

1999
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Ms Tucker)

Electoral Amendment Bill (No 2) 1999

A BILL

FOR

An Act to amend the *Electoral Act 1992*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Electoral Amendment Act (No 2) 1999*.

5 2 Commencement

This Act commences on the day it is notified in the *Gazette*.

3 Act amended

This Act amends the *Electoral Act 1992*.

Job No: 1998/135

4 Insertion

After section 155 the following section is inserted:

“155A How-to-vote material

“(1) In this section—

5 ***group of candidates*** means candidates referred to in subsection 115 (2) who request their names to be grouped in a separate column on a ballot paper.

independent candidate means a candidate other than a party candidate or a candidate in a group of candidates.

10 ***party candidate*** means a candidate mentioned in subsection 115 (1).

polling place has the same meaning as in Part 17, Division 3.

“(2) For this section, how-to-vote material about a party or a group of candidates for an election in an electorate—

- 15 (a) must be in camera-ready form, in landscape orientation, on a page of A4 size plain paper; and
- (b) subject to paragraphs (d), (f) and (h), must be composed of letters and numerals (that are not themselves made up of other letters, symbols or illustrations) in black ink; and
- (c) must include a heading that includes—
- 20 (i) the words ‘how to vote’ and the name of the electorate; and
- (ii) for a party—the name of the party; and
- (iii) for a group of candidates—the name of at least 1 candidate in the group; and
- (d) if the candidates are from 1 party—may include the party logo; and
- 25 (e) may include a campaign slogan adopted by the party or the group of candidates for the election that is not longer than 10 words; and
- (f) may include a recent photograph or photographs taken against a plain background of the head and shoulders of the candidates in the party or group, either individually or together; and
- 30 (g) subject to compliance with ballot paper instructions, must include the recommended allocation of preferences that constitute a formal vote; and
- (h) subject to compliance with ballot paper instructions, may include a
- 35 copy of all or part of the ballot paper for the electorate showing how it should be marked to give effect to the recommended allocation of preferences; and
- (i) must include the name and address of the person who has authorised the how-to-vote material; and

- (j) must not contain particulars, photographs or logos other than those mentioned in paragraphs (b) to (i).

“(3) For this section, the how-to-vote material about an independent candidate for an election in an electorate must—

- 5 (a) comply with subsection (2), other than paragraph (2) (d); and
- (b) only relate to the candidate; and
- (c) be on a single page.

“(4) How-to-vote material about a party, a group of candidates or an independent candidate may only be accepted by the commissioner if—

- 10 (a) the material is given to the commissioner by 5 pm on the 15th day before polling day for the election; and
- (b) for material that refers to a party candidate—the material is lodged by the registered officer of the party; and
- (c) the material is accompanied by the determined fee; and
- 15 (d) the commissioner is satisfied that it complies with subsections (2) and (3); and
- (e) the commissioner is satisfied that the display of a reproduction of the material in a polling place in the Territory for the purposes of this section would not (apart from this section) contravene this Act.

20 “(5) If a candidate to whom a page of how-to-vote material relates is an independent candidate or a candidate in a group of candidates, the candidate or each candidate in the group is responsible for ensuring that the page is suitable for printing.

25 “(6) If a candidate to whom a page of how-to-vote material relates is a party candidate, the registered officer of the party, is responsible for ensuring that the page is suitable for printing.

“155B Printing and availability of how-to-vote material at polling places etc

30 “(1) The commissioner must ensure that each page of how-to-vote material he or she accepts is printed in black ink on plain paper and of the best standard that is reasonably practicable to attain in all the circumstances.

“(2) If the commissioner accepts a page of how-to-vote material, he or she does not accept responsibility for the visual quality of the how-to-vote material printed from that page.

35 “(3) The commissioner must make how-to-vote material accepted under section 155A available for public inspection in each polling place in the Territory in accordance with this section.

“(4) The commissioner must make how-to-vote material available for public inspection at a place at which a person attends for section 136B or 136C on and after the 5th day before polling day for the election.

5 “(5) Each voting compartment in a polling place in which how-to-vote material about candidates must be made available must contain a folder in which the commissioner must insert the how-to-vote material for display.

“(6) Subsection (5) does not prevent the commissioner from inserting in the folder explanatory material about—

- (a) the use of material in the folder; and
- 10 (b) ballot paper instructions.

“(7) Each folder supplied to a polling place must be made available for public inspection in a manner that minimises the risk of—

- (a) the defacement or obliteration of material in the folder; or
- (b) the removal of the folder or material in it.

15 “(8) In each folder at a polling place, the pages supplied in relation to the candidates must be arranged—

- (a) first, by electorate in alphabetical order; and
- (b) second, by party or candidate corresponding to the order in which candidates for election are listed in the first batch of ballot papers mentioned in paragraph 2 (1) (b) of Schedule 2 for the column or
- 20 each column of names printed in the ballot paper.

“155C Offence in relation to how-to-vote material

“(1) A person must not remove or deface how-to-vote material displayed under section 155B.

25 Penalty: 5 penalty units.

“(2) An election is not invalid because the commissioner failed to display how-to-vote material in accordance with this section, unless the commissioner failed to take reasonable steps to comply with the requirements of this section.

30 “(3) Without limiting subsection (2), an election is not invalid if—

- (a) a folder containing how-to-vote material, that is to be kept in a voting compartment in a polling place while the polling place is open for polling, is not kept in the compartment; or
- (b) how-to-vote material is not in the folder; or
- 35 (c) there is defaced or obliterated how-to-vote material in the folder.”.

5 Substitution

Section 305 is repealed and the following section substituted:

“305 How-to-vote material in polling places

5 “(1) A person must not exhibit or leave in a polling place any printed electoral matter.

Penalty: 5 penalty units.

“(2) Subsection (1) does not apply in relation to—

- 10 (a) how-to-vote material made available under section 155B; or
(b) electoral matter used for assisting another person to vote under section 156; or
(c) a notice authorised by the commissioner for display in the polling place.”.

Endnotes

Act amended

1 Republished as in force on 31 March 1999. See also Act 1999 No .

Penalty units

2 Section 33AA of the *Interpretation Act 1967* deals with the meaning of offence penalties that are expressed in penalty units.