



New South Wales

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

clause 9

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.