

TASMANIA

ELECTORAL AMENDMENT BILL 2019

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ELECTORAL AMENDMENT BILL 2019

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
21 March 2019

*(Brought in by the Minister for Justice, the Honourable Elise
Nicole Archer)*

A BILL FOR

An Act to amend the *Electoral Act 2004*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Electoral Amendment Act 2019*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Principal Act

In this Act, the *Electoral Act 2004** is referred to as the Principal Act.

*No. 51 of 2004

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4. Section 25A inserted

After section 25 of the Principal Act, the following section is inserted in Division 3:

25A. Delegation by returning officer

A returning officer may, by instrument in writing, delegate to any election official any of the returning officer's functions or powers that are –

- (a) specified in Division 11 or 12 of Part 5; or
- (b) set out in procedures approved by the Commission under Division 10 of Part 5.

5. Section 70 amended (Polling day)

Section 70(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “15 days” and substituting “22 days”;
- (b) by omitting from paragraph (c) “15 days” and substituting “22 days”.

6. Section 77 amended (How and when nomination takes place)

Section 77 of the Principal Act is amended as follows:

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- (a) by omitting from subsection (2)(f) “facsimile” and substituting “an approved electronic means”;
 - (b) by omitting from subsection (3)(g) “facsimile” and substituting “an approved electronic means”;
 - (c) by omitting from subsection (4)(f) “facsimile” and substituting “an approved electronic means”;
 - (d) by omitting from subsection (5)(g) “facsimile” and substituting “an approved electronic means”.

7. Section 126 amended (Application for postal vote)

Section 126(1) of the Principal Act is amended by omitting paragraph (g) and substituting the following paragraph:

- (g) be lodged with a returning officer, or a person approved for the purpose, before 4 p.m. on the eighth day before polling day.

8. Section 127 amended (General postal voters)

Section 127 of the Principal Act is amended as follows:

- (a) by omitting from subsection (3) “the returning officer” and substituting “the Commission”;

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(b) by omitting subsection (4) and substituting the following subsection:

(4) The address of an elector is not to be made available for public inspection under subsection (3) if that elector's address does not appear on the roll pursuant to section 36(5).

9. Section 129 amended (Issue of replacement postal votes)

Section 129(1) of the Principal Act is amended by inserting “and the person has, before 4 p.m. on the eighth day before polling day, requested the Commission to provide the person with replacement postal vote material” after “that postal vote material”.

10. Section 130 amended (Postal voting procedure)

Section 130(1)(d)(ii) of the Principal Act is amended by inserting “before the close of poll” after “officer”.

11. Section 153 amended (Notice of failure to vote)

Section 153(2) of the Principal Act is amended as follows:

(a) by inserting “, or posted,” after “returned”;

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- (b) by inserting in paragraph (c) “, or post to the Commissioner,” after “with”;
- (c) by inserting in paragraph (d)(i) “, or post to the Commissioner,” after “with”.

12. Section 154 amended (Second notice – no response)

Section 154 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “, or, in the case of a response that has been, before that date, posted to the Commissioner in accordance with that section, is not received by the Commissioner within 14 days after that date” after “to the Commissioner”;
- (b) by inserting in subsection (2) “, or posted to,” after “returned to”;
- (c) by inserting in subsection (2)(c) “, or posted to the Commissioner,” after “received”.

13. Section 198 amended (Campaigning on polling day)

Section 198(1) of the Principal Act is amended as follows:

- (a) by omitting “adjourned –” and substituting “adjourned, distribute any advertisement, “how to vote” card, handbill, pamphlet, poster or notice containing any electoral matter.”;

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(b) by omitting paragraphs (a) and (b).

14. Section 228 amended (How and when to nominate to contest recount)

Section 228(2)(d) of the Principal Act is amended as follows:

- (a) by omitting “facsimile” and substituting “an approved electronic means”;
- (b) by omitting “tenth day” and substituting “fourteenth day”.

15. Schedule 2 amended (Meetings of Commission)

Clause 6 of Schedule 2 to the Principal Act is amended by inserting after subclause (3) the following subclauses:

- (4) The Commission –
 - (a) may, by resolution, determine –
 - (i) an electronic method by which proposed resolutions may be distributed to members; and
 - (ii) an electronic method by which proposed resolutions, distributed to members by the electronic method determined for the purposes of

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subparagraph (i), may be
passed; and

- (b) if a determination is made under paragraph (a), must, by resolution, determine a means, which may be an electronic means, by which the Commission is to keep records of –
 - (i) the distribution to members, in accordance with the electronic method determined under paragraph (a)(i), of proposed resolutions; and
 - (ii) the passing, in accordance with the electronic method determined under paragraph (a)(ii), of proposed resolutions; and
 - (c) if a determination is made under paragraph (a), must, by resolution, determine a means, which may be an electronic means, by which copies of the records kept in accordance with the means determined under paragraph (b) are to be given by the Commission to members.
- (5) If an electronic method by which proposed resolutions may be distributed

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to members is determined under subclause (4)(a)(i) –

- (a) a proposed resolution may be distributed to members in accordance with that method; and
- (b) a proposed resolution distributed to members in accordance with that method is to be taken to have been passed at a meeting of the Commission on the day, if any, by which all members have, in accordance with the electronic method determined under subclause (4)(a)(ii), passed the proposed resolution (being the last day on which a member, in accordance with that method, passes the proposed resolution); and
- (c) the Commission is to keep, in accordance with the means determined under subclause (4)(b), a record of –
 - (i) the distribution to members, in accordance with the electronic method determined under subclause (4)(a)(i), of a proposed resolution; and
 - (ii) the passing, in accordance with the electronic

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method determined under
subclause (4)(a)(ii), of a
proposed resolution; and

(d) the Commission, as soon as
practicable after –

(i) the distribution to
members, in accordance
with the electronic
method determined under
subclause (4)(a)(i), of a
proposed resolution; and

(ii) the passing of the
proposed resolution in
accordance with the
electronic method
determined under
subclause (4)(a)(ii) –

is to give to each member, in
accordance with the means
determined in accordance with
subclause (4)(c), a copy of the
records referred to in
subclause (4)(b) that relate to that
resolution.

16. Repeal of Act

This Act is repealed on the first anniversary of
the day on which the last uncommenced
provision of this Act commenced.