

CLAUSE NOTES

Electoral Amendment (Alternative Voting Procedures) Bill 2025

Clause 1 Short title

Specifies the name of the proposed Act.

Clause 2 Commencement

Provides that the Act commences on the day on which the Act receives Royal Assent.

Clause 3 Principal Act

Specifies that the Act being amended is the *Electoral Act 2004*.

Clause 4 Part 5, Division 9A inserted (Alternative voting procedures)

New 'Division 9A in part 5 (Conduct of Elections) of the *Electoral Act 2004*, inserts new sections 130A to 130F.

Section 130A (Object of Division 9A) provides legislative guidance by setting out the underlying purpose of the new Division 9A and could be used to resolve uncertainty and ambiguity.

Section 130B (Interpretation) provides definitions of new terms used throughout the Division:

- 'accessibility and inclusion organisation' – lists the types of organisations or bodies that, for the purposes of subsection 130C(3), the Commission is to consult with when considering alternative voting procedures.
To provide additional flexibility the Commission may also approve other organisations, groups or bodies under part (b). This term is also used in s. 130C(2), which provides that accessibility and inclusion organisations may request actions by the Commission under subsection 130C(1).
- 'alternative voting procedures' means the procedures approved by the Commission under new subsection 130C(1).

Section 130C (Commission may approve alternative voting procedures)

Subsection 130C(1) enables the Commission to approve alternative voting procedures it considers necessary and appropriate to facilitate voting for electors who are facing barriers to accessing other voting options under the Act.

The provision draws from section 113 of the *Electoral Act 2004*, which enables the Commission to approve procedures to provide assistance to electors at polling places, and sections 131 and 132 under which the Commission may approve procedures to enable electors in remote areas and interstate and overseas, to vote.

This section will enable the Commission to establish, expand or adjust procedures as new needs are identified.

Subsection 130C(2)(a), which provides the Commission may act on its own motion under subsection (1), covers all scenarios not referred to in section 130C(2)(b).

Subsection 130C(2)(b) provides a mechanism for an accessibility and inclusion organisation to raise with the Commission a need for an alternative voting procedure.

Subsection 130C(3) provides the Commission is to, as far as is practicable, consult with appropriate accessibility and inclusion organisations before the Commission is satisfied that there is no reasonable opportunity to vote by certain electors, and before it approves any alternative voting procedures.

Consultation is to occur so far as practicable, and with organisations the Commission considers necessary and appropriate. This will ensure that when acting under subsection 130C(1), the Commission can be flexible and responsive, noting that at times an approval may be required as a matter of urgency with little or no time to consult.

Subsection 130C(4) provides that the Commission must not approve alternative voting procedures unless satisfied as to the matters specified:

- Under subsection 130C(4)(a) - that the approval is warranted, having regard to resourcing, technical and security implications of approving such procedures.
- Under subsection 130C(4)(b), that as far as practicable the alternative voting procedures provide for the authentication and secrecy of the votes. This subsection is based on the requirements for procedures approved under section 135 to enable electors who are in Antarctica, remote areas or outside of Tasmania to vote.

Subsection 130C(5) provides for the approval of procedures for the transmission or forwarding of votes cast under alternative voting procedures to the Commission. (For example, procedures might include how telephone votes are to be transcribed and placed in appointed ballot boxes.)

Section 130D (Entitlement to vote by approved alternative voting procedures) provides the entitlement to vote in accordance with the procedures approved under section 130C in the same manner that section 133 provides the entitlement to vote in accordance with the procedures approved under 131 and section 132 for electors in Antarctica, remote areas and out of the State.

Section 130E (Counting of votes cast by approved alternative voting procedures) stipulates that votes cast under approved alternative voting procedures are to be counted with postal votes. This provides consistency of processes for the counting of 'alternative votes' with votes cast by electors in Antarctica, remote areas and outside Tasmania, which under section 134 are also to be counted with postal votes.

Section 130F (Votes from approved alternative voting procedures not to be disclosed) helps protect the secrecy of votes by providing that a person is not to disclose how a person voting under an alternative voting procedure voted except in accordance with the approved procedures. This section mirrors section 136 which applies to votes from Antarctica, remote areas and outside Tasmania cast in accordance with procedures approved under sections 131 and 132.

(Note that Part 7 of the Act contains general offences including misconduct by an election official and scrutineers.)

Clause 5 Repeal of Act

This is a standard provision that automatically repeals the amending legislation on the first anniversary after the Act commences.