



New South Wales

Electoral Legislation Amendment Bill (No 2) 2022

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to make further miscellaneous amendments to the *Electoral Act 2017*. The Bill also amends the *Government Sector Finance Act 2018* in relation to the New South Wales Electoral Commission.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Electoral Act 2017 No 66

Schedule 1[1] provides that the Electoral Commissioner must deliver or post ballot papers to registered early voters as soon as possible, rather than within 1 business day, after the documents have been prepared and printed.

Schedule 1[2] inserts proposed section 187A to provide that automated telephone calls containing electoral matter must contain the name and address of an individual on whose instructions the call was made. The maximum penalty for contravening the proposed section is 20 penalty units or imprisonment for 6 months or both for an individual and 100 penalty units for a corporation.

Schedule 1[3] provides that the Electoral Commissioner may appoint a member of staff of the Electoral Commission to act as Electoral Commissioner—

(a) while the office is vacant during an election period, or

(b) at any time while the Electoral Commissioner is ill or absent.

The appointed member of staff may, outside an election period, act as Electoral Commissioner for not more than 30 days.

Schedule 1[4] inserts proposed Schedule 7, Part 4 which contains special provisions for the 2023 general election and certain by-elections.

Proposed clause 14 provides that technology assisted voting must not be used at the relevant elections except for telephone voting by electors who are blind or have low vision and, in certain specified circumstances, by COVID-19 affected electors.

Proposed clause 15 provides that the Electoral Commissioner may determine that an alternate method of postal voting be used at the relevant elections (being the standard method set out in the Act, Part 7, Division 10 as modified by proposed Schedule 8, set out in **Schedule 1[5]**).

Proposed clause 16 provides that the Electoral Commissioner may establish voting centres outside Australia for the 2023 general election and contains provisions dealing with those voting centres.

Schedule 2 Amendment of Government Sector Finance Act 2018 No 55

Schedule 2 provides that, for the *Government Sector Finance Act 2018*, the Electoral Commissioner is the accountable authority for the New South Wales Electoral Commission.