



TASMANIA

---

## **ELECTORAL AMENDMENT ACT 1996**

**No. 27 of 1996**

---

### **CONTENTS**

1. Short title
2. Commencement
3. Principal Act
4. Section 3 amended (Interpretation)
5. Section 4 amended (Chief Electoral Officer)
6. Section 5 substituted and section 5A inserted
  5. Deputy Chief Electoral Officer
  - 5A. Delegation by Chief Electoral Officer
7. Section 22A inserted
  - 22A. Provisional enrolment of persons over 17 years
8. Sections 28A, 28B and 28C inserted
  - 28A. Supply of rolls
  - 28B. Approved use of electoral rolls
  - 28C. Prohibited use of electoral rolls
9. Section 87 amended (Certain nominations as candidates for Assembly elections invalid)

10. Section 87A inserted  
87A. Right of appeal to the Supreme Court
11. Section 94 amended (Proceedings after close of nominations for Assembly division)
12. Section 98 amended (Certain nominations as candidates for Council elections invalid)
13. Section 98A inserted  
98A. Right of appeal to the Supreme Court
14. Section 102 amended (Proceedings after close of nominations for Council election)
15. Section 106 amended (Ballot-papers for use at Assembly elections)
16. Section 110 amended (Mobile booths in certain institutions)
17. Section 152 amended (Permission to vote before polling day)
18. Section 161 amended (Taking of poll at declared institution)
19. Section 188 amended (Duty of returning officer on receipt of ballot-papers transmitted by officers in charge of polling-booths)
20. Part VA inserted  
Part VA – Polling in Antarctica  
194A. Interpretation: Part VA  
194B. Antarctic returning officers and assistant Antarctic returning officers  
194C. Application of Act to polling in Antarctica  
194D. Antarctic electors  
194E. Arrangements for polling in Antarctica  
194F. Candidates not to take part in polling  
194G. Polling in Antarctica  
194H. Entitlement of Antarctic electors to vote  
194J. Questions to be put to voter at Antarctic station  
194K. Right of Antarctic elector to receive ballot-paper  
194L. List of Antarctic electors to be marked  
194M. Proceedings by Antarctic returning officer on close of poll  
194N. Result of polling in Antarctica

194P. Preservation of ballot-papers, &c.

21. Part XI: Division 1AA inserted  
Division 1AA – Non-Parliamentary elections  
240A. Power of Chief Electoral Officer to conduct non-Parliamentary elections
22. Section 243 amended (Printing, publishing and distribution of electoral matter unlawful in certain cases)
23. Schedule 2 amended (Printing and collation of ballot-papers)





## **ELECTORAL AMENDMENT ACT 1996**

**No. 27 of 1996**

**An Act to amend the *Electoral Act 1985***

**[Royal Assent 15 October 1996]**

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

### **Short title**

1. This Act may be cited as the *Electoral Amendment Act 1996*.

### **Commencement**

2. This Act commences on the day on which it receives the Royal Assent.

**Principal Act**

3. In this Act, the *Electoral Act 1985\** is referred to as the Principal Act.

**Section 3 amended (Interpretation)**

4. Section 3(1) of the Principal Act is amended by omitting the definition of "electoral officer" and substituting the following definition:

**"electoral officer"** means the Chief Electoral Officer, the Deputy Chief Electoral Officer, a returning officer, an electoral registrar, an assistant returning officer, a presiding officer, an assistant presiding officer, a poll-clerk and a clerical assistant and includes –

- (a) an Antarctic returning officer and an assistant Antarctic returning officer appointed under Part VA; and
- (b) any other person holding a position prescribed by the regulations for the purposes of this definition;

**Section 4 amended (Chief Electoral Officer)**

5. Section 4 of the Principal Act is amended by omitting subsections (2) and (3) and substituting the following subsection:

---

\* No. 46 of 1985. Amended by No. 29 of 1984, Nos. 8 and 98 of 1985, No. 23 of 1989, No. 5 of 1990, Nos. 28 and 46 of 1991, Nos. 9 and 16 of 1992, No. 88 of 1993, Nos. 67, 68 and 80 of 1994 and No. 78 of 1995.

(2) The Chief Electoral Officer has the following functions:

- (a) the administration of this Act;
- (b) to promote public awareness of electoral and parliamentary matters by means of educational and information programs and by other means;
- (c) to publish material on matters relating to his or her functions;
- (d) the investigation and prosecution of illegal practices under this Act;
- (e) such other functions as are imposed or conferred by or under this Act.

**Section 5 substituted and section 5A inserted**

6. Section 5 of the Principal Act is repealed and the following sections are substituted:

**Deputy Chief Electoral Officer**

5. (1) The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Deputy Chief Electoral Officer and that person shall hold that office in conjunction with a position or an office under that Act.

(2) If the Chief Electoral Officer is unable to perform the duties of his or her office, the Deputy Chief Electoral Officer has all the functions, powers and duties of the Chief Electoral Officer.

### **Delegation by Chief Electoral Officer**

**5A.** (1) The Chief Electoral Officer may, by instrument in writing, delegate any of his or her functions or powers under this Act (other than this power of delegation) to the Deputy Chief Electoral Officer.

(2) The Chief Electoral Officer may, by instrument in writing, delegate any of his or her functions or powers under Part VA to an electoral officer.

### **Section 22A inserted**

7. After section 22 of the Principal Act, the following section is inserted:

#### **Provisional enrolment of persons over 17 years**

**22A.** (1) Where a person –

- (a) is aged 17 years; and
- (b) would, if aged 18 years, be entitled to be enrolled by virtue of section 28 or 29 of the *Constitution Act 1934* as an elector for the Assembly or the Council; and
- (c) has made a request for provisional enrolment in a form approved by the Chief Electoral Officer –

the Chief Electoral Officer must provisionally enrol that person on the State roll.

(2) A provisional enrolment has no effect for the purposes of this Act until the person enrolled



attains the age of 18 years at which time he or she is taken to be enrolled.

### **Sections 28A, 28B and 28C inserted**

8. After section 28 of the Principal Act, the following sections are inserted in Division 1 of Part III:

#### **Supply of rolls**

**28A.** (1) On request by the endorsement representative of a registered party, the Chief Electoral Officer must provide the representative with a copy of the State roll and periodic variations to that roll and may also provide from time to time revised copies of that roll.

(2) On request by a member of the Assembly or of the Council, the Chief Electoral Officer must provide him or her with a copy of the electoral roll for the division which he or she represents and periodic variations to that roll and may also provide from time to time revised copies of that roll.

(3) For the purposes of subsections (1) and (2) –

- (a) a request may be made only once during each term of the Assembly; and
- (b) a copy of the roll must be provided in printed or electronic form or both, as may be requested; and
- (c) a copy of a roll is to specify only the names, residential addresses and postal addresses of electors but will not include the address of any elector whose

address, under section 34, does not appear on the roll.

(4) On request by a person who has nominated as a candidate for an Assembly election or a Council election, the Chief Electoral Officer must provide him or her with a copy in printed form of the electoral roll for the division for which he or she has nominated.

(5) The Chief Electoral Officer may provide to any other person, body or organisation, as he or she may approve, a copy of the State roll or of any part of that roll in printed or electronic form.

(6) For the purposes of subsection (5) –

- (a) an approval by the Chief Electoral Officer is to be in writing and is to specify the purpose for which information contained in the roll may be used; and
- (b) a copy of the roll is to include the names, residential addresses, postal addresses and such other particulars relating to the electors as the Chief Electoral Officer considers relevant to the purpose for which the roll may be used.

### **Approved use of electoral rolls**

**28B.** (1) A person who, without reasonable excuse, uses information obtained from an electoral roll provided in electronic form under section 28A, except for a permitted purpose, is guilty of an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or to imprisonment for a period not exceeding 6 months, or both.

(2) For the purposes of subsection (1), a permitted purpose is –

- (a) in the case of a person referred to in section 28A(1) or (2) –
  - (i) any purpose connected with an election or referendum; or
  - (ii) monitoring the accuracy of information on the roll; or
  - (iii) the performance by a member of the Assembly or the Council of his or her functions as a member; or
- (b) in the case of a person referred to in subsection (5) of section 28A, the purpose specified by the Chief Electoral Officer in the approval granted under that subsection.

### **Prohibited use of electoral rolls**

**28C.** Except in accordance with section 28B, a person must not, without reasonable excuse –

- (a) use for a commercial purpose; or
- (b) disclose to another person –

information that the person knows, or has reasonable grounds for believing, has been obtained from, or by means of, an electoral roll provided in electronic form under this Division.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a period not exceeding 6 months, or both.

**Section 87 amended (Certain nominations as candidates for Assembly elections invalid)**

9. Section 87 of the Principal Act is amended as follows:

- (a) by inserting before subsection (1) the following subsection:

**(1AA)** In this section –

**"business day"** means a day when the place fixed for receiving nominations for the relevant division is open for business;

**"party name"** means the name, or an abbreviation or acronym of the name, of a registered party or of a group of persons registered as a political party under the law of the Commonwealth or any other State.

- (b) by inserting after subsection (5) the following subsections:

**(6)** The Chief Electoral Officer may determine that a nomination in respect of a person as a candidate for an Assembly election is invalid on the ground that the person has changed his or her name to a name which –

- (a) is a party name; or
- (b) so nearly resembles a party name that it is likely to be confused with, or mistaken for, a party name; or

- (c) includes the word "independent" or a word of similar import; or
- (d) is the name of a public body; or
- (e) so nearly resembles the name of a public body that it is likely to be confused with, or mistaken for, the name of the public body; or
- (f) is obscene or offensive.

(7) The Chief Electoral Officer may also determine that a nomination in respect of a person as a candidate for an Assembly election is invalid if the person has changed his or her name to a name which the Chief Electoral Officer considers could cause confusion.

(8) If the Chief Electoral Officer determines that a nomination is invalid on a ground mentioned in subsection (6) or (7), he or she must –

- (a) advise the person nominated in writing of the decision; and
- (b) state reasons for the decision; and
- (c) inform the person of any right to appeal to the Supreme Court under section 87A; and

- (d) if the nomination was received before 5 p.m. on the fourth business day before nomination day, make the decision available to the person at the place fixed for receiving nominations for the relevant division before 5 p.m. on the third business day before nomination day.

**Section 87A inserted**

10. After section 87 of the Principal Act, the following section is inserted:

**Right of appeal to the Supreme Court**

**87A. (1)** In this section, "**business day**" has the same meaning as in section 87.

**(2)** A person –

- (a) whose nomination was received before 5 p.m. on the fourth business day before nomination day; and
- (b) who is aggrieved by a determination of the Chief Electoral Officer under section 87(6) or (7) that the nomination is invalid –

may, not later than 5 p.m. on the second business day before nomination day, appeal to the Supreme Court against the determination.

(3) An appeal is to be heard and determined by a Judge or Master of the Supreme Court as soon as practicable.

(4) On an appeal, an order for costs may not be made against the appellant unless the Judge or Master is satisfied that the appeal is frivolous or vexatious.

(5) No action or proceeding may be brought in respect of a determination of the Chief Electoral Officer under section 87(6) or (7) except as provided by this section.

**Section 94 amended (Proceedings after close of nominations for Assembly division)**

11. Section 94 of the Principal Act is amended as follows:

- (a) by omitting "at", firstly occurring, in subsection (1)(a) and substituting "as soon as practicable after";
- (b) by omitting "immediately publicly" from subsection (2)(a) and substituting ", as soon as practicable and publicly,";
- (c) by omitting "at", firstly occurring, in subsection (3)(a) and substituting "as soon as practicable after".

**Section 98 amended (Certain nominations as candidates for Council elections invalid)**

12. Section 98 of the Principal Act is amended as follows:

- (a) by inserting before subsection (1) the following subsection:

(1AA) In this section –

**"business day"** means a day when the place fixed for receiving nominations for the relevant division is open for business;

**"party name"** means the name, or an abbreviation or acronym of the name, of a registered party or of a group of persons registered as a political party under the law of the Commonwealth or any other State.

(b) by inserting after subsection (5) the following subsections:

(6) The Chief Electoral Officer may determine that a nomination in respect of a person as a candidate for a Council election is invalid on the ground that the person has changed his or her name to a name which –

- (a) is a party name; or
- (b) so nearly resembles a party name that it is likely to be confused with, or mistaken for, the party name; or
- (c) includes the word "independent" or a word of similar import; or
- (d) is the name of a public body; or



- (e) so nearly resembles the name of a public body that it is likely to be confused with, or mistaken for, the name of the public body; or
- (f) is obscene or offensive.

(7) The Chief Electoral Officer may also determine that a nomination in respect of a person as a candidate for a Council election is invalid if the person has changed his or her name to a name which the Chief Electoral Officer considers could cause confusion.

(8) If the Chief Electoral Officer determines that a nomination is invalid on a ground mentioned in subsection (6) or (7), he or she must –

- (a) advise the person nominated in writing of the decision; and
- (b) state reasons for the decision; and
- (c) inform the person of any right to appeal to the Supreme Court under section 98A; and
- (d) if the nomination was received before 5 p.m. on the fourth business day before nomination day, make the decision available to the person at the place fixed for receiving nominations for the relevant division before

5 p.m. on the third business day before nomination day.

**Section 98A inserted**

13. After section 98 of the Principal Act, the following section is inserted:

**Right of appeal to the Supreme Court**

98A. (1) In this section, "business day" has the same meaning as in section 98.

(2) A person –

- (a) whose nomination was received before 5 p.m. on the fourth business day before nomination day; and
- (b) who is aggrieved by a determination of the Chief Electoral Officer under section 98(6) or (7) that the nomination is invalid –

may, not later than 5 p.m. on the second business day before nomination day, appeal to the Supreme Court against the determination.

(3) An appeal is to be heard and determined by a Judge or Master of the Supreme Court as soon as practicable.

(4) On an appeal, an order for costs may not be made against the appellant unless the Judge or Master is satisfied that the appeal is frivolous or vexatious.

(5) No action or proceeding may be brought in respect of a determination of the Chief Electoral Officer under section 98(6) or (7) except as provided by this section.

**Section 102 amended (Proceedings after close of nominations for Council election)**

14. Section 102 of the Principal Act is amended as follows:

- (a) by omitting "at", firstly occurring, in subsection (2)(a) and substituting "as soon as practicable after";
- (b) by omitting "immediately" from subsection (2)(b) and substituting ", as soon as practicable,".

**Section 106 amended (Ballot-papers for use at Assembly elections)**

15. Section 106 of the Principal Act is amended by omitting subsections (5) and (6) and substituting the following subsection:

(5) If, after noon on nomination day for an Assembly election, there are 2 or more groups of candidates for that election, the returning officer concerned must as soon as practicable determine the order in which those groups are to be entered on the ballot-papers in a random sequence by a method determined by the Chief Electoral Officer.

**Section 110 amended (Mobile booths in certain institutions)**

16. Section 110(3) of the Principal Act is amended by omitting "commencing at" and substituting "commencing as soon as practicable after".

**Section 152 amended (Permission to vote before polling day)**

17. Section 152 of the Principal Act is amended by omitting "commencing at" and substituting "commencing as soon as practicable after".

**Section 161 amended (Taking of poll at declared institution)**

18. Section 161(2) of the Principal Act is amended by omitting "commencing at" and substituting "commencing as soon as practicable after".

**Section 188 amended (Duty of returning officer on receipt of ballot-papers transmitted by officers in charge of polling-booths)**

19. Section 188 of the Principal Act is amended by inserting after subsection (1) the following subsection:

(1A) The counting of votes under subsection (1) may be carried out by electronic means.

**Part VA inserted**

20. After section 194 of the Principal Act, the following Part is inserted:

**PART VA – POLLING IN ANTARCTICA****Interpretation: Part VA**

**194A.** (1) In this Part, unless the contrary intention appears –

**"Antarctica"** means the Australian Antarctic Territory and includes –

- (a) the Territory of Heard Island and McDonald Islands; and
- (b) Macquarie Island;

**"Antarctic elector"** means an elector who –

- (a) is, in the course of his or her employment, in Antarctica on the polling day for an election; and
- (b) has made a request under section 194D that the elector be treated, while he or she is in Antarctica, as an Antarctic elector;

**"research personnel"** means personnel who are to be, or have been, engaged in the work of a research station in Antarctica operated, whether continuously or otherwise, by the Commonwealth;

**"station"** means –

- (a) a research station in Antarctica that is operated by the Commonwealth and has been declared by the Chief Electoral Officer, by written instrument, to be a permanent research station; or

- (b) in relation to a particular election, a ship that has been declared by the Chief Electoral Officer, by written instrument, to be a station for the purposes of this Part in relation to that election;

**"transmit"** includes transmit by telephone, facsimile or other means approved by the Chief Electoral Officer.

(2) The Chief Electoral Officer must not make a declaration under paragraph (b) of the definition of "station" in subsection (1) in relation to a ship unless the Chief Electoral Officer is satisfied that, on polling day in the election, the ship is likely to be at sea transporting research personnel to or from Antarctica.

### **Antarctic returning officers and assistant Antarctic returning officers**

**194B.** (1) There is to be an Antarctic returning officer, and an assistant Antarctic returning officer, for each station.

(2) Antarctic returning officers and assistant Antarctic returning officers are to be appointed by the Chief Electoral Officer by instrument in writing.

(3) The person in charge of a station must not be appointed to be the Antarctic returning officer, or assistant Antarctic returning officer, for that station.

(4) The person in charge of a station may, by instrument in writing, appoint a person (including the assistant Antarctic returning officer) to act as the Antarctic returning officer for the station during any period, or during all periods, when the Antarctic

returning officer for the station is absent from duty at the station, is absent from Antarctica, or is for any other reason unable to perform the functions of the office.

(5) The person in charge of a station may, by instrument in writing, appoint a person to act as the assistant Antarctic returning officer for the station during any period, or during all periods, when the assistant Antarctic returning officer for the station is acting as Antarctic returning officer for the station, is absent from duty at the station, is absent from Antarctica, or is for any other reason unable to perform the functions of the office.

(6) A person acting as Antarctic returning officer or assistant Antarctic returning officer for a station has and may exercise all the powers, and must perform all the functions, of the Antarctic returning officer, or the assistant Antarctic returning officer, for the station, as the case requires.

### **Application of Act to polling in Antarctica**

**194C.** (1) Subject to this Part, this Act applies, so far as practicable, to the taking of a poll in Antarctica.

(2) Sections 121, 125, 127 and 128 do not apply to the taking of a poll in Antarctica.

(3) In the application of this Act to the taking of a poll in Antarctica –

- (a) references to an officer in charge in relation to a polling place are taken to be references to the Antarctic returning officer in relation to a station; and

- (b) references to an assistant presiding officer or poll-clerk in relation to a polling place are taken to be references to the assistant Antarctic returning officer in relation to a station; and
- (c) references to a polling booth, a compartment of a polling booth or the office of a returning officer are taken to be references to the part of a station at which the polling is taking place.

(4) Section 126 applies to the taking of a poll at a station as if the reference in that section to an unoccupied compartment of the booth were a reference to an unoccupied part of the station.

### **Antarctic electors**

**194D.** (1) An elector who is, or expects to be, in the course of employment in Antarctica may, by notice given to the returning officer for the division for which the elector is enrolled, request that he or she be treated, while in Antarctica, as an Antarctic elector in relation to any election the polling day of which occurs while the elector is in Antarctica.

(2) A notice under subsection (1) must be given to a returning officer by delivering or transmitting it to the returning officer.

(3) A notice under subsection (1) is not effective, in relation to an election, unless it is received by a returning officer before noon on nomination day for the election.

(4) On the receipt of a request made by an elector under subsection (1), the returning officer must annotate the roll for the division for which the



elector is enrolled so as to indicate that the elector is an Antarctic elector.

(5) Notwithstanding section 37, while a person is entitled to be treated as an Antarctic elector by virtue of an annotation under subsection (4) to the roll for a division, the person is entitled to –

- (a) have his or her name retained on the roll for the division; and
- (b) vote as an elector of the division.

(6) A returning officer must delete an annotation made under subsection (4) in relation to an elector immediately after he or she becomes aware that the elector has ceased to be in Antarctica.

### **Arrangements for polling in Antarctica**

**194E.** (1) If a poll is required for an election and there is an Antarctic elector in relation to the election, the Chief Electoral Officer must as soon as practicable after the close of nominations cause to be transmitted to the Antarctic returning officer at whose station the elector is based –

- (a) directions for the preparation by the Antarctic returning officer of ballot-papers for use in relation to the election to be held in the State; and
- (b) the name of the elector and the particulars relating to the elector that are entered on the roll for the State.

(2) Where information is transmitted by the Chief Electoral Officer to an Antarctic returning officer under this section, both the Chief Electoral

Officer or the returning officer, as the case may be, and the Antarctic returning officer must, immediately after the transmission, cause a statement in writing of the information transmitted to be prepared.

### **Candidates not to take part in polling**

**194F.** A candidate must not take part in any way in the conduct of the polling in Antarctica.

### **Polling in Antarctica**

**194G. (1)** The polling at a station in Antarctica is to be conducted as follows:

- (a) before any vote is taken, the Antarctic returning officer for the station must exhibit the ballot-box empty, and must then securely fasten its cover;
- (b) the poll must be open during such hours on such days as the Antarctic returning officer, subject to subsection (2), directs;
- (c) the Antarctic returning officer or the assistant Antarctic returning officer must, at all times at which the poll is open, be present in that part of the station at which the polling is taking place.

**(2)** The polling at a station in relation to an election must not continue beyond 6 o'clock in the afternoon by standard time in Tasmania on the day of polling in the election.

**Entitlement of Antarctic electors to vote**

**194H.** An Antarctic elector whose name has been transmitted to the Antarctic returning officer for a station under section 194E is entitled to vote at the station during the period when the poll is open at that station.

**Questions to be put to voter at Antarctic station**

**194J.** (1) The Antarctic returning officer for a station must put to each person claiming to vote at the station such questions as the officer thinks necessary to enable the person's identity and place of living to be established.

(2) If a person claiming to vote refuses to answer fully a question put to him or her under this section, the person's claim to vote at the station must be rejected.

**Right of Antarctic elector to receive ballot-paper**

**194K.** The Antarctic returning officer or the assistant Antarctic returning officer for a station must, at the polling, give to each person claiming to vote at the station a ballot-paper for the division for which the person is enrolled, duly initialled by the Antarctic returning officer, if the person is entitled to vote under section 194H and the person's claim to vote is not rejected.

**List of Antarctic electors to be marked**

**194L.** Immediately on giving a ballot-paper to the person claiming to vote, the Antarctic returning officer or the assistant Antarctic returning officer must record on the statement prepared by the officer under section 194E(2) the fact that the ballot-paper has been given to that person.

**Proceedings by Antarctic returning officer on close of poll**

**194M.** At the close of the poll, the Antarctic returning officer must, in the presence of the assistant Antarctic returning officer –

- (a) open the ballot-box; and
- (b) transmit to the Chief Electoral Officer –
  - (i) particulars of each elector who has voted in the poll taken at the relevant station; and
  - (ii) unless subparagraph (iii) applies, particulars of the marking of each ballot-paper; and
  - (iii) if the Antarctic returning officer is unable clearly to read or understand the particulars referred to in subparagraph (ii), a statement to that effect together with such information relating to those particulars as the Antarctic returning officer thinks sufficient to explain that inability; and

- (c) cause a statement in writing of the information transmitted to be prepared.

### **Result of polling in Antarctica**

**194N. (1)** On receipt of the particulars referred to in section 194M(b)(ii), the Chief Electoral Officer must forthwith –

- (a) initial the back of a postal ballot-paper appropriate for the division for which the vote was cast; and
- (b) cause those particulars to be transcribed to the postal ballot-paper; and
- (c) seal the postal ballot-paper in an envelope; and
- (d) sign the envelope; and
- (e) cause to be sent to the returning officer for the division to which the ballot-paper relates the envelope containing the postal ballot-paper.

**(2)** The Chief Electoral Officer must not mark a postal ballot-paper under this section in a manner that is likely to enable the ballot-paper to be identified as representing the vote of an Antarctic elector.

**(3)** A reference in Part V to scrutiny –

- (a) includes a reference to scrutiny of any act or thing done under subsection (1)(a) to (d) (inclusive); and
- (b) does not include a reference to scrutiny of –

- (i) any act or thing done in Antarctica; or
- (ii) the transmission of any information to or from Antarctica.

(4) For the purposes of Schedules 3 and 4, a ballot-paper marked in accordance with subsection (1)(b) is taken to have been used for voting under Division 7 of Part V.

**Preservation of ballot-papers, &c.**

**194P.** (1) As soon as practicable after the close of the poll for an election, the Antarctic returning officer for each station must transmit to the Chief Electoral Officer a copy of the statements prepared by the officer under section 194E(2) and the ballot-papers used for voting at the station.

(2) The documents to which this section applies that are used at or in connection with an election must be preserved in accordance with directions of the Chief Electoral Officer for the purposes of this subsection until –

- (a) the election can no longer be questioned; or
- (b) the expiration of the period of 6 months commencing on the date of the declaration of the poll –

whichever last occurs.

(3) Subsection (2) applies to the following documents:

- (a) the statements referred to in sections 194E(2), 194M(c) and 194N(3)(a);

- (b) the postal ballot-papers referred to in section 194N(1)(b);
- (c) the ballot-papers prepared by an Antarctic returning officer and used for voting in Antarctica.

**Part XI: Division 1AA inserted**

**21.** After the heading to Part XI of the Principal Act, the following Division is inserted:

***Division 1AA – Non-Parliamentary elections***

**Power of Chief Electoral Officer to conduct non-Parliamentary elections**

**240A.** The Chief Electoral Officer may conduct ballots or elections for any person, organisation or body and may charge reasonable fees for his or her services.

**Section 243 amended (Printing, publishing and distribution of electoral matter unlawful in certain cases)**

**22.** Section 243 of the Principal Act is amended by inserting after subsection (4) the following subsection:

**(4A)** Subsection (4) does not apply to any matter printed, published or distributed by the Chief Electoral Officer in the course of promoting public awareness of electoral and parliamentary matters.

**Schedule 2 amended (Printing and collation of ballot-papers)**

**23.** Schedule 2 to the Principal Act is amended by omitting "the alphabetical sequence of the surnames of those candidates" from clause 3 and substituting "a random sequence by a method determined by the Chief Electoral Officer".

*[Second reading presentation speech made in:-  
House of Assembly on 15 May 1996  
Legislative Council on 14 August 1996]*