

Committee:..... F.P.S.C.....
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Tabled By: Dept. Ch. of Minister.....
Signed: J.B.....

Non-financial Reforms

Many of the amendments outlined in the Electoral Legislation Further Amendment Bill 2019 (the Bill) are non-financial in nature and aim to streamline and contemporise voting and electoral processes. These reforms stem from NTEC recommendations made in its 2016 Territory Election Report.

Extended election timetable

The election timetable is the calendar for when certain electoral activities must be undertaken including when nominations close; mobile, postal and early voting can commence; and the day the election is held. The issuing of the writ formally activates the election period and is currently issued 20 days prior to election day, which is the shortest timetable in Australia.

In the 2016 Election Report, NTEC recommended extending the election timetable by four days to a total of 24 days to allow for improved risk management procedures, quality control, proofing of ballot papers, and the safe and secure dispatch of ballot materials for early voting centres.

Extending the election timetable by four days will allow additional time for candidates, parties, associated entities and third party campaigners to submit pre-election donation returns, as proposed by these amendments, and increase the time period for nominations and mobile voting.

An extended election period will also resolve challenges that arise when issuing of the writ coincides with a public holiday. Under the current election timetable, for the 2020 election and some future elections, the day the writ is issued will fall on the Picnic Day holiday. Extending to the previous Thursday, rather than Friday, will ensure that the day the writ is issued cannot fall on either Picnic Day or Darwin Show Day public holidays.

The proposed amendments will not change the timing of general elections in the Northern Territory, with the next election scheduled for 22 August 2020.

A table outlining proposed amendments to key dates within the election timetable is at Attachment A.

Provisional on-the-day voting

The Bill introduces a savings provision where a person who is not enrolled by the date of close of rolls is still able to cast a provisional vote during early voting or on election day. An unenrolled person will be able to cast a provisional vote, which will be admitted to the count once their eligibility to enrol is confirmed by the Australian Electoral Commission.

This provision will not be promoted as a mainstream method of enrolling but will 'save' the votes of unenrolled people who turn up to vote, provided the person is eligible to be enrolled.

Aligning voting provisions for early voting, mobile voting and election day voting

As the number of people casting early votes grows, it is appropriate that the voting and scrutiny of these votes is consistent with other votes cast on election day and through mobile voting. This will create a single regime for both casting and counting votes.

The 2016 removal of criteria for early voting and the 2016 introduction of an electronic copy of the roll, means there is no need for early votes to be treated differently. It should be noted that declaration voting, including absent voting, will still apply, as will 'provisional voting' which is established through the amendments proposed in this Bill.

Declaring election day voting centres for more than one division

The Bill proposes amendments to make it easier for NTEC to declare an election day voting centre for multiple divisions. Currently, NTEC must make separate declarations for each division. For example, if a voting centre is located close to the boundary of a division and NTEC anticipates a large number of people casting votes for neighbouring divisions, it must declare the voting centre twice – once for each division. This allows voters from both divisions to cast votes at the voting centre without having to follow absent voting provisions.

The amendments simplify this process so that one declaration can be made per voting centre, declaring one or multiple divisions. Declaring a voting centre for multiple divisions will minimise cases of absent voting (people voting in a voting centre that is not declared for their division), helping to streamline the casting and counting process.

Increasing the nomination deposit

The Bill provides for an increase in the nomination deposit amount to \$500 and allows for the deposit to be paid electronically to provide administrative ease given the increasing prevalence of online banking.

It should be noted that a nomination deposit is returned if the candidate is elected, obtains a number of first preference votes equal to or greater than 20 per cent of first preference votes, or withdraws their nomination. For the 2016 election, approximately 62 per cent of nomination deposits were refunded in the Northern Territory.

Under the proposed amendments, candidates will also be able to transfer funds directly from their bank account to a bank account prescribed by NTEC. It is expected this will include a requirement for candidates to provide a receipt of the transaction, submitted with their completed nomination form.

Removing postal vote witness requirement

In its 2016 Territory Election Report, NTEC noted that there was a significant increase in postal votes rejected at the 2016 Election as they were unsigned by either the voter or the witness. NTEC subsequently recommended that an unattested declaration be used, which would not require a witnessed signature.

The proposed amendments update the postal vote framework to remove the requirement for a witness. It is expected that removing the requirement for a witness will lead to less postal votes being rejected as a result of these avoidable mistakes. Safeguards are included to ensure this change does not increase voter fraud as NTEC is able to compare signatures between the postal vote and enrolment form. However, as an additional safeguard, the offence relating to forgery has been clarified to ensure that it captures forgery of any electoral papers, including postal votes.

Removing broadcaster and publisher returns

The 2016 Territory Election Report identified that the value of broadcaster and publisher returns, which are currently required from companies such as Imparja Television, Southern Cross Stereo, TEABBA Media Services and News Corp, has diminished over time. The value of these returns has diminished because auditors can now verify candidate and party electoral expenditure through a range of other sources. The Report subsequently included a recommendation to remove the provisions requiring these returns, which was also supported in the Mansfield Inquiry Report.

The value of these returns as a verification source is likely to be further diminished by broadening the definition of electoral expenditure to include online and social media expenses and the Bill provides for the requirement for broadcaster and publisher returns to be removed.

Campaign material requirements

While the *Electoral Act 2004* (the Act) already requires the authorising person's name and address to be on campaign signage, there is no requirement to identify the political affiliation for that material. The proposed amendments require the funding source responsible for the campaign material, such as the political party or third party campaigner, to be identified.

In addition, all authorising text or logos must be in a sufficient size in the context of the campaign material.

Updating terminology

Terminology in the Act has been updated to contemporise the legislation and ensure terminology is consistent with amendments to the Act which were passed in March 2019. For example, 'polling' has been changed to 'voting' and 'polling day' has been changed to 'election day'.

Attachment A: Key changes to electoral timetable

	Day	Current timetable	Day	Proposed timetable
Thur			1	Issue of writ
Fri			2	Close of Roll 5pm (1 day after writ)
Sat			3	
Sun			4	
Mon - PH	1	Issue of writ	5	
Tues	2		6	
Wed	3	Close of Roll 8pm (2 days after writ)	7	
Thur	4		8	Nominations close 1pm (7 days after writ) Declaration of nominations draw for position on ballot papers as soon as practicable on that day
Fri	5	Nominations close 1pm (4 days after writ) Declaration of nominations draw for position on ballot papers 1pm Postal voting commences (ASAP after draw by lot to determine order of candidate names on the ballot paper)	9	Days 8-12: Postal voting commences at discretion of NTEC following draw for positions on ballot papers.
Sat	6		10	
Sun	7		11	
Mon	8	Early voting commences (7 days after writ)	12	Early voting commences Mobile voting commences (11 days after writ)
Tues	9		13	
Wed	10	Mobile voting commences (9 days after writ)	14	
Thur	11		15	
Fri	12		16	
Sat	13		17	
Sun	14		18	
Mon	15		19	
Tues	16	Postal mail-out ceases to addresses overseas 6pm	20	Postal mail-out ceases to addresses overseas 5pm
Wed	17		21	
Thur	18	Postal mail-out ceases to Australian addresses 6pm	22	Postal mail-out ceases to Australian addresses 5pm
Fri	19	Early voting ceases 6pm	23	Early voting ceases 6pm
Sat	20	Election Day	24	Election Day