

Victorian Electoral Commission
**Report on the Altona District by-election
held on 13 February 2010**

May 2010



VIEC

Victorian Electoral Commission

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Report on the Altona District by-election

The Hon. Robert Smith, MLC
President of the Legislative Council

The Hon. Jenny Lindell, MP
Speaker of the Legislative Assembly

I am pleased to submit to you, for presentation to Parliament, this report on the administration of the Altona District by-election held on 13 February 2010.

The report is presented in compliance with section 8(2)(b) of the *Electoral Act 2002*.

A handwritten signature in blue ink, appearing to read 'Steve Tully', with a large, stylized flourish at the end.

Steve Tully
Electoral Commissioner
May 2010

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EXECUTIVE SUMMARY

The resignation, on 18 January 2010, of the Honourable Lynne Kosky, Member for Altona District, triggered a by-election for the Lower House seat, putting to the test, one of the Victorian Electoral Commission's (VEC) key goals; that of maintaining a state of preparedness to conduct an election at short notice without detriment to ongoing projects.

I am very pleased to say that the efforts of VEC staff, contractors and suppliers, combined with our ongoing planning structure, resulted in the successful conduct of the Altona District by-election on 13 February 2010 within the very short timeframe of 19 working days.

Eight candidates nominated for the by-election. The Liberal Party, the Australian Labor Party, the Greens and the Socialist Alliance each endorsed a candidate, and four independent candidates nominated.

Ms Jill Hennessy, the candidate for the Australian Labor Party – Victorian Branch, was elected with 57.69% of the vote after preference distributions. For detailed voting statistics, see Appendix A.

The turnout rate of 86.02% for the by-election was lower than the turnout rate of 93.69% for the Altona District in the 2006 State election. The turnout rate for the Altona by-election is higher than the average turnout of 79.60% for the three most recent State by-elections conducted in 2007-08. More information about the participation rate can be found in section 9 of this report.

Our electronic roll marking project pilot was very successful. Electors who voted at early voting centres were marked off the roll by staff using a simple search screen. A link to the VEC's central database enabled the roll to be accessed, marked off and automatically updated.

The informality rate of 4.96%, with eight candidates, was a decrease from the informality rate of 6.11% at the 2006 State election for the Altona District with four candidates. The informality rate for the Altona by-election is lower than the average informality rate of 6.85% for the three most recent State by-elections conducted in 2007-08.

An analysis of the informal votes was conducted and the results can be found in section 13.2 of this report.

I take this opportunity to thank my staff and the VEC's contractors and suppliers for their contributions to the successful conduct of the Altona District by-election.

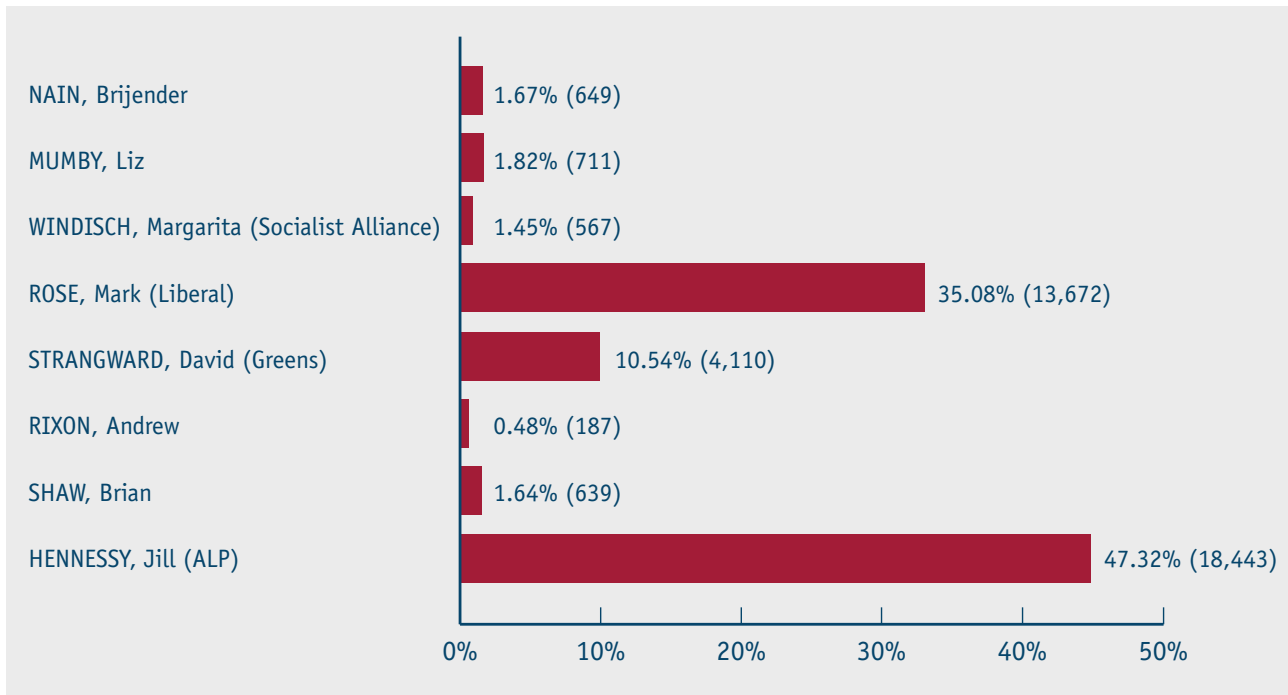


Steve Tully
Electoral Commissioner

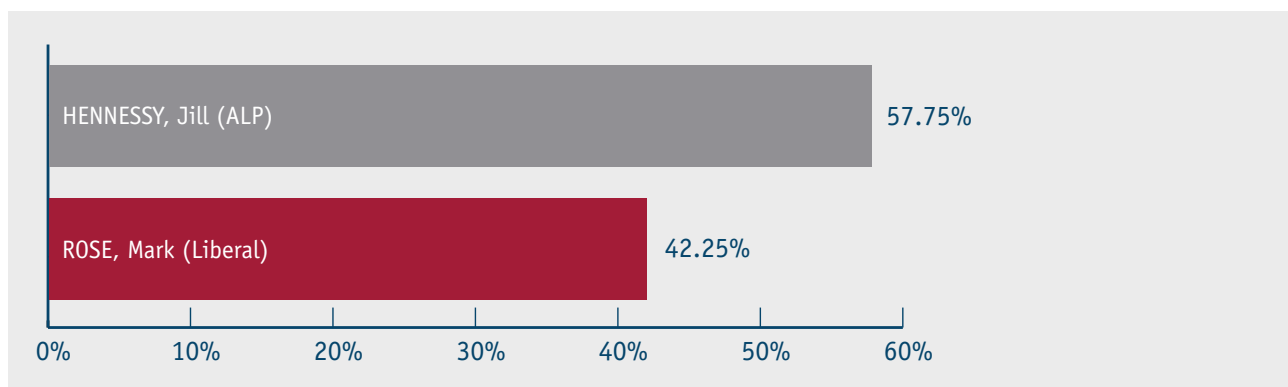
1. SNAPSHOT

Results at a glance

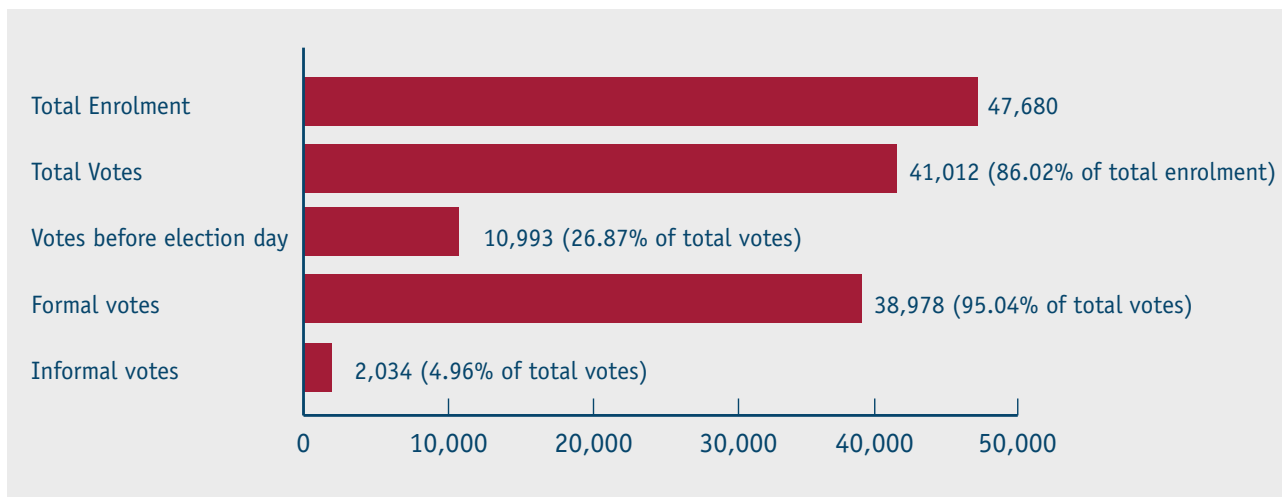
First preference votes



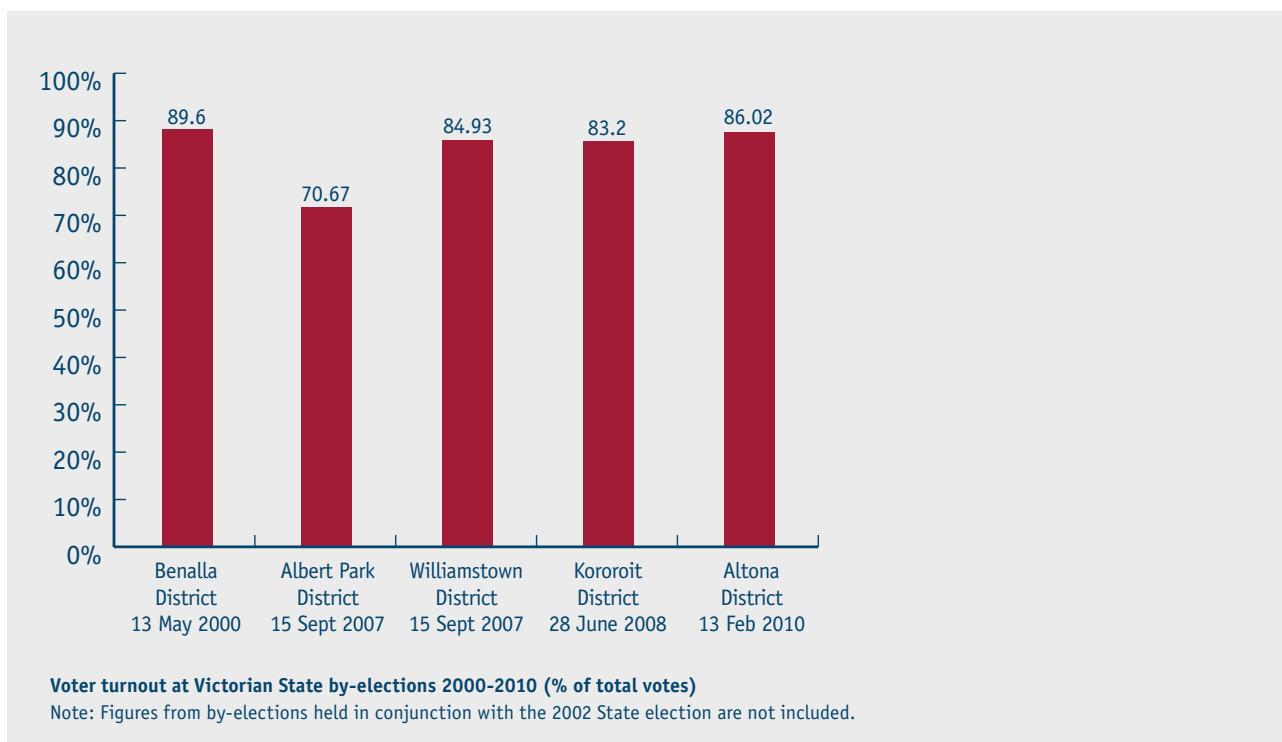
Two candidate preferred (ALP and Liberal)



Participation

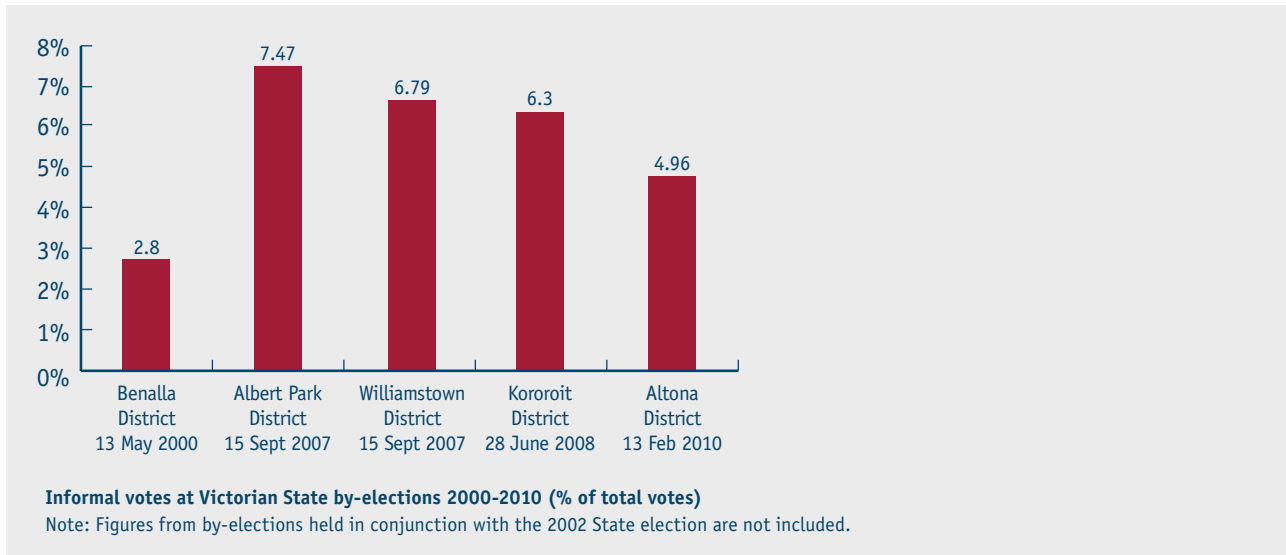


Voter turnout at Victorian State by-elections 2000-2010 (% of total enrolment)

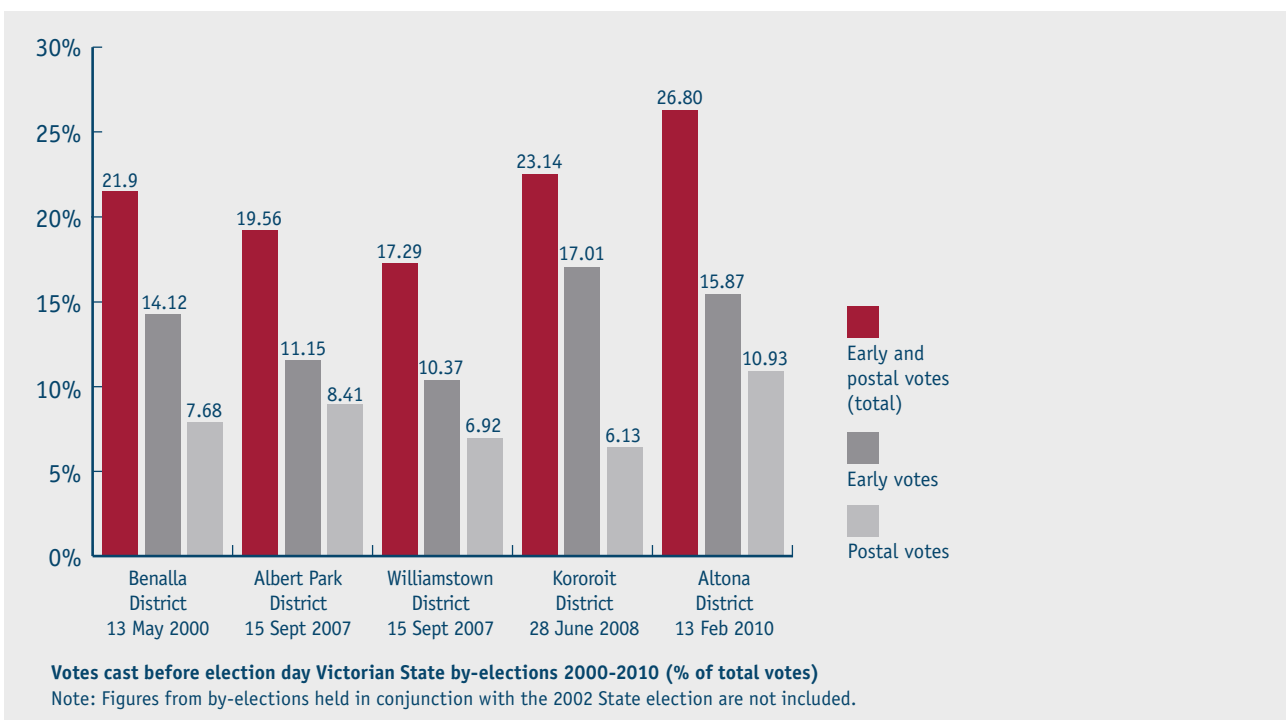


1. SNAPSHOT

Informal votes at Victorian State by-elections 2000-2010 (% of total votes)



Votes cast before election day at Victorian State by-elections 2000-2010 (% of total votes)



By-election budget

The VEC estimated the marginal cost of \$350,000 to conduct the by-election. At the time of printing, costs stood at \$252,567, excluding compulsory voting (approximately \$40,000) yet to be incurred and provisions for electoral entitlements (\$53,048) see section 11 of this report. A full report of costs for this by-election will be provided when they are finalised.

2. BACKGROUND TO THE BY-ELECTION

2.1. The writ

The Speaker of the Legislative Assembly issued a writ for the by-election for Altona District on Monday, 18 January 2010. The writ set out the timetable for the by-election.

2.2. Election timetable

Issue of writ	18 January 2010
Close of roll	25 January 2010
Close of nominations	12 noon, Thursday, 28 January 2010 (registered political parties) 12 noon, Friday, 29 January 2010 (independent candidates)
Election day	13 February 2010
Return of writ	on or before 6 March 2010

2.3. Preliminary arrangements with other agencies

Victorian Government Solicitor's Office (VGSO)

The VEC made preliminary arrangements with the Victorian Government Solicitor's Office (VGSO) to have a senior legal advisor on standby 24 hours a day during the election period, to ensure that any matters were dealt with in a timely fashion. The VEC would like to thank the VGSO for its support during the election.

Victoria Police

The VEC contacted the Chief Commissioner of Police to request a discreet police presence at all voting centres during the hours of voting on election day. The VEC provided a full list of all voting venues to Victoria Police to assist with this request. The VEC would like to formally record its appreciation for the support received from the Chief Commissioner and Victoria Police.

2.4. The former member

Ms Lynne Kosky was first elected to the Victorian Parliament in 1996 to represent the electoral district of Altona in Melbourne's rapidly expanding western suburbs.

Ms Kosky held the position of Minister for Education and Training from February 2002 to December 2006, and before that served as the Minister for Finance, and the Minister for Post Compulsory Education, Training and Employment. Following the return of the Government at the State election in November 2006, she was appointed as Minister for Public Transport and Minister for the Arts.

2. BACKGROUND TO THE BY-ELECTION

2.5. The electorate

The Altona District is a mixed residential and industrial electorate, which was created in a redistribution prior to the State election of 1992. An outer metropolitan electorate with an area of 129 square kilometres, it is located approximately ten kilometres west of Melbourne. The electorate is experiencing new building growth within the areas of Point Cook, Williams Landing and Truganina.

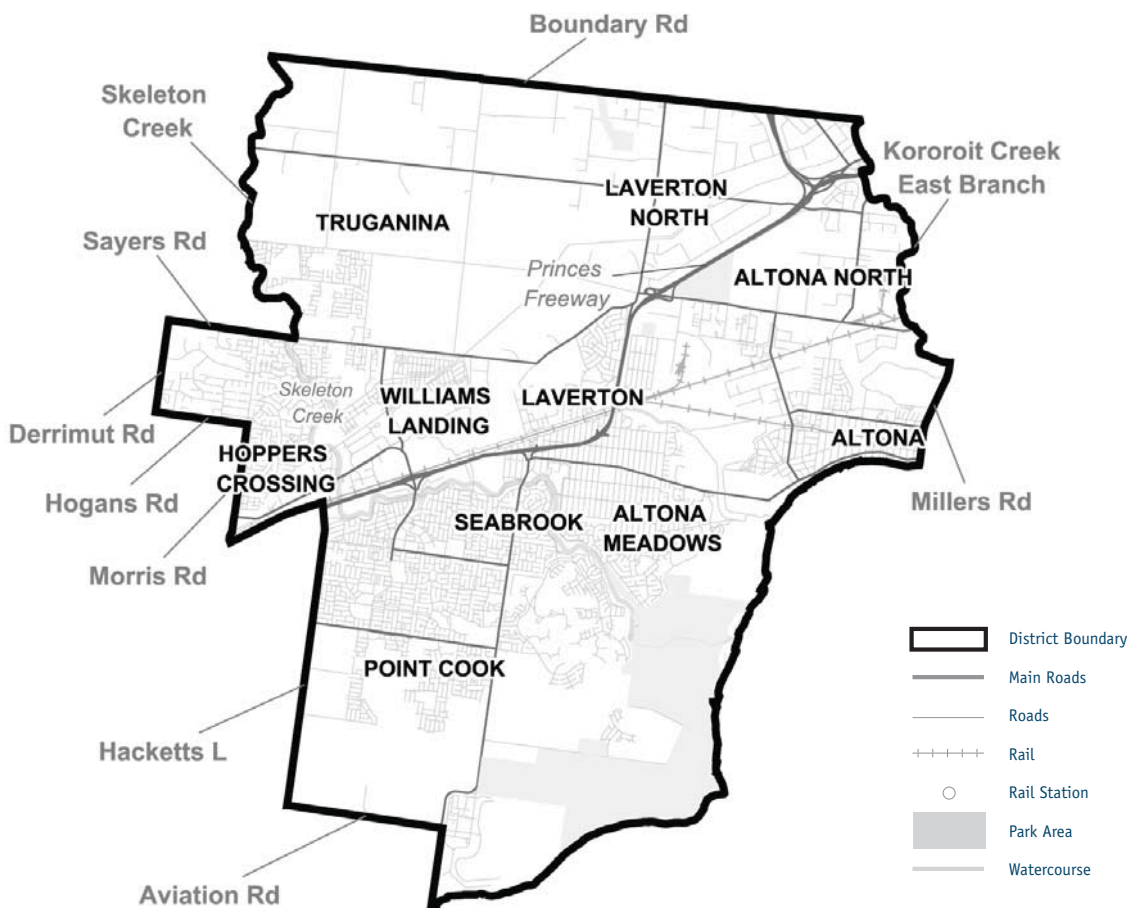
The map below illustrates the boundaries which include the suburbs of Altona, Altona Meadows, Altona North, Hoppers Crossing, Laverton, Laverton North, Point Cook, Sanctuary Lakes, Seabrook and Truganina. Altona District includes the Point Cook RAAF Base and Port Phillip Prison.

2.6. Historical pattern of the District

1992—1996 Carole Marple ALP

1996—2010 Lynne Kosky ALP

2.7. Map of Altona District



2.8. Past results for Altona District

2006 State election results

Elected Member:	KOSKY, Lynne
Total Enrolment:	41,888
Formal Votes:	36,846
Informal Votes:	2,398 (6.11% of the total votes)
Total Votes:	39,244 (93.69% of the total enrolment)

First preference votes

Candidate	Party	1st preference votes	1st preference votes (%)
SOYLEMEZ, Ian	Liberal	8,804	23.89
BISCHOF, Andreas	Australian Greens	3,101	8.42
KOSKY, Lynne	Australian Labor Party	22,332	60.61
BERNARD, David	Family First	2,609	7.08

2002 State election results

Elected Member:	KOSKY, Lynne
Total Enrolment:	35,773
Formal Votes:	32,125
Informal Votes:	1,381 (4.12% of the total votes)
Total Votes:	33,506 (93.66% of the total enrolment)

First preference votes

Candidate	Party	1st preference votes	1st preference votes (%)
LAMBRINAKOS, Steve	Liberal	7,349	22.88
BRIFFA, Tony	Australian Greens	2,888	8.99
KOSKY, Lynne	Australian Labor Party	21,888	68.13

3. SERVICES TO ELECTORS

3.1. Enrolment

The day after the resignation of the member for Altona District, the Victorian Electoral Commission sent written notification of the by-election to every householder in the electorate. The letter advised that, since a by-election would be held soon, eligible people who were not on the electoral roll should enrol and those who had recently moved should update their enrolment details. This provided three to four working days to ensure electors were correctly enrolled and eligible to vote in the by-election (see Appendix B).

Enrolment advertisements were placed in both the major daily papers. (see Appendix C).

Enrolment forms were available from the VEC’s website at vec.vic.gov.au, Australia Post offices, Coles supermarkets, Australian Electoral Commission (AEC) divisional offices or by contacting the VEC’s election office or head office. The VEC election office and head office remained open until 8.00pm on Monday, 25 January. The VEC also made arrangements with the AEC Melbourne office and the AEC divisional offices of Gellibrand and Lalor to remain open until 8.00pm on Monday, 25 January.

Between the issue of the writ and the close of rolls, 1,180 electors enrolled or updated their enrolment details. At the close of roll, there were 47,680 electors enrolled, 5,792 more than at the close of roll for the 2006 State election.

3.2. Voting

An *EasyVote* letter was sent to all electors on the roll (at roll close) advising them of their options for voting (see Appendix B).

3.2.1. Arrangements for voting before election day

Early voting

Electors unable to vote on election day had the opportunity to vote early at the early voting centre located within the district, and at the election office in Melbourne.

Altona Early Voting Centre

Shop 20, Sanctuary Lakes Shopping Centre
300 Point Cook Road, Point Cook

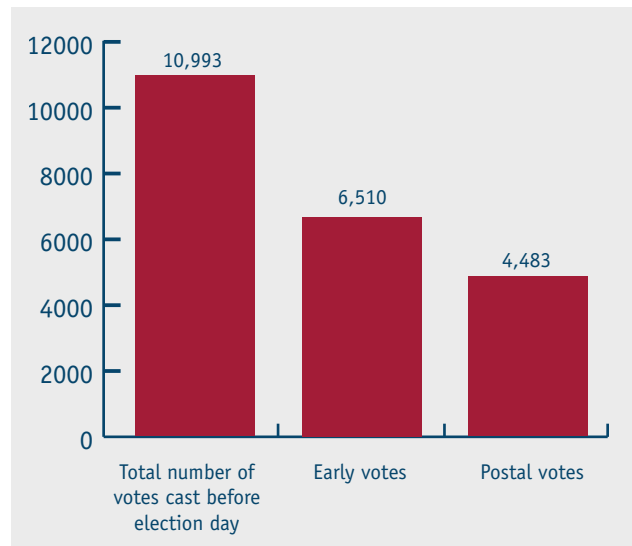
Melbourne CBD Early Voting Centre

Level 9, 505 Little Collins Street, Melbourne

Early voting centres were open from 8.30am to 5.00pm on weekdays for the two weeks before the election. They were also open on the Saturday morning the week before the election (9.00am to 2.00pm), until 8.00pm on the Thursday evening prior to the election, and until 6.00pm on election eve.

A total of 6,510 electors voted early, in person, for the by-election, compared with 3,246 for the 2006 State election. Reasons for early voting provided by electors included having to work, or planning to be interstate or overseas on election day. Figure 1 shows the percentage of votes cast before election day.

Figure 1: Votes cast before election day



Mobile voting

A total of 161 electors took advantage of mobile voting, with a mobile voting team visiting four venues in the week prior to election day.

Voting interstate and overseas

Early voting services were provided at seven interstate locations and at one overseas location.

A total of 24 early votes were cast outside Victoria for the Altona District by-election. This compares with 93 for the District for the 2006 State election.

Postal voting

Electors unable to attend a voting centre on election day could apply for a postal vote. Postal vote applications were available to download at vec.vic.gov.au, and could be obtained at any post office in the district or by calling the VEC. Postal voting applications printed by the Liberal Party were also distributed by that party.

One postal vote was issued outside the State for the by-election compared with 23 for the electorate at the 2006 State election.

To help ensure the efficient delivery of ballot packs, postal vote applications were processed on the day they were received by the VEC. As postal vote applications may be received up until 6.00pm the Thursday prior to the election, the VEC contacted anyone whose application was received on that day to advise them that their vote had to be postmarked before or on election day to be included in the count, and to inform them of their voting options.

A total of 5,390 postal vote applications were processed, and 4,483 postal votes were counted for the by-election. This is an increase on the comparative Altona District figures from the 2006 State election, when a total of 1,304 postal votes were counted.

Electronic roll mark off

The VEC conducted a pilot electronic roll marking project at the Altona District by-election. Election officials were able access the roll via a link to the VEC database, and using a simple search screen, quickly mark off the roll electors who voted early at an early voting centre. The roll was automatically updated.

3.2.2. Services for electors with special needs

In line with the VEC's Disability Action Plan, services provided to electors with special needs at the Altona District by-election included:

- large pencils for people with hand mobility impairment;
- magnifying sheets for electors with low vision;
- wheelchair-height voting booths at each voting centre;
- chairs made available within the voting centre for those unable to queue or stand while waiting to vote;
- staff trained to assist electors with mobility issues, requiring seating or having difficulty voting.

Every early voting centre and election day voting centre is rated according to its wheelchair accessibility, using an audit tool. The audit complies with relevant Australian Standards and addresses building access as well as the availability of accessible parking and the approach to the building.

Of the two early voting centres, one (located within the District) was 'Fully Wheelchair Accessible', and the other was rated as 'Assisted Wheelchair Accessible'.

Of the 14 election day voting centres in Altona District, three were 'Fully Wheelchair Accessible', and the remaining 11 were rated 'Assisted Wheelchair Accessible'.

The rating of all voting centres was included in press advertisements, on the letter sent to electors and on the VEC's website.

3. SERVICES TO ELECTORS

3.2.3. Services for electors from non-English speaking backgrounds

Altona District has a small population of residents with low proficiency in English (some 3.9% – source Australian Bureau of Statistics). In the 2006 Census, English was stated as the only language spoken at home by 66.4% of persons usually resident in Altona. The most common languages other than English spoken at home were: Italian 2.6%, Arabic 2.0%, Maltese 2.0%, Greek 1.9% and Vietnamese 1.8%.

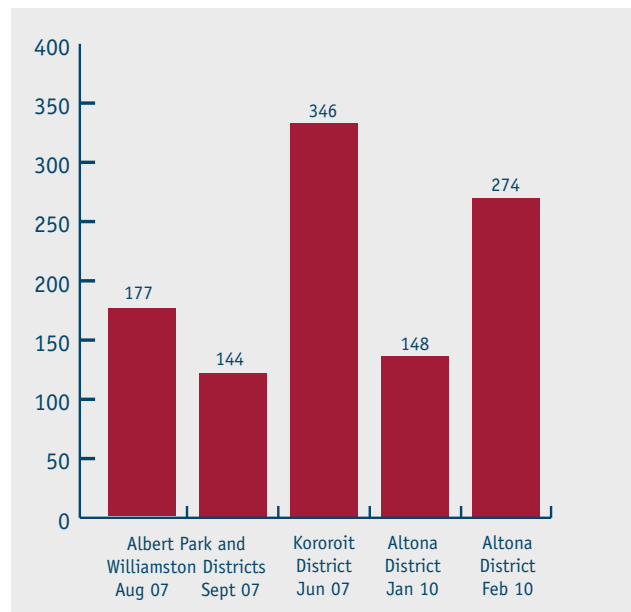
Advertising in print media included multi-lingual telephone enquiry service numbers that operate all year round. These numbers were also incorporated on the enrolment and voting letters sent to householders/electors in Altona.

Translated introductory information on the by-election was recorded in each of the languages advertised, with callers able to hold the line for interpreter assistance via a three way phone call between the staff at the Victorian Interpreting and Translating Service (VITS), the VEC and the caller.

The number of callers to the interpreting service during the period January to February 2010 was 422. The “background” level of VITS calls is about 100 per month. On that basis, the extra calls generated by the Altona by-election over January and February were some 220.

The biggest proportional increases in terms of languages were in “Other”, Vietnamese, and traditional European languages – Croatian, Greek, Italian, Macedonian, Serbian.

Figure 2: Interpreter assistance calls received for State District by-elections 2007-08 to 2009-10



Electors could access a leaflet with voting instructions translated into 24 languages plus English at each of the appointed voting centres. Across 14 election day voting centres, 17 election staff spoke a language other than English and were on hand to assist with interpreting where required. Voting instructions translated into 24 languages plus English were printed as large format posters and placed on the back panel of each voting screen.

3.2.4. Community and local government agencies

The VEC works with community and local government agencies to ensure that all eligible Victorians have the opportunity to enrol and exercise their democratic right to vote - regardless of their background, age or ability.

Shortly after the Altona District by-election was called, the VEC Community Education Team sent email alerts to agencies within the Altona District for distribution to networks in the area. The following documents were included with the emails:

- Altona by-election flyer – general
- Altona by-election flyer – youth focused
- Voter information – homeless service providers
- Voter information – carers

4. SERVICES TO REGISTERED POLITICAL PARTIES AND CANDIDATES

4.1. Election Managers

Ms Mary Noonan was appointed the Election Manager for Altona District, and Mr Peter Snell was appointed as Assistant Election Manager.

The Election Manager was responsible for:

- staffing the election office;
- receiving candidates' nominations;
- conducting the draw for ballot paper positions;
- dealing with electoral enquiries;
- appointing voting centre managers and election officials;
- training voting centre managers;
- receipt of how-to-vote cards for registration by the Electoral Commissioner;
- supervising voting, and receiving and recording results; declaring the election.

The Election Manager was assisted by VEC staff and other election officials.

4.2. Candidate support

Eight candidates nominated for the Altona District by-election, compared with four for the District in the 2006 State election. Candidate nomination forms were available for download from the VEC's website or could be obtained by calling the VEC directly. Parties nominated their candidates directly with the VEC and independent candidates nominated through the election office. The VEC provided a handbook explaining aspects of electoral law directly relating to candidates. Candidates also received a VEC Candidates' Kit containing:

- a how-to-vote card declaration;
- one 'Appointment of Scrutineer' as a sample;
- an Electoral Roll Confidentiality Agreement;
- a list of voting centres and early voting centres;
- estimated votes and the number of issuing points at each voting centre;
- Election Manager contact details;
- a Nomination of an Independent Candidate for the Legislative Assembly (by six electors) form; and
- a District fact sheet.

After nominating and upon request, candidates were provided with a copy of the electoral roll for the District, on CD Rom, for the purposes of campaigning – in compliance with section 33(6) of the *Electoral Act 2002*.

4.3. Registration of how-to-vote cards

How-to-vote cards that are distributed within 400 metres of a voting centre on election day must be registered with the VEC. Political parties were required to register how-to-vote cards directly with the VEC, while independent candidates could submit their cards with the Election Manager for registration by the VEC.

A how-to-vote card checklist was provided in each candidate's handbook, to ensure that all cards were correct, authorised and properly registered. A total of 12 how-to-vote cards were registered for the Altona District by-election (see Figure 3).

Figure 3: Number of how-to-vote cards registered at the Altona District by-election 2010

Candidate	Number of how-to-vote cards registered
MUMBY, LIZ	1
WINDISCH, Margarita (Socialist Alliance)	1
ROSE, Mark (Liberal)	1
STRANGWARD, David (Australian Greens)	1
SHAW, Brian	1
HENNESSY, Jill (Australian Labor Party)	2
United Fire-fighters Union	5

4.4. By-election briefings for parties and candidates

Registered political parties were invited to attend individual briefing sessions on 20 and 21 January. Four parties participated. Independent candidates were invited to attend a briefing session conducted at the VEC on 21 January. Two independent candidates attended.

5. COMMUNICATION SERVICES

The Altona by-election communication campaign consisted of direct mail, newspaper advertising, a telephone enquiry service, media relations, and information and services provided on the VEC website.

5.1. Direct mail

The VEC wrote to householders within Altona District after Ms Kosky's resignation was announced, with enrolment information letters distributed to 28,310 households in Altona District from 19 January 2010.

Following the close of rolls, the VEC sent an *EasyVote* letter to each elector on the roll (excluding general postal voters). This letter detailed early voting, postal voting, overseas and interstate voting, and election day voting arrangements and included the location and accessibility rating of all voting centres. A total of 47,209 *EasyVote* letters were lodged for distribution on Friday 29 January 2010. This number is fewer than the number of electors on the roll because it does not include general postal voters. General postal voters were mailed a postal vote.

5.2. Newspaper advertising

A series of advertisements that met the requirements set out in the *Electoral Act 2002* appeared in local newspapers, as well as in *The Age* and *Herald Sun* throughout the election period (see Appendix C for placement details and advertisement samples).

5.3. Telephone enquiry service

The VEC operated a telephone enquiry service from its head office until the election office opened on 19 January 2010. Public telephone enquiries were then received at the election office, with the head office operating as an overflow service. Calls to the office peaked each time a mailout occurred, with electors calling to check enrolment details, to ask for advice about what to do if they could not attend a voting centre on election day, and for the location of election day voting centres.

5.4. Media relations

The VEC distributed five media releases throughout the election period - to local and State-wide media. A media results advisory notice was also issued. A total of 28 enquiries were received from journalists with regard to the by-election. The majority of the enquiries related to the time that results would be available, and where the media could film the count.

5.5. Website

From the day the writ for the by-election was issued, the VEC's website provided specific information about the by-election for the public, for candidates and for electors in the district. Traffic to the website increased significantly from January through to election day.

Electors were advised of the close of roll date, and 'quick download' versions of the enrolment form were available for those needing to enrol or update their enrolment details.

The information online detailed who had to vote and what electors could do if they could not vote on election day. Postal vote applications were available for download, and the location of early (in person) voting centres were detailed, as well as all interstate and overseas locations. Postal vote applications were the most popular download from the website during this period.

Candidate information and nomination forms were also available for download.

Election day voting centres and their accessibility rating were listed with maps showing the physical location of each centre.

Electors could also email any request or query through to the VEC via its info@vec.vic.gov.au email service. The main types of queries related to postal voting (within Victoria and overseas) and requests for the locations of voting centres.

Progressive results were made available on the VEC's website every five minutes between 7.00pm and 10.45pm on the night of the election. Full results were available on the VEC website from 18 February 2010.

6. COMPLAINTS

The VEC registered two formal complaints and two informal complaints during the Altona by-election.

6.1. Misleading or deceptive matter

The first complaint was in relation to a brochure distributed by a candidate. The complainant alleged that this brochure was in breach of the misleading or deceptive matter provisions (s.84) of the *Electoral Act 2002* (the Act).

In 2009, the Electoral Matters Committee (EMC) of the Victorian Parliament commenced an inquiry into whether the provisions of the Act should be amended to make better provision for misleading or deceptive electoral content.

The VEC made a submission to that enquiry requesting Parliament to consider whether legislative amendment is required, and made some suggestions as to what could be done.

Given that there were no changes to the definitions contained in the legislation, the interpretation of s.84 of the Act remained as it was at the time of that submission.

The Electoral Commissioner advised the complainant that based on that interpretation, the brochure complained about did not clearly mislead electors in relation to the casting of their vote, and accordingly the matter was not taken any further.

6.2. Unauthorised electoral matter

The second complaint related to a lift-out section of *The Sunday Age* published during the election period. The complainant alleged that material in the lift out constituted electoral matter and should, therefore, be duly authorised (s.83).

The lift-out contained a number of advertisements that carried the Victorian Government logo. The issue for the Electoral Commissioner to decide was whether or not any or all of these advertisements could be characterised as electoral matter within the meaning of the Act.

The Electoral Commissioner sought the opinion of the Victorian Government Solicitor on the issue and considered the advertisements in conjunction with that advice.

While it was considered that the advertisements did not fall within the definition contained in the *Electoral Act 2002*, the VEC will consider ways of ensuring that the legal requirements associated with the publication of electoral matter are highlighted to parties, candidates and the media.

6.3. Informal complaints

The VEC also received two informal complaints during the election period.

The first related to shoppers at the Sanctuary Lakes Shopping Centre being approached about the by-election. No evidence was presented that could identify who was involved, or if they had any affiliation with any particular candidate. The VEC responded to this complaint by writing a general letter to political parties asking them to advise their workers of the complaint and to seek their cooperation in not upsetting shoppers.

The second informal complaint related to a postal voting application accompanied by specific campaign material sent to an elector by a candidate. While the VEC does have some concerns about the practice it is not a breach of the *Electoral Act 2002*.

6.4. Radio material

Just prior to election day, a Melbourne radio show broadcast a telephone call in which the presenter, purporting to be from a political party, offered money to an election official in return for dealing improperly with votes. The Election Manager heard the segment and reported the matter. The VEC contracted STOpline to investigate the matter. After considering the findings, including the fact that the recipient of the call was not resident in Victoria, the circumstances of the call were not considered sufficient to constitute a breach of the *Electoral Act 2002*.

In view of the risk of a breach in this, or other, jurisdictions and the potential for such activities to reduce public confidence in the electoral system, the VEC cautioned the producers of the radio show, outlining the seriousness of such conduct, the risk of liability for legal action and the associated penalties.

7. VEC PERSONNEL

7.1. VEC support for Election Manager

After appointing the Election Manager, the role of the VEC was to support the Election Manager through the provision of:

- advice on election management;
- office equipment and furniture, computers, telephone and fax machines, ballot boxes, voting screens and voting centre furniture;
- help desk support and assistance for the VEC's Election Management System and other technical issues;
- electoral materials, including voting centre and office forms and manuals;
- a voter information campaign for the by-election;
- assistance with public and media relations; and
- electoral rolls for use in voting centres.

7.2. Employment of staff

A total of 174 staff were appointed for the by-election. Of these, 129 were appointed as election officials at voting centres on election day. A further 45 election casuals were appointed by the Election Manager to assist with early voting at the early voting centres, mobile voting, and administrative duties including counts conducted at the election office.

Three hour training sessions were conducted for the voting centre managers, assistant voting centre managers, early voting centre managers and election liaison officers. Election Managers and Assistant Election Managers had previous election experience, and timing did not enable additional training prior to the by-election.

Mobile early voting centre team leaders also received training prior to commencing work.

One VEC staff-member provided dedicated help desk support to the Election Manager and Assistant Election Manager during the election period.

8. COUNTING THE VOTES, DECLARATION OF RESULT AND RETURN OF THE WRIT

After the 6.00pm close of voting, the first-preference count took place in the voting centres and the results were phoned through to the election office.

A two-candidate-preferred count to distribute preferences to the two candidates considered most likely to be in the lead after the distribution of preferences was conducted following each count of first-preference votes. The purpose of the two-candidate-preferred count is to provide detailed information for political parties and analysts.

Postal and early votes were counted in the election offices on election night in the same count order as in the voting centres. The two-candidate-preferred results are included in Appendix A.

Declaration votes were checked on the Monday after election day. Declaration votes are all votes other than 'ordinary votes', where the voter 'declares' their entitlement to vote. There are several different types of declaration votes:

- postal votes
- early votes cast outside of Victoria; and
- unenrolled votes cast by electors whose details cannot be found on the electoral roll, but who sign a written declaration that they are entitled to vote.

There was no clear majority, so a preference distribution was required.

A recheck was conducted on all ballot papers on the Monday and Tuesday following the election.

A preference distribution was conducted on Thursday to determine the successful candidate.

Jill Hennessy (ALP) was declared the successful candidate on 19 February 2010.

At the declaration of result, Brian Shaw, an independent candidate produced documents purporting to challenge the legality of the election. These documents had no legal standing. Candidates had until 3 April 2010 to dispute the result of the election in the Court of Disputed Returns. There was no such challenge.

The writ was returned on 22 February 2010.

9. PARTICIPATION

The VEC uses three measures to determine participation in the electoral system:

- enrolment: the degree to which those who are eligible enrol to vote;
- turn-out: the degree to which those who are enrolled vote in elections; and
- informal voting: the degree to which those who vote cast an informal vote.

9.1. Enrolment

Between the issue of the writ and the close of rolls, 1,180 electors enrolled or updated their enrolment details. At the close of roll, there were 47,680 electors enrolled, 5,792 more than at the close of roll for the 2006 State election. See section 3.1 of this report for more information about enrolment.

9.2. Turnout

The turnout rate of 86.02% for the by-election was lower than the turnout rate of 93.69% for the District in the 2006 State election. This is an expected outcome for by-elections and is considered to be due to factors including the short time-frame, more localised advertising and less media coverage overall than for a State election.

However, the turnout rate for the Altona by-election was higher than the average turnout of 82.10% for the four previous State by-elections or 76.10% for the three most recent State by-elections held in 2007 and 2008. Factors which could have contributed to the relatively high turnout for Altona include:

- the number and range of candidates;
- the high profile of the outgoing member;
- the intensive advertising campaign;
- extensive media attention to the by-election; and
- the relative stability of the electorate's population when compared with for example, Albert Park District, which experienced a turnout of 70.67% at the by-election in 2007.

9.3. Informal voting

The informality rate of 4.96%, with eight candidates, was a decrease from the informality rate of 6.11% at the 2006 State election for the Altona District with four candidates. The informality rate for the Altona by-election is lower than the average informality rate of 6.85% for the three most recent State by-elections conducted in 2007 and 2008. This could be attributed to factors such as:

- the lower number of people from culturally and linguistically diverse backgrounds compared with electorates such as Kororoit District;
- the number and range of candidates compared with those at the previous by-elections such as in Albert Park and Williamstown Districts where no Liberal Party candidate stood for election.

An analysis of informal voting at the Altona District by-election is included in section 13.2 of this report.

10. REFUND OF NOMINATION DEPOSITS

Upon nominating for an election, candidates (or their party) must provide a deposit of \$350. This deposit is refunded if the candidate obtains at least 4% of the first preference vote or is elected. Deposits were refunded on 24 February 2010. Five candidates forfeited this deposit.

11. ELECTORAL ENTITLEMENTS

An amount of \$1.4644 per vote was payable to political parties and independent candidates for this election where candidates obtained at least 4% of the first-preference votes. Three (party) candidates were in this position.

An amount of \$47,029.21 has been paid to political parties for election entitlements with a further \$6,018.68 still expected to be paid, also to a political party. Figure 4 shows the details of payments and entitlements.

Figure 4: Electoral entitlements,
Altona District by-election 2010

Candidate	
NAIN, Brijender	-
MUMBY, LIZ	-
Socialist Alliance (WINDISCH, Margarita)	-
Liberal Party (ROSE, Mark)	\$20,021.28
Australian Greens (STRANGWARD, David)	\$6,018.68
RIXON, Andrew	-
SHAW, Brian	-
Australian Labor Party (HENNESSY, Jill)	\$27,007.93

12. ENFORCEMENT OF COMPULSORY VOTING

Postal vote declarations received too late for the count, and elector information reports completed at voting centres on election day - detailing elector excuses for not voting - were processed through the compulsory voting module of the Election Management System. A total of 69 marked rolls for Altona District election day voting centres were scanned and processed.

The first stage of the non-voter follow up process is conducted under Part 9, Division 2 of the *Electoral Act 2002*. On 22 March 4,567 *Apparent Failure to Vote* notices with a due date of 19 April 2010 were mailed to electors who had apparently failed to vote at the Altona District by-election.

Subsequent follow-up of electors who do not respond to the *Apparent Failure to Vote* notice or who provide an invalid response is conducted under the *Infringements Act 2006*. Electors who are deemed to be non-voters may receive two further notices from the VEC. The first is an *Infringement Notice* providing notification of liability for a penalty amount (currently set at \$58). The second is a penalty reminder notice and includes costs as well as the original penalty.

Payment of penalties may be by cheque, money order, cash, EFTPOS, via the internet using BPAY, or at any Australia Post outlet using the PostBillPay facility.

13. ANALYSIS

13.1. Analysis of unenrolled declaration votes

A total of 113 unenrolled declaration votes were received for the by-election. For a variety of reasons, these voters thought that they were on the roll but were not. For example, they had changed their name, or had failed to update their details, and had been removed from the roll. Following the checking of entitlements for declaration voters casting an unenrolled vote, 10 votes (8.8%) were admitted to the count.

13.2. Analysis of informal votes

There were 2,034 informal votes at the by-election, comprising 4.96% of total votes. Informal voting was lower in absolute and percentage terms than at the 2006 State election, when there were 2,398 informal votes in Altona District (6.11% of the total). The informal voting rate was slightly higher than the 4.56% for the State as a whole in 2006.

This report attempts to explain the level of the informal voting, particularly the reduction since the State election. The report also describes the types of mistakes that informal voters made and how they varied from those at the 2006 State election and at recent by-elections.

At State elections, there is a strong correlation between informal voting and the proportion of residents who are not fluent in English. Altona District is close to the State average in this regard, with 3.01% of residents not fluent in English compared to 3.09% for Victoria as a whole.

The VEC's efforts to communicate with non-English speaking electors, through information in *EasyVote* cards, press advertisements, telephone interpreter service, translated voting instructions in voting screens and emails to community groups, appear to have contributed to the decrease in the informal vote.

13. ANALYSIS

The number and range of candidates can affect the informal voting rate, but appear to have had little effect at the Altona by-election. There were eight candidates for the by-election, compared with four for Altona District at the 2006 State election. A large number of candidates can increase the informal vote, through voters making numbering errors, but statistics from local government elections suggest that the number of candidates has a strong effect when there are more than ten candidates¹.

Voters in the by-election had a wide choice of candidates, with the four parties and four independents represented. At the 2006 State election, there were four candidates, from the two major parties and two smaller parties. It is unlikely that the presence of independents at the by-election had much to do with the reduced informal vote.

Informal voting rates varied at voting centres within the district, ranging from 2.65% at Point Cook North to 7.56% at Altona Meadows. Informal voting was lowest in the Point Cook area and highest around Laverton. Socio-economic factors probably played a part in this variation.

The informal voting rate declined slightly at most voting centres between the State election and the by-election, though there were increases at four voting centres. Votes before election day contributed most to the decrease. The number of postal votes rose from 1,304 at the State election to 4,483 at the by-election, and the number of early votes increased from 3,246 to 6,510. Only 1.81% of the postal votes at the by-election were informal and 3.32% of the early votes.

Postal and early votes consistently have lower informal voting rates than ordinary votes, probably because electors voting by post or at an early voting centre have more time to consider their vote. At the by-election, the high proportion of voters before election day (26.8% of the total compared to 11.59% at the State election) contributed to driving down the overall informal voting rate.

One of the main reasons for the decrease in the informal vote at the Altona by-election was that it was a stand-alone event. At the State election, voters had two ballot papers to complete. On the Upper House ballot paper, voters had the choice of voting "1" above the line for a party or group, or numbering squares below the line. The largest single category of Lower House informal votes at the State election was "1 only"; it appears that many voters misapplied the Upper House voting method to their Lower House ballot paper. At the by-election, there was no such cause for confusion, and the proportion of "1 only" votes was much lower.

In the survey of informal ballot papers, the VEC used the same categories as in its analysis of informal ballot papers at the 2006 State election². These categories are described in Figure 5.

Blank ballot papers were the equal largest category of informal votes, with 23.4% of the total. There was a higher incidence of blank ballot papers than at the State election (21.28%), but lower than at the 2007 Albert Park and Williamstown by-elections (31.78%), when the absence of Liberal candidates led to many deliberately informal votes.

Informal votes in the "writing – deliberate" category also comprised 23.4% of the total. Most of these voters expressed their strong objection to all the candidates, or possibly to the by-election itself, through crossing out the entire ballot paper, or through offensive messages or drawings. Some voters included joke candidates; others wrote messages such as "Protest vote – no realistic choices". There were three explicit objections to compulsory voting, including "Why should we be made to vote? It's not very accurate when people are MADE to vote".

The third largest category of informal votes was "numbers – other", with 365 votes, or 17.9% of the total. This proportion is slightly lower than at the 2008 Kororoit by-election (20.71%) but higher than at the 2006 State election (15.27%). These votes were informal due to a variety of numbering errors, such as including two 1s, or skipping or duplicating numbers.

¹ Victorian Electoral Commission: Report on local government electoral activity 2008-09, Part 1, Report of the conduct of the 2008 local government elections, pp 41-42. ² Victorian Electoral Commission: Report to Parliament on the 2006 Victorian State election, p. 91.

Figure 5: Categories used by the VEC in analysis of ballot papers

Category	Description
Blank	The bulk of these ballot papers were presumably deliberately informal, though they might include ballot papers lodged by people who had difficulties with the whole voting process.
Numbers – 1 only	
Numbers – insufficient	Ballot papers including insufficient numbers to constitute a formal vote.
Numbers – apparently deliberate	Ballot papers including number sequences such as '1's, or '0', or '1', '10', '300', which indicate an intention to cast an informal vote.
Numbers – other	
Ticks/crosses – preference	Ballot papers indicating a clear preference for a candidate through a single tick or cross.
Ticks/crosses – apparently deliberate	Ballot papers with ticks or crosses in every square, indicating an intention to reject all the candidates.
Ticks/crosses – other	
Writing – apparently deliberate	Ballot papers with writing or drawings indicating opposition to all the candidates, including those with a cross over the whole paper.
Writing – other	Vague scrawls not indicating any intention.
Administrative error	Ballot papers which are arguably formal.

Figure 6: Results of survey of informal ballot papers cast at Altona by-election 2010 - detailed categories.

Category	Number
Blank	476 (23.4%)
Numbers – 1 only	112 (5.5%)
Numbers – insufficient	121 (5.9%)
Numbers – deliberate	221 (10.9%)
Numbers – other	365 (17.9%)
Ticks/crosses – preference	100 (4.9%)
Ticks-crosses – deliberate	98 (4.8%)
Ticks/crosses – other	41 (2.0%)
Writing – deliberate	476 (23.4%)
Writing – other	10 (0.5%)
Administrative error	14 (0.7%)
TOTAL	2,034

13. ANALYSIS

The voters in this category do not seem to have spoiled their ballots on purpose, but to have made an unsuccessful attempt at a formal vote. These votes and the 121 votes in the “numbers – insufficient” category are presumably those who had difficulty coping with the relatively large number of candidates in the Altona by-election. A significant proportion of voters (10.9%) made deliberate numbering errors – typically a string of zeros or ones. The proportion of Altona’s informal ballot papers with a single 1 was only 5.5%, lower than at the 2007 and 2008 by-elections and much less than the 26.38% in this category at the State election.

Figure 7: Results of survey of informal votes cast at Altona by-election 2010 - broad categories

Category	Number
Blank	476 (23.4%)
Numbers	819 (40.3%)
Ticks/crosses	239 (11.8%)
Writing	486 (23.9%)
Administrative error	14 (0.7%)
TOTAL	2,034

Numbering errors were the largest of these categories, with 40.3% of the total. Only 11.8% of the votes were ticks and crosses – less than the proportions in this category at the State election and 2007 by-elections, and far below the 21.14% in this category at the Kororoit by-election. VEC research into barriers to effective voting in the Chinese and Vietnamese communities has revealed that many members of these communities who are not fluent in English believe that using ticks or crosses is the correct way to vote. Some 14% of Kororoit residents speak Vietnamese, Cantonese or Mandarin compared to 4% of Altona residents, and 13.6% of Kororoit residents are not fluent in English as against 3% of residents of Altona. These differences appear to be the main cause of the high incidence of ticks and crosses at the Kororoit by-election and the low incidence at Altona.

Figure 8 groups the various categories of deliberately informal votes and shows the result when the blank ballot papers are added to the marked ballot papers that were deliberately informal. It also groups the ballot papers that indicated a clear preference (either through the number “1” or a single tick or cross).

Figure 8: Deliberately informal votes in grouped categories

Category	Number
Apparently deliberate	795 (39.1%)
Apparently deliberate including blank	1,271 (62.5%)
Indicating preference	333 (16.4%)

Only 16.4% of the Altona informal votes indicated a clear preference – less than at any of the other elections studied.

Well over half of the ballot papers appear to have been deliberately informal. This is much more than at the State election (40.82% probably deliberate) and at the Kororoit by-election (52.28% probably deliberate), and comparable with the 2007 by-elections, when 65.26% of the informal votes were in this group. The high rate of deliberately informal votes in 2007 can be partly attributed to the absence of Liberal candidates at those by-elections, but this was not the case at Altona.

There was a substantial reduction in informal voting at the Altona by-election, compared with the 2006 State election. A high proportion of those who did vote informally did so on purpose. It remains to be seen whether this is an isolated case, or part of a trend.

Only 749 (36.8%) of the by-election votes were accidentally informal. This was a pleasing reduction from the 58.1% in this category at the 2006 State election. However, there is no cause for complacency. The VEC always needs to be aware of the factors that can lead to voters making mistakes when they vote, and to provide the information that voters require to vote correctly.

14. ISSUES

14.1. Clarification of misleading or deceptive matter

The Electoral Matters Committee (EMC) of the Victorian Parliament commenced an inquiry into whether the provisions of the Act should be amended to make better provision for misleading or deceptive electoral content. The VEC made a submission to that enquiry requesting Parliament to consider whether legislative amendment is required, and making some suggestions as to what could be done. The report was tabled in March 2010.

Given that there had been no clarifications or changes to the definitions contained in the legislation at the time of the by-election, the interpretation of the terms contained in s.84 of the Act remained as it was at the time of that submission.

14.2. Postal vote applications sent by political parties

One complaint about postal vote applications sent by a political party was received during the Altona by-election. The VEC has raised this issue in the past and will continue to monitor the situation.

14.3. Use of photographs on how-to-vote cards

The VEC is aware that photographs can be used on how-to-vote cards in a manner that promotes a view that the person or organisation in the photograph is supporting that candidate. The VEC registers these cards and does not accept any responsibility to advise candidates on potentially contentious photographs. The VEC has some concerns about this practice and will, in future, include in its *Candidates Handbook*, information advising those people registering how-to-vote cards that they should ensure they seek permission from the people or organisations concerned to use the image in the context of a how-to-vote card. The VEC will also advise candidates to ensure that protocols should be followed to avoid time-consuming disputes during their election campaign.

APPENDIX A: DETAILED VOTING STATISTICS

First preference votes

ALTONA DISTRICT (Recheck)

TOTAL ENROLMENT: 47,680

FORMAL VOTES: 38,978

INFORMAL VOTES: 2,034 (4.96% of total votes)

TOTAL VOTES: 41,012 (86.02% of electors enrolled)

NUMBER OF FIRST PREFERENCE VOTES POLLED BY EACH CANDIDATE, BY VOTING CENTRE

	NAIN Brijender	MUMBY Liz	WINDISCH Margarita	ROSE Mark	STRANGWARD David	RIXON, Andrew	SHAW, Brian	HENNESSY Jill	Informal Votes	Total Votes Polled
			SOCIALIST ALLIANCE	LIBERAL	AUSTRALIAN GREENS			AUSTRALIAN LABOR PARTY		
Altona	20	25	61	1027	347	9	69	1107	138	2803
Altona Bay	66	27	68	964	410	15	94	1913	256	3813
Altona Meadows	59	19	68	721	256	10	43	1734	238	3148
Altona Meadows CC	21	10	17	413	154	2	9	595	71	1292
Altona West	28	9	67	801	301	5	74	973	131	2389
Bellbridge	33	23	40	706	161	6	35	1085	138	2227
Boardwalk	50	156	22	977	283	12	21	1060	111	2692
Derrimut	59	29	71	1309	344	18	64	1665	233	3792
Jamieson Way	20	72	15	722	152	5	17	588	58	1649
Laverton	5	3	7	166	80	4	5	373	49	692
Laverton North	23	13	32	440	197	9	41	792	110	1657
Point Cook North	12	17	8	282	72	1	7	299	19	717
Seabrook	66	86	31	883	297	14	14	1155	163	2709
Seabrook Central	5	10	4	149	52	2	10	176	22	430
Total Ordinary Votes	467	499	511	9560	3106	112	503	13515	1737	30010
Postal Votes	80	90	46	1807	310	36	69	1964	81	4483
Unenrolled votes	0	1	0	2	0	0	0	6	0	9
Early Votes	102	121	10	2303	694	39	67	2958	216	6510
Total Declaration Votes	182	212	56	4112	1004	75	136	4928	297	11002
TOTAL ALL VOTE TYPES	649	711	567	13672	4110	187	639	18443	2034	41012
Percentage of Formal Vote Polled by Candidate	1.67%	1.82%	1.45%	35.08%	10.54%	0.48%	1.64%	47.32%		