

Queensland



**ELECTORAL (TRAVELLERS'
ADVANCE VOTES)
AMENDMENT BILL 2001**

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ELECTORAL (TRAVELLERS' ADVANCE VOTES) AMENDMENT BILL 2001

TABLE OF PROVISIONS

Section		Page
1	Short title	4
2	Act amended	4
3	Amendment of s 3 (Definitions)	4
4	Insertion of new s 97A	4
	97A Ballot papers for travellers' advance votes	4
5	Amendment of s 98 (Order of candidates' names on ballot papers)	5
6	Amendment of s 105 (Who may make a declaration vote)	6
7	Amendment of s 107 (Ways in which an elector may make a declaration vote)	6
8	Insertion of new s 111A	6
	111A Travellers' advance votes	6
9	Amendment of s 113 (How electors must vote)	9
10	Amendment of s 114 (Formal and informal ballot papers)	10
11	Amendment of s 116 (Preliminary processing of declaration envelopes and ballot papers)	10

2001

A BILL

FOR

An Act to amend the *Electoral Act 1992*

*Electoral (Travellers' Advance Votes) Amendment
Bill 2001*

The Parliament of Queensland enacts—

1

Clause 1 Short title

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This Act may be cited as the *Electoral (Travellers' Advance Votes) Amendment Act 2001*.

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Clause 2 Act amended

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This Act amends the *Electoral Act 1992*.

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Clause 3 Amendment of s 3 (Definitions)

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(1) Section 3, definition “issuing officer”, ‘at an election’—

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omit, insert—

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‘for an election’.

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(2) Section 3—

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insert—

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‘“traveller’s advance ballot paper” see section 97A.

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“traveller’s advance vote” means a vote provided for under section 111A.’.

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Clause 4 Insertion of new s 97A

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After section 97—

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insert—

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‘97A Ballot papers for travellers’ advance votes

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‘(1) This section applies if an elector applies under section 111A to make a traveller’s advance vote.

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‘(2) The commission must issue a ballot paper to the elector (a “traveller’s advance ballot paper”) that complies as nearly as practicable with section 97(2) and (3).

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*Electoral (Travellers' Advance Votes) Amendment
Bill 2001*

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- ‘(3) However, the ballot paper need not contain the names of the candidates for the electoral district for which the elector is enrolled, but must give the elector an opportunity to vote for—
- (a) the candidate for each political party, described by the words “the candidate of the [here fill in party name]”, on behalf of which a candidate was nominated for election at the last election in the electoral district; and
 - (b) if the sitting member for the electoral district is an independent, the sitting member.
- ‘(4) Also, if the elector asks, the ballot paper must give the elector an opportunity to vote for—
- (a) a named person the elector expects to be nominated as a candidate for election for the electoral district; and
 - (b) the candidate for a political party on behalf of which the elector expects a candidate to be nominated for election for the electoral district.
- ‘(5) Subsections (6) and (7) apply if—
- (a) the commission issues a traveller’s advance ballot paper for the next election to an elector (the “**first elector**”) in an electoral district; and
 - (b) another elector (the “**other elector**”) applies for a traveller’s advance vote in the same district before the cut off day for the nomination of candidates for the next election for the district.
- ‘(6) The commission must ensure the ballot paper issued to the other elector is as similar as possible to the ballot paper issued to the first elector.
- ‘(7) However, the commission may issue the ballot paper with the differences necessary to comply with any request made by the other elector under subsection (4).’.

- Clause 5 Amendment of s 98 (Order of candidates’ names on ballot papers)**
- Section 98(1), after ‘papers’—
- insert—*
- ‘, other than a traveller’s advance ballot paper,’.

*Electoral (Travellers' Advance Votes) Amendment
Bill 2001*

Clause 6	Amendment of s 105 (Who may make a declaration vote)	1
	Section 105(1)—	2
	<i>insert—</i>	3
	‘(d) an elector who wishes to make a traveller’s advance vote under section 111A.’.	4
		5
Clause 7	Amendment of s 107 (Ways in which an elector may make a declaration vote)	6
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	Section 107—	8
	<i>insert—</i>	9
	‘(f) if the person is an elector to whom section 111A(1) applies—following the procedures set out in that section.’.	10
		11
Clause 8	Insertion of new s 111A	12
	After section 111—	13
	<i>insert—</i>	14
	‘111A Travellers’ advance votes	15
	‘(1) This section applies to an elector who is intending to travel outside the electoral district for which the elector is enrolled, and who believes an election may be held when the elector is located outside the district so that the elector will be unable to make an ordinary vote or a declaration vote in the way mentioned in section 107(a) to (e).	16
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	‘(2) The elector may, by writing signed by the elector and posted, faxed or delivered (by the elector or someone else) to the commission, apply to make a traveller’s advance vote.	21
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	‘(3) The application for a traveller’s advance vote can be made only during the period beginning on the day after the polling day for an election until the time when it would be possible for the elector to make a declaration vote under section 109 for the next election.	24
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	‘(4) The application may specify the name of any person or the candidate of any named political party to be included on the traveller’s advance ballot paper.	28
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	‘(5) The elector must also notify the commission of the date on which the elector is intending—	31
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*Electoral (Travellers' Advance Votes) Amendment
Bill 2001*

(a) to return to the address where the elector is enrolled; or	1
(b) to settle at a new permanent address.	2
‘(6) If the elector applies to the commission in person, an issuing officer must immediately issue the elector with—	3 4
(a) a traveller’s advance ballot paper; and	5
(b) a declaration envelope.	6
‘(7) The elector must without delay—	7
(a) sign the appropriate declaration on the declaration envelope before the issuing officer and have the officer sign the envelope as witness; and	8 9 10
(b) mark a vote on the ballot paper in accordance with section 113; and	11 12
(c) place the ballot paper in the envelope and seal the envelope; and	13
(d) give the envelope to the officer.	14
‘(8) If the elector satisfies the issuing officer that the elector is unable to vote without help, a person chosen by the elector may help the elector in any of the following ways—	15 16 17
(a) acting as an interpreter;	18
(b) explaining the ballot paper and the requirements of section 113 about its marking;	19 20
(c) marking, or helping the elector to mark, the ballot paper in the way the elector wishes;	21 22
(d) placing the ballot paper in the declaration envelope and sealing the ballot envelope;	23 24
(e) giving the envelope to the officer.	25
‘(9) If the elector does not apply to the commission in person—	26
(a) the application must be made to the commission at least 7 days before the elector intends to travel outside the electoral district for which the elector is enrolled; and	27 28 29
(b) the application must state an address to which a ballot paper and declaration envelope are to be posted, delivered or sent; and	30 31
(c) the commission must, as soon as practicable, post, deliver or send to the elector—	32 33

*Electoral (Travellers' Advance Votes) Amendment
Bill 2001*

(i) a traveller's advance ballot paper; and	1
(ii) a declaration envelope.	2
‘(10) On receiving the ballot paper and declaration envelope, the elector must—	3 4
(a) sign the appropriate declaration on the declaration envelope before another elector, or a person approved by the commission for the purposes of this paragraph, and have the other elector or person sign the envelope as witness; and	5 6 7 8
(b) mark a vote on the ballot paper in accordance with section 113; and	9 10
(c) place the ballot paper in the envelope and seal the envelope; and	11
(d) post, deliver or send the envelope to the commission.	12
‘(11) If the elector is unable to vote without help, another person may help by doing any of the things mentioned in subsection (10)(b) to (d) for the elector.	13 14 15
‘(12) The commission must issue the following written warning with each traveller's advance ballot paper—	16 17
‘Warning	18
1. Your vote may not be fully effective if this advance vote is issued before it is known who will be the candidates for this electoral district in the next election.	19 20 21
2. Although all reasonable precautions are taken to preserve the secrecy of your vote, you should be aware that, if very few travellers' advance votes are counted for this district in the next election, it may be possible for persons to infer how you have voted. In particular, if particular candidates for whom you wish to vote have been added to the ballot paper at your request, your vote may be identifiable. Do not use this method of voting if this concerns you.	22 23 24 25 26 27 28
3. If your vote is not used for an election within 6 months after the day you make this advance vote or before the day after the date you have nominated as the date on which you expect to return or settle elsewhere (whichever happens first), the commission will destroy this advance vote. If you will still be travelling on that date, you must notify us in writing, posted or faxed so as to reach us before that date, of the new date on which you intend to return to your enrolled address or settle at a new permanent address.	29 30 31 32 33 34 35 36

*Electoral (Travellers' Advance Votes) Amendment
Bill 2001*

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4. If you return to your enrolled address or settle at a new permanent address before the date you have notified, you must notify the commission so this advance vote can be destroyed. 1
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5. You must not vote in any other way if you do not have reason to believe that the commission has destroyed this advance vote.’. 4
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- ‘(13) On receipt of the declaration envelope, the commission must hold it in safe keeping until the next polling day in the electoral district for which the elector is enrolled, unless it first destroys it under subsection (15). 6
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- ‘(14) For each traveller’s advance vote, the commission must keep a record of— 10
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- (a) each ballot paper and declaration envelope posted, delivered or sent to an elector; and 12
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 - (b) the date notified to the commission by the elector under subsection (5); and 14
15
 - (c) any date notified by the elector under clause 3 of the warning. 16
- ‘(15) If the declaration envelope and its contents have not been used for an election, then despite section 126, the commission may destroy the envelope and its contents on whichever of the following days happens first— 17
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- (a) the day that is 6 months after the day the elector made the traveller’s advance vote; 21
22
 - (b) the day after the later of the dates mentioned in subsection (14); 23
 - (c) the day the commission receives the elector’s notice that the elector— 24
25
 - (i) has returned to the address where the elector is enrolled; or 26
 - (ii) has settled at a new permanent address.’. 27

Clause 9 Amendment of s 113 (How electors must vote) 28

Section 113— 29

insert— 30

‘(4) If an elector votes on a traveller’s advance ballot paper, a reference in this section to ‘the square opposite the name of a candidate’ is a 31
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*Electoral (Travellers' Advance Votes) Amendment
Bill 2001*

reference to a square opposite a reference to a candidate as the candidate of a named political party.’.	1 2
Clause 10 Amendment of s 114 (Formal and informal ballot papers)	3
(1) Section 114—	4
<i>insert—</i>	5
‘ (2A) Subsection (2B) applies if—	6
(a) a traveller’s advance ballot paper contains writing or marks in accordance with section 113 that indicate the voter’s intended preference or intended order of preferences for 1 or more persons shown on the ballot paper as candidates; and	7 8 9 10
(b) 1 or more persons shown on the ballot paper as candidates are not candidates at the election.	11 12
‘ (2B) In the application of this section and other provisions of the Act to the traveller’s advance ballot paper, but without affecting the intent of subsection (2)—	13 14 15
(a) a person shown on the ballot paper as a candidate who was not a candidate at the election is to be disregarded; and	16 17
(b) any intended order of preferences of the voter is to be given effect as if the writing or marks indicating the voter’s intended order of preferences were renumbered or marked with necessary changes.	18 19 20 21
<i>Example for subsection (2B)—</i>	22
The voter indicates on the traveller’s advance ballot paper that candidate A is given the voter’s first preference, candidate B is given the voter’s second preference and candidate C is given the voter’s third preference. Candidate A is not a candidate at the election. The ballot paper is to be given effect as if candidate B received the voter’s first preference and candidate C received the voter’s second preference.’.	23 24 25 26 27
(2) Section 114(5), after ‘vote’—	28
<i>insert—</i>	29
‘or is otherwise ineffective’.	30
Clause 11 Amendment of s 116 (Preliminary processing of declaration envelopes and ballot papers)	31 32
Section 116(2)—	33

*Electoral (Travellers' Advance Votes) Amendment
Bill 2001*

insert—

‘(e) if the declaration envelope was held for safe-keeping under
section 111A(13)—the commission was not entitled to destroy
the declaration envelope under section 111A(15).’.

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