

Electoral Amendment Bill

Government Bill

As reported from the Justice Committee

Commentary

Recommendation

The Justice Committee has examined the Electoral Amendment Bill. We have been unable to reach agreement on whether to recommend that the bill be passed. However, we recommend unanimously that the House adopt the amendments set out below if it decides that the bill should proceed.

Introduction

This bill seeks to amend the Electoral Act 1993 and the Electoral Regulations 1996.

Clause 4 would allow voters to enrol or update their enrolment details on election day. To allow the Electoral Commission to process election-day enrolments, clause 11 would extend the latest date for the return of the writ from 50 to 60 days after writ day.

The bill also proposes two changes to enable voting to take place in a wider range of venues. Clauses 13 and 14 would remove a blanket prohibition on using, as voting places, licensed premises that are open for the sale, supply, or consumption of alcohol. Voting would be allowed in licensed premises, but not in those parts of the premises where alcohol is available for sale, supply, or consumption, and voters would have to be able to get to the voting area without needing to pass through an area where alcohol is being consumed.

Clause 16 would allow votes to be moved from a voting place to another area for the conduct of a preliminary count of votes. Currently, election-day votes must be counted at the voting place. Clause 16 would allow votes to be moved to another area designated by the Electoral Commission when necessary for counting. An example of when this provision could be used is when votes cast in the precinct of a shopping mall need to be moved to a more suitable, secure place, such as a staffroom, for counting.

Clause 6 would allow any voter who enrolls after writ day and whose name is on an electronic roll to be able to cast an ordinary vote rather than a special vote. Ordinary votes are preferred because special votes take longer to process and count.

Clause 5 would enable special vote declarations to be treated as applications to enrol or update details. Currently, the enrolment form and special vote form contain largely the same information. The change would allow (but not require) the Electoral Commission to treat the special vote form also as an enrolment form.

We understand that clauses 5 and 6 are not expected to be implemented for the 2020 elections, but would allow changes to be implemented in time for the 2023 elections.

Clause 17 would update provisions about managing disruptions to polling on election day.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

Accompanying ballot boxes to counting places

Clause 16 would allow election-day votes to be moved to another area, designated by the Electoral Commission, for counting. We were advised that the Electoral Commission would seek to use counting places that are as close to the voting place as reasonably possible. We expect that in many cases it would be on the same site; for example, using a conference room or a staffroom in a mall or supermarket.

We consider that the bill should make it clear that ballot boxes should be accompanied at all times by polling place officials. We also consider it important to provide the ability for scrutineers to accompany ballot boxes that are being moved from a voting area to a counting area. We recommend replacing proposed new section 174(1B) in clause 16 to incorporate these clarifications.

Managing disruptions on election day

Aligning pre-requisites in new sections 195 and 195A

Under clause 17, new section 195(1), polling could only be adjourned if the unforeseen or unavoidable disruption was likely to:

- (a) prevent voters voting at the polling place or places, or
- (b) pose a risk to the proper conduct of the election.

New section 195A provides for the use of alternative voting processes. It would apply in the event of an unforeseen or unavoidable disruption at one or more polling places, but there is no mention of the effects in paragraphs (a) and (b) above.

We consider that new section 195A should be aligned with new section 195 so that alternative voting processes could only be used if the disruption was likely to have an effect as described in paragraphs (a) or (b) above. To achieve this, we recommend amending clause 17 by inserting new section 195AAA to define unforeseen and

unavoidable disruptions for the purposes of new sections 195, 195A, and 195C. Consequentially, we recommend removing paragraphs (a) and (b) from proposed new section 195(1) and deleting new section 195(6) as this would be incorporated in our new section 195AAA.

Include terrorism as an example of a disruption

In the bill as introduced, clause 17, new section 195(6) sets out some situations that would be considered unforeseen or unavoidable disruptions. We have recommended moving this list into our new section 195AAA(2).

It was suggested that a terrorist act should be included in this list. We note that the list is not exhaustive; it does not try to cover all possible situations. However, we agree that it would be useful to explicitly provide for terrorism as an example. We recommend inserting “a terrorist act (as defined in section 5 of the Terrorism Suppression Act 2002)” into the list at clause 17, new section 195AAA(2)(d).

Inform Prime Minister and Leader of the Opposition about initial adjournment

Clause 17, proposed new section 195 would allow the Electoral Commission to adjourn one or more polling places on polling day because of an unforeseen or unavoidable disruption. Under new section 195(2), voting could be adjourned for:

- (a) an initial period of no more than 3 days, and
- (b) one or more subsequent periods of no more than 7 days each.

Proposed new section 195(3) would require the Electoral Commission to consult the Prime Minister and the Leader of the Opposition about any subsequent adjournments under paragraph (b).

The Commission should inform the Prime Minister and the Leader of the Opposition as soon as possible about initial adjournments made under paragraph (a) above. We recommend making this explicit by replacing section 195(4) and inserting new section 195(4A).

Effects of disruption on election results

Clause 17, proposed new section 195C would require the release of preliminary results to be deferred if the close of poll was delayed at any polling place. Preliminary results could not be released until all polling places were closed. Under new section 195C(2) as introduced, the results could only be released if the Electoral Commission considered that doing so would not unduly influence voters who have yet to cast their votes.

This situation requires a balancing of two competing interests: the public’s interest in knowing election results as soon as possible, and the interest of not unduly influencing people who have yet to vote. It could be hard to establish whether and how people who had yet to cast their vote were influenced by preliminary results. We consider it more practical to focus instead on whether releasing the preliminary result could unduly influence the overall electorate or national result.

We recommend making this clear by amending new section 195C(2).

We considered two scenarios that could be contemplated in new section 195C:

- A civil emergency leads to the adjournment of a polling place for several days. The adjournment affects 2,000 voters who postpone voting until the polling place re-opens. The Electoral Commission sees from the preliminary count that it is a very close election.
- As above, except the preliminary count shows that the election is not close.

In the first scenario, the Chief Electoral Officer would be unlikely to release the preliminary results until all electors had voted. In the second, the Chief Electoral Officer may decide to exercise their discretion to release the preliminary results.

Other matters raised in submissions

We heard submissions on several issues that are out of scope of the bill because they are not relevant to the principles and objects of the bill as introduced. The issues include prisoner voting, foreign donations, and reducing the voting age.

We are unable to recommend changes that are out of the bill's scope. However, we note that we have considered these issues in the course of our Inquiry into the 2017 General Election and 2016 Local Elections. We make several further comments here.

Prisoner voting

We heard several submissions asking for prisoners to be given the right to vote. This issue is out of the bill's scope. We also note that Labour Party members and National Party members of the committee disagree about the issue of prisoner voting rights.

Ensuring former prisoners go on the electoral roll

We heard a persuasive submission about the importance of enrolling former prisoners as voters when they are released. This issue is within the bill's scope. We agree that prisoners should be enrolled as soon as possible after their release. However, we were advised that it would be difficult to legislate for this in the time available to us for consideration of this bill.

We urge the Electoral Commission and the Ministry of Justice to work together on a process for getting prisoners back on the electoral roll as soon as they are released.

Voting age

We received many submissions about lowering the voting age from 18 to 16 years. We also considered this issue during our Inquiry into the 2017 General Election and 2016 Local Elections. We believe that this issue should continue to be debated in the public arena. We note, too, that the voting age is an entrenched law, meaning that a change would require a 75 percent majority in Parliament rather than the usual majority of 50 percent.

National Party view

New Zealand's lack of a written constitution requires that Governments show restraint in advancing electoral law changes without strong cross-party consultation and engagement. It is disappointing that this bill is the fourth in this term of Parliament to be promoted by the Government without any consultation. It follows previous bills giving the power for party leaders to dismiss MPs, the transfer of power from Parliament to the Cabinet on referendums at general elections, and the foreign donations law that was announced and passed within 24 hours. The previous National Government promoted nine electoral amendment bills under Justice Ministers Power, Collins, and Adams and all involved consultation with Opposition parties.

The issues in this bill over the timing of enrolment, giving greater flexibility over polling places, and emergency powers were all canvassed but not concluded in the Justice Committee's inquiry into the 2017 election. It made a mockery of that process for the Minister to announce Cabinet decisions prior to the conclusion of the inquiry. The late timetable for the inquiry were issues of the Government's making, with it starting late, its terms of reference being extended, and six different Chairs. If the Minister was concerned about timing issues, he could have written to the committee seeking views on these specific issues by a defined date.

The Minister of Justice compounded these problems with his misleading press release announcing this bill. It made no mention that, to accommodate same-day enrolment and voting on election day, it would require an extension of the writ day and final election result by 10 days. Many lesser details were released in the press release. This was sneaky in that it did not tell the public the full story on the bill. The Electoral Commission has advised the committee that the 10-day extension to the announcement of the final election result is a direct consequence of allowing same-day enrolment because of the extra complexity and time it adds to the count. The Commission previously told the committee that it did not support same-day enrolment and voting for Election 2020.

National does not support allowing same-day enrolment and voting on Election Day for three reasons:

- (1) This is about a balancing of the objective of maximising participation with concluding the election efficiently. There were approximately 19,000 (or less than 1 percent of voters) who attempted to same-day enrol and vote in 2017. The trade-off for enabling their votes to count is that the other 2.6 million voters have to wait another 10 days to get a result and a Government. This is a significant delay. We do not believe that 99 percent of voters who did enrol should face the cost and uncertainty of delay for less than 1 percent who did not bother to enrol.
- (2) There will be no incentive or need to enrol if people know that anyone can vote without enrolment. The risk is that over time fewer people choose to enrol before election day, and the efficiency and integrity of the electoral system is eroded.

- (3) Candidates are required to register well in advance of the election so that voters have time to get to know them. It is reasonable that candidates know who the enrolled voters are so they can communicate with them on their ideas, values, and policies.

National does support the increased flexibility around location of polling booths. The current restrictions on venues with liquor licences are too tight. We are supportive of the increased use of supermarkets and other venues that make it easier for people to vote. We are pleased the detail of the bill has been refined around ensuring ballot boxes are always supervised when the counting venue is different from the voting venue.

National also supports the extended provisions around civil emergencies. These powers need to be used with caution so as to ensure the election is fair. The Leader of the Opposition does need to be included in the process to ensure there is no bias in the decisions over handling a disruption in the voting.

National Party members of the committee note another issue regarding the voting age, namely that Parliament has recently raised the age of adult criminal liability to 18. It could be argued that, if a person is considered mature enough to vote, they should also be considered mature enough to be fully responsible for their own actions and therefore liable to be treated as an adult in respect of any offences they may be alleged to have committed.

We look forward to hearing further debate on this issue.

Appendix

Committee process

The Electoral Amendment Bill was referred to the committee on 6 August 2019. The closing date for submissions was 20 September 2019.

We received and considered 131 submissions from interested groups and individuals. We determined that 70 of these contained unique material and the remaining 51 were form submissions. The written submissions are on our website at www.parliament.govt.nz.

We heard oral evidence from 11 submitters.

We received advice from the Ministry of Justice.

Committee membership

Hon Meka Whitiri (Chairperson)

Ginny Andersen

Hon Clare Curran

Hon Tim Macindoe

Hon Mark Mitchell

Greg O'Connor

Chris Penk

Hon Dr Nick Smith

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Andrew Little

Electoral Amendment Bill

Government Bill

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Part 2

Related amendments and repeals

Amendments to Electoral Regulations 1996

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24	Regulation 52 replaced (Allowance or disallowance of votes of members of Defence Force)	10
	52 Allowance or disallowance of votes of members of Defence Force	10
25	Regulation 64A amended (Parcels of unused and spoilt ballot and voting and other papers)	11

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Electoral Amendment Act **2019**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

3 Principal Act

This Act amends the Electoral Act 1993 (the **principal Act**).

Part 1

Amendments to principal Act

4 Section 60 amended (Who may vote)

After section 60(f), insert:

- (g) any person present in New Zealand who—
 - (i) is qualified to be registered as an elector of the district; and
 - (ii) applies, on polling day, for registration as an elector of the district.

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5 Section 83 amended (Application for registration)

After section 83(3), insert:

- (3A) The Electoral Commission may treat a special vote declaration as an application for registration as an elector if the declaration—
- (a) is in a form approved by the Electoral Commission for use as an application for registration as an elector; and
 - (b) is completed by the declarant with the details specified in subsection (2)(a), (b), (c), and (h), and signed.

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6 Section 88 amended (Applications received after issue of writ)

(1) Replace section 88(1) with:

- (1) If a writ has been issued requiring the conduct of an election in a district, then the Electoral Commission may not, at any time in the period beginning on the day after polling day and ending on the day of the return of the writ, register an application for registration as an elector that the Electoral Commission receives—
- (a) on polling day from a person outside New Zealand; or
 - (b) after polling day from any person.

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(1A) **Subsection (1)** is subject to subsections (2) to (4).

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(2) In section 88(2), after “before”, insert “or on” in each place.

(3) Replace section 88(3)(c) with:

- (c) the person may, at that election,—
 - (i) be issued with a ballot paper in accordance with section 167, if the rolls can be marked (either manually or by electronic means) to indicate the person has applied to vote; or
 - (ii) be issued with a special vote ballot paper in any other case.

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(4) After section 88(3), insert:

- (4) If a person who is present in New Zealand applies on polling day for registration as an elector of a district in which an election is being conducted, the Electoral Commission—

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- (a) may issue the person with a special vote ballot paper; and
- (b) must, if the Electoral Commission subsequently determines that the person is qualified to be registered as an elector, enter the name of the person on the electoral roll.
- 7 Section 98 amended (Removal of names from roll by Electoral Commission)** 5
- (1) In section 98(5), delete “the day before”.
- (2) In section 98(6), after “beginning on”, insert “the day after”.
- 8 Section 99 amended (Notice of alterations to roll)**
- Replace section 99(4) with: 10
- (4) Where the name of a person is removed or entered, as the case may be, in the period beginning on the day after writ day and ending on polling day, the notice required by subsection (1) or (2) must immediately be delivered to the person personally or sent to the person by post.
- 9 Section 109 amended (Dormant roll)** 15
- (1) In section 109(3) and (5), delete “the day before”.
- (2) In section 109(4), after “residence”, insert “last shown on the roll”.
- 10 Section 123 replaced (Copies of rolls for Returning Officer)**
- Replace section 123 with:
- 123 Copies of rolls, etc, for Returning Officer** 20
- (1) The Electoral Commission—
- (a) must supply to the Returning Officer for an electoral district—
- (i) as many copies as the Returning Officer may require of the main roll and supplementary rolls for the district and any other district; 25
- and
- (ii) a copy of the list of post-writ day deletions referred to in section 98(5); and
- (b) may supply to the Returning Officer for an electoral district any other information that the Electoral Commission holds that may assist with the identification of electors. 30
- (2) Despite sections 105 to 107 and 110, the Electoral Commission may modify the form or format of any copies of rolls or information supplied under this section if that is necessary to facilitate the use of technology for finding an elector on a roll, or for the scrutiny of the rolls under this Act.
- 11 Section 139 amended (Contents of writ)** 35
- (1) Replace section 139(2) with:

- (2) Polling day must not be earlier than the 20th day after nomination day.
- (2) In section 139(4), replace “50th” with “60th”.
- 12 Section 151A amended (Interpretation)**
In section 151A(b), replace “51st” with “61st”.
- 13 Section 155 amended (Power to appoint polling places)** 5
Repeal section 155(3).
- 14 New section 155A inserted (Use of licensed premises as polling places)**
After section 155, insert:
- 155A Use of licensed premises as polling places**
- (1) Any licensed premises may be appointed as a polling place under section 155, 10
but only if—
- (a) alcohol will not be available for sale, supply, or consumption in that part
of the licensed premises where voting papers are issued; and
- (b) that part of the licensed premises where voting papers are issued may be
accessed without passing through any other part of the licensed premises 15
in which alcohol is being consumed.
- (2) In this section, **alcohol** and **licensed premises** have the same meanings as in
section 5(1) of the Sale and Supply of Alcohol Act 2012.
Compare: Commonwealth Electoral Act 1918 (Aust) s 205
- 15 Section 163 amended (Ballot box to remain closed during poll)** 20
After section 163(4), insert:
- (5) In this section, **ballot box** means a box in which ballot papers issued in accord-
ance with section 167 are deposited.
- 16 Section 174 amended (Preliminary count of votes cast in polling place)**
Replace section 174(1) with: 25
- (1) The manager of every polling place must, as soon as practicable after the close
of the poll, in the presence of any scrutineers (including those lawfully in the
polling place under any other Act) and the polling place officials, but of no
other person, arrange for a preliminary count of the votes cast in that polling
place to be conducted in accordance with this section— 30
- (a) at the polling place; or
- (b) at any other place designated by the Electoral Commission.
- (1A) The Electoral Commission may, under **subsection (1)(b)**, designate for a
polling place some other place where the preliminary count of votes cast in the
polling place may be conducted only if the Commission is satisfied that it is 35

necessary to do so because the preliminary count of votes will not be able to be conducted at the polling place in the absence of unauthorised persons.

~~(1B) If the Electoral Commission designates for a polling place some other place where the preliminary count of votes cast in the polling place may be conducted, the Returning Officer must give notice to the constituency candidates or their scrutineers of that place at which the preliminary count of votes will be conducted.~~

(1B) If the Electoral Commission designates for a polling place some other place where the preliminary count of votes cast in the polling place may be conducted,—

(a) the Returning Officer must—

(i) give notice to the constituency candidates or their scrutineers of that place at which the preliminary count of votes will be conducted (the **counting place**); and

(ii) afford to the scrutineers present at the polling place the opportunity to accompany the ballot boxes to the counting place; and

(b) all ballot boxes containing ballot papers must be taken from the polling place to the counting place accompanied by—

(i) a polling place official appointed as an official for the polling place; and

(ii) any scrutineers wishing to take up the opportunity afforded by **paragraph (a)(ii)**.

17 Section 195 and cross-heading replaced

Replace section 195 and the cross-heading above section 195 with:

Polling disruptions

195AAA Meaning of unforeseen or unavoidable disruption

(1) In **sections 195, 195A, and 195C**, an **unforeseen or unavoidable disruption** means a disruption that is likely to—

(a) prevent voters voting at a polling place; or

(b) pose a risk to the proper conduct of an election.

(2) An unforeseen or unavoidable disruption includes, but is not limited to, a disruption arising as a result of—

(a) a natural disaster;

(b) adverse weather conditions;

(c) a riot or disorder, or a threat of a riot or disorder;

(d) a terrorist act (as defined in section 5 of the Terrorism Suppression Act 2002);

- (e) an epidemic notice given under section 5(1) of the Epidemic Preparedness Act 2006 being in force;
- (f) a cyberattack on the Electoral Commission's electronic operating systems.
- 195 Adjourment of poll on polling day** 5
- (1) The Chief Electoral Officer may direct that the voting at 1 or more polling places on polling day be adjourned because of an unforeseen or unavoidable disruption ~~that is likely to—~~
- (a) ~~prevent voters voting at the polling place or places; or~~
- (b) ~~pose a risk to the proper conduct of the election.~~ 10
- (2) Voting may be adjourned on the direction of the Chief Electoral Officer for—
- (a) an initial period of no more than 3 days; and
- (b) 1 or more subsequent periods of no more than 7 days each.
- (3) Before making a direction under **subsection (2)(b)** adjourning the voting for a subsequent period, the Chief Electoral Officer must— 15
- (a) consult—
- (i) the Prime Minister; and
- (ii) the Leader of the Opposition; and
- (iii) any person or organisation that in the Chief Electoral Officer's opinion is able to give information about the scale and duration of the unforeseen or unavoidable disruption; and 20
- (b) be satisfied that the adjournment is necessary in all the circumstances.
- (4) The Chief Electoral Officer must, ~~in any manner the Chief Electoral Officer considers appropriate, give public notice of an adjournment under this section as soon as is reasonably practicable after making a direction under **subsection**~~ **(2)(a)**, notify the following persons of the adjournment: 25
- (a) the Prime Minister; and
- (b) the Leader of the Opposition.
- (4A) The Chief Electoral Officer must, as soon as is reasonably practicable after making a direction under **subsection (2)(a) or (b)**, give public notice of the adjournment in any manner that the Chief Electoral Officer considers appropriate. 30
- (5) If voting at 1 or more polling places is adjourned under this section for any number of days, the day on or before which the writ must be returned is postponed by the same number of days. 35
- (6) ~~In this section and **sections 195A to 195C**, an unforeseen or unavoidable disruption includes, but is not limited to, a disruption arising as a result of—~~
- (a) ~~a natural disaster;~~

<ul style="list-style-type: none"> (b) adverse weather conditions: (e) a riot or disorder, or a threat of a riot or disorder: (d) an epidemic notice given under section 5(1) of the Epidemic Preparedness Act 2006 being in force: (e) a cyberattack on the Electoral Commission's electronic operating systems: 	5
195A Alternative voting processes to respond to polling disruption	
(1) This section applies if—	
(a) an unforeseen or unavoidable disruption occurs at 1 or more advance polling places that may reasonably be expected to continue until polling day; or	10
(b) an unforeseen or unavoidable disruption occurs at 1 or more polling places on polling day.	
(2) The Chief Electoral Officer may manage an unforeseen or unavoidable disruption to which this section applies by using alternative voting processes if the Chief Electoral Officer considers that doing so is the most appropriate and efficient way to address the disruption.	15
(3) The alternative voting processes referred to in subsection (2) may modify or adapt any requirements, processes, or procedures specified by or prescribed under this Act (for example, the Chief Electoral Officer may extend the polling hours, or extend to voters in New Zealand the procedure for the electronic issue of voting papers that is available to voters outside New Zealand).	20
(4) In this section, advance polling place has the same meaning given to it in section 197A(10).	
195B Matters Chief Electoral Officer must have regard to when exercising discretion under section 195 or 195A	25
When considering whether to exercise his or her discretion under section 195 or 195A , the Chief Electoral Officer must have regard to the following matters:	
(a) the need to ensure the safety of voters and electoral officials; and	30
(b) the need to ensure that the election process is free from corrupt or illegal practices; and	
(c) the need to ensure that the election process is concluded in a timely and expeditious manner.	
195C Deferral of release of information about result of preliminary count of votes at polling place if close of poll delayed	35
(1) If, as a result of an unforeseen or unavoidable disruption, the close of the poll at any polling place is delayed, the Chief Electoral Officer must not disclose	

- any information about the results of a preliminary count of votes cast at that polling place, or any other polling place, until the close of the poll at all polling places.
- (2) However, the Chief Electoral Officer may disclose that information if he or she considers that the disclosure of the information will not unduly influence voters who have yet to cast their votes.— 5
- (a) the overall result of the poll in an electoral district; or
- (b) the number of seats in Parliament that a party is entitled to be allocated under sections 191 and 192, and the selection of list candidates under section 193. 10
- (3) A person commits an offence and is guilty of a corrupt practice if—
- (a) the person knows that,—
- (i) as a result of an unforeseen or unavoidable disruption, the close of the poll at any polling place has been delayed; and
- (ii) the Chief Electoral Officer has not disclosed the results of a preliminary count of votes cast at that polling place or any other polling place; and 15
- (b) the person discloses information about those results.
- (4) **Subsection (3)** does not apply to disclosures of information between— 20
- (a) electoral officials; or
- (b) members of the Electoral Commission; or
- (c) electoral officials and members of the Electoral Commission.
- 195D Interfering with or influencing voters at resumed poll**
- If, under **section 195**, voting at any polling place is adjourned, then, when polling resumes at that polling place or any alternative polling place and until the close of the poll at that place,— 25
- (a) section 197(1)(i) and (j) applies with all necessary modifications as if references in those paragraphs to any polling place were references to the polling place at which polling has resumed; and
- (b) section 197A applies with all necessary modifications as if— 30
- (i) references in that section to an advance voting place were references to the polling place at which polling has resumed; and
- (ii) references in that section to a buffer zone for the advance voting place were references to the buffer zone for the polling place at which polling has resumed. 35

Part 2

Related amendments and repeals

Amendments to Electoral Regulations 1996

- 18 Related amendments to Electoral Regulations 1996**
Sections 19 to 25 amend the Electoral Regulations 1996. 5
- 19 Regulation 12 amended (List of late enrolments)**
- (1) Replace regulation 12(1) with:
- (1) As soon as practicable after polling day, the Electoral Commission must send to the Returning Officer a list of those persons whose names have been entered on the electoral roll for the district after writ day and by the end of polling day under section 88(3) or **(4)** of the Act. 10
- (2) In regulation 12(2), replace “section 88(3)” with “section 88(3) or **(4)**”.
- 20 Regulation 21 amended (Issue of special voting papers)**
 Revoke regulation 21(6).
- 21 Regulation 27 amended (Voting by special voter)** 15
- (1) Revoke regulation 27(3A) and (3B).
- (2) In regulation 27(4), delete “or as required by subclauses (3) to (4) of regulation 22”.
- 22 Regulation 36 amended (Duties of Electoral Commission)** 20
- After regulation 36(2)(f), insert:
- (fa) must, where **section 60(g)** of the Act may be applicable, check the applications for registration received by the Electoral Commission on polling day:
- 23 Regulation 49 amended (Parcels of spoilt ballot and voting papers, and other papers)** 25
- In regulation 49(1), (2), and (3), delete “in form 20 or form 21” in each place.
- 24 Regulation 52 replaced (Allowance or disallowance of votes of members of Defence Force)**
- Replace regulation 52 with:
- 52 Allowance or disallowance of votes of members of Defence Force** 30
- (1) The Returning Officer for the district in respect of which a special vote has been cast in an election by a member of the Defence Force must allow the special vote if—

- (a) the member of the Defence Force has made a declaration that the Returning Officer is satisfied establishes the member’s right to vote in the Returning Officer’s district at the election, and has signed that declaration; and
- (b) a witness has signed the declaration, or the Returning Officer is otherwise satisfied that the declaration was signed by the member before a witness. 5
- (2) If a special vote cast by a member of the Defence Force is not allowed under **subclause (1)**, the Returning Officer must disallow the special vote.
- 25 Regulation 64A amended (Parcels of unused and spoilt ballot and voting and other papers) 10**
- In regulation 64A(1) and (2), delete “in form 19 or form 20 or form 21” in each place.

Legislative history

29 July 2019
6 August 2019

Introduction (Bill 162–1)
First reading and referral to Justice Committee