

NORTHERN TERRITORY OF AUSTRALIA

ELECTORAL LEGISLATION AMENDMENT ACT 2016

Act No. 1 of 2016

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 1 of 2016

An Act to amend the *Electoral Act* and the *Electoral Regulations*

[Assented to 2 March 2016]
[Second reading 2 December 2015]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Electoral Legislation Amendment Act 2016*.

Part 2 Amendment of Electoral Act

2 Act amended

This Part amends the *Electoral Act*.

3 Section 21 amended

Section 21, at the end

insert

Note for section 21

It is compulsory for a person to be enrolled for an electoral division. Under an arrangement made between the Administrator and the Governor-General under section 20, the Territory uses Commonwealth electoral rolls. A failure to enrol or notify a change of address is an offence under the Commonwealth Act.

4 Part 5 heading amended

Part 5, heading

omit

general

5 Section 40 amended

After section 40(3)

insert

- (4) The Commission may authorise a person or body to print the ballot papers to be used in an election.

6 Section 41 amended

Section 41(2), after "office"

insert

or other place decided by the Commission

7 Section 50 amended

Section 50(2)

omit, insert

- (2) The person may:
- (a) place the number "1" in the candidate square for a candidate to indicate the person's first preference for the candidate; and
 - (b) either:
 - (i) place consecutively increasing whole numbers (starting with a "2") in the candidate square for 1 or more (but not necessarily all) of the other candidates to indicate the order of the person's preferences for those candidates; or
 - (ii) leave the candidate square for all other candidates blank.

8 Sections 60 and 61 replaced

Sections 60 and 61

repeal, insert

60 Who may apply for postal voting papers

A person may apply for postal voting papers for an election if the person is entitled to vote at the election.

61 Application for postal voting papers

Subject to section 62(3)(aa), an application for postal voting papers for an election may be made to the Commission in the approved form at any time, whether or not a writ has been issued under Part 5 for an election at the time of the application.

9 Section 62 amended

Before section 62(3)(a)

insert

(aa) the application is received before the beginning of the calendar year in which polling day occurs; or

10 Section 67 amended

Section 67, at the end

insert

Note for section 67

Under section 85A the Commissioner may approve the use of a specified electronic or other automated system for the issuing and returning of postal voting papers. Such an approval could provide an alternative means of satisfying specified requirements under this section such as placing a ballot paper in an envelope and sending it to the Commission. See section 85A(4).

11 Section 71 amended

Section 71(1)

omit

all words after "who"

insert

is entitled to vote at the election.

12 Section 85A amended

After section 85A(1)(a)

insert

(ab) issuing and returning of postal voting papers;

13 Section 94 amended

Section 94(1) to (3B)

omit, insert

- (1) A ballot paper is informal unless it is:
- (a) printed by a person or body authorised under section 40(4) or created for this Act by an officer and initialled by an officer; and
 - (b) marked in accordance with section 50.
- (1A) A ballot paper is also informal if an authorised officer is satisfied that the voter can be identified because of a mark or other writing on it.
- (2) For section 50(2), if a voter places a tick or a cross in the candidate square for 1 candidate only and deals with the candidate square for any other candidate as set out in section 50(2)(b), the tick or cross is to be treated as if it were the number "1".
- (3) If the voter has placed the same number in 2 or more candidate squares, the candidate squares in which that number and any higher numbers are marked are to be disregarded.
- (3A) If there is a break in a sequence of whole numbers that the voter has placed in 2 or more candidate squares, any preference after the break is to be disregarded.

14 Section 96 amended

Section 96(1)(b)(ii)

omit

6 pm on the Friday next

insert

12 noon on the second Friday

15 Section 112 amended

Section 112(1)(a)

omit

6 pm on the Friday next

insert

12 noon on the second Friday

16 Section 128 amended

(1) Section 128(2)(a), before "exclude"

insert

conduct a second count and for that purpose

(2) Section 128(2)(a), after "voter's preference"

insert

, if any

(3) Section 128(2)(b)

omit

cast –

insert

then remaining in the count –

(4) Section 128(2)(b), after "preference"

insert

, if any

(5) Section 128(2)(b)

omit

cast.

insert

then remaining in the count.

17 Section 275 amended

Section 275(2) and (3)(a)

omit

within 10

insert

within 100

18 Part 19 inserted

After section 359

insert

Part 19 Transitional matters for Electoral Legislation Amendment Act 2016

360 Transitional matter

The amendments made to this Act by the *Electoral Legislation Amendment Act 2016* do not apply to an election or general election (including an extraordinary general election) for which a writ was issued under Part 5 before the commencement of that Act.

Part 3 Amendment of Electoral Regulations

19 Regulations amended

This Part amends the Electoral Regulations.

20 Schedule amended

Form 1

omit

Number the boxes 1 to [*number of candidates*] in the order of your choice. Remember, number *every* box to make your vote count.

insert

Place the number 1 in the box next to the photograph of your first preference candidate and then place increasing whole numbers (2, 3, *etc.*) in as many other boxes as you wish in order to indicate your order of preferences for the other candidates. You do *not* have to

number *every* box to make your vote count.

Part 4 Expiry of Act

21 Expiry of Act

This Act expires on the day after it commences.