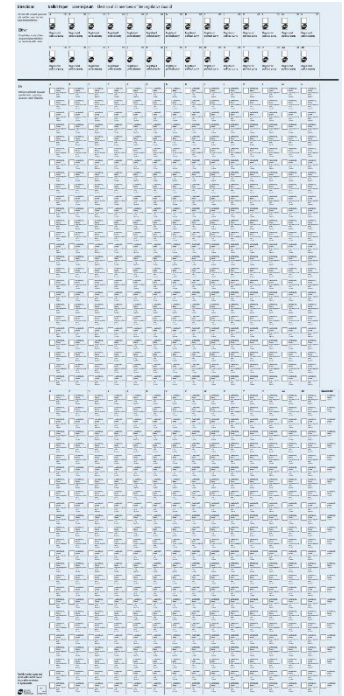


Metropolitan region
790mm (w) x 630mm (h)

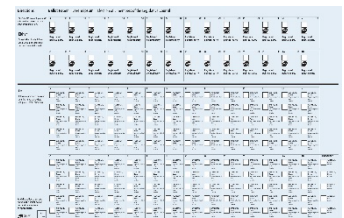


Non-metropolitan region
790mm (w) x 210mm (h)

28 groups (7.5% scale)



Metropolitan region
575mm (w) x 1230mm (h)



Non-metropolitan region
575mm (w) x 385mm (h)

Size comparison – 19 groups (10% scale)

This table represents a single block of 40 vacancies. The columns are labeled 'Directors', 'Rural Paper', 'Linnem span', and 'Division of 40 members of the Legislative Council'. Each column contains a series of checkboxes for candidates, with a 'D' column on the left for district-level selections.

Example structure 1
(No regions, 40 vacancies)

This table represents a single block of 20 vacancies. The columns are labeled 'Directors', 'Rural Paper', 'Linnem span', and 'Division of 20 members of the Legislative Council'. Each column contains a series of checkboxes for candidates, with a 'D' column on the left for district-level selections.

Example structure 2
(No regions, 20 vacancies)

This table represents 40 vacancies divided into 4 regions. The columns are labeled 'Directors', 'Rural Paper', 'Linnem span', and 'Division of 10 members of the Legislative Council'. Each of the four 'Division' columns contains 10 checkboxes, representing 10 vacancies per region.

Example structure 3
(4 regions with 10 vacancies each)

This table represents 49 vacancies divided into 7 regions. The columns are labeled 'Directors', 'Rural Paper', 'Linnem span', and 'Division of 7 members of the Legislative Council'. Each of the seven 'Division' columns contains 7 checkboxes, representing 7 vacancies per region.

Example structure 4
(7 regions with 7 vacancies each)

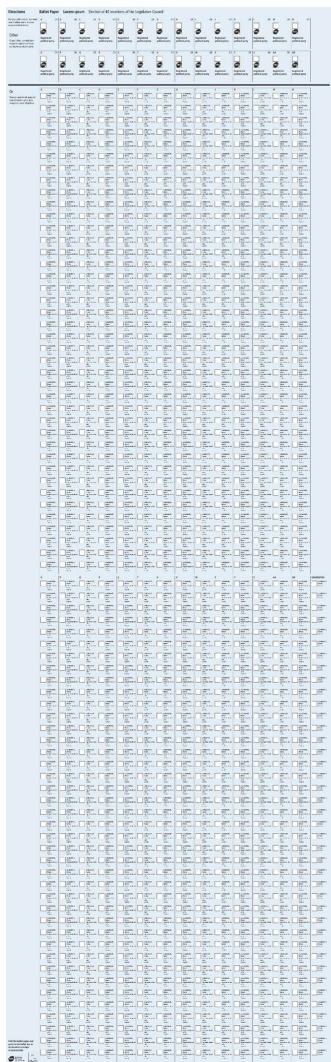
This table represents 40 vacancies divided into 8 regions. The columns are labeled 'Directors', 'Rural Paper', 'Linnem span', and 'Division of 5 members of the Legislative Council'. Each of the eight 'Division' columns contains 5 checkboxes, representing 5 vacancies per region.

Example structure 5
(8 regions with 5 vacancies each)

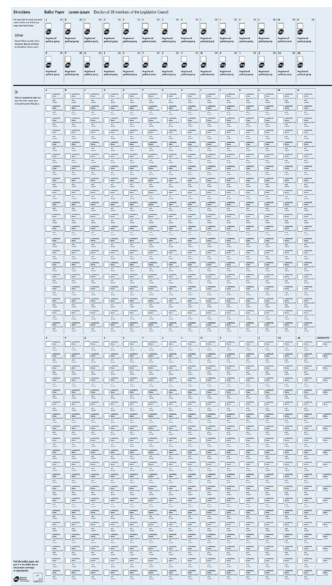
This table represents 28 vacancies divided into 4 regions. The first 'Division' column contains 25 checkboxes, representing 25 vacancies in one region. The next three 'Division' columns each contain 5 checkboxes, representing 5 vacancies in each of the other three regions.

Example structure 6
(1 region with 25 vacancies and 3 regions with 5 vacancies each)

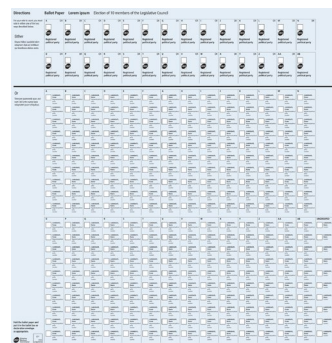
Size comparison – 28 groups (7.5% scale)



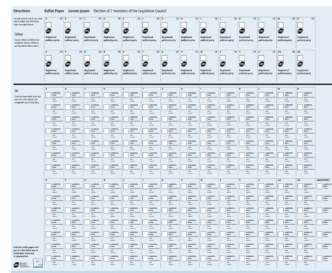
Example structure 1
(No regions, 40 vacancies)



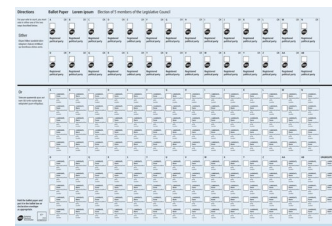
Example structure 2
(No regions, 20 vacancies)



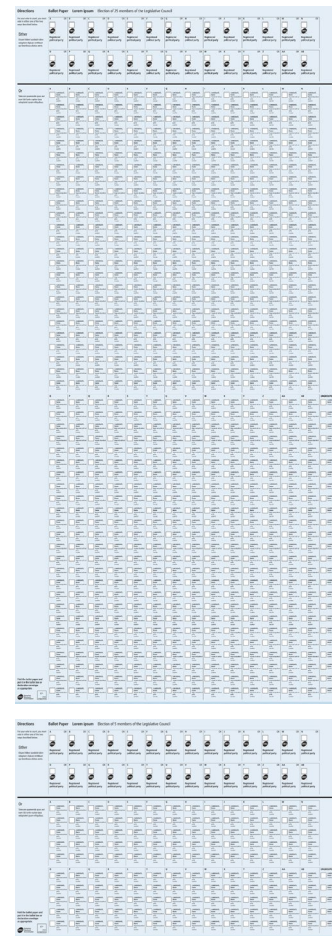
Example structure 3
(4 regions with 10 vacancies each)



Example structure 4
(7 regions with 7 vacancies each)



Example structure 5
(8 regions with 5 vacancies each)



Example structure 6
(1 region with 25 vacancies and 3 regions with 5 vacancies each)

Appendix 2: Summary table of possible impacts of each example structure

Impacts	Example structure 1	Example structure 2	Example structure 3	Example structure 4	Example structure 5	Example structure 6
<i>(Description of example structure)</i>	40 members, elected from the State as a whole, with all members elected at every election	40 members, elected from the State as a whole, with 20 members elected at each election	40 members, elected from four 10-member regions	49 members, elected from seven 7-member regions	40 members elected from eight 5-member regions, plus top up members	40 members, elected from one 25-member metropolitan region and three 5-member non-metropolitan regions
Process and timeline impacts	Significantly larger ballot paper	Significantly larger ballot paper	Larger ballot paper	Larger ballot paper	No change to ballot paper size	Significantly larger ballot paper for metropolitan region
	Significantly more time needed in election timeline	Significantly more time needed in election timeline	More time needed in election timeline	Significantly more time needed in election timeline	No change to time needed in election timeline	More time needed in election timeline
Administrative impacts	Simpler logistical considerations	Simpler logistical considerations	Somewhat simpler logistical considerations	Significant logistical complexity for split district-region approach, including issuing and counting votes	Minimal change to logistical complexity	Somewhat simpler logistical considerations
	Significant increased costs of ballot production and transport	Significant increased costs of ballot production and transport	Significant increased costs of ballot production and transport	Increased costs of ballot production and transport	Minimal change to costs of ballot production and transport	Significant increased costs of ballot production and transport

Impacts	Example structure 1	Example structure 2	Example structure 3	Example structure 4	Example structure 5	Example structure 6
	Possible increased quantum of political funding to be paid	Possible increased quantum of political funding to be paid	Possible increased quantum of political funding to be paid	Increased quantum of political funding to be paid	Increased quantum of political funding to be paid	Possible increased quantum of political funding to be paid
System and development impacts	Significant investment needed for print capability	Significant investment needed for print capability	Significant investment needed for print capability	Some investment needed for print capability	No investment needed for print capability	Significant investment needed for print capability
	Significant development and load testing needed for computer count application	Development and load testing needed for computer count application	Some development and load testing needed for computer count application	Minimal development needed for computer count application	Minimal development needed for computer count application	Development and load testing needed for computer count application
	Minimal impacts on boundary recode	Minimal impacts on boundary recode	Boundary recode needed	Significant boundary recode and redesign of IT infrastructure needed for split district-region approach	No boundary recode needed	Boundary recode needed
Legislative and constitutional impacts	Some changes to legislative framework	Transitional arrangements needed to allocate short and long terms	Some changes to legislative framework	Significant electoral reform needed for split district-region approach	Legislative framework needed for procedures and timelines of electing top-up members	Some changes to legislative framework

Impacts	Example structure 1	Example structure 2	Example structure 3	Example structure 4	Example structure 5	Example structure 6
	Prescribed form of ballot paper needs to accommodate significantly larger ballot papers	Prescribed form of ballot paper needs to accommodate significantly larger ballot papers	Prescribed form of ballot paper needs to accommodate larger ballot papers	Prescribed form of ballot paper needs to accommodate larger ballot papers	No change to prescribed form of ballot paper	Prescribed form of ballot paper needs to accommodate significantly larger ballot papers
Any other impacts	N/A	N/A	N/A	Likely increased elector confusion and possible impact on trust in election results	Likely increased elector confusion and possible impact on trust in election results	Likely increased elector confusion and possible impact on trust in election results

