



New South Wales

Electoral Amendment (COVID-19) Bill 2021

Explanatory note

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

Overview of Bill

The object of this Bill is to make special provision for by-elections held during the COVID-19 pandemic.

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 Electoral Act 2017 No 66

Schedule 1 inserts proposed Division 3 into the *Electoral Act 2017*, Part 10 in relation to a by-election. The proposed Division provides—

- (a) all electors may apply for early voting and certain electors may apply to vote by post, and
- (b) the regulations may, in certain circumstances, modify the *Electoral Act 2017* for the purposes of responding to the public health emergency caused by the COVID-19 pandemic.

The provisions have effect until the end of 30 June 2022.



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New South Wales

Electoral Amendment (COVID-19) Bill 2021

No. , 2021

A Bill for

An Act to amend the *Electoral Act 2017* to provide for by-elections held during the COVID-19 pandemic.

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Electoral Amendment (COVID-19) Act 2021*.

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2 Commencement

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This Act commences on the date of assent to this Act.

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Schedule 1	Amendment of Electoral Act 2017 No 66	1
Part 10, Division 3		2
Insert after clause 271—		3
Division 3	By-elections during COVID-19 pandemic	4
272	Definition	5
	In this Division—	6
	<i>prescribed period</i> means the period—	7
	(a) starting at the beginning of the day on which this Division commences, and	8 9
	(b) ending at the end of 30 June 2022.	10
273	Early voting and postal voting	11
(1)	If a by-election is held during the prescribed period, an elector may apply under section 113 to vote before election day, whether or not the elector is unable to attend at a voting centre on election day, as referred to in section 6.	12 13 14
(2)	If a by-election is held during the prescribed period, an elector may apply under section 143 to vote by post if the elector—	15 16
	(a) is self-isolating because of COVID-19 related reasons, or	17
	(b) reasonably believes that attending a voting centre on election day will pose a risk to the health or safety of the person, or of another person, because of the COVID-19 pandemic, or	18 19 20
	(c) is a permanent or temporary resident in a hospital, nursing home, retirement village or similar facility.	21 22
274	Regulation-making power	23
(1)	The regulations may modify the application of this Act for a by-election held during the prescribed period, for the purposes of responding to the public health emergency caused by the COVID-19 pandemic.	24 25 26
(2)	The Minister may recommend to the Governor that regulations be made under this section only if the proposed regulations are—	27 28
	(a) in accordance with advice issued by the Electoral Commissioner, and	29
	(b) reasonable to protect the health, safety and welfare of persons from risk of harm caused by the COVID-19 pandemic.	30 31
(3)	Regulations made under this section—	32
	(a) are not limited by the regulation-making power in this Act, and	33
	(b) may override the provisions of this Act.	34
(4)	A regulation made under this section must not enable a by-election to be conducted exclusively by—	35 36
	(a) postal voting, or	37
	(b) postal voting and technology assisted voting, within the meaning of Part 7, Division 11.	38 39
(5)	A regulation made under this section is repealed at the end of the day on which this Division is repealed.	40 41

275 Repeal of Division

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This Division is repealed at the end of 30 June 2022.

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