



Australian Capital Territory

# Electoral Legislation Amendment Act 2012

A2012-1

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Australian Capital Territory

# Electoral Legislation Amendment Act 2012

A2012-1

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An Act to amend the *Electoral Act 1992*, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Electoral Legislation Amendment Act 2012*.

### 2 Commencement

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

### 3 Legislation amended

This Act amends the *Electoral Act 1992* and the *Electoral Regulation 1993*.

*Note* This Act also amends the *Aboriginal and Torres Strait Islander Elected Body Act 2008* (see sch 1).

## Part 2 Electoral Act 1992

### 4 Notice of registered deaths Section 68

*omit*

17 years or older

*substitute*

16 years or older

### 5 Section 75 heading

*substitute*

### 75 Age 16 enrolment

### 6 Section 75 (1) (a)

*omit*

17 years old

*substitute*

16 years old

### 7 Section 113

*substitute*

### 113 Deposit—return or forfeiture

- (1) This section applies to a deposit paid in relation to the nomination of a candidate for election.
- (2) The deposit must be returned to the person who paid the deposit, or someone else authorised in writing by the person, if—

- (a) the candidate is elected; or
  - (b) the candidate is excluded from the poll under schedule 4 but the candidate's total votes at the time of exclusion are at least 20% of the quota for the election; or
  - (c) the candidate is not elected or excluded but at any stage of the counting the candidate's total votes are at least 20% of the quota for the election; or
  - (d) the nominee dies before the candidates are declared for the election; or
  - (e) the candidate dies before polling day.
- (3) If subsection (2) does not apply, the deposit is forfeited to the Territory when the result of the election is declared.

## **8 Section 121**

*substitute*

### **121 Certified extracts and certified lists of electors**

- (1) As soon as practicable after the roll for an electorate closes, the commissioner must—
- (a) prepare—
    - (i) a certified extract of electors; and
    - (ii) a certified list of electors; and
  - (b) give a copy of the certified list to the OIC for each polling place; and
  - (c) on request by a candidate for the electorate—give a copy of the certified extract to the candidate.
- (2) For subsection (1) (c), the candidate may ask for, and the commissioner may give, the certified extract in either electronic or paper form.

(3) In this Act:

*certified extract of electors*, for an election in an electorate, means an extract from the roll for the electorate, certified by the commissioner, for each elector enrolled who will be at least 18 years of age on polling day.

*certified list of electors*, for an election in an electorate, means a list, certified by the commissioner, that contains—

- (a) a certified extract of electors; and
- (b) each elector's year of birth and gender.

**9 Section 121A heading**

*substitute*

**121A Use of information from certified extracts or certified lists**

**10 Section 121A (1), definition of *protected information***

*substitute*

*protected information*, in relation to a person, means information that the person knows, or has reasonable grounds for believing, was obtained from either of the following, given to the person or someone else under section 121 (1):

- (a) a copy of a certified extract of electors;
- (b) a copy of a certified list of electors.

**11 Meaning of *authorised witness*  
Section 127**

*omit*

**12 Requirements for casting postal votes  
Section 144A (2) and note**

*substitute*

- (2) To cast a postal vote, the person must—
- (a) complete and sign the declaration; and
  - (b) mark the person's vote on the ballot paper; and
  - (c) fold the ballot paper, place it in the envelope addressed to the commissioner and fasten the envelope; and
  - (d) either—
    - (i) post the envelope and contents to the commissioner before polling day; or
    - (ii) give the envelope and contents to the commissioner or another officer by polling day.

*Note* For restrictions on sending completed ballot and voting papers by fax, see s 329.

**13 Assistance to voters  
Section 156 (2) (a)**

*omit*

or, if there is no such nominee, an authorised witness



**14 Activities of campaign committees  
Section 200 (1)**

*after*

taken to be

*insert*

received,

**15 Immaterial delays and errors  
Section 268 (1) (b)**

*omit*

certified lists of electors

*substitute*

certified extracts of electors

**16 Correcting delays, errors and omissions  
Section 332 (1)**

*after*

roll,

*insert*

certified extract of electors,

**17 Dictionary, definition of *authorised witness***

*omit*

**18 Dictionary, definition of *certified list of electors***

*substitute*

*certified extract of electors*, for an election in an electorate—see section 121.

*certified list of electors*, for an election in an electorate—see section 121.

**19 Dictionary, definition of *declaration voting papers*, paragraph (c)**

*substitute*

- (c) for declaration voting papers other than for postal voting—a certificate, in the form approved under section 340A for this paragraph, to be completed by a witness to the declaration; and

## Part 3 Electoral Regulation 1993

### 20 Declaration ballot papers Section 5A

*omit*

above

*substitute*

next to

## **Schedule 1      Aboriginal and Torres Strait Islander Elected Body Act 2008—Consequential amendments**

(see s 3)

**[1.1]      Schedule 1, part 1.2  
Modification 1.7 heading**

*substitute*

**[1.7]      Candidates to be nominated  
Section 105 (2), (2A) and (3)**

**[1.2]      Schedule 1, part 1.2  
Modification 1.30 heading**

*substitute*

**[1.30]      Certified list of electors  
Section 121 (1) (c) and (2)**

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 31 March 2011.

**2 Notification**

Notified under the Legislation Act on 28 February 2012.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Electoral Legislation Amendment Bill 2012, which originated in the Legislative Assembly as the Electoral Legislation Amendment Bill 2011 and was passed by the Assembly on 16 February 2012.

Clerk of the Legislative Assembly

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