

Queensland



# **ELECTORAL AMENDMENT BILL 1995**

# Queensland



## ELECTORAL AMENDMENT BILL 1995

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SCHEDULE 2

FORMS

**1995**

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**A BILL**

**FOR**

**An Act to amend the Electoral Act 1992**

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<b>The Parliament of Queensland enacts—</b>	1
<b>Short title</b>	2
1. This Act may be cited as the <i>Electoral Amendment Bill 1995</i> .	3
<b>Act amended</b>	4
2. This Act amends the <i>Electoral Act 1992</i> .	5
<b>Insertion of new div 2A</b>	6
3. Part 6—	7
<i>insert—</i>	8
<i>‘Division 2A—How-to vote-cards</i>	9
<b>‘Definitions</b>	10
‘91A. In this division—	11
“ <b>format how-to-vote-card</b> ” means a how-to-vote-card that complies with	12
or purports to comply with the matters prescribed for the purposes of	13
section 91D(3).	14
“ <b>how-to-vote-card</b> ” means a card, handbill, pamphlet or notice—	15
(a) that is, or includes a representation or partial representation or	16
purported representation or purported partial representation of a	17
ballot-paper for use in an election; or	18
(b) that lists the names of any or all of the candidates for an election	19
with a number indicating an order of voting preference against the	20
names of any or all of those candidates.	21
“ <b>registered how-to-vote card</b> ” means a how-to-vote card registered under	22
section 91G.	23
“ <b>sample how-to-vote card</b> ” means a how-to-vote card which complies	24
with or purports to comply with the matters prescribed for the	25
purposes of section 91B(3).	26

**‘Provisional approval of sample how-to-vote cards**

‘**91B.(1)** A person may, in relation to a candidate, submit a sample how-to-vote card to the appropriate returning officer for the returning officer’s provisional approval at any time from the nomination of the candidate until 12 noon on the 10th working day before polling day.

‘**(2)** Before 12 noon on the next working day after receiving a sample how-to-vote card the returning officer must—

- (a) provisionally approve; or
- (b) refuse to provisionally approve—

the sample how-to-vote card and advise the applicant of the returning officer’s decision.

‘**(3)** In determining whether to provisionally approve or refuse to provisionally approve a sample how-to-vote card the returning officer must have regard to the matters prescribed in sections 91L to 91O in relation to sample how-to-vote cards.

‘**(4)** The returning officer must refuse to provisionally approve a sample how-to-vote card if the returning officer is satisfied the sample how-to-vote card—

- (a) is likely to mislead or deceive an elector in relation to the casting of the vote of the elector; or
- (b) contains offensive or obscene material.

‘**(5)** Subject to section 91C, a person who has obtained the provisional approval of the returning officer to a sample how-to-vote card may arrange for the printing of the proposed how-to-vote card containing the endorsement prescribed by section 91P.

**‘Review of decision under section 91B**

‘**91C.(1)** Before 5 p.m. on the next working day after the returning officer has advised the applicant of the returning officer’s decision to provisionally approve or refuse to provisionally approve the sample how-to-vote card a person may apply to the Electoral Commissioner for a review of the decision.

‘**(2)** Before 5 p.m. on the next working day after receiving an application

for a review of the decision the Electoral Commissioner must— 1

(a) determine the application; or 2

(b) give the applicant and the returning officer directions as to the 3  
changes required to the sample how-to-vote card necessary to 4  
obtain the provisional approval of the returning officer. 5

‘(3) If before 5 p.m. on the next working day after being given directions 6  
under subsection (2)(b) the applicant submits a sample how-to-vote card to 7  
the returning officer which contains the necessary changes the returning 8  
officer must, before 12 noon on the next working day, provisionally 9  
approve the sample how-to-vote card. 10

‘(4) Before 5 p.m. on the next working day after the Electoral 11  
Commissioner has given the Electoral Commissioner’s decision a person 12  
may apply to the District Court for a review of the decision of the Electoral 13  
Commissioner. 14

‘(5) Before 5 p.m. on the next working day after receiving an application 15  
for a review of the decision of the Electoral Commissioner the District 16  
Court must determine the application. 17

**‘Provisional approval of format how-to-vote cards 18**

‘91D.(1) The registered officer of a registered political party or a person 19  
nominated by a registered officer of a registered political party for the 20  
purposes of this section may submit a format how-to-vote card to the 21  
Electoral Commissioner for the Electoral Commissioner’s provisional 22  
approval at any time from the day on which the writ for an election is issued 23  
until 12 noon on the eighth working day before polling day. 24

‘(2) Before 12 noon on the next working day after receiving a format 25  
how-to-vote card the Electoral Commissioner must— 26

(a) provisionally approve or refuse to provisionally approve the 27  
format how-to-vote card; or 28

(b) give the applicant directions as to the changes required to the 29  
format how-to-vote card necessary to obtain the provisional 30  
approval of the Electoral commissioner. 31

‘(3) In determining whether to provisionally approve or refuse to 32  
provisionally approve a format how-to-vote card the Electoral 33

Commissioner must have regard to the matters prescribed in sections 91K to 91O in relation to format how-to-vote cards. 1  
2

‘(4) The Electoral Commissioner must refuse to provisionally approve a format how-to-vote card if the Electoral Commissioner is satisfied the format how-to-vote card— 3  
4  
5

(a) is likely to mislead or deceive an elector in relation to the casting of the vote of the elector; or 6  
7

(b) contains offensive or obscene material. 8

‘(5) Subject to section 91E, a person who has obtained the provisional approval of the Electoral Commissioner to a format how-to-vote card may arrange for the printing of the proposed how-to-vote card containing the endorsement prescribed by section 91P. 9  
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#### **‘Review of decision under section 91D 13**

‘91E.(1) Before 5 p.m. on the next working day after the Electoral Commissioner has advised the applicant of the Electoral Commissioner’s decision to provisionally approve or refuse to provisionally approve the format how-to-vote card a person may apply to the District Court for a review of the decision. 14  
15  
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‘(2) Before 5 p.m. on the next working day after receiving an application for a review of the decision of the Electoral Commissioner the District Court must determine the application. 19  
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#### **‘Provisionally approved how-to-vote cards to be available for inspection 22 23**

‘91F.(1) As soon as practicable after a sample how-to-vote card is provisionally approved, the returning officer must make a copy of the how-to-vote card available for inspection at the office of the returning officer. 24  
25  
26  
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‘(2) As soon as practicable after a format how-to-vote card is provisionally approved, the Electoral Commissioner must make a copy of the how-to-vote card available for inspection at the office of the Electoral Commissioner. 28  
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**‘Registration of how-to-vote cards**

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‘91G.(1) If a sample how-to-vote card or a format how-to-vote card has been provisionally approved, the person who obtained the provisional approval of the how-to-vote card may submit the how-to-vote card to the appropriate returning officer for registration before 5 p.m. on the third working day before polling day.

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4  
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‘(2) The returning officer must register the how-to-vote card immediately the returning officer receives it.

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‘(3) However, the returning officer may register a how-to-vote card only if the how-to-vote card has on it—

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- (a) an indication of the order of voting preference for any or all of the candidates; and
- (b) the endorsement prescribed by section 91P.

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**‘Registered how-to-vote cards to be available for inspection**

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‘91H. As soon as practicable after registering a how-to-vote card the returning officer must—

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- (a) give or send a copy of the how-to-vote card to the Electoral Commissioner; and
- (b) make a copy of the how-to-vote card available for inspection at the office of the returning officer and each polling place in the returning officer’s electoral district.

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**‘Distribution of how-to-vote cards**

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‘91I.(1) A person must not on polling day, within 400 metres of the entrance of or within the building used as a polling place hand out, distribute or otherwise make available to a person or authorise the handing out, distribution or otherwise making available to a person of a how-to-vote card other than a registered how-to-vote card.

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Maximum penalty—100 penalty units or imprisonment for a period not exceeding 6 months, or both.

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‘(2) A person must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed a how-to-vote card that

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contains a representation or purported representation of an endorsement prescribed by section 91P, unless the how-to-vote card has been provisionally approved or registered in accordance with this division.

Maximum penalty—100 penalty units or imprisonment for a period not exceeding 6 months, or both.

‘(3) In a prosecution of a person under subsection (1) or (2), it is a defence if the person proves the person did not know, and could not reasonably be expected to have known, that the card was not a provisionally approved or registered how-to-vote card.

‘(4) Subsection (1) does not apply to—

- (a) the handing out, distribution, sale or otherwise making available of a newspaper by or on behalf of a newsagent, newspaper seller or distributor if the handing out, distribution, sale or making available is in the course of the newsagent’s, newspaper seller’s or distributor’s employment or business; or
- (b) the handing out, distribution or otherwise making available of a how-to-vote card in a room or building used as a campaign room or an office by—
  - (i) a candidate in the election to which the how-to-vote card relates; or
  - (ii) the political party that has endorsed the candidate in the election; or
- (c) a how-to-vote card in the form of a poster or notice that is affixed or attached to a vehicle, building, hoarding or structure (whether moveable or fixed).

**‘Power to request handing over of how-to-vote cards**

‘91J.(1) The person in charge of a polling place or a person authorised by the person in charge to act on the person’s behalf under this section may on polling day request a person reasonably suspected by the person in charge or the person authorised of contravening section 91I(1) or (2)—

- (a) to produce for inspection to the person in charge or person authorised any how-to-vote cards in the possession of the other person; and

(b) to hand over to the person in charge or person authorised all how-to-vote cards other than registered how-to-vote cards.	1 2
‘(2) A person must comply with a request under subsection (1).	3
Maximum penalty—100 penalty units.	4
<b>‘Format how-to-vote cards</b>	5
‘91K. A format how-to-vote card submitted to the Electoral Commissioner for provisional approval under section 91D must be either—	6 7
(a) a single format how-to-vote card, that is, a format how-to-vote card submitted with respect to 1 electoral district only; or	8 9
(b) a multiple electorate how-to-vote card, that is, a format how-to-vote card submitted in relation to every electoral district in which a registered political party is standing a candidate.	10 11 12
<b>‘Provisional approval—statement</b>	13
‘91L. Each person submitting a sample how-to-vote card to a returning officer, or a format how-to-vote card to the Electoral Commissioner, for provisional approval, must make a statement in accordance with form A of schedule 2. <sup>1</sup>	14 15 16 17
<b>‘Identification of applicant required</b>	18
‘91M. Each sample how-to-vote card and format how-to-vote card submitted for provisional approval must clearly identify the name of the political party, person, organisation or group on whose behalf the card is to be distributed.	19 20 21 22
<b>‘No returning officer’s endorsement on sample card</b>	23
‘91N. A sample how-to-vote card or format how-to-vote card submitted for provisional approval must not contain a representation of the returning officer’s endorsement of the card.	24 25 26

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<sup>1</sup> Section 153 of the *Electoral Act 1992* deals with false or misleading statements.

**‘Statement—English translation**

**‘91O.** If a sample how-to-vote card or format how-to-vote card submitted for provisional approval contains a section in a language other than English, the person submitting the card for provisional approval must submit with the card—

- (a) an accurate translation into English of the section in a language other than English; and
- (b) a statement the translation is fair, in accordance with form A of schedule 2.

**‘Returning officer’s registration**

**‘91P.** If a sample how-to-vote card or format how-to-vote card has been provisionally approved, the applicant must ensure each how-to-vote card submitted to a returning officer for registration is endorsed with the following endorsement at the end of the card—

“Re giste red by the r eturn ing of ficer for  
 .....”  
 (insert name of electoral district)

**‘Multiple electorate how-to-vote card—registration**

**‘91Q.** It is sufficient compliance with section 91G(1) if the person who obtained provisional approval of a multiple electorate how-to-vote card submits the card to the returning officer for the electoral district of Brisbane Central.

**‘Multiple electorate how-to-vote card—statement**

**‘91R.** Each person submitting a provisionally approved multiple electorate how-to-vote card for registration must make a statement in accordance with form B of schedule 2.

**‘Registered how-to-vote cards to be supplied**

**‘91S.** When a how-to-vote card has been registered, the person who submitted the card for registration must immediately supply the returning

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officer with 10 more cards than the number of polling places in the relevant electoral district. 1  
2

**‘Multiple electorate how-to-vote cards to be supplied’ 3**

‘91T. When a multiple electorate how-to-vote card has been registered, 4  
the person who submitted the card for registration must, as soon as 5  
practicable, supply the returning officer for each electoral district in which 6  
the card is to be distributed with 10 more cards than the number of polling 7  
places in the electoral district.’. 8

**Insertion of new schedule— 9**

4. After the schedule— 10

*insert— 11*

**‘SCHEDULE 2 12**

**‘FORMS 13**

section 91L 14

**FORM A 15**

**HOW-TO-VOTE CARD STATEMENT FORM 16**

Statement(s) to be made by a person submitting a sample how-to-vote card 17  
or format how-to-vote card for provisional approval. 18

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I, .....	1
of .....	2
(state address and telephone number for contact purposes)	3
	4
state I am authorised to submit this sample/ format how-to-vote card for the	5
..... Electoral District for provisional	6
approval on behalf of .....	7
.....	8
(state name of political party, person, organisation or group)	9
	10
Capacity in which I make this statement	11
	12
.....	13
(state title e.g. candidate, party secretary, campaign official etc.)	14
	15
AND (if the how-to-vote card contains a section in a language other than	16
English)	17
	18
I submit with the how-to-vote card a translation into English of the section	19
in a language other than English, and I state the translation is a fair	20
translation.	21
	22
	23
	24
Signed .....	25
	26
Signed before me on the ..... day of ..... 19 ....	27
	28
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Signed .....	32
* Returning officer for..... Electoral District	33
* Electoral Commissioner	34
(*Delete the one not applicable.)	35
	36

**FORM B**

**MULTIPLE ELECTORATE HOW-TO-VOTE CARD  
STATEMENT**

Statement to be made by a person submitting a multiple electorate how-to-vote card for registration.

I, .....

of .....

(state address and telephone number for contact purposes)

state that this multiple electorate how-to-vote card, I am authorised to submit for registration on behalf of the

.....

(state name of registered political party)

is to be distributed \* in every electoral district in the State of Queensland

\*in the following electoral districts—

.....

.....

.....

.....

.....

(state electoral districts where card will be distributed)

\* Delete the one not applicable.

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	1
	2
Signed .....	3
	4
Title .....	5
(position held in registered political party)	6
	7
	8
Signed before me the ..... day of ..... 19 .	9
	10
	11
	12
	13
Signed .....	14
	15
Returning Officer for ..... Electoral	16
District.’	17
	18