

1999

**THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

ELECTORAL AMENDMENT BILL (No 2) 1999

EXPLANATORY MEMORANDUM

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Outline

The objective of this Bill is to amend the *Electoral Act 1992* to establish a process by which how-to-vote material provided by candidates can be displayed inside polling places. The current ban on distributing how-to-vote material outside of polling places is not affected.

Notes on Clauses

Clauses 1, 2 and 3 - these are formal clauses providing the name of the Act, the commencement day and the definition of the Principal Act.

Clause 4 - inserts three new sections 155A, 155B and 155C into the Principal Act.

Section 155A – How to vote material

This section describes the nature of the how-to-vote material that will be accepted by the Electoral Commissioner for display in polling booths. Each column of party candidates and grouped independent candidates, and each ungrouped independent candidate in an electorate will be allowed one A4 page on which to place their how-to-vote material. The specifications for the how-to-vote material are contained in subsection 155A(2), eg it must be in black ink only, and may contain a party slogan, party logo, photos of candidates and a recommended allocation of preferences. Parties or independent candidates may submit a master copy of their how-to-vote material, and the determined fee, to the Electoral Commissioner by the 15th day before polling day. The Electoral Commissioner has the right to reject any material that contravenes the Act.

Section 155B – Printing and availability of how-to-vote material

This section describes the way in which the how-to-vote material will be displayed in polling places. The Commissioner will make copies of the master sheets provided by candidates to produce a folder containing each page of how-to-vote material in electorate and then column order. The Commissioner is required to make the folder available in all voting compartments in all polling places from the 5th day before the election in a manner that minimises the risk of defacement or removal. The Commissioner is able to include his/her own explanatory material about the ballot in the folder.

Section 155C – offence in relation to how-to-vote material

This section creates an offence for removing or defacing how-to-vote material provided within polling places. This section also provides that an election cannot be declared invalid if the Commissioner takes reasonable steps to comply with the requirements of the new sections.

Clause 5 – amends section 305, which establishes an offence for exhibiting or leaving electoral material in a polling place, to not apply to how-to-vote material provided by the Commissioner.