

House of Assembly—No 10

As laid on the table and read a first time, 1 June 2022

South Australia

Electoral (Telephone Voting) Amendment Bill 2022

A BILL FOR

An Act to amend the *Electoral Act 1985*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Electoral Act 1985*

- 3 Insertion of Part 9 Division 5B
 - Division 5B—Telephone voting for certain electors
 - 84D Telephone voting for certain electors
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

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

5 2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Electoral Act 1985*

3—Insertion of Part 9 Division 5B

After Part 9 Division 5A insert:

10 **Division 5B—Telephone voting for certain electors**

84D—Telephone voting for certain electors

- (1) A designated elector is entitled to vote in an election using a telephone voting method prescribed by the regulations.
- 15 (2) Without limiting subsection (1) but subject to this section, regulations made for the purposes of subsection (1) may—
 - (a) determine the telephone voting method to be used; and
 - (b) provide for matters related to the voting using the telephone voting method (including, without limitation, matters relating to the provision of assistance to designated electors using the method, requirements relating to the use of the method, the making of records designated electors who have voted using the method, and matters of privacy and secrecy);
- 20 and

- 5
- (c) provide for the application of this Act, or provisions of this Act, in relation to votes cast using the telephone voting method, including the modification of the application of this Act or a provision of this Act in relation to such votes; and
- (d) provide for any other matters related to the telephone voting method.
- (3) Regulations made for the purposes of subsection (1)—
- 10 (a) must provide for the telephone voting method to include a requirement that a witness listen to the entire telephone communication between a designated elector voting using the method and the officer taking the vote and ensure that—
- 15 (i) the designated 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 designated elector; and
- 20 (iii) the designated elector confirms that their vote has been accurately marked or, if the designated elector seeks to amend their vote, the officer accurately marks the amendments and reads the amended marked vote aloud to the designated elector; and
- (b) must provide for the telephone voting method to include a requirement that a witness who performs the functions referred to in paragraph (a) in relation to a vote—
- 25 (i) records a unique identifier number (being a number provided to the designated elector in relation to their vote using the telephone voting method) on the declaration envelope into which the vote is to be placed; and
- (ii) signs the declaration envelope; and
- 30 (iii) folds the ballot paper and seals it inside the declaration envelope; and
- (c) must provide for the telephone voting method to be such that an elector using the method in relation to an election—
- 35 (i) receives the same information (in the same order), and has the same voting options, as would appear in the ballot paper for the election that the elector would be given if the elector were voting at a polling booth under this Part; and
- 40 (ii) is able to indicate a vote in a way that, if the elector were marking a ballot paper, would not be an informal ballot paper.
- (4) Regulations made under subsection (2)(c) cannot disapply or modify the operation of subsection (3) in relation to the telephone voting method.

- (5) Subject to this Division, if a designated elector votes using the telephone voting method (a *telephone vote*)—
- (a) this Act applies (subject to any modifications prescribed under subsection (2)(c)) in relation to a telephone vote as if it were a declaration vote; and
 - (b) the record of the telephone vote produced in accordance with the regulations is to be taken to be a ballot paper for the purposes of this Act; and
 - (c) the requirements of this Act in relation to the designated elector's right to receive a ballot paper are to be taken to have been satisfied.

- (6) In this section—

COVID-19 elector—an individual is a COVID-19 elector for an election if the individual is not, during all or part of the period of 7 days up to and including polling day in the election, able to attend at a polling place to vote because of a direction to self-isolate or quarantine issued under the laws of the State authorising the imposition of restrictions relating to the coronavirus known as COVID-19;

designated elector means—

- (a) a sight-impaired elector (within the meaning of section 84A); or
- (b) an elector with a disability (other than sight-impairment); or
- (c) a COVID-19 elector; or
- (d) an elector who is outside Australia for the whole of the period commencing on the day falling 12 days before polling day for the relevant election and ending at the close of polls on polling day for that election;

elector with a disability means—

- (a) an elector with a disability within the meaning of the *Disability Inclusion Act 2018*; or
- (b) an elector with any other disability of a kind prescribed by the regulations,

but does not include an elector with a disability of a kind excluded from the ambit of this definition by the regulations.