

South Australia

Local Government (Elections) (Assisted Voting) Amendment Regulations 2022

under the *Local Government (Elections) Act 1999*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Local Government (Elections) (Assisted Voting) Amendment Regulations 2022*.

2—Commencement

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

Part 2—Amendment of *Local Government (Elections) Regulations 2010*

3—Insertion of regulations 9A and 9B

After regulation 9 insert:

9A—Assisted voting—preliminary

- (1) For the purposes of section 41A(2)(a) of the Act, the voting method by means of the telephone assisted voting method set out in regulation 9B is determined to be an assisted voting method that may be used by prescribed electors.
 - (2) For the purposes of section 41A(2)(a)(ii) of the Act, the returning officer is to determine, by notice in the Gazette, the days and times at which the telephone assisted voting method is to be made available and the telephone number for the telephone assisted voting method.
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- (3) In accordance with section 41A(2)(f) of the Act, postal voting papers issued under regulation 9B(1)(c) to a prescribed elector voting using the telephone assisted voting method will, for the purposes of the Act, be taken to be fresh voting papers issued under section 43 of the Act (and section 43(4) of the Act does not apply to the issue of such papers).
- (4) For the purposes of the definition of *prescribed elector* in section 41A(8) of the Act, an elector—
 - (a) who is outside South Australia during any part of the period commencing on the day falling 28 days before polling day for an election and ending at the close of voting for the election; and
 - (b) who, during that period, calls the telephone number determined under subregulation (2) from outside South Australia,is prescribed.

9B—Telephone assisted voting method

- (1) The telephone assisted voting method by which a prescribed elector may vote is as follows:
 - (a) the prescribed elector is to call the telephone number determined under regulation 9A(2) (on a day and at a time at which the telephone assisted voting method is available) and—
 - (i) verify their identity to an electoral officer in accordance with any requirements of the returning officer; and
 - (ii) confirm to the electoral officer that the person—
 - (A) is entitled to vote in the election; and
 - (B) is a prescribed elector who is eligible to vote by means of the telephone assisted voting method set out in this regulation; and
 - (iii) be assigned a unique identifying number;
 - (b) the electoral officer who receives the telephone call from the prescribed elector must then transfer the call to an electoral officer before whom the prescribed elector's vote is to be taken (a *voting assistant*) and must communicate the unique identifying number assigned to the prescribed elector to the voting assistant in accordance with any requirements of the returning officer;
 - (c) the voting assistant must issue fresh postal voting papers for the purposes of the prescribed elector voting using the telephone assisted voting method;

- (d) if requested to do so, the voting assistant must read aloud the contents of the postal voting papers issued under paragraph (c), including material of a kind referred to in section 39(6) of the Act accompanying those papers;
 - (e) in relation to each ballot paper to which the prescribed elector is entitled, if the prescribed elector instructs the voting assistant as to the manner in which they seek to have the ballot paper marked, the voting assistant must—
 - (i) mark the prescribed elector’s ballot paper in accordance with their instructions; and
 - (ii) read the prescribed elector’s voting preferences back to the prescribed elector;
 - (f) the voting assistant must then—
 - (i) fold the ballot paper so as to conceal the vote, place the folded ballot paper in an envelope bearing a declaration of a kind referred to in section 39(1)(b) of the Act (a ***declaration envelope***) and seal the envelope; and
 - (ii) complete and sign the appropriate declaration on the declaration envelope on the prescribed elector's behalf; and
 - (iii) place the declaration envelope in a ballot box that the returning officer has determined is to be used for the purposes of the telephone assisted voting method;
 - (g) the voting assistant may give such other assistance as may be necessary in the circumstances to enable the prescribed elector to vote using the telephone assisted voting method;
 - (h) another electoral officer (who must not be the person who transfers the telephone call to the voting assistant under paragraph (b)) must—
 - (i) listen to the entire telephone communication between the prescribed elector and the voting assistant; and
 - (ii) witness the marking of the prescribed elector’s ballot paper in accordance with the prescribed elector’s instructions.
- (2) The returning officer must ensure that the telephone assisted voting method is such that the voting assistant and electoral officer referred to in subregulation (1)(h) in respect of a prescribed elector voting using the method cannot hear that part of the prescribed elector's telephone call referred to in subregulation (1)(a).

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- (3) As soon as practicable after the close of voting, the returning officer must ensure that ballot boxes referred to in subregulation (1)(f) are delivered to the location determined by the returning officer and made available for inclusion in the scrutiny and count of votes in accordance with the Act (and for that purpose the voting papers in the ballot boxes are to be treated as if they were returned in accordance with the Act).

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

after consultation with the Local Government Association and with the advice and consent of the Executive Council
on 29 September 2022

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