

Report to Parliament
2023 Warrandyte District by-election
March 2024



Letter of Transmittal

The Hon. Shaun Leane MLC
President of the Legislative Council
Parliament of Victoria
Parliament House
Melbourne

The Hon. Maree Edwards MP
Speaker of the Legislative Assembly
Parliament of Victoria
Parliament House
Melbourne

Dear Presiding Officers

Pursuant to section 8(2)(b) of the Electoral Act 2002, I submit this report on the administration and conduct of the Warrandyte District by-election held on Saturday 26 August 2023.

Yours sincerely



Dana Fleming

Acting Electoral Commissioner
20 March 2024



© State of Victoria

(Victorian Electoral Commission)
March 2024

This work, the VEC Report to Parliament on the 2023 Warrandyte District by-election, is licensed under a Creative Commons Attribution 4.0 licence [<http://creativecommons.org/licenses/by/4.0/>]. You are free to share this work under that licence, on the condition that you do not change any content and you credit the State of Victoria (Victorian Electoral Commission) as author and comply with the other licence terms. The licence does not apply to any branding, including Government logos.



Level 11, 530 Collins Street
Melbourne Victoria 3000
T 131 832
info@vec.vic.gov.au
vec.vic.gov.au

Report to Parliament

2023 Warrandyte District by-election

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.

Note

This Report to Parliament is also available on the VEC's website at vec.vic.gov.au in PDF format.

Foreword

On 26 August 2023, Warrandyte District selected their next member of Parliament.

The 2023 Warrandyte District by-election was the first State by-election to occur in almost six years, with the previous being in November of 2017 for Northcote District.

The 2023 Warrandyte District by-election was the first opportunity after the 2022 Victorian State election and 2023 Narracan District supplementary election to implement some of the identified areas for improvement and continued success. These areas were articulated as operational commitments in the Report to Parliament on the 2022 Victorian State election, and progress on these commitments is outlined in this report.

This by-election saw operational challenges but also opportunities to trial new voting experiences, with the roll out of low-sensory voting taking place at an early voting centre located at the Doncaster Rovers Soccer Club.

Significant efforts were undertaken to facilitate the delivery of the 2023 Warrandyte District by-election in the midst of preparations for the 2024 Local Government elections and concurrent Local Government by-elections.



A handwritten signature in black ink, appearing to read 'Sven Bluemmel', written in a cursive style.

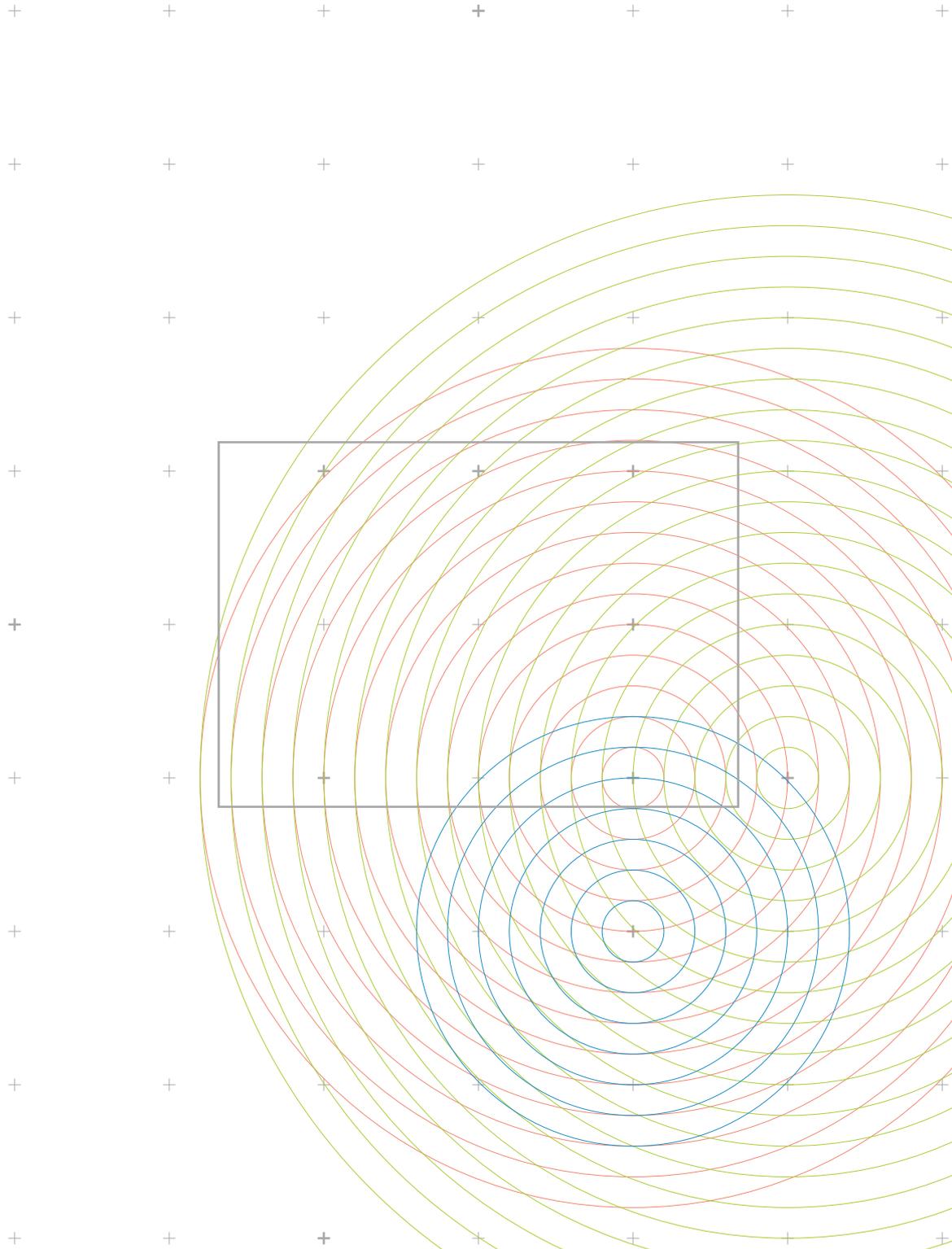
Sven Bluemmel
Electoral Commissioner

Votes by type (Front cover)

2023 Warrandyte District by-election

- Early voting attendance
- Election day attendance
- Postal (and other)

— 1 ring = 1,000 voters



Contents

Acknowledgement of Country	ii	5.1 Engagement and support	17
Foreword	iii	5.2 Nominations.....	17
List of tables.....	vii	5.3 How-to-vote card registration.....	18
List of figures	viii	5.4 Provision of electoral roll to candidates.....	18
Glossary.....	ix	5.5 Funding and disclosure	18
1. Introduction	1	6. Communication and engagement	19
1.1 About the VEC.....	2	6.1 Advertising campaign.....	20
1.2 Environmental changes.....	2	6.2 Public enquiry service.....	21
1.3 Political environment	2	7. Voting period	22
1.4 Election timeline	3	7.1 Ballot paper preparation	23
Executive Summary	4	7.2 Voting channels	23
Initiatives.....	4	7.3 Attendance voting.....	23
Key recommendation.....	4	7.4 Postal voting.....	23
Commitments.....	4	7.5 Antarctic electors	24
2. Election service management.....	5	7.6 Telephone assisted voting	24
2.1 Planning and governance.....	6	7.7 Voting trends.....	25
2.2 Budget.....	6	7.8 Voter turnout.....	25
2.3 Resource management	6	8. Counting and results.....	28
2.4 External service providers	7	8.1 Vote types.....	29
2.5 Enrolment and close of rolls	8	8.2 Counting.....	29
3. Initiatives.....	9	8.3 Count information.....	30
3.1 Low-sensory voting trial	10	8.4 Recount requests	30
3.2 Evaluating the election	10	8.5 Results and declarations.....	30
4. Venues and resourcing.....	12	9. Compliance and integrity.....	31
4.1 Centralised Activity Site	13	9.1 Electoral integrity activities.....	32
4.2 Election office and early voting centres.....	13	9.2 Constructive compliance.....	32
4.3 Election day voting centres.....	13	9.3 Legal matters	32
4.4 Staffing the election	14	9.4 Compulsory voting enforcement.....	32
5. Candidates and parties.....	16	10. Customer feedback and complaints.....	35

Appendices	37
Appendix 1: Informality review.....	38
Appendix 2: Operational commitments	42
Appendix 3: Public funding entitlements and payments	46

List of tables

Table 1: Timeline of the 2023 Warrandyte District by-election	3	Table 18: Informal votes, 2023 Warrandyte District by-election and 2022 State election	40
Table 2: Electoral roll breakdown for Warrandyte District by age and gender.....	8	Table 19: Informal votes in broader categories, 2023 Warrandyte District by-election and 2022 State election	40
Table 3: Special elector enrolment by category	8	Table 20: Deliberate and preference informal votes, 2023 Warrandyte District by-election and 2022 State election	41
Table 4: All enrolment transactions for Warrandyte District processed between the issue of the writs on 13 July 2023 and close of roll on 20 July 2023	8		
Table 5: Early voting centre accessibility (% of total early voting centres) in 2023 and 2022	13		
Table 6: Election day voting centres accessibility (% of total voting centres) in 2023 and 2022.....	13		
Table 7: Number of candidates at each election endorsed by registered political parties compared to independent candidates	17		
Table 8: Table of candidates for the 2023 Warrandyte District by-election in ballot paper order.....	17		
Table 9: Number of how-to-vote cards that were registered and rejected in by-elections and supplementary elections since 2017	18		
Table 10: Website traffic during election period for the 2023 Warrandyte District by-election	20		
Table 11: VoterAlert messages sent during the 2023 Warrandyte District by-election.....	20		
Table 12: Votes by type at the 2023 Warrandyte District by-election	25		
Table 13: Voter turnout in Victoria's last three by- and supplementary elections compared to previous State elections	25		
Table 14: Turnout at Victorian by-elections compared to previous State elections	25		
Table 15: Voter turnout in Victoria's last three by- and supplementary elections by age.....	26		
Table 16: Compulsory voting enforcement in the 2023 Warrandyte District by-election.....	33		
Table 17: Informal vote at by-elections and preceding State elections, 2013–2023	38		

List of figures

Figure 1: Snapshot of key election statistics from the 2023 Warrandyte District by-election	1
Figure 2: Electoral roll breakdown for Warrandyte District by age and gender.....	5
Figure 3: Snapshot of voter experience survey conducted after 2023 Warrandyte District by-election with the online research panel	9
Figure 4: Map of election venues at the 2023 Warrandyte District by-election.....	12
Figure 5: Number and type of candidates comparing 2023 Warrandyte District by-election and 2022 Warrandyte District general election	16
Figure 6: Number of users of the VEC website and Voting Centre Locator between issue of writ and return of writ for the 2023 Warrandyte District by-election	19
Figure 7: Timeline of ballot paper production and voting period from close of nominations on Thursday 10 August 2024 to election day on Saturday 26 August 2024	22
Figure 8: Comparison of turnout by age range at the 2017 Northcote by-election, the 2023 Narracan supplementary election and the 2023 Warrandyte by-election.....	27
Figure 9: Timeline of counting activities from election night on 26 August 2023 to final day for writs to be returned on 16 September 2023.....	28
Figure 10: Flowchart of the VEC's constructive compliance approach	31
Figure 11: Graphs of the number and categories of customer feedback and complaints about the 2023 Warrandyte District by-election and 2022 State election to compare proportions of categorical responses.....	35

Glossary

List of definitions

Term	Definition
2-candidate preferred (2CP)	A count conducted for statistical purposes, involving the distribution of preferences to the two candidates considered most likely to be in the lead after a distribution of preferences.
Absent vote	A vote cast by an elector on election day at a voting centre that is located outside the electorate for which they are enrolled.
Attendance voting	Any voting method which involves casting a vote in-person at a voting centre.
Candidate	<p>A person who is nominated under section 69 of the Electoral Act to stand for election to Parliament.</p> <p>For political donation disclosures and reporting under Part 12 of the Electoral Act, a candidate is:</p> <ul style="list-style-type: none">> a person who has been selected by a registered political party to be a candidate in an election; or> a person other than a member of a registered political party, who has publicly announced an intention to be a candidate in an election.
Centralised Activity Site (CAS)	Central location where multiple activities take place, including postal vote processing, TAV and extraction and counting activities.
Declaration vote	A vote that requires a written declaration by the voter. There are several types of declaration vote: postal votes, absent votes, provisional votes and marked-as-voted votes.
Dis-information	False or inaccurate information that is intended to mislead or deceive.
Distribution of preferences	If no candidate in a Legislative Assembly election has an absolute majority of first preferences during the count, or in a Legislative Council election, if fewer candidates obtain the quota required to be elected than the number of vacancies to be filled, a preference distribution is conducted. In a Legislative Assembly election, the candidate with fewest votes is excluded and their votes are passed on to other candidates according to voters' preferences. In a Legislative Council election, the votes in surplus of the quota from the candidate or candidates declared elected are distributed or the candidate with the fewest votes is excluded and their votes are passed on to other candidates according to voters' preferences. This process is repeated until the vacancy or vacancies are filled.
District	One of 88 electorates represented by a member of the Legislative Assembly.
Early voting	Electors can vote before election day at an early voting centre.
Election manager	A senior election official appointed by the Electoral Commissioner to conduct an election for an electorate.
Field staff	Staff directly supporting election office operations including voting centre staff and metropolitan hubs.

Term	Definition
General Postal Voter (GPV)	A person who is automatically mailed a ballot pack for all elections in their area for reasons such as illness, age, remote location or being a registered overseas elector.
How-to-vote card (HTVC)	Any electoral material that: includes a representation of a ballot paper, including partial or purported partial representations of a ballot paper; or lists the names of any or all of the candidates for an election with a number indicating an order of voting preference against the names of any or all of those candidates.
Independent candidate	A candidate at an election who is not endorsed by a registered political party.
Informal vote	A ballot paper that is cast but cannot be included in the count because the voter's intention is not clear or the ballot paper has been completed incorrectly.
Low sensory voting	Attendance voting where the voting centre environment is adjusted for voters who are neurodiverse.
Marked-as-voting vote	A vote issued to a person who claims not to have voted at the election despite their name being marked off the electoral roll as having already voted.
Mis-information	False or inaccurate information that is spread regardless of intent to mislead or deceive.
Mobile voting	A voting centre temporarily set up at a site such as an aged care facility or prison, to assist electors to vote who may experience barriers to accessing other voting methods.
Ordinary vote	A vote cast by an elector on election day at a voting centre that is located in the electorate for which they are enrolled, excluding provisional and marked-as-voted votes.
Party/candidate worker	A person who assists a candidate by distributing how-to-vote cards or other electoral material outside a voting centre.
Postal voting	Electors can apply to have their ballot papers mailed to them. Electors are provided with an envelope to securely return their ballot papers to be included in the count.
Priority community	A community that is underrepresented in elections in terms of enrolment or turnout or overrepresented in terms of informality.
Provisional vote	A vote issued to a person who claims to be entitled to vote at an election and the name of that person is not on, or cannot be found on, the electoral roll.
Recheck	A routine step of all election counts, in which ballot papers that have been counted are checked again for formality, correct sorting to first preference, and correct reconciliation of totals.
Registered political party	A political party that is on the VEC's Register of Political Parties. Registration entitles a political party to have the registered party details, including a registered logo, placed next to its candidate(s) names on Legislative Assembly election ballot paper(s) or above the group name above the line on Legislative Council election ballot paper(s).
Scrutineer	A person appointed by a candidate to observe certain procedures on the candidate's behalf at an election. Scrutineers are permitted to observe voting, scrutiny and counting procedures during an election.

Term	Definition
Senior election official	An election official with advanced training to manage electoral operations.
Silent elector	A person who has been granted silent elector status by the VEC (or by the Australian Electoral Commission on behalf of Victoria) having satisfactorily shown that printing their address on an electoral roll would place their or their family's personal safety at risk.
Supplementary election	Under section 72(2) of the Electoral Act, a supplementary election must be held in the event of a failed election to fill the vacancy that the failed election had intended to fill.
Telephone assisted voting (TAV)	A secure voting facility provided by the VEC for electors prescribed by the regulations to use this service. Use of this service involves casting a secret vote over a telephone service.
Turnout	The proportion of electors on the register of electors who voted in an election. Turnout can be measured by the number of electors marked off the roll and by the number of votes cast in an election. As not all electors who attend a voting centre end up submitting ballot papers, these measures can produce different turnout figures.
Voting centre	A venue appointed by the VEC for voting at an election as an early voting centre, a mobile voting centre, or an election day voting centre.
Writ	An order by the Governor or Speaker of the Legislative Assembly to the Electoral Commissioner that an election be held. The writ specifies key election dates.

List of abbreviations

Abbreviation	Long version
2CP	2-candidate preferred
AEC	Australian Electoral Commission
AWA	Assisted wheelchair access
CAS	Centralised Activity Site
Electoral Act	<i>Electoral Act 2002 (Vic)</i>
HTVC	How-to-vote card
IWA	Independent wheelchair access
LMS	Learning Management System
LNWA	Limited to no wheelchair access
OHS	Occupational health and safety
PES	Public Enquiry Service
TAV	Telephone assisted voting
VCAT	Victorian Civil and Administrative Tribunal
VEC	Victorian Electoral Commission
VPSC	Victorian Public Service Commission

1. Introduction

Electors and votes



50,986

Enrolled electors

13,970

Early attendance votes

7,719

Postal votes

18,755

Election day attendance votes

179

Other vote types*

*Telephone assisted voting, provisional and marked-as-voted

Voting centres



2

Early voting centres

11

Election day voting centres

Candidates



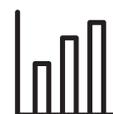
12

Candidates

14

Registered How-to-vote cards

Statistics



79.67%

Voter turnout

5.77%

Informal votes

Following the resignation of the Member for Warrandyte District, and in accordance with section 61(2) of the Electoral Act (2002) (Vic) (the Electoral Act), the Speaker of the Legislative Assembly issued a writ for a by-election. This was the first State by-election conducted by the Victorian Electoral Commission (VEC) in 6 years, since the 2017 Northcote District by-election.

The VEC liaised with the Speaker of the Legislative Assembly to confirm a suitable election timeline for the by-election. A writ was subsequently issued on Thursday 13 July 2023 for the Warrandyte District by-election, with election day fixed for Saturday 26 August 2023.

1.1 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. The responsibilities of the VEC are to:

- › conduct parliamentary elections, by-elections, and referendums
- › conduct local government elections, by-elections, and countbacks
- › Provide administrative and technical support to State electoral boundary reviews and local government electoral structure reviews, and lead local government ward boundary reviews.
- › 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
- › report to Parliament on the VEC's activities.

1.2 Environmental changes

Workforce challenges

Following the significant investment the VEC undertook to grow its staffing database for the 2022 State election, the VEC was able to re-engage a significant portion of the staffing profile of Warrandyte District from the 2022 State election for the purpose of the by-election. Accordingly, it was unnecessary to utilise labour hire agencies or Victorian Public Service secondments to further complement the staffing requirements for the event. See **Chapter 3 – Venues and Resourcing** for more details.

Limited property market

The availability of commercial properties suitable for use as election venues for the 2023 Warrandyte District by-election continued to be limited by low vacancy rates in the commercial rental market. Availability and suitability were further limited by a reluctance of owners and landlords to enter into short term leases, or to make an investment in any improvements to the site. Accordingly, the VEC continues to respond by flexibly adjusting its property footprint, to accommodate the state of the property market. See **Chapter 3 – Venues and Resourcing** for more details.

1.3 Political environment

Scrutiny, misinformation and disinformation

Amidst an evolving political environment, the VEC is subject to more intense scrutiny than ever before. The VEC is committed to safeguarding electoral integrity and public trust to continue delivering elections with trusted outcomes. Misinformation and disinformation are cross-jurisdictional concerns that pose a significant challenge to the VEC because they arise out of broader social trends that cannot be directly reversed by the VEC. The VEC did take preventative action to 'pre-bunk' misinformation regarding the availability of the writ for the 2023 Warrandyte District by-election – a common myth aimed at undermining the legitimacy

of elections, which emerged during the 2022 State election. The VEC will continue to identify emerging trends in misinformation, disinformation and heightened scrutiny to ensure that critical election activities are not obstructed.

Report to Parliament on the 2022 Victorian State election – Operational Commitment	2023 Warrandyte District by-election
The VEC will continue to identify emerging trends in intensified scrutiny and electoral mis- and dis-information campaigns, and responding as required to ensure that critical election activities are not undermined.	<p>This operational commitment was successfully deployed in the Warrandyte District by-election.</p> <p>The VEC will adopt this approach into its operating model for future electoral events.</p>

1.4 Election timeline

Timeline	Date
Issue of writ	Thursday 13 July 2023
Close of rolls	Thursday 20 July 2023 (8 pm)
Close of nominations	<p>Wednesday 9 August 2023 for registered political parties</p> <p>Thursday 10 August 2023 for independent candidates</p>
Commencement of how-to-vote card registration	Friday 11 August 2023
Commencement of early voting	Monday 14 August 2023
Final day for submission of how-to-vote cards for registration by the VEC (12 noon)	Friday 18 August 2023
Close of submission of postal vote applications	Wednesday 23 August 2023 (6 pm)
Close of early voting (6 pm)	Friday 25 August 2023 (6 pm)
Election day	Saturday 26 August 2023
Last day that votes can be admitted (6 pm)	Friday 1 September 2023
Return of writ	<p>On or before Saturday 16 September 2023</p> <p>(Writ was returned Tuesday 12 September 2023)</p>

Table 1: Timeline of the 2023 Warrandyte District by-election

Executive Summary

Initiatives

Parliamentary by-elections provide the VEC an opportunity to design, implement and evaluate new approaches to operational challenges. By-elections are suitable for refinements in the operating model as any initiative deployed is done so in a controlled manner at a limited scale, that if successful, could be expanded to a full state election. Please note as a result of the above only the initiative is evaluated and not the by-election as a whole.

The VEC reviewed the 12 Key Recommendations and 16 Operational Commitments within the 2022 State election Report to Parliament to identify one suitable initiative and which operational improvements that could be tested in the Warrandyte District by-election that would advance the electoral landscape. Each of these commitments and recommendations directly aligned to meeting one the VEC's 4 strategic outcomes identified in its Strategy 2027; reinforcing public trust, responding to a complex environment, improving the voter experience, and prioritising staff safety and wellbeing.

For the 2023 Warrandyte District by-election the VEC identified a low-sensory voting initiative to trial during the early voting period, focused on the strategic outcome of improving the voter experience. 8 operational commitments were identified for progression, focused on improving election delivery. See Initiatives in **Chapter 3** and Operational commitments in **Appendix 2**.

Key recommendation

For the 2023 Warrandyte District by-election the VEC trialled a low-sensory voting initiative during the early voting period. See Initiatives in **Chapter 3**.

The trial further tested Key Recommendation 5: Poor behaviour at voting centre from the 2022 State election Report to Parliament, reproduced below.¹

Voter feedback from the 2023 Warrandyte District by-election continued to highlight the conduct of campaigners at voting centres leading to poor voter experience. The low-sensory voting trial reinforced the inadequacy of the current limitations in place

on campaigners, the lack of tools available to the VEC to respond and the need for legislative change to address these issues.

Improving the voter experience

Recommendation 5: Poor behaviour at voting centres

The VEC recommends that legislative reforms to the Electoral Act are introduced to place reasonable limitations on the ways in which campaigners at voting centres may interact with voters, including strengthening the existing tools lawfully available to election staff by introducing an offence for a person removed from a voting centre under section 174 of the Electoral Act to return to the voting centre.

Commitments

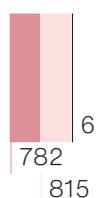
This report also includes an update on progress made on 8 of the 16 operational commitments made in the 2022 Victorian State election Report to Parliament. Each commitment seeks to improve operations at future elections aligned to the VEC's 4 strategic outcomes. These commitments are visually highlighted throughout the report with the use of colour (burgundy) and bordered with lines.

A full list of the status of these operational commitments is provided in **Appendix 2**.

¹ Report to Parliament – 2022 Victorian State election and 2023 Narracan District supplementary election, October 2023, page 62

2. Election service management

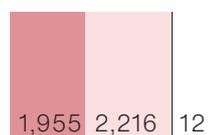
18 – 19 years old (1,603)



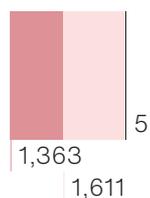
Gender

- Female
- Male
- Unspecified

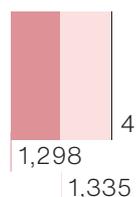
20 – 24 (4,183)



25 – 29 (2,979)



30 – 34 (2,637)



35 – 60 (29,476)



70 + (10,108)

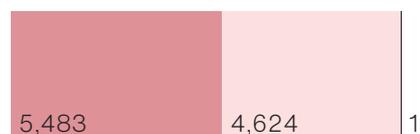


Figure 2: Electoral roll breakdown for Warrandyte District by age and gender

2.1 Planning and governance

Planning

Once a vacancy occurs, a writ outlining the timeline for the by-election must be issued by the Speaker of the Legislative Assembly within one month.

As for a general election, State by-elections are conducted by attendance voting and alternative voting options are available for electors unable to attend a voting centre on election day. Unlike a State general election, the VEC has no standing infrastructure in place in readiness for a by-election.

The VEC developed a service plan for the 2023 Warrandyte District by-election which detailed the delivery of the election and included information regarding enrolment, public awareness, outreach services, recruitment of election officials, the hiring of election offices and voting centres, services for candidates, the production of ballot material and roll products, early voting services, election day voting services, postal voting services, counting activities, complaints management, compulsory voting enforcement, and evaluation and reporting.

The service plan for the 2023 Warrandyte District by-election outlined seven major operational objectives:

- > create a roll for the Warrandyte District
- > provide every eligible elector with a voting experience that is safe, convenient, easy to access, easy to understand, timely to their requirements, respectful, courteous, and confidential
- > assist candidates, registered political parties and other participants to meet nomination and other compliance requirements
- > provide electoral information to all stakeholders in a format that is easy to understand and use, easy to find, rapid and deliverable through a variety of media
- > ensure all votes cast are accounted for, and counted accurately and efficiently, with results available in a timely manner
- > maintain stakeholder confidence and trust in the VEC's capacity to deliver impartial, transparent, accurate and efficient electoral outcomes
- > ensure a safe and OHS compliant environment for our staff, contractors and third-party providers in undertaking work on behalf of the VEC.

Governance

In line with the planning timeline for the election, the VEC implemented a robust governance framework to support the internal management of election delivery. A cohesive election management program, underpinned by strong risk profiling, issue management and business continuity planning, enabled oversight of both successes and emerging pinch points.

2.2 Budget

The cost of conducting the 2023 Warrandyte District by-election was \$684,250.

2.3 Resource management

The VEC is committed to managing resources in a way that minimises environmental impact across its operations. For some time, the VEC has been implementing changes to its practices to be more environmentally sustainable. The VEC used paper from the same source at the 2022 State election and 2023 Warrandyte District by-election.

Other examples of sustainable practices across the delivery of the 2023 Warrandyte District by-election included:

- > further expansion of electronic roll mark off to all election day voting centres earmarking the way for a reduction in the number of scannable rolls required for future events.
- > extending the provision of re-use and recycling facilities currently at VEC head office to all election venues
- > encouraging recycling of how-to-vote cards and other materials by providing clearly labelled recycling bins at voting centres and the election office
- > paper reduction strategies such as reducing the amount of paper sent to the election office for election use, continuing to provide instruction manuals in an online format, and the provision of electronic copies of reports where possible, careful consideration and planning of more environmentally sustainable transportation for election materials between Warrandyte and the VEC's head office and warehouse

The VEC encourages all stakeholders to embrace sustainable actions.

2.4 External service providers

For the 2023 Warrandyte District by-election, the VEC had service agreements and contracts in place for a range of specialist services, including:

- › Australia Post
- › ballot paper printing services
- › cardboard furniture and voting centre equipment
- › cartage and courier services
- › envelope production
- › information technology
- › mail-house services.

Arrangements with other organisations

Legal service providers

The VEC instructed the Victorian Government Solicitor to lead on any legal matters arising during the 2023 Warrandyte District by-election. This arrangement ensured that any emerging matters could be dealt with in a timely fashion and streamlined the management of matters referred back to the Victorian Government Solicitor's Office.

Victoria Police

The VEC continued its strategic partnership with Victoria Police established during the 2022 State election. The partnership is led by dedicated relationship managers at both agencies, and Victoria Police has established a dedicated structure to coordinate its handling of election-related matters. Established referral procedures were in place to promptly alert police to emerging issues and allow for a police response to be coordinated.

Victorian Civil and Administrative Tribunal

The VEC made arrangements with the Chief Executive Officer of the Victorian Civil and Administrative Tribunal (VCAT) for tribunal members to be in place to promptly deal with any applications for review of the decisions in relation to the registration of political parties and how-to-vote cards.

Section 82A of the Electoral Act provides that if an application for review of a how-to-vote card decision is received, VCAT has until 5 pm on the next working day after receiving the application to determine a response.

At the 2023 Warrandyte District by-election, there was one application to VCAT in relation to signage issues, which was withdrawn by the applicant.

Supreme Court of Victoria

Under section 176 of the Electoral Act, candidates may seek injunctions in certain circumstances where the conduct of a person may impact on the outcome of an election. The VEC is also able to seek an injunction under the same circumstances. These matters must be heard in the Supreme Court. At the 2023 Warrandyte District by-election, there were no injunctions sought under section 176 of the Electoral Act.

The Court of Disputed Returns also sits in the Supreme Court and hears disputes to the validity of all types of State elections. At the 2023 Warrandyte District by-election, there were no petitions made to the Court of Disputed Returns.

The VEC made arrangements with the Supreme Court to ensure it was ready to respond to any applications, including urgent matters on election day.

Department of Education and Training

Pursuant to section 67 of the Electoral Act, the VEC is able to utilise prescribed premises for the purpose of establishing an election day voting centre. The VEC worked with the Department of Education and Training to identify, inspect and operationalise select sites for 2022 State Election and were subsequently able to utilise similar sites for the 2023 Warrandyte District by-election. For the 2023 Warrandyte District by-election, the VEC utilised 8 government schools as voting centres.

2.5 Enrolment and close of rolls

Under a joint roll arrangement, the State and Commonwealth share responsibility for maintaining enrolment in Victoria. Both the VEC and the Australian Electoral Commission (AEC) have programs in place to assist people to enrol and update their enrolment details. Additionally, enrolment applications processed by the AEC are provided to the VEC at least weekly, to ensure currency of the Victorian register of electors.

Age	Female	Male	Unspecified	Total
18-19	782	815	6	1,603
20-24	1,955	2,216	12	4,183
25-29	1,363	1,611	5	2,979
30-34	1,298	1,335	4	2,637
35-69	15,254	14,214	8	29,476
70+	5,483	4,624	1	10,108

Table 2: Electoral roll breakdown for Warrandyte District by age and gender

Special elector categories

Where special circumstances affect an elector's enrolment, they may be eligible to enrol in a special category. Table 3 shows the number of electors enrolled in each special elector category for the 2023 Warrandyte District by-election.

Special elector category	2023 Warrandyte District by-election
Silent electors	591
Itinerant (No fixed abode)	12
Overseas eligible electors	135
Antarctic	0
General Postal Voters – over 70 years old	2,433
General Postal Voters – all other categories	1,549

Table 3: Special elector enrolment by category

Close of roll

The roll for the election closed at 8 pm on Thursday 20 July 2023. The VEC worked closely with the AEC to ensure that enrolment data received by the close of roll was processed by the AEC within 24 hours. All electors who enrolled or updated their details in the weeks following the close of roll were contacted. Where applicable, electors were also advised they may attend a voting centre and complete an 'Application for Enrolment/Provisional Vote' to cast a provisional vote.

Change to roll	Warrandyte District transactions
New to roll	67
Change of address	349
Reinstatement	13
Deletions	38
Other (includes special category, GPV, silent)	262
Total	759

Table 4: All enrolment transactions for Warrandyte District processed between the issue of the writs on 13 July 2023 and close of roll on 20 July 2023

3. Initiatives

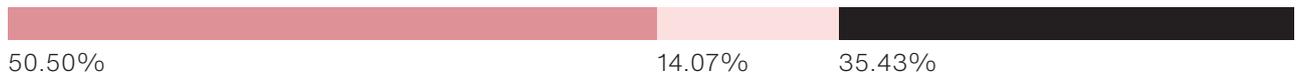
Experience at voting centres

■ Agreement ■ Disagreement
■ Neither agree or disagree

I like the fact that we have party workers and candidates outside a voting centre.



I often feel intimidated or harassed by party workers or candidates when voting in-person.



It should be a voter's decision whether to engage with party workers or candidates outside a voting centre.



How would you like to get information normally presented by party workers or candidates?

- a. By being approached and spoken to by candidate and party workers.
- b. By approaching party and candidate workers myself to ask them for information.
- c. Information available on tables for me to choose.
- d. Information attached to the voting screen for me to read while I am completing my ballot.
- e. I have another way I would like to be given information.
- f. Prefer not to say.

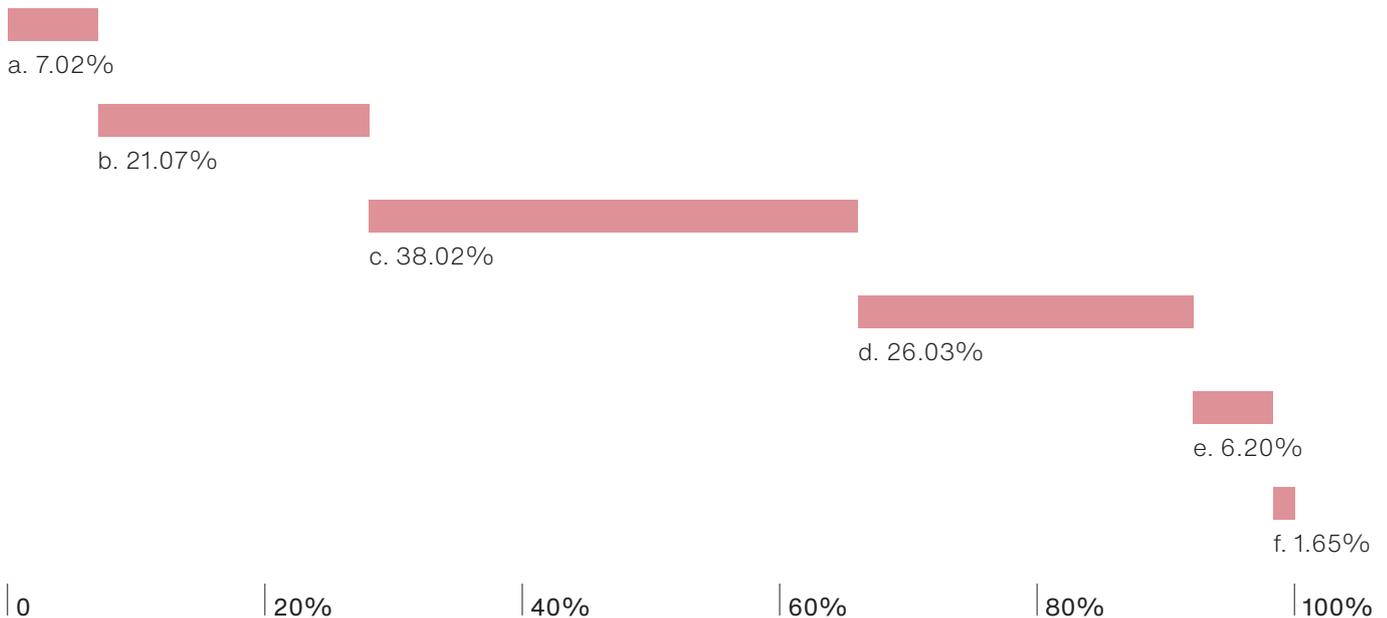


Figure 3: Snapshot of voter experience survey conducted after 2023 Warrandyte District by-election with the online research panel

3.1 Low-sensory voting trial

The VEC operationalised an initiative to boost participation of neurodivergent electors at an established early voting centre. The primary objective was to provide neurodivergent electors with the opportunity to experience attendance voting in a more inclusive and low-sensory environment. The low-sensory voting hours trial was held on Wednesday 16 August from 9:30 am to 2 pm at the Doncaster Rovers Soccer Club early voting centre.

People who are neurodiverse can face greater challenges accessing democracy, particularly when voting in person. During this trial, the early voting centre offered access to low-sensory adjustments including:

- › natural or dimmed lighting at the venue
- › reduced background noise
- › extra space provided around each voting screen
- › additional accessible parking spaces
- › VEC staff wearing the disability sunflower 'supporter' lanyard.

The VEC conducted an internal evaluation of the trial in which three key findings were discovered:

- › There is broad support for low sensory voting features with 100% of surveyed participants advising they would vote at a low-sensory voting location if offered again.
- › Presence and behaviour of candidate and party campaigners during the trial limited effectiveness
- › There are opportunities for the VEC to better leverage its community engagement expertise and evidence.

A total of 321 community members were marked off the roll as having voted during the 4.5 trial hours. Of this total, 9 were observed to be wearing a sunflower lanyard (3%), 3 used a wheelchair (1%) and 12 used a mobility aid (4%). Election staff noted that there was no observable change to voting volumes during the low-sensory hours.

Evaluation of the trial recommends:

- › planning for continued investment in providing low-sensory voting options
- › collaboration between election event delivery, candidate and party engagement, and community engagement

- › consideration of advocacy for legislative reform to provide powers to the VEC to enforce candidate and party compliance with guidance relating to broader implementation of low-sensory voting features
- › continuing to build the evidence base on low-sensory voting options and other features to enhance the voter experience.

Poor behaviour by candidates and campaign workers continues to be of concern and was experienced again during the low-sensory voting trial. The low-sensory voting trial underscored the inadequacy of the current limitations place on campaigners, the lack of tools available to the VEC to respond and the need for legislative change to address these issues. Observations in relation to the Warrandyte District by-election have been incorporated into Recommendation 5 below in the 2022 State election Report to Parliament.

3.2 Evaluating the election

Currently, the VEC conducts an independent evaluation at each State election. The evaluation assesses the quality of and engagement with VEC voting services amongst voters, candidates and registered political parties. No such independent evaluation is conducted for by-elections.

VEC Report to Parliament on the 2022 Victorian State election

Recommendation 5: Poor behaviour at voting centres

2022 State election observations

The VEC has heard voter feedback that the conduct of campaigners at voting centres has led to poor voting experiences. To ensure free and fair access to the democratic process, it is critical that voters have positive and safe voting experiences, including during their approach to a voting centre.

The VEC recommends that legislation is introduced to resolve the lack of an existing regulatory framework around the expectations of campaigners interacting with voters outside voting centres. Appropriate restrictions on the permitted activity of campaigners at voting centres may be warranted to ensure a positive voting experience, though the VEC notes that any legislated restrictions would need to be adaptable to the varying geographical and logistical contexts of different voting centres. For example, if a measure such as a dedicated campaigner zone was introduced, it would be critical for the voting experience and the VEC's ability to resource venues that such requirements could be adaptable and context-based rather than fixed.

The current powers of election managers and officials are only sufficient to cause a person to be removed, and do not suitably extend to ensuring that that person stays removed from the voting centre in order to preserve ongoing order and peace in the voting experience. At a minimum, the ability of election managers and officials in section 174 of the Electoral Act to cause a person to be removed if they are disturbing the voting process should be mirrored by an offence for that person to return to the voting centre once they have been removed.

Warrandyte District by-election observations

Voter feedback from the 2023 Warrandyte District by-election continued to highlight the conduct of campaigners and party workers at voting centres leading to poor voter experience. In particular, during the low-sensory voting trial for neurodiverse voters, the behaviour led to many voters turning away and not casting their votes.

Voters taking part in an online survey of their 2023 Warrandyte District by-election voter experience provided the following findings:

- › Half of respondents reporting feeling intimidated or harassed by candidate and party workers when voting in person.

- › Over half (53%) also do not like the fact there are party and candidate workers outside a voting centre.

An overwhelming majority (96%) believe it should be a voter's decision whether to engage with these campaigners outside a voting centre.

Recommendation

The VEC recommends that legislative reforms to the Electoral Act are introduced to place reasonable limitations on the ways in which campaigners at voting centres may interact with voters, including strengthening the existing tools of election staff by introducing an offence for a person removed from a voting centre under section 174 to return to the voting centre.

4. Venues and resourcing

Venues:

- 10 Election day voting centres
- 1 Early voting centre (standalone)
- 1 Election office (standalone)
- 1 Early voting-election day voting centre

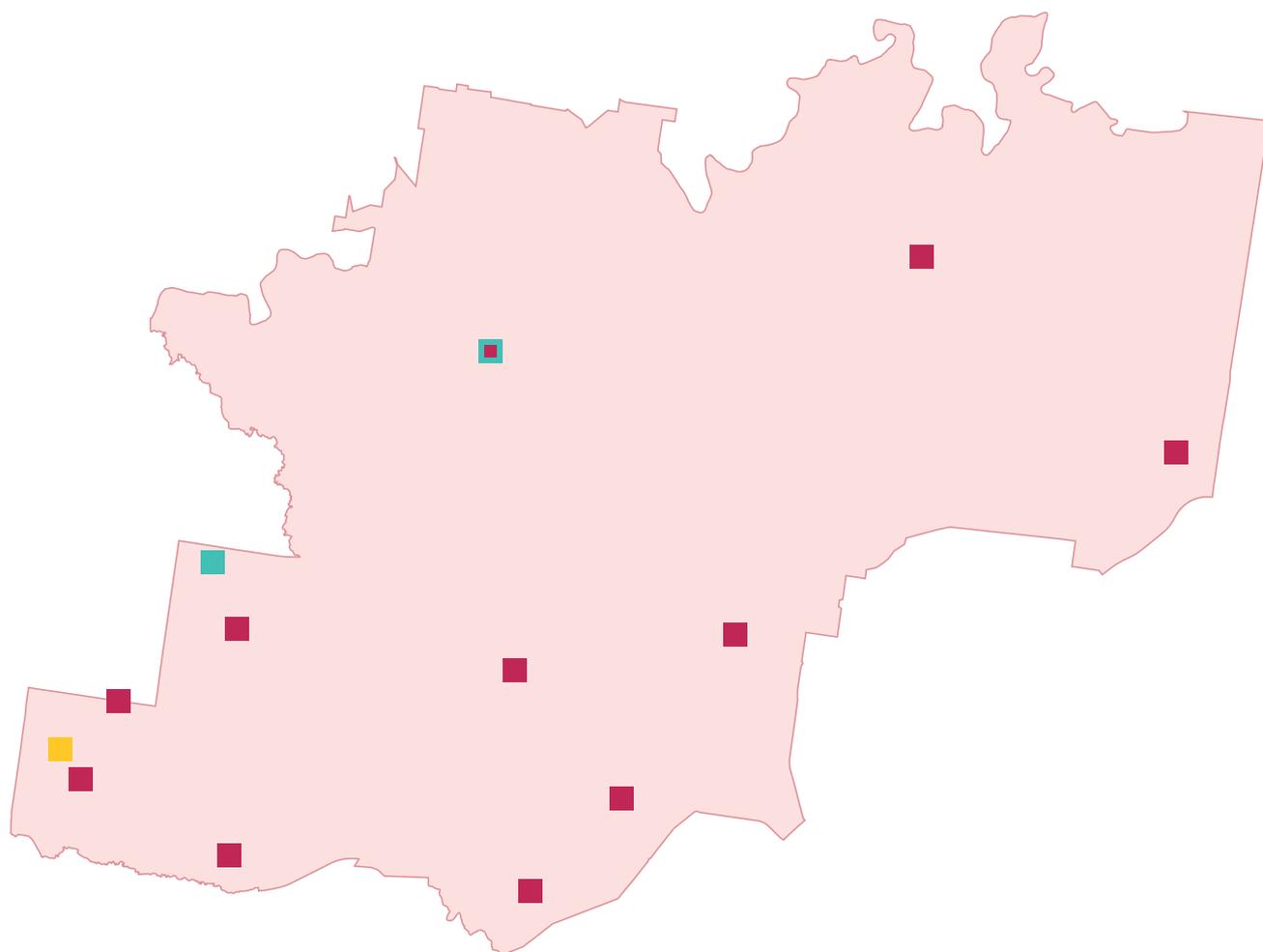


Figure 4: Map of election venues at the 2023 Warrandyte District by-election

4.1 Centralised Activity Site

The VEC established a Centralised Activity Site (CAS) at the VEC head office located at Level 4, 530 Collins Street, Melbourne 3000. This site housed the Centralised Computer Count Centre, Centralised Processing Centre, Telephone Assisted Voting Centre, Postal Vote Applications, and counting activities.

4.2 Election office and early voting centres

To support the delivery of the 2023 Warrandyte District by-election for by-election, the VEC leased a commercial property for the election office and licensed two community venues for use as early voting centres to accommodate the increased demand amongst Victorian voters to vote early.

The early voting centres provided for the 2023 Warrandyte District by-election had better wheelchair accessibility compared to those available in Warrandyte District for the 2022 State election.

Early voting centre accessibility	Warrandyte District – 2022 State election	2023 Warrandyte District by-election
Independent Wheelchair Accessible (IWA)	0	1 (50%)
Assisted Wheelchair Accessible (AWA)	2 (100%)	1 (50%)
Limited or No Wheelchair Accessibility (LNWA)	0	0

Table 5: Early voting centre accessibility (% of total early voting centres) in 2023 and 2022

4.3 Election day voting centres

After a review of the votes taken at Warrandyte District voting centres for the 2022 State election, the number of election day voting centres for the 2023 Warrandyte District by-election was reduced from 21 to 11. This change considered the increase in early and postal voting observed at the State election, and the decrease in overall time requirements in voting centres to conduct only a Legislative Assembly election.

The election day voting centres provided for the 2023 Warrandyte District by-election had better wheelchair accessibility compared to those available in Warrandyte District for the 2022 State election.

Voting centre accessibility	Warrandyte District – 2022 State election	2023 Warrandyte District by-election
Independent Wheelchair Accessible (IWA)	2 (10%)	3 (27%)
Assisted Wheelchair Accessible (AWA)	12 (57%)	7 (64%)
Limited or No Wheelchair Accessibility (LNWA)	7 (33%)	1 (9%)

Table 6: Election day voting centres accessibility (% of total voting centres) in 2023 and 2022

Report to Parliament on the 2022 Victorian State election – Operational Commitment

The VEC intends to consolidate the number of election day voting centres to be able to more efficiently allocate resources to early voting.

2023 Warrandyte District by-election

This operational commitment was successfully deployed in the Warrandyte District by-election.

The VEC will adopt this approach into its operating model for future electoral events.

4.4 Staffing the election

The management of recruitment campaigns, preparation of work instructions, induction and training of appointees, provision of appointment support, and the health and safety of the VEC's workforce requires significant planning, coordination, monitoring and ongoing evaluation.

The VEC appointed 164 people to work in temporary election workforce roles during the 2023 Warrandyte District by-election. This workforce undertakes a variety of short-term roles, ranging from single day appointments to more substantial work over several months. The VEC operates two distinct pools of people registered to work in election roles: the Senior Election Official pool, and the election casual pool. Senior Election Officials go through a rigorous recruitment process, as opposed to the tailored and streamlined process for people wishing to join the election casual pool. As noted above, following the significant investment the VEC undertook to grow its staffing database for the 2022 State election, the VEC was able to re-engage a significant portion of the staffing profile of Warrandyte District from the 2022 State election for the purpose of the by-election. Accordingly, it was unnecessary to utilise labour hire agencies or Victorian Public Service secondments to further complement the staffing requirements for the event.

Election management teams

Two senior election officials were appointed to the roles of election manager and assistant election manager for the 2023 Warrandyte District by-election. Both had been election managers for the 2022 State election. The election manager for the 2023 Warrandyte District by-election was Jeff Hughes.

An experienced senior election official was appointed to the position of election support officer, who had also been an election support officer during the 2022 State election.

The election casual pool

The VEC sent a survey to election casual staff who had worked in Warrandyte District during the 2022 State election, to gauge their interest and availability for work during the by-election. The election manager was able to use this list, along with the election casual pool and a list of people who had explicitly expressed interest in working at the by-election, to identify and appoint suitable staff.

Training and instruction manuals

Election management team training

The election manager and assistant election manager completed the blended training program in preparation for the 2022 State election, so no further formal training was required given the proximity between the State election and the 2023 Warrandyte District by-election. The 2022 State election self-paced eLearn modules remained available to them, accessed via the VEC's Learning Management System (LMS), and both received a briefing on State by-election specific procedures from the Election Support Officer.

The election manager and assistant election manager were provided with a comprehensive State by-election manual that set out their responsibilities and processes involved, as well as a State by-election supplement summarising the key differences to the 2022 State election. Additional tailored State by-election guides, setting out work instructions for discrete procedures that may be delegated to other staff, were also provided. The election manager and assistant election manager were required to be familiar with the content of work instructions used by all staff who reported to them, to enable them to direct and support staff as required.

The election manager was also provided with an Election Diary clearly setting out the timeline for key tasks and activities.

Report to Parliament on the 2022 Victorian State election – Operational Commitment

The VEC will increase the focus in election management training on common areas of difficulty for election managers, including managing conflict and maintaining oversight over a greater number of tasks.

2023 Warrandyte District by-election

This operational commitment was successfully deployed in the Warrandyte District by-election.

The VEC plans to further progress this approach into its operating model for future electoral events.

Election casual and election official training

All election staff were required to complete training for their roles. The VEC's LMS was used to deliver the online training, with the content tailored to suit the requirements of each role for a State by-election. The completion rate was 96%.

Additional face-to-face training was tailored and provided for more complex roles, including early voting centre managers, assistant early voting centre managers, voting centre managers, assistant voting centre managers, and election liaison officers.

The VEC provided written State by-election manuals with detailed work instructions for each of the roles specified above.

Election staff support services

Election manager support

The election manager was supported by:

- › an experienced election support officer who assisted the election manager with procedural and operational issues. The election support officer was located within the election office on selected days during the election. The Election support officer also monitored the completion of tasks by the election manager and undertook compliance checks. These checks were designed to ensure the VEC could have confidence the election was being conducted according to procedures.
- › the election office Help Desk. The role of the Help Desk was to log the content of support requests and forward them to the appropriate VEC team for response. The Help Desk also provided direct support in resolving a range of IT system issues.

The election support officer was supported by:

- › the VEC lead responsible for election staff management.
- › the VEC's regulatory advice and incidents desk. This service was available to provide advice in relation to any legislative or regulatory queries from the election office. It also reviewed any escalated matters that may constitute a breach of electoral law and determined what, if any, action was required by the VEC.

Appointment support service: Personnel Helpline

The VEC's Personnel Helpline service was available for staff who had questions about their appointments, work requirements and online training.

Pre-employment screening

Measures to ensure impartiality

The VEC adopts several integrity measures to ensure staff are politically impartial and suitable for work in elections. Section 17A of the Electoral Act allows the VEC to discriminate against a person in relation to offering appointment on the basis of political membership or activity, and this discrimination is lawful under the *Equal Opportunity Act 2010 (Vic)*.

The VEC requires all prospective appointees and employees to disclose any political memberships and activities that could compromise the VEC's perceived independence. Potential staff are required to complete an online Disclosure of Political Activities questionnaire at the time they are offered an appointment.

Measures to ensure appointment suitability and security

All senior election officials appointed to election management roles were required to undergo both a National Police Records Check and a Working with Children Check.

The VEC notes that the global security environment for elections is intensifying, and election events for major national, state and provincial economies are becoming more likely targets for foreign interference.

The VEC continues to assess its head office and field staff workforce to identify individuals and roles that may be exposed to higher levels risk from foreign interference and targeted credential theft in line with advice provided by Australia's Electoral Integrity and Assurance Taskforce and National Counter Foreign Interference Coordination Centre.

Report to Parliament on the 2022 Victorian State election – Operational Commitment

The VEC intends to expand National Police Records Checks and Working with Children Checks to additional election roles at future election events.

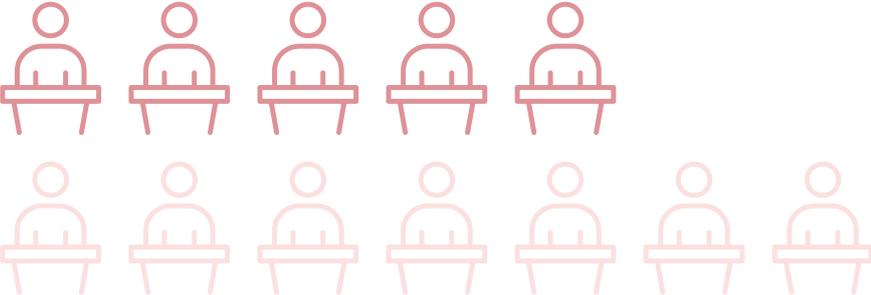
2023 Warrandyte District by-election

This operational commitment was successfully deployed in the Warrandyte District by-election.

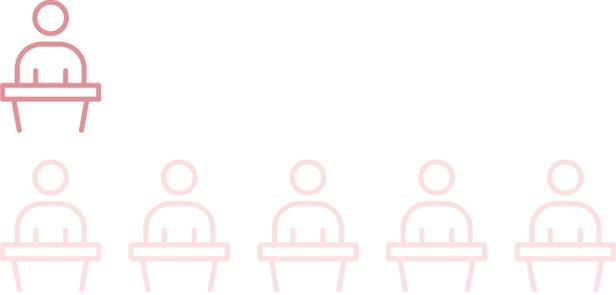
The VEC plans to further progress this approach into its operating model for future electoral events.

5. Candidates and parties

2023 Warrandyte District by-election



2022 Warrandyte District general election



Number of candidates

- Independent candidate
- Registered political party candidate

Figure 5: Number and type of candidates comparing 2023 Warrandyte District by-election and 2022 Warrandyte District general election

5.1 Engagement and support

The VEC offered tailored information sessions for registered political parties and independent candidates. Both sessions covered key aspects of the candidate processes, such as the nomination process, how-to-vote card registration and funding and disclosure obligations.

The independent session was held online via Microsoft Teams on Wednesday 19 July at 6 pm. A total of 4 prospective candidates attended. The session for registered political parties was open to registered officers and deputy registered officers and was to be held online via Microsoft teams on Monday 17 July at 3 pm. As no participants registered, the VEC did not run the session. Registered political parties had access to a dedicated candidate helpdesk for guidance on lodging nominations, applying to register HTVCs and other enquiries during the election. They also received periodic bulletins with updates on the conduct of the election.

From the opening of the election office, the central point of contact for independent candidates with the VEC was through the election manager where they could seek support and updates on the election process. The election manager sent candidate bulletins containing updates to all candidates to ensure the provision of timely messages on voting and counting.

Handbooks

The VEC published candidate and scrutineer handbooks and all necessary forms on its website, including information about the election timeline, legal requirements, and key election processes.

These handbooks, along with all relevant forms, were also available to registered political parties and candidates in candidate information kits via the election office. Scrutineer handbooks were also available for scrutineers at all counting locations.

5.2 Nominations

Nominations for the 2023 Warrandyte District by-election opened on Friday 14 July 2023 and closed at 12 noon on Thursday 10 August 2023. Registered political parties were required to lodge a nomination for their endorsed candidate at least one day earlier than the final nomination day, by 12 noon on Wednesday 9 August 2023.

The VEC received 12 nominations for the 2023 Warrandyte District by-election. 7 nominations were from candidates endorsed by registered political parties and 5 candidates stood for election as independent candidates.

	Northcote	Narracan	Warrandyte
Independent candidates	8	3	5
Party candidates	7	8	7

Table 7: Number of candidates at each election endorsed by registered political parties compared to independent candidates

Endorsed candidate	Registered political party
CORCORAN, Jack	Sustainable Australia Party – Stop Overdevelopment / Corruption
WERNER, Nicole	Liberal
CHEESMAN, Greg	Freedom Party of Victoria
DE WIT, Cary	Labour DLP
CHOW, Wai Man Raymond	–
RANIERI, Morgan	–
BOLGER, Colleen	Victorian Socialists
GRIFFITH-JONES, Richard	Family First Victoria
JENKINS, Philip	–
TESA, Maya	–
LIGHTBODY, Tomas	Australian Greens
MENADUE, Alan Max	–

Table 8: Table of candidates for the 2023 Warrandyte District by-election in ballot paper order.

Candidate nomination deposits

Nomination deposits were refunded for 4 candidates because the candidate was either elected and/or they had obtained more than 4% of the first-preference votes in the 2023 Warrandyte District by-election. The deposits of the other 8 candidates were forfeited because they were not elected and had obtained less than 4% of the first-preference votes in the by-election.

5.3 How-to-vote card registration

Applications to register how-to-vote cards (HTVCs) opened on Friday 11 August 2023 and closed at 12 noon on Friday 18 August 2023.

The VEC received 15 applications to register HTVCs. Of these applications, 1 was refused registration for failing to comply with the HTVC requirements and 14 were approved for registration. The applicant whose HTVC application was refused subsequent application was approved for registration.

	2017 Northcote District by-election	2023 Narracan District supplementary election	2023 Warrandyte District by-election
Registered HTVCs	13	11	14
Rejected HTVCs	0	5	1
Total	13	16	15

Table 9: Number of how-to-vote cards that were registered and rejected in by-elections and supplementary elections since 2017

5.4 Provision of electoral roll to candidates

Under the Electoral Act, the VEC is required to provide information about electors on the electoral roll at the request of registered political parties and candidates in an election. This list is provided as encrypted data and excludes the particulars of silent electors. It does not contain the email addresses or phone numbers of electors.

The Electoral Act prescribes severe penalties for any misuse of electoral information provided. During the pre-election briefings offered to registered political parties and independent candidates, the VEC sought to reinforce and remind recipients of electoral roll products about their obligations in respect to the information.

5.5 Funding and disclosure

Overview

The VEC administers 3 funding streams, 2 of which are relevant to the Warrandyte by-election: public funding and administrative expenditure funding.

Public funding

Public funding is available to independent and endorsed candidates who receive at least 4% of the first preference votes (or are elected) in an election. While parties and candidates that receive public funding at a general election may request to receive an equal amount paid in advance instalments in relation to the next general election, this is not an option available for a by-election. Parties and candidates have up to 20 weeks from the date of the Warrandyte by-election to submit their statement of expenditure and the VEC pays the entitlement within 30 days of receiving properly completed documentation. A summary of public funding amounts paid to registered political parties and independent candidates at the 2023 Warrandyte District by-election is provided in **Appendix 3**.

As at 6 February 2024, all 4 eligible parties and candidates had submitted a statement of expenditure to receive public funding following the Warrandyte by-election, and the VEC has paid their entitlements in full. The entitlement amount is the lower of \$7.01 per first preference vote received (for the financial year 2023–24), or the amount of political and electoral expenditure incurred, per the statement of expenditure.

Administrative expenditure funding

Elected members are eligible to receive administrative expenditure funding, which is paid quarterly in advance. The successful candidate in the 2023 Warrandyte District by-election was an endorsed member of the same registered political party as the previous elected member.

Disclosure of political donations

The VEC has published on its website 14 donations made by 13 donors to 9 recipients during the period 1 June 2023 to 31 August 2023. The total value of these donations is \$21,740.

6. Communication and engagement

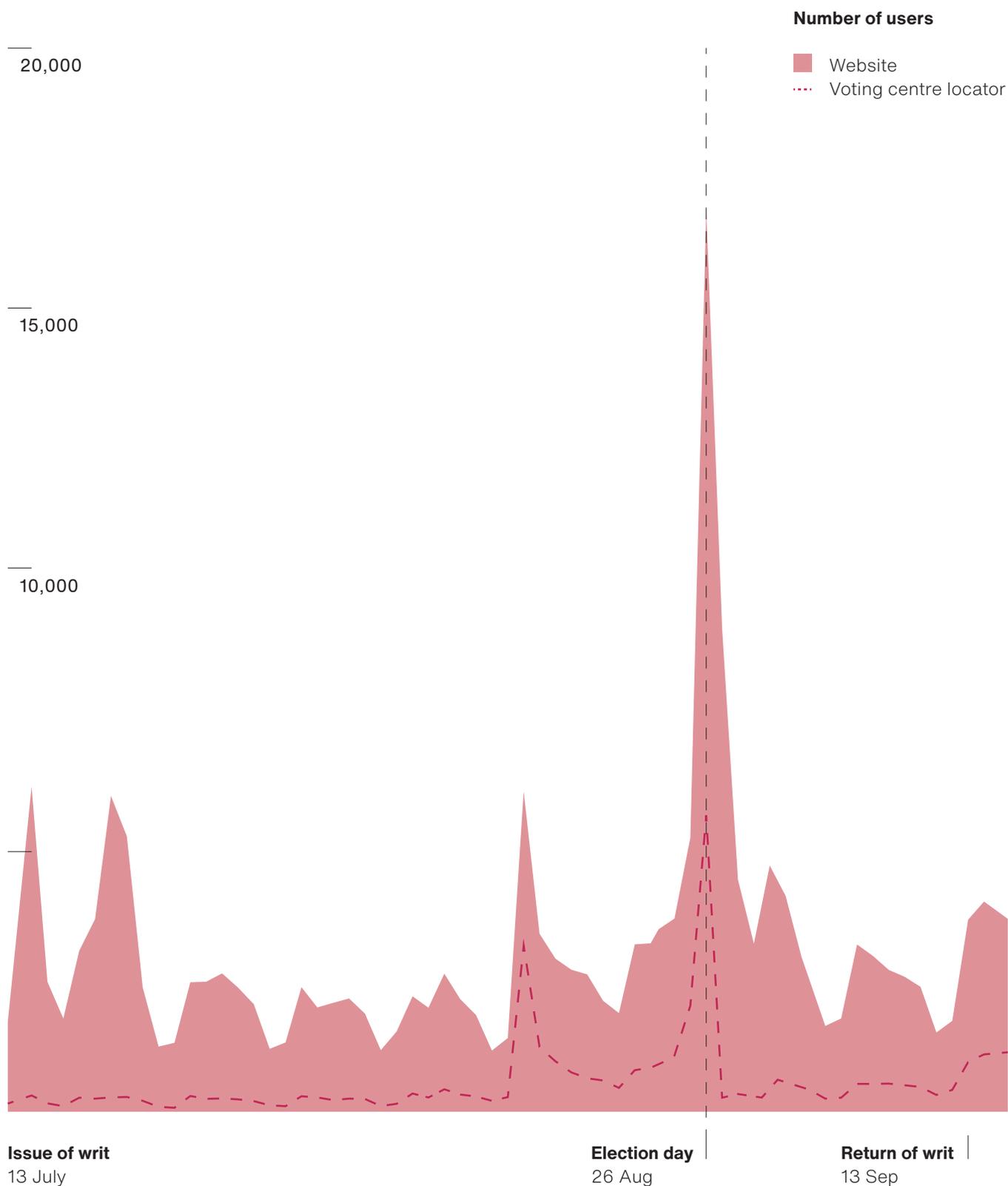


Figure 6: Number of users of the VEC website and Voting Centre Locator between issue of writ and return of writ for the 2023 Warrandyte District by-election

Web traffic

Webpage	Total views	Total users
Voting centre locator	31,406	17,676
Warrandyte District by-election landing page	18,961	11,028
Postal voting	9,490	6,339
Find candidates	9,015	5,718
Voting options	8,403	4,866
Away during the election	3,834	2,422
How-to-vote cards	1,810	444
District results	642	193
Vote by phone	267	219

Table 10: Website traffic during election period for the 2023 Warrandyte District by-election

VoterAlert

Phase	Total voters	SMS	Email	Total messages
Close of roll	25,852	24,707	18,353	43,063
EasyVote guide	25,796	24,656	18,313	42,971
Election day	18,687	17,884	13,158	31,044

Table 11: VoterAlert messages sent during the 2023 Warrandyte District by-election

6.1 Advertising campaign

The VEC ran a comprehensive communication program to raise awareness of the 2023 Warrandyte District by-election, starting in July 2023 when the writ was issued for the by-election. The campaign addressed all key election milestones, including:

- › a media release on Friday 14 July 2023 announcing the date of the 2023 Warrandyte District by-election as Saturday 26 August 2023
- › VoterAlert SMS and email notifications to: 25,852 electors in Warrandyte District with an enrolment message prior to the close of roll, 25,796 electors with the digital EasyVote guide at the commencement of early voting, and 18,687 electors with an election day reminder (excluding those already marked off the roll as having voted)
- › comprehensive information on the VEC website, including information about early voting, election day voting, postal voting, telephone assisted voting, nominating as a candidate, what to do if you're away, and an interactive map with the addresses, opening hours and accessibility information of early voting centres and election day voting centres
- › print advertisements in the Herald Sun and The Age, broadcast ads on metropolitan radio stations and sponsored social media ads geo-targeted to all postcodes in Warrandyte District
- › a series of media releases and organic social media reminders on the VEC's own channels.

The VEC also worked closely with media to respond to queries during the 2023 Warrandyte District by-election period.

Report to Parliament on the 2022 Victorian State election – Operational Commitment	2023 Warrandyte District by-election
The VEC will conduct a website content review to ensure that all website content is up-to-date and accurate, remains accessible, and meets the needs of its audiences.	This operational commitment was successfully deployed in the Warrandyte District by-election. The VEC plans to further progress this approach into its operating model for future electoral events.
The VEC will maintain its focus on the enrolment phase of its election advertising on the close-of-roll date, so that the number of electors enrolling 'on the day' is manageable at voting centres, and to reduce the number of rejected provisional votes.	This operational commitment was successfully deployed in the Warrandyte District by-election. The VEC will adopt this approach into its operating model for future electoral events.

6.2 Public enquiry service

The VEC's Public Enquiry Service (PES) operated between 14 July and 29 August 2023, catering for a high volume of enquiries from the public. Operating hours for the PES were 9am to 5pm on weekdays (8pm on close of rolls day), with hours extending during the two weeks of early voting to support queries on weekdays and election day.

The PES was part of the CAS set up at VEC head office to ensure high quality, accurate and appropriate responses were provided, to provide escalation for complex enquiries, and to handle sensitive and silent elector enquires.

The service took a total of 952 calls and 174 emailed enquiries.

The most common call queries related to postal voting, enrolment checks and electors expressing an inability to vote. The most common email queries related to electors away from Victoria (interstate or overseas) and postal voting.

7. Voting period

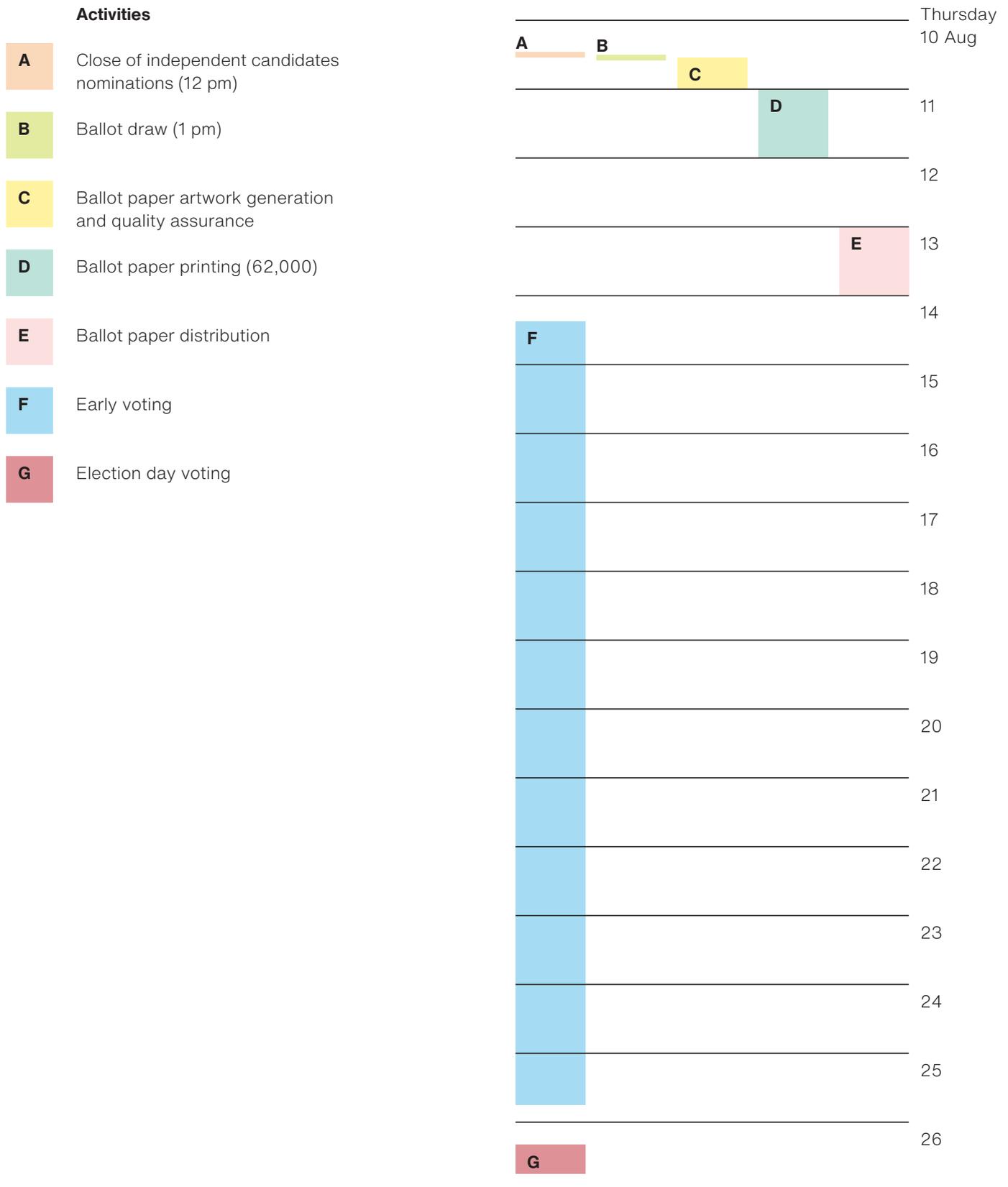


Figure 7: Timeline of ballot paper production and voting period from close of nominations on Thursday 10 August 2024 to election day on Saturday 26 August 2024

7.1 Ballot paper preparation

Once the ballot draw was completed after the close of nominations 10 August 2023 the VEC completed artwork creation and quality assurance processes for ballot papers, in the same manner as conducted during a general election, to prepare for printing. 62,000 ballot papers were produced in total for attendance and postal voting methods.

These volumes were conceived based on estimations for a stand-alone event with no out-of-district voting requirements taking also into consideration the actual ballot paper usage at the 2022 State election.

Ballot papers required for the entire voting period were produced prior to the commencement of early voting and distributed to the election office the day prior to early voting opening.

To prevent ballot paper shortfalls across voting centres, and after being successfully trialled at the Narracan District supplementary election, the VEC extended electronic roll mark-off from only early voting centres to all election day voting centres. This is in contrast to the ordinary system used at general elections of paper roll mark-offs, which cannot be monitored independent of staff reports. This allowed consumption of ballot papers at an election day voting centre level to be monitored in real time and reduced the dependency on election day voting centre managers to notify their election manager or election liaison officer of their site's ballot paper consumption rates.

7.2 Voting channels

In the 2023 Warrandyte District by-election, electors had multiple channels to cast their votes. These were:

- › attendance voting, including:
 - early attendance voting (including low-sensory voting)
 - election day voting
- › postal voting, including outside Victoria (no interstate or overseas voting sites were established)
- › telephone assisted voting
- › Antarctic voting – nil electors

7.3 Attendance voting

Early voting

Early voting in person was available at 2 early voting centres (located at 2 physical locations) within Warrandyte District. These early voting centres were open for two weeks, from 9 am on Monday 14 August until 6 pm on Friday 25 August 2023. In addition, they were open for extended hours from 8:30 am to 8 pm on Thursday 17 August and Thursday 24 August 2023, and from 9 am to 5 pm on Saturday 19 August 2023 to meet the needs of electors outside of ordinary business hours.

Interstate voting

Interstate electors could apply for a postal vote.

Mobile voting

Two potential aged care facilities were identified for mobile voting, however when contacted, instead requested for their facilities to use postal voting.

7.4 Postal voting

Electors had until 6pm on Wednesday 23 August 2023 to apply for a postal vote. Electors could apply for a postal vote by:

- › completing an application online via the VEC website
- › collecting a postal vote application form from Australia Post locations within the Warrandyte District.
- › Collecting an application from the election office
- › Calling the VEC's Public Enquiry Service to request an application form be posted to them.
- › Some applications arrived by mail after the deadline and could not be processed. The VEC called these electors to advise them of alternative voting options, namely early voting or election day voting.

All postal vote applications were processed centrally for the 2023 Warrandyte District by-election. Over 95.8% were completed online and once submitted by the elector were immediately available in the Election Management System (EMS) Applications received by mail were scanned and uploaded into the EMS. Most applications were processed electronically, which eliminated labour-intensive handling of paper applications and ensured the efficient delivery of ballot packs. Paper applications that could not be scanned were processed manually. The EMS enabled election officials to track all applications and inform electors

of the status of their application at any time. Electors who applied online were also emailed a tracking number so they could track the progress of their applications on the VEC website.

Applications received prior to the close of roll were cleared within two working days of the electoral roll being available. The VEC processed all further applications on the day they were received.

A very small number of electors who applied for a postal vote also voted at an early voting centre prior to receiving their ballot pack. The use of electronic roll mark-off at all early voting centres enabled the election officials to identify electors who had been issued with, but had not yet returned, a postal vote, and to cancel the postal vote. If the postal vote was subsequently returned, it was marked as rejected by the system and not counted.

Australia Post is an important partner in the postal voting system. For the 2023 Warrandyte District by-election, the VEC used the Express Post network for delivery of election material in the week prior to election day. This helped ensure that material was delivered in sufficient time for electors to complete and return their ballot material.

From the Monday prior to election day, an elector's declaration could be quickly checked against either the elector's signature on the scanned image of the postal vote application or the verification question and answer on the online application. As a result, all postal votes received by the VEC by the close of voting that could be included in the count were counted on election night.

The VEC again established an email ballot material service for the 2023 Warrandyte District by-election. This facility was only available to electors in remote areas or located outside of Victoria that would therefore have trouble accessing timely postal facilities. Electors could provide an email address for receipt of ballot material. The VEC processed each application, with the system automatically generating an email to each elector. The email contained a secure link to all ballot material required to vote. To access the ballot material file via the email link, each elector was required to enter verification information provided by them at the point of application.

A total of 331 emailed ballot packs were dispatched. While the emailed ballot pack provides a solution to decreasing postal services, it remains labour intensive for the voter and requires access to a printer. In its Report to Parliament on the 2022 Victorian State election, the VEC recommended enhanced access to telephone assisted voting for interstate and overseas voters in order to better serve enrolled Victorian electors regardless of their physical location.

General postal voters

Electors who satisfy certain statutory requirements regarding their inability to vote at a voting centre at election time are eligible for registration as a General Postal Voter (GPV). By registering as a GPV, electors automatically receive ballot papers in the mail for all State elections and local government elections. There were 3,982 GPVs (7.8% of enrolment) registered for the Warrandyte District by-election.

7.5 Antarctic electors

An 'Antarctic elector' is an elector who has made a request under the Electoral Act to be treated as such while stationed in the Australian Antarctic Territory. There were no electors based in the Australian Antarctic Territory at the time of the by-election.

7.6 Telephone assisted voting

In the 2023 Warrandyte District by-election, the VEC again provided Telephone Assisted Voting (TAV) as an accessible voting option to eligible classes of electors without requiring them to vote in person at a voting centre or complete a postal vote. This was the third time the VEC operated TAV since the Electoral Act was updated prior to the 2018 State election to allow for the provision of electronic assisted voting. For the 2023 Warrandyte District by-election, the TAV service was available to electors who are blind or have low vision, and electors living with a motor impairment.

Voting using the TAV service involves 2 discrete call centres: the first to register eligible electors for the service, and the second to capture and record their vote on a physical ballot paper.

At no point during the second call is the elector asked to disclose their identity, which preserve the secrecy of each elector's vote. To provide further integrity to the service, an observer accompanies the operator for the second call to ensure the vote is cast per the elector's instructions.

The TAV service commenced voting from 9 am on Monday 14 August 2023 and operated through to 6 pm on election day. A total of 59 votes were taken through TAV, including 17 during the early voting period and 42 on election day. The VEC recorded a total of 64 registrations to use the service.

7.7 Voting trends

A total of 13,970 votes were counted from early voting centres. A further 18,755 ordinary votes were counted on election day and 7,719 postal votes were counted. A total of 121 declaration votes were admitted that required further scrutiny (either provisional or marked as voted), which resulted in 120 being counted and there were 59 votes counted using TAV for the 2023 Warrandyte District by-election.

Vote type	Number counted for 2023 Warrandyte District by-election
Early Votes	13,970
Postal Votes	7,719
Election Day	18,755
Telephone Assisted Voting	59
Provisional Votes	113
Marked-as-voting	7

Table 12: Votes by type at the 2023 Warrandyte District by-election

7.8 Voter turnout

Voter turnout for by-elections has seen a decline over the years where the average was 86.1% voter turnout 10 years ago. Voter turnout for Warrandyte District was 79.67%, which aligns with the turnout for the 2017 Northcote District by-election at 79.04% and the 2023 Narracan District supplementary election at 78.85%.

Election	Voter turnout	Previous State election turnout
2017 Northcote by-election	79.04%	91.67% (2018)
2023 Narracan supplementary election	78.85%	89.32% (2023) ²
2023 Warrandyte by-election	79.67%	91.57% (2023)
Average	79.18%	90.85%

Table 13: Voter turnout in Victoria's last three by- and supplementary elections compared to previous State elections

Turnout at the 2023 Warrandyte District by-election was lower than the 2022 State election turnout for the same district, from 91.57% of those enrolled to 79.67%. This drop was expected, as there is generally a lower rate of voter turnout at by-elections compared with general elections. In some cases, the difference is over 10 percentage points below the previous State election turnout for the same district, as can be seen in Table 14. The same pattern has been observed at federal elections³.

Election	Voter turnout	Previous State election turnout
2013 Lyndhurst by-election	80.07%	92.47% (2010)
2015 Gippsland South by-election	87.06%	94.00% (2014)
2015 Polwarth by-election	86.18%	94.88% (2014)
2015 South-West Coast by-election	91.09%	94.93% (2014)
Average	86.10%	94.07%

Table 14: Turnout at Victorian by-elections compared to previous State elections

² Based on Upper House ballot turnout in Narracan, as the Narracan district election failed due to the death of a candidate. This resulted in the supplementary election in 2023.

³ Barber, S. 2019 'House of Representatives by- elections: 1901-2018' https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1819/HoRByElections

It is important to note that this is not an isolated trend in Victoria but is happening in all Australian jurisdictions and is also evidenced in other comparable democracies.

Factors identified in the research to explain the lower turnout at by-elections include the timing of the election, the political stakes involved, the political parties fielding candidates, voter or local familiarity with candidates, the issues contested, the reason for requiring a by-election and voter awareness of the election⁴. By-elections can also attract a significant proportion of protest votes (detailed in **Appendix 1: Informality review**).

The foremost factor cited for lower turnout at by-elections is not having candidates from all the major parties standing. The Australian Labor Party did not field a candidate at the 2023 Warrandyte District by-election, which may have resulted in some voters not turning out to vote, though it is difficult to determine exactly how many of these voters there were.

Not having one of the major parties field a candidate infers another factor used to account for turnout at by-elections – the political stakes involved. As the major parties weigh the costs and benefits of fielding a candidate at a by-election, voters also likely assess the importance of their vote. As a result, they may be less likely to turnout to vote in by-elections where the political stakes are perceived as less important.

In most contexts, voter awareness of by-elections is assumed to be lower than for general elections. There is less interest in the media and across communities in the results of a by-election than for the results of all state districts. Related factors, such as major parties not all fielding candidates or less at stake in the 2023 Warrandyte District by-election result, likely contribute to less coverage of by-elections in the media. There are some important exceptions to this assumption, such as if a by-election will decide government, if the previous MP was local well liked or had a high profile, or if there is a particularly prominent candidate standing. The VEC continues to advertise and promote participation in by-elections, as is detailed earlier in **Chapter 5.1 – Advertising campaign** in this report.

Voter turnout by age group

It is possible to analyse voter turnout by age group using the records of those marked off the roll as having voted. This is called 'mark off' data and is the most appropriate and accurate way of measuring turnout by age group.

The 2023 Warrandyte District by-election follows trends in turnout and age observed in similar election events. Turnout starts stronger with those aged 18–19, and then begins to drop between the ages of 20 and 35, before rising steadily from the 35–40 age ranges, and dropping again at the 70+ range.

Turnout by those marked as voted			
Age group	2017 Northcote District by-election	2023 Narracan District supplementary election	2023 Warrandyte District by-election
18–19	85.62%	80.00%	82.97%
20–24	68.72%	67.78%	79.89%
25–29	64.66%	62.90%	69.04%
30–34	68.92%	67.21%	66.74%
35–39	76.72%	72.61%	76.08%
40–44	81.81%	75.91%	80.65%
45–49	86.72%	78.52%	82.38%
50–54	87.93%	80.27%	84.18%
55–59	89.79%	82.20%	84.77%
60–64	89.97%	85.99%	84.06%
65–69	91.21%	88.12%	83.49%
70+	80.36%	86.15%	82.48%

Table 15: Voter turnout in Victoria's last three by- and supplementary elections by age.

A similar 'S-curve' is present in the turnout by age group at both the 2017 Northcote District by-election and the 2023 Narracan District supplementary election (see Figure 8). This S trend is not unique to by-elections and has been regularly observed in successive Victorian State elections, as well as in other state, territory and federal divisions in Australia. Some research suggests this trend is not generational and may instead be reflective of a complex series of 'life course' factors⁵.

4 Middleton, A. 2023: 'Turnout, government performance and localism in contemporary by-elections', Journal of Elections, Public Opinion and Parties, <https://doi.org/10.1080/17457289.2023.2169446>

5 Hannan-Morrow, S & Rodan, M. 2014: 'Gender, Age and Generational effects on Turnout in Australian Federal Elections', Australian Political Studies Association 2014 Conference – Sydney. https://www.aec.gov.au/About_AEC/research/files/apsa-2014-gender-age-and-generational-effects-on-turnout-in-australian-federal-elections.pdf

Turnout by age group in Victoria’s last three by- and supplementary elections

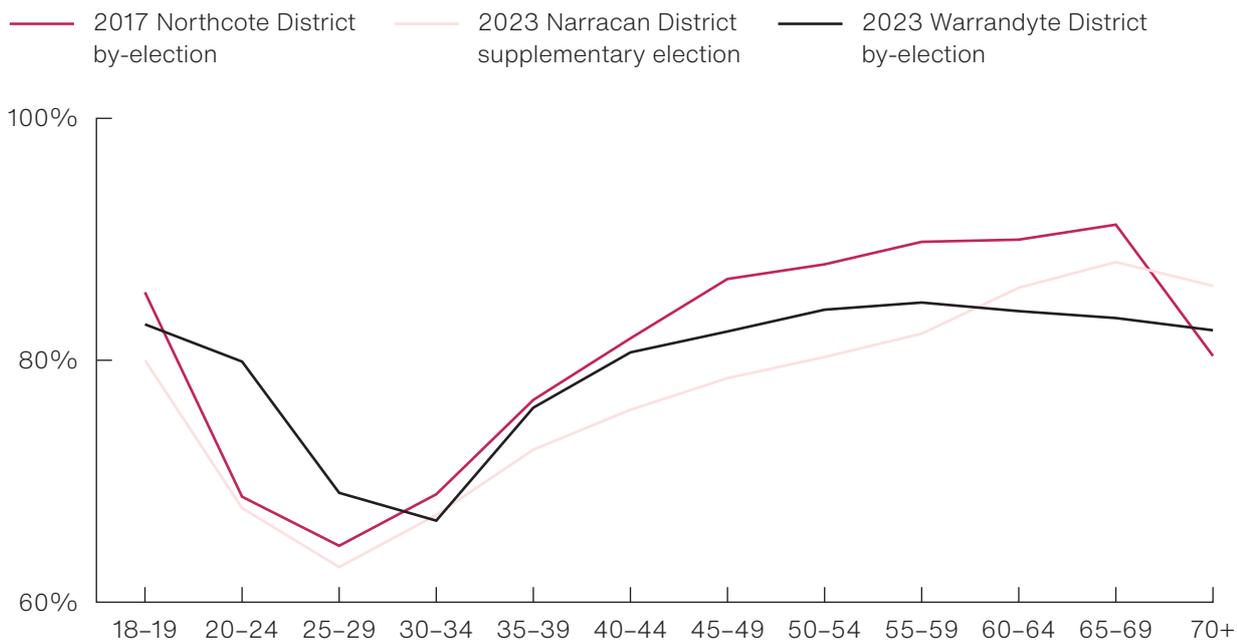


Figure 8: Comparison of turnout by age range at the 2017 Northcote by-election, the 2023 Narracan supplementary election and the 2023 Warrandyte by-election

Informality

The informality rate for the 2023 Warrandyte District by-election was 5.77%. This is higher than the 3.26% rate observed in Warrandyte at the 2022 State election. This increase may be explained by the large number of by-election candidates (12) as compared to the State election (6) for Warrandyte District. A review of informal voting at the 2022 State election found informality is generally higher when there are more than 10 candidates on the ballot paper (Read more on the **VEC’s research and publications website**). See **Appendix 1: Informality review** for more information.

8. Counting and results

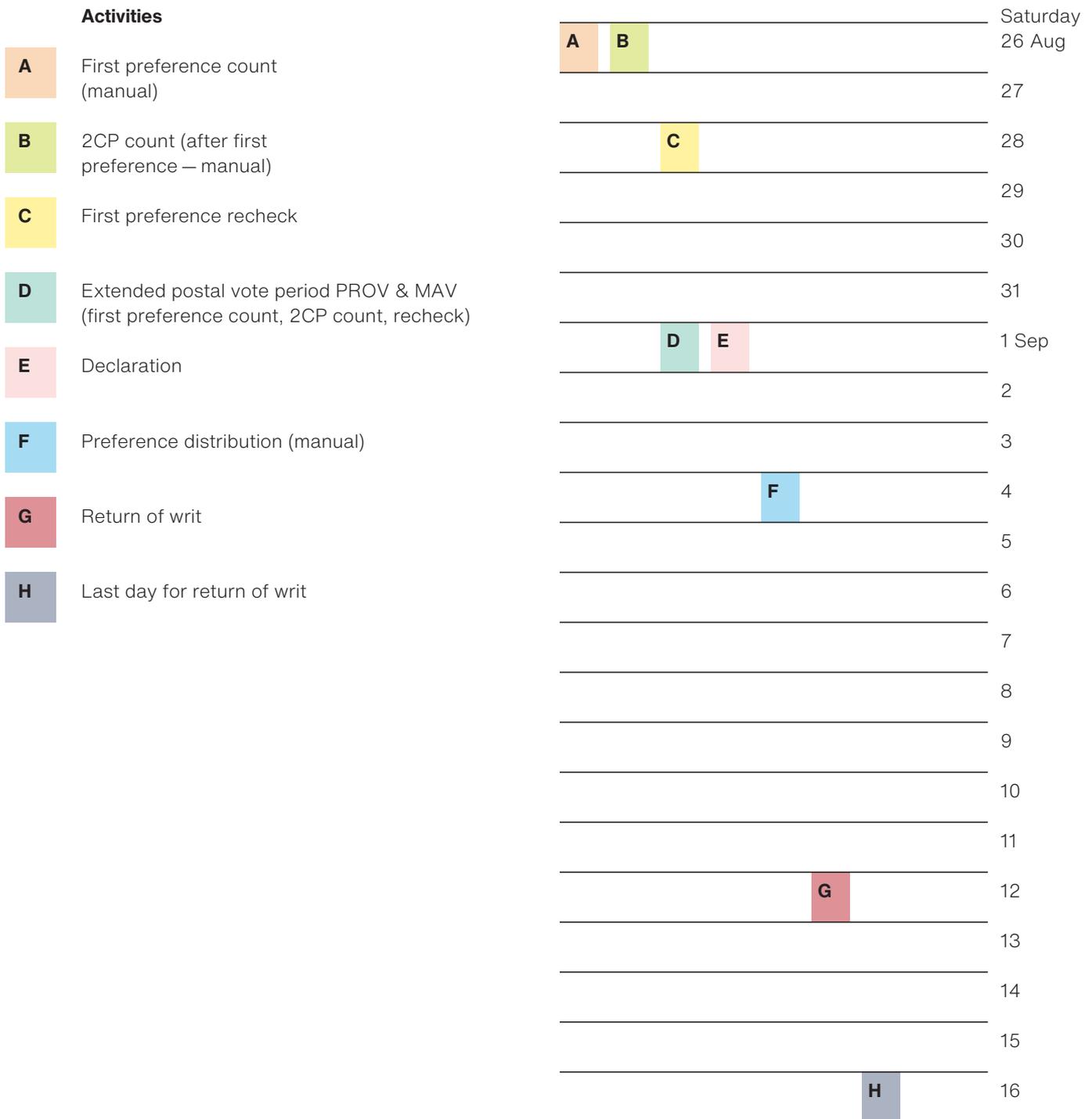


Figure 9: Timeline of counting activities from election night on 26 August 2023 to final day for writs to be returned on 16 September 2023

Counting of votes commenced at the close of voting at 6pm on Saturday 26 August 2023, and continued until Friday 1 September 2023 when the final results were calculated and declared. There are different types of votes that are cast at an election. The type of vote and how it was cast affects when and where it will be counted.

The VEC's count plan is constructed to count ballot papers systematically, while also preserving critical information about each parcel of ballot papers as it tracks through the counting process progresses. This maintains accountability and ensures ballot paper parcels can be easily reconciled against earlier counting activity.

8.1 Vote types

Ordinary votes

Votes cast by electors at election day voting centres are referred to as ordinary votes, with the exception of provisional and marked-as-voted votes. All ordinary votes were counted at the voting centre where they were issued following the close of voting on election day.

Early votes

Votes cast by electors at an early voting centre or mobile voting site are referred to as early votes with the exception of provisional and marked-as-voted votes. Votes cast at early voting centres were counted after the close of voting at the Doncaster Rovers early voting centre.

Note: Two potential aged care facilities were identified for mobile voting, however when contacted, instead requested for their facilities to use postal voting. No mobile voting was provided for the 2023 Warrandyte District by-election

Postal votes

All postal votes mailed back to the VEC were received, processed and counted at the CAS. Postal votes returned and verified before election day were counted at the CAS after the close of voting on election day. Votes that arrived at the CAS after election day, including those delivered to voting centres on election day and forwarded to the CAS, continued to be received, processed, verified and counted up until the statutory cut-off for returned postal votes to be admitted to the count at 6 pm on Friday 1 September 2023.

TAV votes

Votes cast through the TAV service throughout the early voting period and on election day were counted at the CAS.

Provisional votes

People who believe they should be on the electoral roll but cannot be found on the roll in an early voting centre or election day voting centre may choose to make a provisional vote.

A provisional vote requires the person to complete the necessary application form and secure their completed ballot papers in a declaration envelope. These were forwarded to the CAS after election day for processing, and the ballot papers in declarations that were eligible to be enrolled were able to be admitted for counting. Admitted provisional votes were counted at the CAS.

Marked-as-voted votes

Voters found to have already been marked on the roll when they attended to vote, but who claimed not to have voted, were issued with ballot papers that were then enclosed in a declaration envelope once completed. These votes were all forwarded to the CAS after election day for processing, where they were checked to determine whether they should be admitted to the count. Admitted marked-as-voted votes were counted at the CAS.

8.2 Counting

Election day counting

Counting of votes on election day commenced from 6 pm.

Early votes were counted at the Doncaster Rovers early voting centre, with ballot papers from the Warrandyte Scout Hall early voting centre transferred to the Doncaster Rovers early voting centre for counting in the larger premises.

Ordinary votes were counted at the voting centre where they were issued.

In these voting centres, election officials conducted two counts of ordinary and early votes:

- > first preference count of ballot papers
- > 2-candidate preferred (2CP) count of ballot papers

The 2CP count involves the distribution of preferences to the two candidates considered most likely to be in the lead after a distribution of preferences. The VEC predicts the two candidates for the 2CP count shortly after nominations close. The 2CP count is for statistical purposes only and does not replace the formal distribution of preferences, if required.

The counting of early votes in the Doncaster Rovers early voting centre was able to commence at 6 pm, with staff having established a restricted zone for each early voting centre from 8 am on election day to allow for sorting and reconciling activities to occur before the close of voting.

100% of voting centres had entered the results of their first preference counts into the VEC's Election Management System by 9 pm on election night.

Centralised counting was conducted at the CAS from 6 pm on election night for TAV votes, and postal votes returned and verified prior to election day. This followed the establishment of a restricted zone between 8 am and 6 pm on election day to allow staff to first extract the ballot papers from their envelopes.

Rechecks

Rechecking is an administrative process where, following a first preference count, ballot papers are checked again for formality, correct sorting to first preference, and correct reconciliation of totals. This is a normal part of the counting process post election night and results are adjusted to correct any discrepancies.

2023 Warrandyte District by-election vote counted on election night in election day voting centres and early voting centres were rechecked on Monday 28 August 2023.

Postal votes counted on election night were rechecked on Monday 28 August 2023. All other rechecks at CAS followed directly after the first preference count was completed (or 2CP count).

Counting after election day

Counting of remaining postal votes, marked-as-voted votes and provisional votes, and all rechecks of these votes was conducted on Friday 1 September 2023 at the CAS.

8.3 Count information

With counting activities for the 2023 Warrandyte District by-election spread over several locations during the counting timeline, registered political parties and candidates were provided with information about updates to the count plan through:

- › candidate bulletins direct from the election manager to candidates, outlining counting activities in relevant venues,
- › the VEC website, where the upcoming count activities were published.

8.4 Recount requests

Recounts may be conducted at the discretion of the election manager, at the request of a candidate who provides sufficient reasons, or at the discretion of the VEC. Any recount must be conducted in the presence of appointed scrutineers. The VEC is required to provide at least 4 hours written notice of a recount to the affected candidates, registered political parties, and their nominated recount contact.

For the 2023 Warrandyte by-election, there were no requests or recommendations for a recount.

8.5 Results and declarations

As the successful candidate received an absolute majority of first preference votes, a preference distribution to obtain election result was not required. Nicole Werner was the successful candidate for the election and was declared elected by the election manager on Friday 1 September 2023. The centrally counted votes were transported to the election office and a full preference distribution for statistical purposes was conducted on Monday 4 September 2023.

All results were progressively displayed on the VEC website and various results reports were made available to scrutineers on request. An election results media feed was also provided to media outlets and other subscribers on request.

9. Compliance and integrity



Figure 10: Flowchart of the VEC's constructive compliance approach

9.1 Electoral integrity activities

The VEC's head office collaborated closely with the election office to oversee the fulfilment of compliance activities. The regulatory advice and incidents desk model, first introduced at the 2022 State election, was once again implemented, and addressed a total of 12 cases. These cases primarily pertained to issues regarding authorisation requirements, signage, and conduct at voting centres.

Increased electoral integrity support was provided to election offices through election support officers (see **Chapter 3.4 – Staffing the election**) who were given specific training on election integrity risks that can occur in the field and appropriate measures to respond to them. Electoral integrity support extended to the VEC's head office operations and the CAS, with election integrity a key focus in the review of election planning and procedure documents.

9.2 Constructive compliance

VEC regulatory approach

The VEC adopts a constructive compliance approach for its regulatory activities, which focuses on providing electoral participants with resources to understand and comply with their obligations. Where a person or organisation fails to comply with their obligations, compliance action is taken proportionate to the VEC's assessment of harm. The VEC engages with electoral participants frequently to educate and assist them to meet compliance obligations.

Field compliance support

The VEC continued its proactive compliance strategy during the 2023 Warrandyte District by-election. Notably, there were very few instances of improper behaviour reported during early voting or on election day. The VEC's electoral compliance team were proactive in identifying and addressing instances of non-compliance and were actively present in the field throughout the entire election period, including on election day, to provide support to voting centre managers and other election staff on electoral compliance matters. This proactive approach significantly contributed to a minimal need for escalation assistance during the 2023 Warrandyte District by-election.

Report to Parliament on the 2022 Victorian State election – Operational Commitment

The VEC intends to expand the capacity of its electoral compliance team to triage and manage serious incidents, poor behaviour and other possible electoral offences that occur during elections and assist election staff and scrutineer management, including in regional areas.

2023 Warrandyte District by-election

This operational commitment was successfully deployed in the Warrandyte District by-election.

The VEC will adopt this approach into its operating model for future electoral events.

9.3 Legal matters

There was 1 legal matter in relation to the 2023 Warrandyte District by-election, and 1 application to VCAT in relation to signage issues, which was withdrawn by the applicant. There were no applications to the Court of Disputed Returns.

9.4 Compulsory voting enforcement

After each by-election, the VEC carries out compulsory voting activities in accordance with the Act as well as integrity checks that include following up apparent instances of multiple voting.

Pre-processing

Stage one – pre-excuse

The VEC commenced the formation of a non-voter notice for the 2023 Warrandyte District by-election under section 162 of the Act in early 2023. Elector and voting centre information reports completed at voting centres that provided reasons why an elector could not vote (for example due to illness, being deceased or being away from Victoria) and excuses recorded by the VEC's Public Enquiry Service were processed through the compulsory voting module of the EMS.

Overall, 9,798 records were investigated, with 2,941 individuals pre-excused from voting. The remaining individuals were not excused through this process, as the individual had voted or they were already excused by law.

Individuals excused through pre-processing are not issued with Apparent Failure to Vote notices.

Roll scanning

Stage two – compilation of the non-voter list

No roll scanning was commenced as no scannable rolls were used.

Enforcement

Stage three – Apparent failure to vote notice

The first stage of the non-voter follow-up process was conducted under Part 9, Division 2 of the Electoral Act. The VEC sent Apparent Failure to Vote Notices to those electors who appeared not to have voted in the election. Apparent non-voters had 28 days from the date of the notice to provide a valid excuse for failing to vote, or to provide information as to where and when they voted.

A total of 6,857 Apparent Failure to Vote Notices were generated on 12 October 2023 and mailed to electors. The final deadline for response to this notice was 9 November 2023.

All responses to the notice were assessed by VEC officers with no further action on 2,401 non-voters. Of these 2,401, the VEC excused 541 non-voters for reasons of illness, specifically under the category 'the elector was ill, disabled or infirm and for that reason was unable to vote at the election or could have voted only with difficulty'. COVID19 affected voters fall into this category.

Stage four – Infringement notice

The second stage of compulsory voting enforcement was conducted under the *Infringements Act 2006*. An Infringement Notice was sent to each elector who did not respond to the Apparent Failure to Vote Notice, or who did not provide a valid excuse. This notice included a penalty amount of \$96 for Infringement Notices issued in the 2023–2024 financial year. Non-voters had 35 days to respond to the Infringement Notice by making the penalty payment or seeking a review of the notice. Consideration was given to written correspondence detailing reasons for failing to vote.

During the infringement notice stage a non-voter had the option to have their matter heard directly at the Magistrates' Court.

A total of 4,456 Infringement Notices were generated in early December and mailed to those electors who did not respond, or who provided an invalid response to the Apparent Failure to Vote notice. The final due date for payments or a review of the infringement was in January 2024.

Stage five – Penalty reminder notice

A Penalty Reminder Notice was sent to those who did not pay the infringement penalty (and had not had their infringement withdrawn as a result of an internal review). A penalty reminder notice fee of \$27.70 was added to the original penalty amount. Non-voters had 28 days to respond to the Penalty Reminder Notice by making the penalty payment or seeking a review of the infringement. Like the Infringement Notice stage, a non-voter had the option to have their matter heard directly at the Magistrates' Court.

Non-voters who had not paid the infringement penalty by the due date 11 January 2024 were sent a Penalty Reminder Notice on 15 February 2024, with an added amount for prescribed costs. The completion date of the Penalty Reminder Notice stage was 14 March 2024. Follow-up of all remaining non-voters was instigated with the Director, Fines Victoria in April 2024, and will be reported in the VEC's 2023-24 Annual Report.

Statistic	Total
Total electors enrolled	50,986
Total marked as voted	41,188
Electors not marked as voted	9,798
Electors pre-excused from voting	2,941
Apparent Failure to Vote Notices sent	6,857
Infringement Notices sent	4,456
Penalty Reminder Notices sent	2,573

Table 16: Compulsory voting enforcement in the 2023 Warrandyte District by-election

Multiple voting

When all excuse and late return processing and roll scanning had been completed, the VEC generates a file of 'possible' multiple voters. Due to the successful implementation of electronic roll mark-off no instances of multi-voting were recorded for the 20203 Warrandyte District by-election.

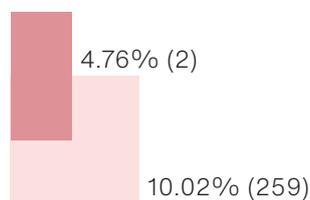
Report to Parliament on the 2022 Victorian State election – Operational Commitment	2023 Warrandyte District by-election
<p>The VEC intends to invest in deploying electronic roll mark-off to more issuing points on election day. This will provide real-time visibility of ballot paper consumption and an additional safeguard against accidental or intentional multiple voting as election officials will be recording voter turnout through a secure online list of electors.</p>	<p>This operational commitment was successfully deployed in the Warrandyte District by-election.</p> <p>The VEC plans to further progress this approach into its operating model for future electoral events.</p>

10. Customer feedback and complaints

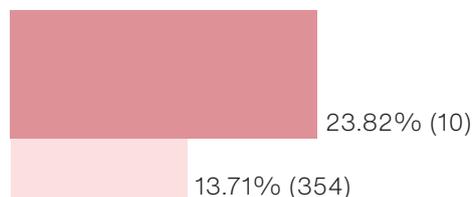
Election administration and service to voters



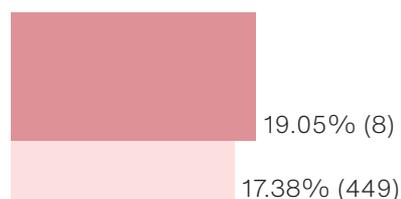
Staffing



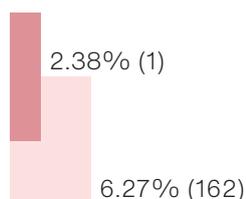
Candidates, campaign workers and parties



Advertising and electoral material



Electoral Integrity



Number of submissions

- 2023 Warrandyte District by-election
- 2022 State election



Figure 11: Graphs of the number and categories of customer feedback and complaints about the 2023 Warrandyte District by-election and 2022 State election to compare proportions of categorical responses

The VEC's customer feedback and complaints team received a total of 42 submissions in relation to the 2023 Warrandyte District by-election. Among these submissions, 83% were categorized as complaints. The topics covered in these submissions encompassed the information disseminated by the VEC to the public regarding the 2023 Warrandyte District by-election, the behaviour of candidates and campaign workers, unsolicited calls, text messages and emails from candidates, advertising or electoral material, facilities and accessibility of voting centres, enrolment related matters, employment related matters and submissions concerning postal voting and overseas and interstate voting.

Appendices

Appendix 1: Informality review

The informal voting rate at the 2023 Warrandyte District by-election was 5.77% of total votes – 2.38 percentage points higher than the proportion of informal votes in Warrandyte District at the 2022 State election.

A contributing factor to this increase may have been the absence of an Australian Labor Party candidate. Table 15 demonstrates a trend in past by-elections showing that informality is almost always higher than at the preceding State election when a major party candidate is not standing.

Election	Informal vote at by-election (%)	Informal vote at previous State election (%)	Change (percentage points)
2013 Lyndhurst District by-election	9.45% (No Liberal candidate)	7.06% (2010 State election)	+2.39
2015 Gippsland South District by-election	5.51% (No Australian Labor Party candidate)	5.5% (2014 State election)	+0.01
2015 Polwarth District by-election	5.16% (No Australian Labor Party candidate)	3.89% (2014 State election)	+1.27
2015 South-West Coast District by-election	6.24% (No Australian Labor Party candidate)	4.04% (2014 State election)	+2.2
2017 Northcote District by-election	5.1% (No Liberal candidate)	4.22% (2014 State election)	+0.88
2023 Narracan District supplementary election	6.58% (No Australian Labor Party candidate)	5.4% (2018 State election)	+1.18
2023 Warrandyte District by-election	5.77% (No Australian Labor Party candidate)	3.39% (2022 State election)	+2.38
2023 Mulgrave District by-election	5.54% (Candidates for both major parties contested)	8.67% (2022 State election)	-3.13

Table 17: Informal vote at by-elections and preceding State elections, 2013–2023

Of those who voted informally at this by-election, postal voters had a lower rate of informality (3.67%), and the informal voting rate for early voters (5.02%) was also lower than the district average. In contrast, election day voters had a higher informality rate (7.22%). The informal voting rate at voting centres ranged from 5.08% at Park Orchards (lowest) to 9.42% at Chirnside Park (highest). The informal voting rate tended to be higher in the southern and eastern ends of the district, and lower in semi-rural Park Orchards, Warrandyte and Wonga Park.

The VEC examined all informal votes in the 2023 Warrandyte District by-election to analyse the types of informality. Table X shows the results of this examination. Included for comparative purposes are the informal votes for Warrandyte District in the 2022 State election and statewide 2022 figures.

Category	2023 Warrandyte District by-election	Warrandyte District – 2022 State election	Victoria – 2022 State election
Blank	439 (18.69%)	382 (24.06%)	46,117 (21.64%)
Drawing – ballot paper crossed out	193 (8.22%)	79 (4.97%)	10,653 (5%)
Drawing – offensive	21 (0.89%)	19 (1.2%)	1,502 (0.7%)
Drawing – other	38 (1.62%)	18 (1.13%)	1,959 (0.92%)
Writing – against compulsory voting	5 (0.21%)	3 (0.19%)	134 (0.16%)
Writing – corruption	4 (0.17%)	5 (0.31%)	433 (0.2%)
Writing – makes no difference	6 (0.26%)	2 (0.13%)	415 (0.19%)
Writing – against the system	4 (0.17%)	2 (0.13%)	368 (0.17%)
Writing – restricted choice	16 (0.68%)	1 (0.06%)	191 (0.09%)
Writing – none of the above	58 (2.47%)	54 (3.4%)	4,132 (1.94%)
Writing – other protest	37 (1.58%)	12 (0.76%)	1,615 (0.76%)
Writing – other	45 (1.92%)	38 (2.39%)	5,762 (2.7%)
Numbers – 1 only	178 (7.58%)	464 (29.22%)	37,154 (17.44%)
Numbers – 1 and other symbols	10 (0.43%)	2 (0.13%)	862 (0.4%)
Numbers – no 1 but expresses preferences	10 (0.43%)	12 (0.76)	1,252 (0.59%)
Numbers – insufficient	197 (8.39%)	61 (3.84%)	28,464 (13.36%)
Numbers – sequence error	662 (28.18%)	151 (9.51%)	31,201 (14.64%)
Numbers – one box blank, one number missing	142 (6.05%)	13 (0.82%)	10,275 (4.82%)

Category	2023 Warrandyte District by-election	Warrandyte District – 2022 State election	Victoria – 2022 State election
Numbers – Langer vote	3 (0.13%)	1 (0.06%)	233 (0.11%)
Numbers – includes 0	43 (1.83%)	33 (2.08%)	3,521 (1.65%)
Numbers – obscured	0	2 (0.13%)	1,203 (0.56%)
Numbers – deliberate	106 (4.51%)	46 (2.9%)	4,696 (2.2%)
Numbers – other	5 (0.21%)	0	869 (0.41%)
Ticks/crosses – accidental	34 (1.45%)	134 (8.44%)	11,528 (5.41%)
Ticks/crosses – deliberate	78 (3.32%)	45 (2.83%)	5,878 (2.76%)
Ticks/crosses – other	12 (0.51%)	6 (0.38%)	1,661 (0.78%)
Administrative error – really formal	3 (0.13%)	3 (0.19%)	984 (0.46%)
TOTAL	2,349	1,588	213,062

Table 18: Informal votes, 2023 Warrandyte District by-election and 2022 State election

Sequencing errors were the largest category in the 2023 Warrandyte District by-election (28.18%), followed by blank votes (18.69%). Other substantial categories, with between 6% and 8.4% of informal votes, were numbering errors (insufficient; numbers – 1 only; and numbers – one box blank, one number missing). Broadly speaking, these were the same major categories as in the 2022 State election, both for the State as a whole and for Warrandyte District.

However, there were notable differences, likely resulting from the particular characteristics of the 2023 Warrandyte District by-election. The ‘numbers – 1 only’ category was lower in the 2023 Warrandyte District by-election, most likely because voters were not influenced by the directions on State election Upper House ballot papers to vote ‘1’ above the line.

Furthermore, the high number of candidates (12 candidates compared to 6 at the State election), is likely to be the attributable cause of the increase in sequencing errors and the related ‘one box blank, one number missing’ category. As in the State election, a large number of candidates also likely resulted in the reduction in the number of blank votes and ticks/crosses indicating a preference.

The ‘restricted choice’ category was very small in the State election (0.06% – one voter) and slightly higher in the 2023 Warrandyte District by-election (0.68% – 16 voters) – the examination revealed that some of those 16 expressed their dissatisfaction with the lack of an Australian Labor Party candidate.

The following table shows the types of informality in broader categories.

Category	2023 Warrandyte District by-election	Warrandyte District – 2022 State election	Victoria – 2022 State election
Blank	439 (18.69%)	382 (24.06%)	46,117 (21.64%)
Drawing	252 (10.73%)	116 (7.3%)	14,114 (6.62%)
Writing	175 (7.45%)	117 (7.37%)	13,050 (6.12%)
Numbers	1,356 (57.73%)	785 (49.43%)	118,717 (56.19%)
Ticks/crosses	124 (5.28%)	185 (11.65%)	19,067 (8.95%)
TOTAL	2,349	1,588	213,062

Table 19: Informal votes in broader categories, 2023 Warrandyte District by-election and 2022 State election

The key question in analysing informal votes is how many voters tried to cast a valid vote but made a mistake (accidental), compared to those who deliberately spoiled their vote (deliberate). The following table shows the breakdown for the 2023 Warrandyte District by-election and the 2022 State election. The proportion of deliberately informal votes in the 2023 Warrandyte District by-election (46.53%) was higher than the statewide average for the 2022 State election (41.01%), but very similar to the Warrandyte District proportion at the 2022 State election (46.54%). It should be noted that the absolute number of deliberately informal votes was considerably higher in the 2023 Warrandyte District by-election.

Although the overall proportions of deliberate and accidental informality were very similar in both Warrandyte District elections, the composition of those categories was quite different. For the deliberate informal votes, in the 2023 Warrandyte District by-election there was a lower proportion of blank votes, which is a common feature of elections with a large number of candidates. This was balanced by higher proportions of ballot papers that were crossed out and of deliberate numbering and ticks and crosses errors – categories that were more clearly intentional than blank votes.

For the accidental informal votes, the higher proportion of sequence-related errors was balanced by the lower proportions of '1 only' ballot papers and of ticks and crosses showing a preference.

To summarise, the informal voting rate in the 2023 Warrandyte District by-election was higher than in Warrandyte District in the 2022 State election. There appear to be 3 main reasons for the increase:

- > the absence of an Australian Labor Party candidate in the 2023 Warrandyte District by-election
- > the high number of candidates in the 2023 Warrandyte District by-election, leading to an increase in sequence errors
- > the general tendency to lodge protest votes in by-elections.

Category	2023 Warrandyte District by-election	Warrandyte District – 2022 State election	Victoria – 2022 State election
Deliberate	1,093 (46.53%)	739 (46.54%)	87,376 (41.01%)
Accidental	1,226 (52.19%)	826 (52.02%)	119,717 (56.19%)
TOTAL	2,349	1,588	213,062

Table 20: Deliberate and preference informal votes, 2023 Warrandyte District by-election and 2022 State election

Appendix 2: Operational commitments

Table 1 – Actioned

Report to Parliament on the 2022 Victorian State election – Operational Commitment	2023 Warrandyte District by-election
<p>1 The VEC will continue to identify emerging trends in intensified scrutiny and electoral mis- and dis-information campaigns, and responding as required to ensure that critical election activities are not undermined. (p. 3)</p>	<p>This operational commitment was successfully deployed in the Warrandyte District by-election.</p> <p>The VEC pre-bunked misinformation regarding the election writ by adding an item to its misinformation register linking to the scanned writ for the 2023 Warrandyte District by-election.</p> <p>The VEC will adopt this approach into its operating model for future electoral events.</p>
<p>2 The VEC intends to consolidate the number of election day voting centres to be able to more efficiently allocate resources to early voting. (p. 13)</p>	<p>This operational commitment was successfully deployed in the Warrandyte District by-election.</p> <p>Warrandyte District had 21 election day voting centres for the 2022 State election and 11 voting centres for the 2023 Warrandyte District by-election.</p> <p>The VEC will adopt this approach into its operating model for future electoral events.</p>
<p>3 The VEC will maintain its focus on the enrolment phase of its election advertising on the close-of-roll date, so that the number of electors enrolling ‘on the day’ is manageable at voting centres, and to reduce the number of rejected provisional votes. (p.20)</p>	<p>This operational commitment was successfully deployed in the Warrandyte District by-election.</p> <p>The VEC conducted radio, print and social media advertising in the week between the issue of the writ and the close of roll for the 2023 Warrandyte District by-election, to encourage electors to enrol or update their enrolment prior to the close of roll. This was complemented by a media release and website content with the same key messaging.</p> <p>The VEC will adopt this approach into its operating model for future electoral events.</p>

Report to Parliament on the 2022 Victorian State election – Operational Commitment

2023 Warrandyte District by-election

- 4 The VEC intends to expand the capacity of its electoral compliance team to triage and manage serious incidents, poor behaviour and other possible electoral offences that occur during elections and assist election staff and scrutineer management, including in regional areas. (p. 32)

This operational commitment was successfully deployed in the Warrandyte District by-election.

The VEC's intelligence function produced timely assessments, informing resourcing and rostering decisions, and establishing crucial structures and communication channels for future electoral events. The VEC's electoral compliance team actively engaged with the election management team through training, defining clear lines of reporting, and escalation channels which streamlined constructive compliance, ensuring effective assessment and resolution of matters in both the field and VEC head office.

To support a timely response to any serious incidents and poor behaviour at voting locations during the event, the electoral compliance team maintained an increased presence throughout the voting period.

The VEC will adopt this approach into its operating model for future electoral events.

Table 2 – In progress

Report to Parliament on the 2022 Victorian State election – Operational Commitment	2023 Warrandyte District by-election
<p>1 The VEC will increase the focus in election management training on common areas of difficulty for election managers, including managing conflict and maintaining oversight over a greater number of tasks. (p. 14)</p>	<p>This operational commitment was successfully deployed in the Warrandyte District by-election.</p> <p>Experienced staff were used for the election support officer, election manager and assistant election manager roles, and as all had completed training recently as part of the 2022 State election. An additional briefing on how to respond to issues with candidate and scrutineer compliance was also provided by the VEC's electoral compliance team.</p> <p>The VEC plans to further progress this approach into its operating model for future electoral events.</p>
<p>2 The VEC intends to expand National Police Records Checks and Working with Children Checks to additional election roles at future election events. (p. 15)</p>	<p>This operational commitment was successfully deployed in the Warrandyte District by-election.</p> <p>All senior election officials who supported the 2023 Warrandyte District by-election had a current National Police Records Check & Working with Children Check.</p> <p>The VEC plans to further progress this approach into its operating model for future electoral events.</p>
<p>3 The VEC will conduct a website content review to ensure that all website content is up-to-date and accurate, remains accessible, and meets the needs of its audiences. (p. 20)</p>	<p>This operational commitment was successfully deployed in the Warrandyte District by-election.</p> <p>The content specific to the 2023 Warrandyte District by-election was developed to be plain, accessible and audience centred.</p> <p>The VEC plans to further progress this approach into its operating model for future electoral events.</p>
<p>4 The VEC intends to invest in deploying electronic roll mark-off to more issuing points on election day. This will provide real-time visibility of ballot paper consumption and an additional safeguard against accidental or intentional multiple voting as election officials will be recording voter turnout through a secure online list of electors. (p. 34)</p>	<p>This operational commitment was successfully deployed in the Warrandyte District by-election.</p> <p>For the 2023 Warrandyte District by-election, 52 laptops were rolled out across 11 voting centres for electronic roll mark-off. No scannable rolls were used and there were no apparent multiple voters.</p> <p>The VEC plans to further progress this approach into its operating model for future electoral events.</p>

Table 3 – Not applicable to the 2023 Warrandyte District by-election

Report to Parliament on the 2022 Victorian State election – Operational Commitment	2023 Warrandyte District by-election
1 The VEC intends to further develop its partnership with the Victorian Public Service Commission, which provided a talent platform that could be leveraged for future events.	This commitment will be progressed in future elections.
2 The VEC intends to further refine labour hire agency service levels for future election events, in line with the changing nature of the labour market.	This commitment will be progressed in future elections.
3 The VEC will consider better promotion opportunities for Auslan interpreting services with the aim to boost access and usage.	This commitment will be progressed in future elections.
4 The VEC will continue to examine ways to relieve pressures on election day voting centre staff, including greater centralisation of some count activities.	This commitment will be progressed in future elections.
5 The VEC will uplift its count planning to improve the timeliness of count information and increase the period of notice given in relation to count activities.	This commitment will be progressed in future elections.
6 The VEC will investigate options to better utilise the available counting timeline for Legislative Assembly election counts, while still trying to ensure that outcomes are known for as many districts as possible in a timely manner.	This commitment will be progressed in future elections.
7 The VEC will investigate options to implement computerised counting more broadly for Legislative Assembly elections.	This commitment will be progressed in future elections.
8 The VEC will increase the number of early voting centres at future elections to respond to the increasing demand amongst Victorian voters to vote early.	This commitment will be progressed in future elections.

Appendix 3: Public funding entitlements and payments

Recipient	2023 Warrandyte District by-election funding		
	Public funding		Administrative expenditure funding
	Maximum entitlement	Paid	Maximum annual entitlement (2023–24 financial year)
Registered Political Parties			
WERNER, Nicole (Liberal)	\$ 153,666.21	\$ 153,666.21	\$ 40,870.00
DE WIT, Cary (Labour DLP)	\$ 15,450.04	\$ 15,450.04	\$ -
LIGHTBODY, Tomas (Australian Greens)	\$ 49,981.30	\$ 49,981.30	\$ -
Subtotal Registered Political Parties	\$ 219,097.55	\$ 219,097.55	\$ 40,870.00
Independent Candidates			
TESA, Maya	\$ 10,907.56	\$ 10,907.56	\$ -
Subtotal Independent Candidates	\$ 10,907.56	\$ 10,907.56	\$ -
Total	\$ 230,005.11	\$ 230,005.11	\$ 40,870.00

