

**Legislative Council—No 188**

As introduced and read a first time, 10 February 2022

South Australia

**Electoral (Early Counting) 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 (Early Counting) Amendment Act 2022*.

### **Part 2—Amendment of *Electoral Act 1985***

#### **2—Amendment of section 71—Manner of voting**

Section 71(1)—after paragraph (a) insert:

(ab) by attending at a pre-polling booth and voting in the manner prescribed by this Act; or

#### **3—Amendment of section 77—Times and places for polling**

(1) Section 77(1)—after paragraph (a) insert:

(ab) at such other places as may be determined by the Electoral Commissioner—in a pre-polling booth;

(2) Section 77(2)(b)—before "mobile polling booth" insert:

pre-polling booth, or

(3) Section 77—after subsection (2) insert:

(2a) The Electoral Commissioner must, on a website determined by the Electoral Commissioner and in any other manner determined by the Electoral Commissioner, advise the times and places for polling at a pre-polling booth.

(2b) The Electoral Commissioner may alter the times and places for polling at a pre-polling booth by publishing the altered times or places (or both, as the case requires) on a website determined by the Electoral Commissioner and in any other manner determined by the Electoral Commissioner.

#### 4—Amendment of section 89—Scrutiny

(1) Section 89(2)—delete subsection (2) and substitute:

(2) The scrutiny must commence—

(a) in relation to votes taken at a polling booth at an appointed polling place—as soon as practicable after the close of poll; and

(b) in relation to ordinary votes taken at a pre-polling booth before polling day—at such times and in such manner before the close of poll as determined by the Electoral Commissioner,

and may be adjourned from time to time as may be necessary until the counting of the votes is complete.

(2) Section 89—after subsection (3) insert:

(4) Any scrutiny undertaken before the close of poll must be undertaken in accordance with this section and the other relevant provisions of this Act.

(5) In connection with section 89(4), the following requirements apply in relation to the scrutiny of ordinary votes taken at a pre-polling booth before polling day undertaken before the close of poll:

(a) the scrutiny is to be conducted in 1 or more areas determined by the Electoral Commissioner (*restricted areas*);

(b) the Electoral Commissioner must appoint an officer as a responsible officer for a restricted area;

(c) a person must not enter a restricted area before the close of poll unless—

(i) the responsible officer grants the person permission to enter the restricted area, which may be subject to conditions determined by the responsible officer; and

(ii) the person gives the responsible officer an undertaking not to leave the restricted area before the close of poll;

(d) a person must leave a restricted area on being required to do so by the responsible officer for the restricted area;

(e) a person must not enter a restricted area before the close of poll if the person is in possession of a device that enables information to be conveyed to a person or machine outside the restricted area;

5 (f) a person in possession of a device of a kind referred to in paragraph (e) in a restricted area before the close of poll must surrender the device on being required to do so by the responsible officer for the restricted area and the responsible officer may retain the device until the close of poll;

10 (g) a person who is or has been in a restricted area must not, before the close of poll, disclose to any person outside the restricted area any information relating to the scrutiny of votes (including the counting of votes) undertaken before the close of poll.

(6) A person who contravenes or fails to comply with a requirement under subsection (5)(c) to (g) is guilty of an offence.

Maximum penalty: \$5 000.

15 (7) A person who contravenes or fails to comply with an undertaking made, or a condition of a permission granted, under subsection (5)(c) is guilty of an offence.

Maximum penalty: \$5 000.

20 (8) The Electoral Commissioner may grant a person an exemption from a provision of subsection (5) to (7) in an emergency or to deal with an urgent situation.

(9) A person who contravenes or fails to comply with a requirement to leave a restricted area under subsection (5)(d) may be removed from the restricted area by a police officer or a person authorised by the responsible officer for the restricted area to remove the person.