

2011

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

# Electoral Legislation Amendment Bill 2011

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## A Bill for

An Act to amend the *Electoral Act 1992*, and for other purposes

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Electoral Legislation Amendment Act 2011*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on  
7 the notification day (see Legislation Act, s 75 (1)).

8 **3 Legislation amended**

9 This Act amends the *Electoral Act 1992* and the *Electoral*  
10 *Regulation 1993*.

11 *Note* This Act also amends the *Aboriginal and Torres Strait Islander Elected*  
12 *Body Act 2008* (see sch 1).

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1 **Part 2** **Electoral Act 1992**

2 **4** **Notice of registered deaths**  
3 **Section 68**

4 *omit*

5 17 years or older

6 *substitute*

7 16 years or older

8 **5** **Section 75 heading**

9 *substitute*

10 **75** **Age 16 enrolment**

11 **6** **Section 75 (1) (a)**

12 *omit*

13 17 years old

14 *substitute*

15 16 years old

16 **7** **Candidates to be nominated**  
17 **New section 105 (2A)**

18 *insert*

19 (2A) The registered officer of a registered party must not nominate more  
20 people to be candidates for election in an electorate than the number  
21 of members of the Assembly to be elected for the electorate.

**8 Section 106**

*substitute*

**106 Invalid candidate nominations**

The nomination of a person to be a candidate for election is invalid if, at the hour of nomination for the election—

- 6 (a) the person is nominated more than once to be a candidate for  
7 election in a particular electorate; or
- 8 (b) the person is nominated to be a candidate for election in more  
9 than 1 electorate; or
- 10 (c) the person is a party candidate for election in a particular  
11 electorate and the registered officer of the party has nominated  
12 more people to be candidates for election in the electorate than  
13 the number of members of the Assembly to be elected for the  
14 electorate.

**9 Section 113**

*substitute*

**113 Deposit—return or forfeiture**

- 18 (1) This section applies to a deposit paid in relation to the nomination of  
19 a candidate for election.
- 20 (2) The deposit must be returned to the person who paid the deposit, or  
21 someone else authorised in writing by the person, if—
  - 22 (a) the candidate is elected; or
  - 23 (b) the candidate is excluded from the poll under schedule 4 but  
24 the candidate's total votes at the time of exclusion are at least  
25 20% of the quota for the election; or

- 1 (c) the candidate is not elected or excluded but at any stage of the  
2 counting the candidate's total votes are at least 20% of the  
3 quota for the election; or
- 4 (d) the nominee dies before the candidates are declared for the  
5 election; or
- 6 (e) the candidate dies before polling day.
- 7 (3) If subsection (2) does not apply, the deposit is forfeited to the  
8 Territory when the result of the election is declared.

9 **10 Printing of ballot papers**  
10 **Section 116 (3) and (4)**

11 *omit*

12 **11 Section 121**

13 *substitute*

14 **121 Certified extracts and certified lists of electors**

- 15 (1) As soon as practicable after the roll for an electorate closes, the  
16 commissioner must—
- 17 (a) prepare—
- 18 (i) a certified extract of electors; and
- 19 (ii) a certified list of electors; and
- 20 (b) give a copy of the certified list to the OIC for each polling  
21 place; and
- 22 (c) on request by a candidate for the electorate—give a copy of the  
23 certified extract to the candidate.
- 24 (2) For subsection (1) (c), the candidate may ask for, and the  
25 commissioner may give, the certified extract in either electronic or  
26 paper form.

1 (3) In this Act:

2 *certified extract of electors*, for an election in an electorate, means  
3 an extract from the roll for the electorate, certified by the  
4 commissioner, for each elector enrolled who will be at least 18 years  
5 of age on polling day.

6 *certified list of electors*, for an election in an electorate, means a list,  
7 certified by the commissioner, that contains—

- 8 (a) a certified extract of electors; and  
9 (b) each elector's year of birth and gender.

10 **12 Section 121A heading**

11 *substitute*

12 **121A Use of information from certified extracts or certified lists**

13 **13 Section 121A (1), definition of *protected information***

14 *substitute*

15 *protected information*, in relation to a person, means information  
16 that the person knows, or has reasonable grounds for believing, was  
17 obtained from either of the following, given to the person or  
18 someone else under section 121 (1):

- 19 (a) a copy of a certified extract of electors;  
20 (b) a copy of a certified list of electors.



1 **14** **Meaning of *authorised witness***  
2 **Section 127**

3 *omit*

4 **15** **Requirements for casting postal votes**  
5 **Section 144A (2) and note**

6 *substitute*

7 (2) To cast a postal vote, the person must—

8 (a) complete and sign the declaration; and

9 (b) mark the person's vote on the ballot paper; and

10 (c) fold the ballot paper, place it in the envelope addressed to the  
11 commissioner and fasten the envelope; and

12 (d) either—

13 (i) post the envelope and contents to the commissioner  
14 before polling day; or

15 (ii) give the envelope and contents to the commissioner or  
16 another officer by polling day.

17 *Note* For restrictions on sending completed ballot and voting papers by fax,  
18 see s 329.

19 **16** **Assistance to voters**  
20 **Section 156 (2) (a)**

21 *omit*

22 or, if there is no such nominee, an authorised witness

1 **17 Activities of campaign committees**  
2 **Section 200 (1)**

3 *after*  
4 taken to be  
5 *insert*  
6 received,

7 **18 Immaterial delays and errors**  
8 **Section 268 (1) (b)**

9 *omit*  
10 certified lists of electors  
11 *substitute*  
12 certified extracts of electors

13 **19 Correcting delays, errors and omissions**  
14 **Section 332 (1)**

15 *after*  
16 roll,  
17 *insert*  
18 certified extract of electors,

19 **20 Dictionary, definition of *authorised witness***

20 *omit*

1 **21 Dictionary, definition of *certified list of electors***

2 *substitute*

3 *certified extract of electors*, for an election in an electorate—see  
4 section 121.

5 *certified list of electors*, for an election in an electorate—see  
6 section 121.

7 **22 Dictionary, definition of *declaration voting papers*,  
8 paragraph (c)**

9 *substitute*

10 (c) for declaration voting papers other than for postal voting—a  
11 certificate, in the form approved under section 340A for this  
12 paragraph, to be completed by a witness to the declaration; and

1 **Part 3 Electoral Regulation 1993**

2 **23 Declaration ballot papers**  
3 **Section 5A**

4 *omit*

5 *above*

6 *substitute*

7 *next to*



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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2011.

**2 Notification**

Notified under the Legislation Act on 2011.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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