



New South Wales

Parliamentary Electorates and Elections Further Amendment Bill 2010

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Parliamentary Electorates and Elections Act 1912* (the *Elections Act*) as follows:

- (a) to enable persons with impaired vision or with certain other disabilities and persons who may have difficulty voting by reason of location to vote by telephone or by means of a computer linked to the internet,
- (b) to make other miscellaneous amendments relating to the conduct of State Parliamentary elections.

The Bill also makes two amendments to the *Government Information (Public Access) Act 2009* relating to elections and election funding.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Parliamentary Electorates and Elections Act 1912 No 41 relating to technology assisted voting

Schedule 1 inserts proposed Division 12A (proposed sections 120AA–120AM) into Part 5 (Conduct of elections) of the Elections Act.

The proposed Division provides that the Electoral Commissioner will be able to approve procedures (*the approved procedures*) to enable eligible electors to vote at a State Parliamentary election by means of technology assisted voting, being a method of voting where the eligible elector votes by means of a networked electronic device, such as by using a computer linked to the internet or by using a telephone.

The *eligible electors* able to use this method are defined to be those electors who meet any of the following eligibility requirements:

- (a) the elector's vision is so impaired, or the elector is otherwise so physically incapacitated or so illiterate, that he or she is unable to vote without assistance,
- (b) the elector has a disability (within the meaning of the *Anti-Discrimination Act 1977*) and because of that disability he or she has difficulty voting at a polling place or is unable to vote without assistance,
- (c) the elector's real place of living is not within 20 kilometres, by the nearest practicable route, of a polling place,
- (d) the elector will not throughout the hours of polling on polling day be within New South Wales. (However, technology assisted voting will not be available for this class of electors until at least one year after the 2011 State Parliamentary elections.)

The Electoral Commissioner will also be able, by order published on the NSW legislation website, to set additional requirements for electors or any class of electors to be eligible for technology assisted voting. The regulations under the Elections Act will be able to exclude classes of electors from designation by the Electoral Commissioner.

The procedures approved by the Electoral Commissioner for technology assisted voting must provide:

- (a) for an eligible elector to register before voting by means of technology assisted voting, and
- (b) for the making of a record of each eligible elector who has voted by means of technology assisted voting, and
- (c) for the authentication of the eligible elector's vote, and
- (d) for the secrecy of the eligible elector's vote, and
- (e) that any vote cast in accordance with the approved procedures be securely transmitted to the Electoral Commissioner and securely stored by the Electoral Commissioner until printed, and

- (f) for the production of a printed ballot paper at the close of the poll, for the purposes of the scrutiny, for each vote transmitted to the Electoral Commissioner showing the vote cast by the eligible elector, and
- (g) for the bundling and sealing of those ballot papers in packages and the distribution of those sealed packages to the relevant returning officers.

The proposed Division also provides for the following:

- (a) the independent auditing, before and after each Assembly general election, of the information technology used under the approved procedures,
- (b) that scrutineers appointed by candidates may observe the production of the printed ballot papers and bundling and sealing of those ballot papers in accordance with the approved procedures and any other element of the technology assisted voting process that is approved by the Electoral Commissioner for scrutiny,
- (c) that votes cast by eligible electors and transmitted to the Electoral Commissioner in accordance with the approved procedures are to be counted with the postal votes for that election,
- (d) that it is an offence for any person who becomes aware of how an eligible elector, voting in accordance with the approved procedures, voted to disclose that information to any other person except in accordance with the approved procedures,
- (e) that it is an offence for a person to make any statement (whether orally, in writing or by means of electronic communication) that the person knows to be false or misleading in a material particular for the purposes of or in connection with making an application for registration for technology assisted voting or casting a vote by means of technology assisted voting,
- (f) that it is an offence for a person, without reasonable excuse, to destroy or interfere with any computer program, data file or electronic device used, or intended to be used, by the Electoral Commissioner for or in connection with technology assisted voting,
- (g) that approvals by the Electoral Commissioner for the purposes of the proposed Division must be in writing and published on the Commission's internet website,
- (h) that regulations may be made under the Elections Act that make provision for or with respect to enabling eligible electors to vote in elections by means of technology assisted voting,
- (i) that the Electoral Commissioner may determine that technology assisted voting is not to be used at a specified election,
- (j) the review of the performance of technology assisted voting at the 2011 State Parliamentary election and the investigation by the Electoral Commissioner of the extension of technology assisted voting to all electors outside the State and other electors for subsequent State Parliamentary elections.

Schedule 2 Miscellaneous amendments to Parliamentary Electorates and Elections Act 1912 No 41

Schedule 2 [1] provides that “approved forms” are electoral papers for the purposes of the Elections Act. As a consequence the following sections of the Elections Act will apply to approved forms:

- (a) section 176C (Signature to electoral paper),
- (b) section 176D (Untrue statements in forms),
- (c) section 176E (Witnessing electoral papers),
- (d) section 176F (Forging or uttering electoral papers).

See also the related amendment in **Schedule 2 [18]**.

Schedule 2 [2] provides that the Electoral Commissioner is not required to vote at any election of a member of the Legislative Assembly or any periodic Legislative Council election.

Schedule 2 [3] provides that a returning officer for an electoral district is ineligible to vote at any election of a member of the Legislative Assembly for that district.

Schedule 2 [4] amends various provisions of the Elections Act to provide that certain decisions are to be made public on the Electoral Commission’s internet website rather than in the Gazette. Those decisions are as follows:

- (a) section 21AR—notice of any appointment or termination of an appointment of a returning officer,
- (b) section 84 (2)—the appointment or abolition of a polling place,
- (c) section 98 (3)—the appointment or abolition of a polling place outside the electoral district,
- (d) section 114P (6)—the appointment of places (within or outside the State) and the hours for pre-poll voting,
- (e) section 114ZN (2)—the declaration of institutions (such as convalescent homes, hospitals or similar institutions) for the purposes of declared institution pre-poll voting.

Schedule 2 [5], [6] and [10] make amendments, consistent with the *Commonwealth Electoral Act 1918* of the Commonwealth, to provide that 16 year olds may enrol under the Elections Act. Such persons may not vote until they attain 18 years of age.

Schedule 2 [7] repeals certain provisions of the Elections Act that provide that an elector is not entitled to vote at an election for a district unless the real place of living of the elector was, at some time within 3 months immediately preceding polling day for that election, within that district. It is noted that section 22 of the Elections Act provides that a person is not entitled to be enrolled for a district unless the person lives at an address in that district and the person has lived at that address for at least

one month before the enrolment. **Schedule 2 [16] and [17]** make consequential amendments.

Schedule 2 [8] and [9] make amendments to enable the Electoral Commissioner to make changes to electoral rolls kept under the Elections Act as a consequence of any change to any roll kept by the Australian Electoral Commission under the *Commonwealth Electoral Act 1918* of the Commonwealth.

Schedule 2 [11] makes an amendment consequent on the enactment of proposed Division 12A (see Schedule 1). The amendment also makes law revisions to include references to Divisions 5A and 18 and remove a reference to repealed Division 3.

Schedule 2 [12] makes a law revision amendment.

Schedule 2 [13] and [14] make amendments to provide that the Electoral Commissioner may specify the manner in which the random order of names on ballot papers for Legislative Council elections is to be determined. The provisions currently assume a physical ballot with procedures to be prescribed by the regulations under the Elections Act. The methods that may be specified in the future may include determination by electronic means. **Schedule 2 [15]** makes a consequential amendment.

Schedule 2 [18] amends various provisions of the Elections Act to enable the Electoral Commissioner to approve forms for the purposes of that Act rather than requiring those forms be prescribed by the regulations under that Act. **Schedule 2 [22]** makes a consequential amendment.

Schedule 2 [19] makes an amendment to enable an elector to cast certain provisional pre-poll votes when voting at a pre-poll voting place outside the elector's district.

Schedule 2 [20] enables the Electoral Commissioner to determine that various provisions of the Elections Act that enable a person to simultaneously enrol and vote do not apply at specified pre-poll voting places outside New South Wales.

Schedule 2 [21] makes an amendment to enable an elector, when voting at a declared institution within the elector's district, to cast a provisional vote on the ground that the elector claims that the elector's name was wrongly omitted from the roll.

Schedule 2 [23] makes an amendment to enable an elector to cast certain provisional votes (not being provisional votes that enable a person to simultaneously enrol for the first time and vote or transfer enrolment and vote) when voting at a declared institution outside the elector's district. The amendment also inserts a provision to make it clear that the votes of persons voting at declared institutions outside the electors' districts are to be treated as absent votes for the purposes of the scrutiny.

Schedule 2 [24] renames "electoral information" in section 138 of the Elections Act as "election information" to prevent confusion with the term used in section 46 of that Act.

Schedule 2 [25] and [26] make amendments to Schedules 4 and 4A to the Elections Act to change the words of instructions contained in the sample ballot papers set out in those Schedules.

Schedule 2 [27] enables regulations of a savings or transitional nature consequent on the enactment of the proposed Act to be made.

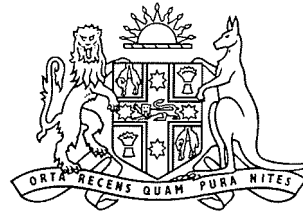
Schedule 3 Amendment of Government Information (Public Access) Act 2009 No 52

Schedule 3 [1] amends Schedule 1 to the *Government Information (Public Access) Act 2009* to provide that it is to be conclusively presumed for the purposes of that Act that there is an overriding public interest against disclosure of information the disclosure of which is prohibited by any of the following sections of the Elections Act:

- (a) 120AG (Secrecy relating to technology assisted voting)—that prohibits the disclosure of information of how electors voted using technology assisted voting and prohibits the disclosure of the source code and other software that relates to such voting,
- (b) 135 (Violation of secrecy by officers)—that prohibits the disclosure by election officials and scrutineers of information of how electors voted,
- (c) 154AE (Votes from Antarctica not to be disclosed)—that prohibits the disclosure of information of how an elector voted under the special provisions relating to Antarctic voters.

Schedule 3 [2] amends Schedule 2 to the *Government Information (Public Access) Act 2009* to provide that information relating to the investigative or prosecuting functions of the Election Funding Authority is “excluded information” for the purpose of that Act. Section 43 of that Act prevents an access application from being made to an agency for excluded information of the agency. Also, Schedule 1 to that Act provides that it is to be conclusively presumed that there is an overriding public interest against disclosure of excluded information.

First print



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New South Wales

Parliamentary Electorates and Elections Further Amendment Bill 2010

No. , 2010

A Bill for

An Act to amend the *Parliamentary Electorates and Elections Act 1912* to make provision for technology assisted voting for persons with impaired vision or with certain other disabilities and for persons unable to vote by reason of location, to make further provision regarding the conduct of elections; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Parliamentary Electorates and Elections Further Amendment Act 2010</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6

Schedule 1	Amendment of Parliamentary Electorates and Elections Act 1912 No 41 relating to technology assisted voting	1 2 3
Part 5, Division 12A		4
	Insert after Division 12 of Part 5:	5
Division 12A	Technology assisted voting	6
120AA	Definitions	7
	In this Division:	8
	<i>approved procedures</i> means the procedures approved under section 120AC.	9 10
	<i>eligible elector</i> —see section 120AB.	11
	<i>technology assisted voting</i> means a method of voting where an eligible elector votes by means of a networked electronic device, such as by a telephone or by a computer linked to the internet.	12 13 14
120AB	Meaning of “eligible elector”	15
(1)	For the purposes of this Division, an <i>eligible elector</i> means an elector who meets any of the following eligibility requirements (and any additional eligibility requirements under subsection (2)):	16 17 18 19
(a)	the elector’s vision is so impaired, or the elector is otherwise so physically incapacitated or so illiterate, that he or she is unable to vote without assistance,	20 21 22
(b)	the elector has a disability (within the meaning of the <i>Anti-Discrimination Act 1977</i>) and because of that disability he or she has difficulty voting at a polling place or is unable to vote without assistance,	23 24 25 26
(c)	the elector’s real place of living is not within 20 kilometres, by the nearest practicable route, of a polling place,	27 28 29
(d)	the elector will not throughout the hours of polling on polling day be within New South Wales.	30 31
(2)	The Electoral Commissioner may, by order published on the NSW legislation website, set additional requirements for electors or any class of electors to be eligible for technology assisted voting.	32 33 34 35

(3)	The regulations can limit the classes of electors who may be eligible for technology assisted voting.	1 2
(4)	Subsection (1) (d) does not have effect until a regulation declares that the paragraph is operational. Such a regulation may not be made before 26 March 2012.	3 4 5
120AC	Electoral Commissioner to approve procedures for technology assisted voting	6 7
(1)	The Electoral Commissioner may approve procedures to facilitate voting by eligible electors at an election by means of technology assisted voting.	8 9 10
(2)	The approved procedures must provide:	11
(a)	for an eligible elector to register before voting by means of technology assisted voting, and	12 13
(b)	for the making of a record of each eligible elector who has voted by means of technology assisted voting, and	14 15
(c)	for the authentication of the eligible elector's vote, and	16
(d)	for the secrecy of the eligible elector's vote, and	17
(e)	that any vote cast in accordance with the approved procedures be securely transmitted to the Electoral Commissioner and securely stored by the Electoral Commissioner until printed, and	18 19 20 21
(f)	for the production of a printed ballot paper at the close of the poll, for the purposes of the scrutiny, for each vote transmitted to the Electoral Commissioner showing the vote cast by the eligible elector, and	22 23 24 25
(g)	for the bundling of those ballot papers according to the electoral district of the eligible elector (separating Assembly and Council ballot papers into different bundles), the sealing of the bundled ballot papers in packages and the distribution of:	26 27 28 29 30
(i)	the sealed packages of Assembly ballot papers to the relevant returning officers for each of those districts, and	31 32 33
(ii)	the sealed packages of Council ballot papers to the Electoral Commissioner.	34 35
(3)	A printed ballot paper produced in accordance with the approved procedures does not need to be in or to the effect of the form prescribed in Schedule 4 or 4A (as the case requires), or be of the same size or format as the ballot papers printed in accordance	36 37 38 39

	with section 83 or 83B, so long as the vote cast by the eligible elector can be accurately determined.	1 2
(4)	The Electoral Commissioner may approve procedures under this section only if the Electoral Commissioner is satisfied that a class of electors, who in other circumstances would be unable to vote or would have difficulty voting, would benefit from the approval of the procedures.	3 4 5 6 7
(5)	The only limit on the power of the Electoral Commissioner to approve procedures under this section is that the pre-condition for approval set out in subsection (4) is met.	8 9 10
(6)	The approval of procedures under this section cannot be challenged, reviewed or called into question in proceedings before any court or tribunal except on the grounds that the approval exceeds the jurisdictional limit specified by subsection (5) for the approval of such procedures.	11 12 13 14 15
120AD	Independent auditing of technology assisted voting	16
(1)	The Electoral Commissioner is to engage an independent person (the <i>independent auditor</i>) to conduct audits of the information technology used under the approved procedures.	17 18 19
(2)	Audits under this section are to be conducted and the results of those audits are to be provided to the Electoral Commissioner:	20 21
	(a) at least 7 days before voting commences in each Assembly general election at which technology assisted voting is to be available, and	22 23 24
	(b) within 60 days after the return of the writs for each Assembly general election at which technology assisted voting was available.	25 26 27
(3)	Without limiting the content of the audit, the independent auditor is to determine whether test votes cast in accordance with the approved procedures were accurately reflected in the corresponding test ballot papers produced under those procedures.	28 29 30 31 32
(4)	The independent auditor may make recommendations to the Electoral Commissioner to reduce or eliminate any risks that could affect the security, accuracy or secrecy of voting in accordance with the approved procedures.	33 34 35 36

120AE	Scrutineers	1
	A candidate may appoint a scrutineer to observe:	2
	(a) any production of the printed ballot papers and bundling and sealing of those ballot papers in accordance with the approved procedures, and	3 4 5
	(b) any other element of the technology assisted voting process that is approved by the Electoral Commissioner for the purposes of this section.	6 7 8
120AF	Technology assisted votes to be counted with postal votes	9
	Any vote cast by an eligible elector and transmitted to the Electoral Commissioner in accordance with the approved procedures is to be counted with the postal votes for that election.	10 11 12
120AG	Secrecy relating to technology assisted voting	13
	(1) Any person who becomes aware of how an eligible elector, voting in accordance with the approved procedures, voted is not to disclose that information to any other person except in accordance with the approved procedures.	14 15 16 17
	Maximum penalty: 5 penalty units, or imprisonment for a term not exceeding 6 months, or both.	18 19
	(2) A person must not disclose to any other person any source code or other computer software that relates to technology assisted voting under the approved procedures, except in accordance with the approved procedures or in accordance with any arrangement entered into by the person with the Electoral Commissioner.	20 21 22 23 24
	Maximum penalty: 5 penalty units, or imprisonment for a term not exceeding 6 months, or both.	25 26
120AH	False and misleading statements	27
	A person who makes any statement (whether orally, in writing or by means of electronic communication) that the person knows to be false or misleading in a material particular for the purposes of or in connection with either of the following is guilty of an offence:	28 29 30 31 32
	(a) making an application for registration for technology assisted voting,	33 34
	(b) casting a vote by means of technology assisted voting.	35
	Maximum penalty: 100 penalty units, or imprisonment for a term not exceeding 2 years, or both.	36 37

120AI	Protection of computer hardware and software	1
	A person must not, without reasonable excuse, destroy or interfere with any computer program, data file or electronic device used, or intended to be used, by the Electoral Commissioner for or in connection with technology assisted voting.	2 3 4 5 6
	Maximum penalty: 100 penalty units, or imprisonment for a term not exceeding 3 years, or both.	7 8
120AJ	Approvals to be published on the internet	9
	An approval by the Electoral Commissioner for the purposes of this Division must be:	10 11
	(a) in writing, and	12
	(b) published on the Commission's internet website.	13
120AK	Regulations relating to technology assisted voting	14
(1)	The regulations may make provision for or with respect to voting by eligible electors by means of technology assisted voting.	15 16
(2)	Without limiting subsection (1), the regulations may make provision for or with respect to the following:	17 18
	(a) the technology assisted voting method or methods that may be authorised under approved procedures,	19 20
	(b) the period during which voting by eligible electors using technology assisted voting is permitted (including a period before polling day),	21 22 23
	(c) the appointment by the Electoral Commissioner of officers to facilitate voting by means of technology assisted voting,	24 25
	(d) the independent auditing of the secrecy and authenticity of voting by means of technology assisted voting at any election.	26 27 28
(3)	The regulations may provide that technology assisted voting is not to be used at a specified election.	29 30
(4)	For the avoidance of doubt, neither this section nor any regulations made under this section prevent approved procedures dealing with matters referred to in this section.	31 32 33
(5)	However, if a provision of a regulation made under this section is inconsistent with an approved procedure, the provision of the regulation prevails to the extent of the inconsistency.	34 35 36

120AL	Electoral Commissioner may determine that technology assisted voting is not to be used	1 2
(1)	The Electoral Commissioner may determine that technology assisted voting is not to be used at a specified election.	3 4
(2)	A determination under this section must be in writing and published on the Commission's internet website.	5 6
120AM	Review of technology assisted voting at elections and investigation of its extension to other electors	7 8
(1)	The Electoral Commissioner is to conduct:	9
(a)	a review of the performance of technology assisted voting at the 2011 Assembly general election and periodic Council election, and	10 11 12
(b)	an investigation into extending technology assisted voting to all electors outside the State and other electors for subsequent elections under this Act.	13 14 15
(2)	The review and investigation are to be undertaken as soon as possible after the return of writs for the 2011 Assembly general election.	16 17 18
(3)	A report on the review and investigation is to be given to the Minister not later than 26 September 2011.	19 20
(4)	The Minister is, as soon as practicable, to table, or cause to be tabled, a copy of the report in each House of Parliament.	21 22

Schedule 2	Miscellaneous amendments to Parliamentary Electorates and Elections Act 1912 No 41	1 2 3
[1] Section 3 Definitions		4
	Insert “, any approved form” after “any electoral claim” in the definition of <i>Electoral paper</i> in section 3 (1).	5 6
[2] Section 21ACA		7
	Insert after section 21AC:	8
21ACA Electoral Commissioner not required to vote at Assembly and Council elections		9 10
	The Electoral Commissioner is not required to vote at any election of a member of the Assembly or any periodic Council election.	11 12 13
[3] Section 21AH		14
	Omit the section. Insert instead:	15
21AH Returning officer not eligible to vote at Assembly election		16
	A returning officer for a district is ineligible to vote at any election of a member of the Assembly for that district.	17 18
[4] Sections 21AR, 84 (2), 98 (3), 114P (6) and 114ZN (2)		19
	Omit “in the Gazette” wherever occurring.	20
	Insert instead “on the Commission’s internet website”.	21
[5] Section 22 Who is entitled to be enrolled?		22
	Omit “age 17” from section 22 (2) (f). Insert instead “age 16”.	23
[6] Section 22 (3)		24
	Omit “17 years”. Insert instead “16 years”.	25
[7] Section 24 Restrictions on entitlement to vote		26
	Omit section 24 (4)–(6).	27

[8] Section 28 Means of enrolment	1
Insert at the end of section 28 (b):	2
, or	3
(c) in response to a change to any roll kept under the Commonwealth Act under section 30A.	4 5
[9] Section 30A	6
Insert after section 30:	7
30A Enrolment by Electoral Commissioner in response to change to Commonwealth electoral roll	8 9
(1) If, because of a change to any roll kept under the Commonwealth Act, the Electoral Commissioner forms the opinion that:	10 11
(a) a person who is not enrolled for any district is entitled to be enrolled for a district, the Electoral Commissioner may enrol the person for the district, or	12 13 14
(b) a person is incorrectly enrolled for a district (the <i>first district</i>), but that the person is entitled to be enrolled for another district (the <i>second district</i>), the Electoral Commissioner may:	15 16 17 18
(i) remove the person’s name from the roll for the first district, and	19 20
(ii) enrol the person for the second district, or	21
(c) a person who is enrolled for a district is not entitled to be enrolled for that district, the Electoral Commissioner may remove the person’s name from the roll for the district.	22 23 24
(2) Nothing in this section prevents the Electoral Commissioner enrolling a person for a district during the period of any election, including after the issue of the writ for the election.	25 26 27
[10] Section 47 Persons who are to provide information	28
Omit “17 years” from section 47 (3) (b) (iii). Insert instead “16 years”.	29
[11] Section 67A Application of Part	30
Omit “Divisions 2, 3, 6B, 7, 8, 9, 10, 11A, 12, 13, 15, 16 and 17”.	31
Insert instead “Divisions 2, 5A, 6B, 7, 8, 9, 10, 11A, 12, 12A, 13, 15, 16, 17 and 18”.	32 33

[12] Section 83 Printing of ballot papers	1
Omit “in which those names were drawn by a ballot held pursuant to” from section 83 (a).	2 3
Insert instead “determined under”.	4
[13] Section 83B Printing of ballot papers	5
Omit “hold a ballot to” wherever occurring in section 83B (1) (a) and (b).	6
[14] Section 83B (2)	7
Omit the subsection. Insert instead:	8
(2) The Electoral Commissioner may use any method of random selection as seems appropriate to the Electoral Commissioner (including by electronic means) to determine the order in which names of groups and candidates are to be entered on ballot papers.	9 10 11 12 13
[15] Section 83B (6)	14
Omit “ballots of the kind referred to in subsection (1) to be held”.	15
Insert instead “determinations of the kind referred to in subsections (1) and (2)”.	16 17
[16] Section 99 Questions to be put to voter	18
Omit section 99 (3).	19
[17] Section 99 (5) (b)	20
Omit “and the question specified in subsection (3)”.	21
[18] Sections 99A, 114A (2) (a), 114Q (1), 114ZR (3) and 115 (1) (c)	22
Omit “prescribed form” wherever occurring.	23
Insert instead “approved form”.	24
[19] Section 114R Provisional pre-poll voting	25
Insert “106 (1), (2), (2C), (3) (a)–(d) and (5),” after “sections” in section 114R (5).	26 27

[20] Section 114R (5A)	1
Insert after section 114R (5):	2
(5A) Electoral Commissioner may determine that enrolment voting provisions do not apply at pre-poll voting places outside New South Wales	3
	4
	5
The Electoral Commissioner may determine that sections 115A and 117A–119 do not extend to the casting of votes at one or more specified pre-poll voting places (being pre-poll voting places located outside New South Wales). Such a determination must be:	6
	7
	8
	9
	10
(a) in writing, and	11
(b) published on the Commission’s internet website.	12
[21] Section 114ZQB Procedure for voting at declared institutions—voting in elector’s district	13
	14
Omit “(2),” from section 114ZQB (2).	15
[22] Section 114ZR Procedure for voting at declared institutions—voting other than in elector’s district	16
	17
Omit “in the form prescribed” from section 114ZR (5).	18
Insert instead “in the approved form”.	19
[23] Section 114ZR (11) and (12)	20
Insert after section 114ZR (10):	21
(11) Provisional pre-poll voting at declared institutions outside district	22
	23
Section 106 (1), (2), (2C), (3) (a)–(d) and (5) extend to the casting of a vote of a person at a declared institution that is not in the district for which the person claims to be entitled to be enrolled, subject to the following modifications:	24
	25
	26
	27
(a) references to polling places are taken to be references to declared institutions,	28
	29
(b) references to polling place managers and election officials are taken to be references to pre-poll voting officers at the declared institutions.	30
	31
	32

(12)	Application of absent voting scrutiny provisions	1
	Sections 117–120 extend to the scrutiny of a vote of a person at a declared institution that is not in the district for which the person claims to be entitled to be enrolled, subject to the following modifications:	2
		3
		4
		5
	(a) references to absent voters ballot papers are taken to be references to the ballot papers of persons voting under this section (other than subsection (11)),	6
		7
		8
	(b) references to voting under section 115A are taken to be references to voting under section 106 (1), (2) and (2C) as extended by subsection (11).	9
		10
		11
[24]	Section 138 Election information	12
	Omit “electoral information” and “Electoral information” wherever occurring in section 138 (2), (3) and (4).	13
		14
	Insert instead “election information” and “Election information”, respectively.	15
[25]	Schedule 4 Ballot paper	16
	Omit:	17
	Place the number “1” in the square opposite the name of the candidate for whom you desire to give your first preference vote.	18
	*You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number “2” in the squares opposite the names of those additional candidates in the order of your preferences for them.	19
		20
		21
		22
		23
	Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.	24
		25
	Insert instead:	26
	Write the number 1 in the square next to the candidate of your choice.	27
		28
	*You can show more choices, if you want to, by writing numbers in the other squares, starting with the number 2 .	29
		30
	Fold this ballot paper so your vote cannot be seen and place it in the ballot box (or in the envelope provided).	31
		32
[26]	Schedule 4A	33
	Omit the Schedule. Insert instead:	34

Parliamentary Electorates and Elections Further Amendment Bill 2010

Miscellaneous amendments to Parliamentary Electorates and Elections Act Schedule 2
1912 No 41

[27] Schedule 22 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

*Parliamentary Electorates and Elections Further Amendment
Act 2010*

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Schedule 3	Amendment of Government Information (Public Access) Act 2009 No 52	1
		2
[1]	Schedule 1 Information for which there is conclusive presumption of overriding public interest against disclosure	3
		4
	Omit “section 48 (Privacy—non-disclosure of information)” from the matter relating to the <i>Parliamentary Electorates and Elections Act 1912</i> in clause 1 of the Schedule.	5
		6
		7
	Insert instead “sections 48 (Privacy—non-disclosure of information), 120AG (Secrecy relating to technology assisted voting), 135 (Violation of secrecy by officers) and 154AE (Votes from Antarctica not to be disclosed)”.	8
		9
		10
[2]	Schedule 2 Excluded information of particular agencies	11
	Insert at the end of clause 4 of the Schedule:	12
	Election Funding Authority—investigative and prosecuting functions.	13
		14