Electoral Amendment (COVID-19) Regulation 2022
under the
Electoral Act 2017

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the Electoral Act 2017.

DOMINIC PERROTTET, MP
Premier

Explanatory note
The object of this Regulation is to amend the Electoral Regulation 2018 to make further provision regarding the conduct of by-elections during the COVID-19 pandemic.
This Regulation is made under the Electoral Act 2017, including Part 10, Division 3 (By-elections during COVID-19 pandemic).
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1 Name of Regulation
This Regulation is the Electoral Amendment (COVID-19) Regulation 2022.

2 Commencement
This Regulation commences on the day on which it is published on the NSW legislation website.
Schedule 1 Amendment of Electoral Regulation 2018

[1] Clause 9
Omit the clause. Insert instead—

9 By-elections during COVID-19 pandemic
Schedule 2 has effect.

[2] Schedule 2
Insert after Schedule 1—

Schedule 2 By-elections during COVID-19 pandemic

1 Application of Schedule
This clause applies to a by-election if it is held during the period—
(a) starting at the beginning of the day on which this Schedule commences, and
(b) ending at the end of 30 June 2022.

2 Postal vote by declared COVID-19 affected electors—the Act, s 274
(1) The Electoral Commissioner may, if satisfied it is necessary to comply with a public health order, or to reduce the risk of infection from COVID-19, declare, by order published on the Electoral Commission’s website, that electors of a specified electoral district are COVID-19 affected electors for a by-election to which this Schedule applies.

(2) The Electoral Commissioner may also publish a copy of the declaration in other ways the Electoral Commissioner considers necessary to bring the declaration to the attention of the COVID-19 affected electors.

(3) A declaration under subclause (1) must include a notice that informs the specified COVID-19 affected electors that the electors are entitled, but not required, to vote by post, but may instead vote in person at a voting centre.

(4) A COVID-19 affected elector is entitled to vote by post in the by-election.

(5) On the making of a declaration of COVID-19 affected electors under this clause, the Electoral Commissioner is, for each COVID-19 affected elector, other than an elector to whom a ballot paper has been delivered or posted under the Act, section 144 or 145, to make a record that a ballot paper is being issued to the elector and deliver or post the items and information referred to in the Act, section 145(2)(a)–(b) to the elector.

(6) The Electoral Commissioner must, at a scrutiny referred to in the Act, section 149, disallow a postal vote if the Electoral Commissioner is satisfied the COVID-19 affected elector also received a ballot paper at a voting centre, including an early voting centre.

3 Timing of preliminary scrutiny of postal votes—the Act, s 274
For a by-election to which this Schedule applies—
(a) the reference to 5 days in the Act, section 149(1)(a) is to be read as a reference to 14 days, and
(b) the reference to the fourth day in the Act, section 149(1)(b)(i) is to be read as a reference to the thirteenth day.

4 **Technology assisted voting— the Act, ss 152(3) and 161(3)**

Technology assisted voting is not to be used at a by-election to which this Schedule applies, other than telephone voting for vision impaired or blind electors.

5 **Repeal of Schedule**

Clause 9 and this Schedule are repealed at the end of 30 June 2022.