

Legislative Council—No 182

As introduced under a suspension of Standing Orders, read a first time, Standing Orders suspended and passed remaining stages, 8 February 2022

South Australia

Electoral (Assisted Voting) Amendment Bill 2022

A BILL FOR

An Act to amend the *Electoral Act 1985*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Electoral (Assisted Voting) Amendment Act 2022*.

5 2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Electoral Act 1985*

3—Amendment of heading to Part 9 Division 5A

10 Heading to Part 9 Division 5A—delete the heading and substitute:

Division 5A—Assisted voting for prescribed electors

4—Amendment of section 84A—Electronically assisted voting for sight-impaired electors

- (1) Section 84A, heading—delete the heading and substitute:

15 Assisted voting for prescribed electors

- (2) Section 84A(1)—delete "sight-impaired" and substitute:
prescribed

- (3) Section 84A(1)—delete "electronically"

- (4) Section 84A(2)(a)—delete paragraph (a) and substitute:

20 (a) determine, or provide for the determination of, 1 or more assisted voting methods and, in relation to each such method, determine, or provide for the determination of, the following:

- 5
- (i) matters related to voting using the assisted voting method, including the provision of assistance to electors using the method, requirements to be followed after an elector has used the method and matters of privacy and secrecy;
 - (ii) the number of places where the assisted voting method is to be available, the location of those places (if relevant) and the days and times at which the method is to be available;
 - (iii) which electors may use the assisted voting method; and
- 10 (5) Section 84A(2)(b), (e) and (f)—delete "the electronically" wherever occurring and substitute in each case:
- an
- (6) Section 84A(2)(g)—delete "electronically"
- (7) Section 84A—after subsection (2) insert:
- 15 (2a) Regulations relating to an assisted voting method that involves telephone voting must at least provide for the method to include the following requirements:
- (a) a witness who listens to the entire telephone communication between a prescribed elector voting using the method and the officer taking the vote and ensures that—
 - 20 (i) the prescribed elector's vote is accurately marked by the officer in the presence of the witness; and
 - (ii) the officer then reads the marked vote aloud to the prescribed elector; and
 - 25 (iii) the prescribed elector confirms that their vote has been accurately marked or, if the prescribed elector seeks to amend their vote, the officer accurately marks the amendments and reads the amended marked vote aloud to the prescribed elector;
 - (b) a witness who performs the functions referred to in paragraph (a) in relation to an assisted vote—
 - 30 (i) records a unique identifier number (being a number provided to the prescribed elector in relation to their assisted vote) on the declaration envelope into which the vote is to be placed; and
 - 35 (ii) signs the declaration envelope; and
 - (iii) folds the ballot paper and seals it inside the declaration envelope.
- 40 (2b) Regulations made under section 84A(2)(f) cannot disapply or modify the operation of subsection (2a) in relation to an assisted voting method that involves telephone voting.

(8) Section 84A(4)—before the definition of *sight-impaired elector* insert:

prescribed elector means—

- (a) a sight-impaired elector; or
- (b) an elector with a disability within the meaning of the *Disability Inclusion Act 2018* (other than sight-impairment); or
- (d) any other elector, or class of elector, specified for the purposes of this definition in a direction under section 25 of the *Emergency Management Act 2004*.

(9) Section 84—after subsection (4) insert:

- (5) For the purposes of paragraph (b) of the definition of *prescribed elector* in subsection (4), the regulations may declare that a reference to a disability in that paragraph—
 - (a) will be taken to include a disability of a kind prescribed by the regulations; and
 - (b) will be taken not to include a disability of a kind prescribed by the regulations.

5—Amendment of section 84B—Applying provisions of Act to elector using electronic assisted voting

(1) Section 84B, heading—delete "electronic"

(2) Section 84B(1)—delete "The prescribed electronically" and substitute:

An

(3) Section 84B(2)—delete "using the electronically assisted" and substitute:
using an assisted

(4) Section 84B(2)—delete "(an *electronically assisted vote*)" and substitute:
(an *assisted vote*)

(5) Section 84B(2)(a)—delete "an electronically" and substitute:
the

(6) Section 84B(2)(b)—delete "electronically"

6—Amendment of section 84C—Electoral Commissioner may determine that electronically assisted voting is not to be used

(1) Section 84C, heading—delete "electronically"

(2) Section 84C(1)—delete "the prescribed electronically" and substitute:
an