South Australia

# Electoral (Electronically Assisted Voting) Variation Regulations 2018

under the *Electoral Act 1985*

## Contents

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Electoral (Electronically Assisted Voting) Variation Regulations 2018*.

### 2—Commencement

These regulations come into operation on the day on which they are made.

### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Electoral Regulations 2009*

### 4—Insertion of regulations 12A and 12B

After regulation 12 insert:

#### 12A—Electronically assisted voting for sight-impaired electors—preliminary (sections 84A and 84B)

(1)     For the purposes of section 84A(2)(a)(i) of the Act, the electronically assisted voting method is the method set out in regulation 12B.

(2) For the purposes of section 84A(2)(a)(iii) of the Act, the Electoral Commissioner is to determine, by notice in the Gazette, the places, days and times at which the electronically assisted voting method is to be made available.

(3) In accordance with section 84B(2)(a) of the Act, a sight-impaired elector issued with an envelope with a declaration to be made by the elector (a *declaration envelope*) for the purposes of casting an electronically assisted vote will be taken for the purposes of the Act—

(a) to have been issued with declaration voting papers; and

(b) to have had the vote taken before the officer issuing the declaration envelope.

## 12B—Electronically assisted voting method—VoteAssist (sections 84A and 84B)

(1) A sight-impaired elector may vote by means of the computer program VoteAssist by—

(a) listening to audio instructions and recording their vote electronically using a numeric keypad in a manner that allows their vote to remain private; and

(b) confirming the record of their vote and indicating that the record be printed on the ballot paper; and

(c) removing the ballot paper from the printer.

(2) In accordance with the requirements for the casting of a declaration vote under the Act, a sight-impaired elector voting by means of VoteAssist must also—

(a) sign the appropriate declaration on the envelope (which must be signed by the person before whom the vote is taken as witness); and

(b) place the completed ballot paper in the envelope and seal the envelope; and

(c) deposit the envelope in a ballot box or another secure facility or immediately transmit or cause the transmission of the envelope by the officer before whom the vote is taken to the appropriate returning officer.

(3) A person must, on request, provide to the Electoral Commissioner evidence that the person is a sight-impaired elector and eligible to vote by means of the electronically assisted voting method set out in this regulation.

(4) The Electoral Commissioner must ensure that a place at which a sight-impaired elector casts their vote in accordance with this regulation is properly staffed with a presiding officer, poll clerks and any other necessary staff.

(5) A sight-impaired elector voting in accordance with this regulation may be assisted by—

   (a) the person before whom their vote is taken; or

   (b) a person who is acceptable to that person,

who may assist the sight-impaired elector in any of the following ways:

   (c) by acting as an interpreter;

   (d) by explaining the elector's obligations under the Act in relation to the recording of an electronically assisted vote;

   (e) by collecting the elector's completed ballot paper from the printer;

   (f) by folding the ballot paper, placing it in the appropriate envelope and sealing the envelope;

   (g) by assisting the elector to complete the appropriate declaration on the envelope that is to contain the ballot paper;

   (h) by depositing the envelope in a ballot box;

   (i) by providing any other assistance as required and approved by the presiding officer.

(6) A person must not destroy or interfere with a computer program, data file or electronic device used or intended to be used for or in connection with the electronically assisted voting method set out in this regulation.

Maximum penalty: $5 000.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

## Made by the Governor

with the advice and consent of the Executive Council
on 6 February 2018

No 19 of 2018

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