

FACT SHEET

Electoral Amendment Bill

The Electoral Amendment Bill 2019 (the Bill) proposes amendments to the *Electoral Act 2004* (the Act) to remove the ban on newspaper advertising, commentary and reporting on Election Day and make a number of technical and administrative amendments to the Act.

A key change made by the Bill is the repeal of section 198(1)(b) of the Act. Section 198(1)(b) provides that a person must not, on the polling day fixed for an election, publish or cause to be published in a newspaper:

- An advertisement for or on behalf of, or relating in any way to, a candidate or party; or
- A matter or comment relating to a candidate or a question arising from, or an issue of, the election campaign.

This provision is seen as being discriminatory and outdated given that the restrictions do not apply in relation to social media and online platforms and do not apply in other Australian jurisdictions. Under the Bill, these restrictions will be removed so that newspapers will be able to report or provide commentary and publish advertisements on Election Day.

The Bill also makes amendments to the following provisions in the Act to address issues arising from delays in postal delivery times:

- Section 70(1) (Polling day) – the minimum period between nomination day and polling day is extended from 15 days to 22 days.
- Section 126 (Application for postal vote) – the deadline for receipt of all postal vote applications has been brought forward to 4pm on the eighth day before polling day. Under section 126, postal vote applications are currently required to be lodged before 6pm on the second day before polling day if the vote is to be posted to an address within Australia and before 6pm on the fourth day before polling day if the vote is to be posted to an address outside of Australia.
- Section 129 (Issue of replacement postal votes) – introduction of a timeframe for requesting replacement postal vote information consistent with the proposed amendments to section 126 so that a request for replacement postal vote information will be required before 4pm on the eighth day before polling day.
- Sections 153 (Notice of failure to vote) and 154 (Second notice – no response) – the time allowed for postal responses to a notice of failure to vote is clarified.
- Section 228 (How and when to nominate to contest recount) – the period to nominate to contest a recount after the notice of vacancy is published is extended from 10 days to 14 days.

In addition to the postal delivery delay amendments, the Bill proposes a number of other technical and administrative amendments to modernise and improve the operation of the Act including:

- Updating various provisions so that information and documents can be transmitted by electronic means such as email, rather than by facsimile.
- Amending Tasmanian Electoral Commission meeting procedures to allow out of session resolutions to be distributed and passed by electronic means.
- Providing returning officers with the power to delegate various administrative functions to election officials.