

# The Constitution Act Amendment (Electoral Procedures) Bill

## EXPLANATORY MEMORANDUM

*Clause 1* Purpose.

*Clause 2* Commencement. The Act is to come into operation on a day or days to be proclaimed.

*Clause 3* Defines the Principal Act as The Constitution Act Amendment Act 1958.

*Clause 4* Defines a number of terms used in the Principal Act.

*Clause 5* Relates to the registered officer of a political party and enables the appointment of a deputy registered officer.

*Clause 6* Relates to the binding of the Crown and to the extra-territorial application of the Act.

*Clause 7* Provides for the registration of claims for enrolment to be made to any electoral registrar in Victoria in the immediate pre-election period up to the close of the rolls.

*Clause 8* Enables an electoral registrar to provide a certified list of additions to and deletions from the roll last printed as an alternative to existing provisions.

*Clause 9* Enables the appointment, within Victoria at a by-election, of such postal voting officers at other locations as the Electoral Commissioner considers appropriate.

*Clause 10* Amends the Act in terms of the Commonwealth law and will enable the Electoral Commissioner to appoint a polling place outside a province or district in a case where no suitable premises are available within the electorate at a population centre.

*Clause 11* Repeals the provisions relating to registration of candidates.

*Clause 12* Adapts amended Commonwealth law provisions and provides that a candidate may be nominated by six electors or by the registered officer of a political party.

*Clause 13* Relates to political party endorsement of candidates and provides for notification and verification of endorsements and to the form of party name on ballot-papers and provides that the party name or abbreviation or initials shall be those entered in the Register of Political Parties. The amendment also provides that party names printed on ballot-papers must be printed in capital letters in type that is uniform in size and style.

*Clause 14* Amends the law to enable ballot-boxes to be securely sealed.

*Clause 15* Provides amendment to conform with Commonwealth law in relation to questions put to electors claiming to vote.

*Clause 16* Amends the law to provide for a simpler method of appointment for scrutineers.

*Clause 17* Provides machinery for the use of a single declaration envelope for four types of declaration votes taken in polling places and for a simpler application and declaration envelope for use by postal voters.

*Clause 18* Sets a time limit (13 days) for receipt of absent votes by a Returning Officer.

*Clause 19* Enables the acceptance for further scrutiny at a simultaneous election of a Legislative Council declaration vote, if made for the correct province, although the accompanying Legislative Assembly votes may be rejected.

*Clause 20* Relates to a tied election and removes the provision relating to the casting vote of the Returning Officer. A new provision allows for a candidate with the same number of votes to petition the Court of Disputed Returns within 14 days of the declaration of a tied election. In the event that no petition is lodged at a tied election, the election is declared absolutely void and a new election must be held.

*Clause 21* Provides that the Electoral Commissioner may direct that a scrutiny of preferences (other than first preferences) be undertaken to give an early indication of the likely result. There is also provision to enable the breaking of seals of parcels of ballot-papers to allow a Returning Officer to undertake a preference distribution for information purposes where all preferences were not required to be distributed to ascertain the result.

*Clause 22* Amends the law to enable the Electoral Commissioner to appoint such postal voting officers within Victoria as he considers appropriate at a by-election.

*Clause 23* Enables the issue of a postal vote to an applicant who appears not to be on the electoral roll. The declaration envelope of such a voter would be referred to the electoral registrar to establish the entitlement to vote. The amendment also extends the time limit of receipt of postal votes to 13 days to accord with amended Commonwealth law.

*Clause 24* Standardises the definition of "electoral matter" throughout the Act.

*Clause 25* Relates to matter broadcast or televised and contains provision for the name and address of the author to be included in any statement.

*Clause 26* Effects minor amendments within the Act by correcting existing references.

*Clause 27* Enables the use of Alternative Procedure Summons where necessary in the prosecution of non-voter penalties.

*Clause 28* Takes up amendments to Commonwealth law as they affect the Senate Elections Act.