

FACT SHEET

Electoral Matters (Miscellaneous Amendments) Bill 2022

The *Electoral Matters (Miscellaneous Amendments) Bill 2022* proposes amendments to the *Electoral Act 2004* (the Electoral Act), the *Legislative Council Electoral Boundaries Act 1995* and the *Constitution Act 1934* in response to recommendations in the Electoral Act Review Final Report (the Final Report).

The Bill makes a number of changes intended to modernise the Electoral Act in line with Recommendation 1 of the Final Report, including:

- the introduction of a new definition of 'electoral matter', applying a dominant purpose test consistent with the definition in the *Commonwealth Electoral Act 1918* (Cth);
- updating of the authorisation requirements in the Electoral Act to clarify their application to online, social media and digital communication content. The proposed new authorisation requirements are broadly consistent with the Commonwealth requirements;
- modernisation of the section 196 prohibition on the printing, publishing or distribution of advertisements, how to vote cards, handbills, pamphlets, posters or notices that contain a candidate's name, photograph or likeness without their consent, so that it only applies in relation to how to vote cards;
- amendments to section 197 (Misleading and deceptive electoral matter) to detail the types of electoral matter that are prohibited on the basis that they are, or are likely to, mislead an elector, e.g., electoral matter that contains incorrect or misleading information about whether a person is a candidate, member of or endorsed by a registered party, that could result in an elector casting an informal vote or contains an express or implied statement that voting is not compulsory, or contains a statement intended or likely to mislead an elector that the electoral matter is an official communication from the Tasmanian Electoral Commission (the Commission) or Commissioner;
- updating and clarifying of various compliance and enforcement provisions including amendments to introduce a fault element into the offences of electoral bribery and electoral treating, and new provisions providing the Commission with powers of investigation;
- amendments to the party registration process, including to require that an application for registration be accompanied by a copy of the party's constitutional documents;
- amendments to allow postal vote materials to be provided in person to an elector, e.g., to be issued to a family member to hand deliver to an elector;
- an amendment to require that the express and interstate pre-poll ballots are printed with the word 'postal' on them so that they are less easily identified when counted;
- an amendment to clarify that a ballot paper is to include instructions that are consistent with the requirements set out in section 102;
- an amendment to clarify that where polling is adjourned at a polling place, for example due to a polling place being closed for safety reasons such as storm damage or bushfire, only electors who have not already voted and are entitled to vote in that particular Division are entitled to vote at the adjourned polling.

In addition the Bill proposes amendments to the *Constitution Act 1934* and *Legislative Council Electoral Boundaries Act 1995* to reflect a change in name of the body currently known as the

Redistribution Tribunal. Under the Bill, the name of this body will be changed to 'Augmented Electoral Commission'. The current composition and role of the body will remain the same. This is in accordance with Recommendation 2 of the Final Report.

The Bill is to commence on proclamation.