

Electoral Amendment Bill 2000

BRIEFING NOTES

Committee Stage Notes for Electoral Amendment Bill 2000

BRIEF OVERVIEW OF EACH PART

PART 1 - PRELIMINARY

This refers to the short title, the way in which the Act will come into operation and states that the principal Act amended is the *Electoral Act 1907*.

PART 2 - AMENDMENTS ABOUT WRITS

Presently in a conjoint election, the Clerk of the Writs (Electoral Commissioner) issues one Writ to the Returning Officer in each of the 57 State Electoral Districts and one to each Returning Officer in the six State Electoral Regions.

This part makes the necessary amendments to the *Electoral Act 1907* to reduce the number of Writs from 63 to two.

In future, for a conjoint election, the Governor will cause two Writs to be issued to the Electoral Commissioner, one for the Legislative Council and one for the Legislative Assembly.

This minimisation of Writs brings Western Australia into practice with the Commonwealth, Victoria, South Australia and the Northern Territory.

PART 3 - AMENDMENTS ABOUT REGISTRARS, ENROLMENT AND ROLLS

The position of Registrar has been redundant for some time and is now irrelevant given that the State roll is maintained centrally in electronic form by the Western Australian Electoral Commission. The Act is therefore being amended to remove all references to registrars.

The amendments about purchase and inspection of rolls modernises the provisions and enables up to the minute copies of rolls to be produced for sale, rather than rolls printed for an election which rapidly become outdated.

PART 4 - AMENDMENTS ABOUT NOMINATIONS

These amendments achieve two main purposes.

- (1) They establish a central nomination process, ie, registered parties will be able to lodge all nominations at the WAEC and pay the required deposits with one cheque.

- (2) They also eliminate the central polling place as a required venue and substituted a place of nominations which is where the Returning Officer will undertake the draw for positions on the ballot paper. For those individuals who still need to nominate with the Returning Officer, the normal arrangements will continue.

PART 5 - AMENDMENTS ABOUT EARLY VOTING

This Part provides for amendments to do with early voting.

The term 'postal voting' is replaced with 'early voting'. Early votes are cast prior to Polling Day compared with ordinary votes which are cast on Polling Day. Early votes are of two types: those which are sent out and back by mail (known as postal votes), and those which are cast in person at the WAEC, AEC offices or a court house.

This Part also enables processing of early votes to commence three days before Election Day and for regulations to be made to prescribe the way that processing will occur.

These amendments will allow a large number of early votes to be counted on the evening of the election.

Further, this Part provides two additional categories of electors who can register for an early vote by post, ie, electors who are caring for a person who is ill or infirmed or electors whose details are not shown on the roll under Section 51B of the Act. This brings the WAEC in line with the Commonwealth practice for these electors.

PART 6 - AMENDMENTS ABOUT POLLING PLACES

These amendments are necessary to enable innovative provisions to place the roll on disc or hard drive and have it available at polling places where a large number of absent votes are traditionally cast. In future, such absent votes will be ordinary votes as the roll for other districts will be available at the polling place. This will mean that the elector will not be required to make a written declaration but instead will make an oral declaration. It will also enable a large number of these votes to be counted on the evening of the election.

PART 7 - AMENDMENTS ABOUT VACANCIES IN THE LEGISLATIVE COUNCIL

These amendments are necessary to clarify the election from which a countback is conducted where a vacancy occurs in the Legislative Council.

PART 8 - AMENDMENTS ABOUT POLITICAL FINANCE

The amendments in this section include an amendment to Section 175 which will require polling places to identify direct mailing costs in their returns. This brings State legislation in line with the Commonwealth requirements. The amendments also enable the Governor to make regulations requiring agents of political parties to provide additional details in their financial returns.

PART 9 - AMENDMENTS ABOUT THE REGISTRATION OF POLITICAL PARTIES

This section establishes a registration process for political parties in Western Australia. Presently, Western Australia is the only electoral jurisdiction, apart from the Northern Territory, where political parties are not registered. The process outlined in this Part is largely modelled on the process which operates in Queensland and provides for parties with a member in the State Parliament to register under one process and other groups to be registered in a different manner.

Where the Electoral Commissioner makes a decision regarding registration or deregistration, any interested person may appeal to the Supreme Court.

Establishing a registration system will be beneficial both to groups which want to form a political party and the Electoral Commission, as the requirements can be determined at the time the group is formed. The present arrangement which is that only the name on the ballot paper is subject to determination and only after the Writ has been issued, is unsatisfactory.

PART 10 - AMENDMENTS ABOUT TRANSMISSION OF ELECTORAL MATTER

These amendments bring the operations of the Act into the electronic age.

PART 11 - GENERAL AMENDMENTS

This Part contains several general amendments, viz:

- a) expands the Electoral Commissioner's powers to conduct elections,
- b) clarifies the Commissioner's capacity to delegate,
- c) eliminates the requirement for absent voting at general polling places;
- d) modernises the need to accommodate rolls which are in electronic form,
- e) provides for spoilt ballot papers to be cancelled rather than destroyed, and
- f) brings the State provisions into line with Commonwealth provisions insofar as authorisation of minor items is required.

Part 1 - Preliminary

Clause	Topic	Details
1.	Short Title	The short title is the <i>Electoral Amendment Act 2000</i>
2.	Commencement	Commencement date is the day fixed by proclamation (with the capacity to fix different days for different provisions)
3.	Principal Act	The <i>Electoral Act 1907</i> is the Principal Act

Part 2 - Amendments about Writs

Clause	Topic	Details
4.	Interpretation	<p>This clause</p> <ul style="list-style-type: none"> • Replaces the definition of 'writ' to reflect the new arrangements regarding writ issue. That is 2 writs will be issued instead of 63 for a conjoint election. In future the Governor will issue to the Electoral Commissioner one writ for the Assembly general election and one writ for the Council general election. This brings Western Australia into line with practice in the Commonwealth, Victoria, South Australia and the NT. • Amends the definition of 'general election' to remove references relating to the issue of separate writs to each Returning Officer • Provides a definition for 'general polling place' to describe polling places that will be appointed for all districts. This will enable one or more "Superbooths" to be established where electors can cast an ordinary vote for any District.
5.	Resignation of Returning Officer after the issue of the writ	<p>This clause amends the wording of section 13 of the Principal Act that provides that no Returning Officer can resign until the writ is returned. This amendment is necessary because the writs will now be issued to, and returned by, the Electoral Commissioner and not to the Returning Officers. Returning Officers will not return a writ, but will send a report to the Electoral Commissioner at the conclusion of the election.</p>
6.	Amendment of Section 14	<p>This clause amends section 14 of the Principal Act as writs will no longer be executed and returned by returning officers.</p>
7.	Clerk of the Writs and Deputy Clerk	<p>This clause repeals section 63 of the Principal Act thereby abolishing the offices of Clerk of the Writs/Deputy Clerk of the Writs and the procedure for the raising of warrants and separate writs for each Returning Officer.</p>
8.	Issue of writs for general election	<p>This clause amends section 64 of the Principal Act so that the Governor is required to cause a Writ to be issued to the Electoral Commissioner rather than issuing a warrant to the Clerk of the Writs to issue individual writs to each Returning Officer.</p>

9.	Notice to be published	This clause repeals section 65 of the Principal Act that requires the warrant for the issue of a writ to be published in the gazette. The section is replaced with a requirement for the Electoral Commissioner to publicise the issue of a writ in the gazette.
10.	Issue of writs in cases of vacancy	This clause amends section 67 of the Principal Act by replacing the requirement for the Speaker/Governor to issue a warrant to direct the Clerk of the Writs to issue a writ when a vacancy occurs. The amendment will require the Speaker/Governor to cause a writ to be issued to the Electoral Commissioner. This now parallels the provisions of s 64.
11.	Form of writs	This clause repeals section 69. It is replaced with a prescription for a writ that requires the writ to fix the last day for nominations, the day for polling and the last day for the return of the writ.
12.	Date of return of the writ	This clause amends section 72 (1) to set the return date as the last day for the return of the writ and repeals section 72 (2) as a consequence of the reduction of the number of writs under clause 14.
13.	Repeal of section 73	This clause repeals section 73 of the Principal Act as the office of Registrar has been abolished.
14.	Address and distribution of writs	This clause repeals section 74 of the Principal Act that required the issue of a writ to each Returning Officer in the District and/or Region. The new section provides for: <ul style="list-style-type: none"> • a writ to be issued to the Electoral Commissioner. • a copy of the writ to be forwarded to Returning Officers and their deputies as appropriate.
15.	Duty of the Electoral Commissioner on receipt of writ	This clause replaces section 75 (1), (2) and (3) of the Principal Act. New section 75 (1), (2) and (3) places the responsibility for advertising the receipt of the writ and particulars about polling places with the Electoral Commissioner. This regularises what has been practice for some time.
16.	Extension of time for return of writ	This clause amends section 76 (3) of the Principal Act as a consequence of the reduction of the number of writs.

17.	Death of a candidate after nomination	This clause amends section 88 (2) of the Principal Act to establish appropriate reporting procedures when a candidate dies during the election period as a consequence of amendments to section 74 (clause 14)
18.	Declaration of the poll and return of the writ	This clause repeals section 147 of the Principal Act. It provides a new section 147 which establishes a procedure whereby once the result of the election has been determined, the Returning Officer transmits a statement containing the results, the date of the declaration of the poll and the name or names of candidates elected to the Electoral Commissioner. The Commissioner endorses the Writ and returns it to the Clerk of the relevant House. Subsection (5) provides for the return of the writ to the Clerk of the Assembly if not more than 5 Districts are still to be finalised in a general election. This provision is currently in the <i>Constitution Act Amendment Act 1899</i> that is also amended at clause 22.
19.	Filling vacancy by fresh election	This clause amends section 156E of the Principal Act by removing all references to warrants and the Clerk of the Writs
20.	Extension of period for lodging annual returns	This clause amends section 175Y (b) of the principal act by replacing a reference to writs with a reference to a writ
21.	Misleading or deceptive publications	This clause amends section 191A (4) of the principal act by removing the reference to the issue of warrants in the definition of 'election period'
22.	Amendment of section 13 of the <i>Constitution Act 1889</i>	This clause amends section 13 of the <i>Constitution Act 1889</i> that set a maximum number of writs that could be outstanding while still empowering the Assembly to operate. This provision has now been superseded by the inclusion of the new section 147 of the Electoral Act by clause 18 of the Bill.
23.	Consequential amendment to the <i>Constitution Acts Amendment Act 1899</i> related to writs	This clause amends section 8 (6) of the <i>Constitution Acts Amendment Act 1899</i> by replacing a reference to writs with a reference to a writ

24.	Consequential amendment to the <i>Public Sector Management Act 1994</i> related to writs	This clause amends section 72 (1) (b) of the <i>Public Sector Management Act 1994</i> by replacing a reference to writs with a reference to writ
25.	Consequential amendments to <i>Referendums Act 1983</i> related to writs	This clause amends sections 2, 4 and 8 of the <i>Referendums Act 1983</i> by: <ul style="list-style-type: none"> • Replacing all references to warrants with a reference to writ • Removing references to Clerk of the Writs and the duties of that office • Assigning responsibility for the advertising of the writ to the Electoral Commissioner
26.	Consequential amendment to the <i>Salaries and Allowances Act 1975</i> related to writs	This clause amends section 11a (5) of the <i>Salaries and Allowances Act 1975</i> by: <ul style="list-style-type: none"> • Replacing reference to writs for a general election with a writ for a general election • Inserting a reference to writs for a conjoint election
27.	Consequential amendment to the <i>Tobacco Control Act 1990</i> related to writs	This clause amends section 26 (6) of the <i>Tobacco Control Act 1990</i> replacing a reference to writs with a reference to a writ

Part 3 - Amendments about Registrars, enrolment and rolls

28.	Consequential amendments to the Principal Act regarding Registrars and their functions related to writs	This clause amends and repeals various sections of the Principal Act so as to: <ul style="list-style-type: none"> • Abolish the office of electoral Registrar • Assign the functions of the Registrar to the Electoral Commissioner and enrolment officers as is appropriate
29.	Consequential amendment to the Principal Act as to the arrangements with the Commonwealth related to writs	This clause amends various sections of the Principal Act to replace dated references to Commonwealth legislation and offices of the Australian Electoral Commission with contemporary references and correct titles of the relevant legislation.
30.	Inspection and purchase of rolls	This clause replaces section 25 of the Principal Act that required the electoral Registrar to have printed copies of the roll available for public inspection. It is replaced with a new section with the following requirements: <ul style="list-style-type: none"> • The Electoral Commissioner is to make rolls available for inspection free of charge at his office in an appropriate form • The Electoral Commissioner is to make rolls available for purchase in various forms at his office, and at other places as determined • Electors who have had their name suppressed from the roll under section 51B of the Act shall not have their address shown on any roll made available under this section.
31.	Amendments to sections 17 and 119	Sections 17(2) and 119(1) (which deal with a person's right to be on a particular electoral roll) are subject to section 172(1)(c) which requires that, in the case of a fresh election after a disputed election, the roll used in the original election is to be used again. They should also be subject to section 145(7) which makes the same requirement in relation to a fresh election after a tied election.

Part 4 - Amendments about nominations

32.	Last day of nomination	This clause clarifies section 70 of the Principal Act so that the date of nomination shown on the writ is the last day of nomination
33.	Mode of nomination	This clause amends section 78 (1) of the Principal Act so as to provide for the nomination form to be approved by the Electoral Commissioner rather than being prescribed and removing the requirement for the nomination form to be addressed to the Returning Officer
34.	Centralised nomination procedure	This clause inserts section 81A into the Principal Act to provide for the centralised nomination of candidates from registered political parties at the office of the Electoral Commissioner up to 24 hours before the close of nominations. Registered party nominations can still be made in accordance with sections 79 and 81 if desired.
35.	Formal defects on nomination papers	This clause amends section 83 of the Principal Act so as to include the Electoral Commissioner in addition to a Returning Officer as a person to be satisfied in the nomination process in regard to defects. This is because the Electoral Commissioner could now receive nominations under the centralised nomination procedure
36.	Return or forfeiture of deposit	This clause amends section 84 of the Principal Act to establish procedures for the return & forfeiture of deposits that include the return of deposits made in the centralised process to the person who paid it rather than the candidate
37.	Place of declaration of nominations and hour of nomination	This clause repeals section 85 dealing with the use of the chief polling place as the place of nomination and replaces it with a provision that allows the Electoral Commissioner to appoint a location called the place of declaration of nominations
38.	Consequential amendments related to place of declaration of nominations	This clause amends various sections of the Principal Act to change references from the place of nomination to the place of declaration of nominations
39.	Proceedings on nomination day for assembly election	This clause amends section 86 of the Principal Act so as to require the public production of legislative assembly nominations received by the returning officer directly as well as through the centralised nomination procedure

40.	Proceedings on nomination day for council election	This clause amends section 87 of the Principal Act so as to require the public production of legislative council nominations received by the returning officer directly as well as through the centralised nomination procedure
41.	Lodgement of claims with Electoral Commissioner	This clause clarifies section 113D of the Principal Act so that nominations received by the Electoral Commissioner through the centralised nomination process do not create an anomaly in terms of their time and date of receipt

Part 5 - Amendments about early voting

42.	Interpretation	This clause amends section 4 of the Principal Act by including definitions for both early ballot papers and an early vote
43.	Voting by post	<p>This clause amends section 90 of the Principal Act by:</p> <ul style="list-style-type: none"> • Inserting two additional criteria to enable electors satisfying those to be eligible for an early vote. The criteria are caring for a person who is seriously ill, infirm or shortly to give birth and being an elector whose application to have his or her address suppressed from the roll under section 51B has been granted. This aligns the Act with the Commonwealth provisions. • Establishing early voting as the generic name for postal and attendance (currently called oral postal voting) voting before polling day
44.	Procedures related to early voting	<p>This clause repeals sections 92 (5) (a) and (b) and 92 (6) of the Principal Act and:</p> <ul style="list-style-type: none"> • Inserts reworded provisions covering the witnessing procedures where the voter is illiterate or physically disabled so as to need assistance • Replaces references to a postal vote with references to an early vote • Removes the need for a ballot box to be both locked and sealed by requiring the box only to be sealed. Given that the standard ballot box is cardboard it is not lockable. • Provides for preliminary checking of early votes to commence up to 72 hours before the commencement of the poll • Provides that the scrutiny of the early vote declarations shall be undertaken in accordance with the prescribed manner

45.	Registration of general early voters	This clause amends section 93 of the Principal Act by inserting two additional criteria that if satisfied will enable electors to be eligible for registration as a general early voter , that is someone who is on a permanent list to obtain a postal vote. The two criteria are; caring for a person who is seriously ill or infirm and being an elector whose application to have their address suppressed from the roll under section 51B has been granted. This aligns the Act with the Commonwealth provisions.
46.	A person unable to write may make his mark	This clause amends section 211 of the Principal Act by specifying that the standard witnessing and authorising procedures relating to the signature or mark of a person required by the Act to sign his or her name does not apply to an early ballot paper declaration
47.	Consequential amendments related to early voting	This clause amends various sections of the Principal Act by substituting references such as post, postal ballot papers, votes etc., with references such as early ballot papers and votes
48.	Consequential amendment to <i>Referendums Act 1983</i> related to early voting	This clause amends section 19 and 30 of the <i>Referendums Act 1983</i> by substituting references to postal ballot papers with references to early ballot papers

Part 6 - Amendments about polling places

49.	Appointment of polling places	<p>This clause amends section 100 of the Principal Act by:</p> <ul style="list-style-type: none"> • Removing the requirement to appoint a chief polling place • Establishing general polling places as those which are appointed as a polling place for all districts • Conferring the functions of the Returning Officer on to the Electoral Commissioner in relation to general polling places
50.	Supply of rolls	<p>This clause amends section 112 of the Principal Act by:</p> <ul style="list-style-type: none"> • Deleting the Registrar's responsibilities in the production and supply of rolls to polling place. • Establishing a requirement for the Electoral Commissioner to cause copies of rolls to be delivered to the presiding officer at each polling place.
51.	Appointment of Assistant Returning Officers for counting early votes	<p>This clause amends section 142A of the Principal Act by providing that the Electoral Commissioner shall appoint Assistant Returning Officers for the counting of the early votes (formerly postal votes) and also votes cast at general polling places</p>
52.	Counting of votes by Returning Officers	<p>This clause amends section 144 of the Principal Act by including votes cast at general polling places as votes in scrutiny calculations and procedures</p>
53.	Consequential amendments to the <i>Referendums Act 1983</i> related to polling places	<p>This clause amends sections 18 and 30 of the <i>Referendums Act 1983</i> so as to include general polling places as places where the provisions of ordinary voting apply and to also include those votes cast in calculations to ascertain whether a writ may be returned before the completion of the count</p>

Part 7 - Amendments about vacancies in the Legislative Council

54.	Interpretation of part related to filling vacancies in the Council	<p>This clause amends section 156A of the Principal Act by:</p> <ul style="list-style-type: none"> • Providing a definition for original election so as to clarify which election results are to be used for a recount when a casual vacancy occurs in the Legislative Council • Substituting all references to the “most recent election in the region” with “original election”.
55.	Consequential amendments to <i>Constitution Acts Amendment Act 1899</i> related to the tenure of seat by member filling a vacancy in the Legislative Council	<p>This clause inserts section 10 (3) into the <i>Constitution Acts Amendment Act 1899</i> by extending the occurrence and filling of Legislative Council vacancies to cases where the elected person’s term has not begun or where the election of a person is void</p>
56.	Consequential amendments to <i>Salaries and Allowances Act 1975</i> related inquiries and determinations made by tribunal	<p>This clause amends section 6 (5b) of the <i>Salaries and Allowances Act 1975</i> to include persons elected to serve the unexpired portion of a term in cases subject to determinations made by tribunal</p>

Part 8 - Amendments about political finance

57.	Heading to part related to disclosure of gifts, income & expenditure	This clause deletes the heading Part VI- Disclosure of gifts and other income and replaces it with the heading Part VI- Disclosure of gifts, income and expenditure
58.	Definitions related to disclosure of gifts, income & expenditure	This clause amends section 175 of the Principal Act by expanding the existing definition of electoral expenditure to include the production and distribution of electoral matter that is addressed to particular persons/organisations and is distributed during the election period
59.	Lodgement of appointment of agent	This clause amends section 175E (4) of the Principal Act so that the time to appoint agents of parties, candidates or groups of is extended to 6 pm on the day before polling day (rather than the hour of nomination under existing provisions)
60.	Regulations related to disclosure of gifts, income & expenditure	This clause amends section 175ZF of the Principal Act by extending the Governor's capacity to make regulations in relation to: <ul style="list-style-type: none"> • A requirement for the agent of a political party to identify the party's associated entities • A requirement for the agent to provide additional information in respect to separating gifts from income where Commonwealth returns lodged under this part are used as the return • Other necessary requirements to ensure lodgement compliancy, even if a political party ceases to exist

Part 9 - Amendments about the Registration of political parties

61.	Interpretations	This clause amends section 4 of the Principal Act by inserting definitions for constitution, political party, registered political party and secretary
62.	Registration of political parties	<p>This clause inserts Part IIIA – Registration of political parties into the Principal Act thereby establishing a formal process for the registration of political parties.</p> <p>The Electoral Commissioner will be required to keep a register of registered political parties.</p> <p>A party applying for registration will need to provide the Electoral Commissioner with certain particulars including the names and addresses of 500 electors who are members of the party, a copy of the party constitution, and the name of the party and any abbreviation of the name the party wishes to use on ballot papers.</p> <p>The Commissioner is required to publish the fact that an application has been made in the gazette and one other newspaper setting out certain details as prescribed in section 62G. Any elector may object to the registration of a proposed party and there are provisions to deal with the objections.</p> <p>The Commissioner is required to register or not register the party, publishing the fact of registration in the gazette or giving reasons in writing to the applicant if the party is not registered.</p> <p>There is a streamlined process for the registration of parliamentary parties.</p> <p>Section 62J sets out the reasons why a party may not be registered. Section 62J(3) deals with the issue of party names. It largely reproduces what is in section 113C at the present time.</p> <p>The Electoral Commissioner may cancel the registration of a party for the reasons given in</p>

		<p>section 62L. They include the party not fielding at least one candidate at a conjoint election and if the party is not a parliamentary party, not maintaining 500 electors as members. A public process is to be followed if a party registration is to be cancelled.</p> <p>The Commissioner's decisions to register, not to register, or to cancel the registration of a party can be appealed to the Supreme Court.</p> <p>Penalties are provided if a person falsely represents that a party is registered or provides false information.</p>
63.	Provision of rolls and habitation indexes to parliamentary parties and members of parliament	This clause amends section 25A (6) of the Principal Act by providing a definition of parliamentary party the same as given in section 62C.
64.	Printing of registered political party names or independent on ballot papers	<p>This clause repeals sections 113c (4), (5), (8) and (9) and amends section 113c (1), (3)(c), (5) and (10) of the Principal Act so as to:</p> <ul style="list-style-type: none"> • Restrict the printing of party names on ballot papers to registered political parties • Replacing the authorised officer as the authority for the printing of names on the ballot paper with the secretary of the registered party • Delete the definitions of parliamentary party and authorised officer
65.	Definitions in relation to disclosure of gifts, income & expenditure	This clause amends section 175 of the Principal Act by deleting the definition of political party because it will now be defined in section 4 (see clause 61).

Part 10 - Amendments about transmission of electoral matter

66.	Interpretation	This clause amends section 4 of the Principal Act by deleting the definition of telegraph office
67.	Appointment of assistant returning officers and the counting of votes	This clause amends sections 142 and 142A of the Principal Act by deleting the requirement to communicate advice by means of telegraph.
68.	Procedure for the counting of votes by returning officers	This clause amends section 144 of the Principal Act substituting the term “communications” for “written or telegraphic returns” used to describe advice received by the Returning Officers from Assistant Returning Officers conducting a count at the various polling places.
69.	Telegraphic transmission of electoral matter	This clause amends section 209 of the Principal Act so as to extend the application of proof of posting to all electoral papers transmitted, including those not specifically identified in the Act as items to be posted
70.	Repeal and replacement of section 210	This clause repeals section 210 of the Principal Act relating to the transmission of electoral matter by telegraph. It is replaced with an option to transmit electoral matter by mail or electronic means as practicable.

Part 11 - General amendments

71.	Functions of Electoral Commissioner	<p>This clause amends section 5F of the Principal Act to allow the Electoral Commissioner to:</p> <ul style="list-style-type: none"> • Conduct elections or polls that are provided for under any other written law where the Electoral Commissioner is authorised to do so • Make arrangements with any person for the conduct of elections or polls which are not provided for under written law, under agreed terms and conditions. • The Commission is often approached to give advice to or conduct elections for community organisations and under the Act at present is unable to do so.
72.	Delegation by Electoral Commissioner	<p>This clause amends section 5G of the Principal Act to clarify that the delegation powers afforded to the Electoral Commissioner do not limit his capacity to act through other officers in the normal course of operations.</p>
73.	Consequential amendment related to general polling places	<p>This clause amends section 99A of the Principal Act to remove the need for electors at general polling places to vote as absent voters.</p>
74.	Repeal of section 103	<p>This clause repeals section 103 of the Principal Act which assigned the Returning Officer the role of presiding officer at the chief polling place.</p>
75.	Vote where name struck out or unable to be found	<p>This clause amends section 122A of the Principal Act about provisional voting. The same scrutiny of the roll whether in paper form or in electronic form forms the basis of the decision as to whether the elector is to be given a provisional vote.</p>
76.	Roll to be marked on issue of ballot paper	<p>This clause amends sections 126, 122A and 150 of the Principal Act to cater for electronic recording of voters on the roll in the polling place where the roll exists in electronic form.</p>
77.	Spoilt ballot papers	<p>This clause amends section 130 of the Principal Act to change the procedure for processing a spoilt ballot paper by the polling official from simple destruction to cancellation and secure retention. This now parallels the Commonwealth provisions.</p>
78.	Illegal practices	<p>This clause amends section 187 of the Principal Act so as to exclude certain items such as t-shirts, buttons, pens, etc from the</p>

		requirement to bear the names and addresses of the authorising person and printer. This brings State requirements into line with Commonwealth requirements.
79.	Misleading or deceptive publications	This clause amends section 191A of the Principal Act so as to include electronic communications as published items that are subject to penalty if misleading or deceptive.
80.	Section 191A amended	This clause amends section 191A of the Principal Act to include "electronic communication" in the definition of publish . This is necessary because of the increasing use of the Internet.
81.	Miscellaneous amendments about ballot paper forms and saving provision	This clause amends various sections and schedule 3 of the Principal Act so as to clarify that ballot papers shall be in the appropriate prescribed form.
82.	Other miscellaneous amendments	This clause amends various sections of the Principal Act so as to: <ul style="list-style-type: none"> • Update references in respect to the <i>Prisons Act 1981</i> • Change the criteria from persons aged 18 years to 17 years in respect to notifications from the Registrar of births, deaths and marriages • Remove an incorrect reference to the Returning Officer having the capacity to reverse a decision made by a Deputy Returning Officer