

South Australia

## **Electoral (Miscellaneous) Amendment Regulations 2022**

under the *Electoral Act 1985*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Electoral (Miscellaneous) Amendment Regulations 2022*.

#### **2—Commencement**

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

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

#### **3—Substitution of regulation 9A**

Regulation 9A—delete the regulation and substitute:

##### **9A—Person entitled to make declaration vote for a reason of a prescribed nature (section 71)**

For the purposes of section 71(2)(b)(vii) of the Act, an elector who is precluded from voting at a polling booth for either (or both) of the following reasons is entitled to make a declaration vote:

- (a) for the reason that the elector is a resident of an institution;
  - (b) for the reason that the elector is subject to a direction under section 25 of the *Emergency Management Act 2004* that requires the elector to quarantine or isolate during the hours of polling.
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**4—Amendment of Schedule 1—Forms**

(1) Schedule 1, Form 3—delete Form 3 and substitute:

**Declaration Vote Application - Pre-poll**

1. Elector Details				2. Elector Declaration			
<b>Roll Number</b>				I declare that I: <ul style="list-style-type: none"> <li>▪ have not previously voted in this election/referendum; and</li> <li>▪ am entitled to a declaration vote before polling day for the following reason:</li> </ul>			
<b>Name of District</b>				<input type="checkbox"/> Resident of an Institution	<input type="checkbox"/> Advanced Pregnancy		
<b>Surname</b>				<input type="checkbox"/> Distance	<input type="checkbox"/> Caring for Others		
<b>Given Names</b>				<input type="checkbox"/> Travelling	<input type="checkbox"/> Religion		
<b>Residential Address</b> <small>for which you claim to be enrolled (if not suppressed from publication)</small>				<input type="checkbox"/> Illness, Infirmary or Disability	<input type="checkbox"/> Working		
<b>Date of Birth</b>	Day	Month	Year	See the reverse of this declaration for detailed descriptions of each reason			
				<b>Signature or Mark of Elector</b>			
				<b>3. Issuing Officer to Complete</b>			
				I certify that this elector is entitled to receive declaration voting papers			
				<b>Issuing Place</b>			
				<b>Issuing Officer's Signature</b>		<b>Issuing Date</b>	

**Unenrolled** - I claim my name, as a result of an official error, does not appear on the certified list of electors for my district

**Entitlement to vote prior to polling day**  
 You are entitled to vote prior to polling day if you are precluded from attending a polling booth on polling day for one of the reasons listed adjacent.

**Offences under the Electoral Act**  
 You must sign a written declaration setting out the reason you are entitled to vote prior to polling day.  
 Under Section 124 of the Electoral Act 1985  
 (1) A person must not—  
 (a) exercise or attempt to exercise a vote to which he or she is not entitled; *or*  
 (b) vote more than once at the same election; *or*  
 (c) make a statement in any claim, application, return, or declaration, or in answer to a question, under this Act that is, to his or her knowledge, false or misleading in a material respect.  
**Maximum penalty: \$2 500 or imprisonment for 6 months.**

**Reasons to vote prior to polling day**  
**Resident of an Institution** - I am a resident of an institution or a declared institution being a hospital, convalescent home, nursing home, home for the aged, hostel for the aged or infirm.  
**Distance** - During the hours of polling I am unlikely to be within 8 km from any polling booth.  
**Travelling** - During the hours of polling I will be travelling under conditions that preclude my attendance at a polling booth.  
**Illness, Infirmary or Disability** - I suffer illness, infirmity or disability that will preclude my attendance at a polling booth.  
**Advanced Pregnancy** - By polling day my pregnancy will be advanced which will preclude my attendance at a polling booth.  
**Caring for Others** - I am caring for a person who is seriously ill, infirm or disabled which will preclude my attendance at a polling booth.  
**Religion** - Membership of religious order or having religious beliefs that will preclude my attendance at a polling booth.  
**Working** - I am working during the hours of polling and will not be able to leave my place of work to attend a polling booth.

(2) Schedule 1, Forms 5 and 6—delete Forms 5 and 6 and substitute:

### Form 5

#### Declaration Vote Envelope - Postal

1. Elector details	2. Elector declaration										
<table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Elector Number</td> <td style="width: 40%;">DISTRICT</td> </tr> <tr> <td>Issue Date</td> <td>Issue Reason</td> </tr> <tr> <td>Election Date</td> <td>Date of Birth</td> </tr> <tr> <td colspan="2">Elector Name &amp; Enrolled Address</td> </tr> <tr> <td colspan="2" style="padding-top: 20px;">                     BARCODE                      Elector Name                      Postal Street Address 1                      Postal Street Address 2                      Suburb STATE Postcode                 </td> </tr> </table>	Elector Number	DISTRICT	Issue Date	Issue Reason	Election Date	Date of Birth	Elector Name & Enrolled Address		BARCODE Elector Name Postal Street Address 1 Postal Street Address 2 Suburb STATE Postcode		<p style="font-size: small;">I declare that I am entitled to a declaration vote, have not already voted in this election/referendum, confirm my personal details on this declaration vote envelope are correct and completed my ballot papers and this declaration before 6pm (South Australian time) on polling day (penalties apply see overleaf).</p> <p><b>Signature or mark of elector</b> <input style="width: 100%; height: 20px;" type="text"/></p>
Elector Number	DISTRICT										
Issue Date	Issue Reason										
Election Date	Date of Birth										
Elector Name & Enrolled Address											
BARCODE Elector Name Postal Street Address 1 Postal Street Address 2 Suburb STATE Postcode											
	<p style="background-color: #333; color: white; padding: 2px;"><b>3. Authorised witness to complete</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Surname</td> <td style="width: 40%;"><input style="width: 95%; height: 20px;" type="text"/></td> </tr> <tr> <td>Given names</td> <td><input style="width: 95%; height: 20px;" type="text"/></td> </tr> <tr> <td>Address</td> <td><input style="width: 95%; height: 20px;" type="text"/></td> </tr> </table> <p style="font-size: small;">I certify that the elector (or their assistant) signed/marked this declaration in my presence before 6pm (South Australian time) on polling day.</p> <p><b>Signature of authorised witness</b> <input style="width: 100%; height: 20px;" type="text"/> <b>Date</b>     /     /</p>	Surname	<input style="width: 95%; height: 20px;" type="text"/>	Given names	<input style="width: 95%; height: 20px;" type="text"/>	Address	<input style="width: 95%; height: 20px;" type="text"/>				
Surname	<input style="width: 95%; height: 20px;" type="text"/>										
Given names	<input style="width: 95%; height: 20px;" type="text"/>										
Address	<input style="width: 95%; height: 20px;" type="text"/>										


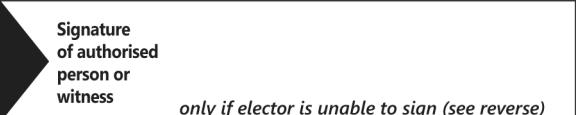
### Notes - For your vote to count

- Read the Postal Voting Guide.
- Complete and sign the Elector Declaration.
  - In the case of a person incapable of making their mark where a certificate to that effect from a medical practitioner was provided with their application, an assistant may sign the declaration on the person's behalf.
- Ensure the authorised witness completes and signs where indicated.
- Do not remove the flap containing your elector details. To ensure the secrecy of your vote, the flap will be removed by an electoral official before the envelope is opened.
- Place your completed ballot papers in this envelope and seal as directed.

It is an offence for the voter or witness to mark a ballot paper or sign a declaration envelope after the close of poll (6pm South Australian time) on polling day. Penalty: \$2,500 or imprisonment for 6 months.

Form 6

Application for a Postal Vote

1. Elector details			
Surname			
Given names			
Residential address for which you claim to be enrolled PO Box, RMD & RSD numbers are <b>not</b> acceptable			
Date of birth	Day	Month	Year
Email address			
Contact number	Home	Mobile	
2. Address to send ballot papers			
<input type="checkbox"/> Same as residential address above			
Please send ballot papers for this election/referendum to me at this address			
3. Elector declaration			
I declare that I: <ul style="list-style-type: none"> <li>▪ have not previously voted in this election/referendum; and</li> <li>▪ am eligible for a postal vote for one of the following reasons (tick the box that applies):</li> </ul> See back of this application for detailed description of reasons			
<input type="checkbox"/> Distance	<input type="checkbox"/> Travelling	<input type="checkbox"/> Illness, infirmity or disability	
<input type="checkbox"/> Advanced pregnancy	<input type="checkbox"/> Caring for others	<input type="checkbox"/> Religion	
<input type="checkbox"/> Working	<input type="checkbox"/> Resident of an institution	<input type="checkbox"/> Under COVID-19 direction	
 Signature or mark of elector		Date / /	
 Signature of authorised person or witness <i>only if elector is unable to sign (see reverse)</i>		Date / /	

<b>Qualification to apply for a postal vote</b>	
<b>Distance</b>	During the hours of polling I am unlikely to be within 8 km from any polling booth.
<b>Travelling</b>	During the hours of polling I will be travelling under conditions that preclude my attendance at a polling booth.
<b>Illness, infirmity or disability</b>	I suffer illness, infirmity or disability that will preclude my attendance at a polling booth.
<b>Advanced pregnancy</b>	By polling day my pregnancy will be advanced which will preclude my attendance at a polling booth.
<b>Caring for others</b>	I am caring for a person who is seriously ill, infirm or disabled which will preclude my attendance at a polling booth.
<b>Religion</b>	Membership of religious order or having religious beliefs that will preclude my attendance at a polling booth.
<b>Working</b>	I am working during the hours of polling and will not be able to leave my place of work to attend a polling booth.
<b>Resident of an institution</b>	I am a resident of an institution or declared institution being a hospital, convalescent home, nursing home, home for the aged, hostel for the aged or infirm, prison or other place of confinement.
<b>Under COVID-19 direction</b>	I am subject to a direction under the Emergency Management Act requiring me to quarantine or isolate during the hours of polling.

<b>Obligations of authorised person or witness</b>	
An authorised person or witness may sign the declaration in the space provided that the person: <ul style="list-style-type: none"> <li>▪ is any person (other than a candidate in the election) who is at least 18 years of age, and</li> <li>▪ in the case that the applicant is able to make a distinguishing mark, the authorised person or witness saw the applicant make that <b>mark</b> in the space provided for the applicant's signature, or</li> <li>▪ in the case that the applicant is incapable of making their mark, a <b>certificate</b> from a medical practitioner to that effect has been included with this application</li> </ul>	

2022

**Editorial note—**

As required by section 10AA(2) of the *Legislative Instruments 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 27 January 2022

No 6 of 2022