



New South Wales

# Electoral Amendment (Voter ID and Electronic Mark Off) Bill 2023

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Electoral Act 2017* to provide that—

- (a) voters must show evidence of their identity to be eligible to vote, and
- (b) election officials must use an electronic authorised roll kept on a networked computer system to record the distribution of ballot papers.

## Outline of provisions

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

## Schedule 1 Amendment of Electoral Act 2017 No 66

### Schedule 1.1 Amendments relating to voter ID

**Schedule 1.1[2]** inserts a requirement for an election official to ask each person claiming to vote in an election to show the official a current identification document to establish the person's identity. **Schedule 1.1[1]** inserts a definition of *identification document*.

**Schedule 1.1[3]** provides that an election official must reject a person's claim to vote in an election if the person fails or refuses to show the official a current identification document to establish the person's identity.

**Schedule 1.1[4]** provides that an election official must not ask a silent elector to produce a current identification document to establish the person's identity.

**Schedule 1.1[5]** provides that an election official must ask an elector applying to vote as an absent voter to show the official a current identification document to establish the person's identity. The election official must reject the elector's application to vote as an absent voter if the elector fails or refuses to show the official a current identification document.

**Schedule 1.1[6]** provides that an election official must not ask an absent silent elector to produce a current identification document to establish the person's identity.

**Schedule 1.1[7]** provides that a person must show an election official a current identification document before making certain declarations under the *Electoral Act 2017*, section 137.

## **Schedule 1.2 Amendments relating to electronic mark off**

**Schedule 1.2[1]** provides that an authorised roll of electors for a district must be in both an electronic and printed form determined by the Electoral Commissioner.

**Schedule 1.2[2]** provides that a copy of the electronic authorised roll must be kept on a networked computer system approved by the Electoral Commissioner that enables an election official to record that a ballot paper has been given to a person.

**Schedule 1.2[3]** provides that an election official must use the electronic authorised roll kept on the approved networked computer system to record that a person has received a ballot paper.

**Schedule 1.2[4]** provides that if an election official is unable to use the electronic authorised roll, the official must record a mark, in the way approved by the Electoral Commissioner, on a printed authorised roll to show that a person has received a ballot paper.



New South Wales

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New South Wales

# Electoral Amendment (Voter ID and Electronic Mark Off) Bill 2023

No , 2023

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## A Bill for

An Act to amend the *Electoral Act 2017* to require a person to produce evidence of the person's identity to vote at an election; to require election officials to mark off an electronic roll after giving an elector a ballot paper for the election; and for related purposes.

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<b>The Legislature of New South Wales enacts—</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Electoral Amendment (Voter ID and Electronic Mark Off) Act 2023</i> .	3
<b>2 Commencement</b>	4
This Act commences on the date of assent to this Act.	5

## Schedule 1 Amendment of Electoral Act 2017 No 66

### 1.1 Amendments relating to voter ID

#### [1] Section 4 Definitions

Insert in section 4(1) in alphabetical order—

*identification document* means any of the following—

- (a) a driver licence,
- (b) a Photo Card,
- (c) a proof of age card issued by Australia Post,
- (d) a Medicare card,
- (e) a pensioner concession card, Department of Veterans' Affairs entitlement card or other entitlement card issued by the Commonwealth or a State government,
- (f) a student identity card issued by an educational institution,
- (g) an Australian passport.

#### [2] Section 127 Questions to be put to voter

Insert after section 127(2)—

- (2A) The election official must also ask each person claiming to vote in an election to show the official a current identification document to establish the person's identity.

#### [3] Section 127(3)(d)

Insert at the end of section 127(3)(c)—

, or

- (d) fails or refuses to show the official a current identification document to establish the person's identity.

#### [4] Section 129 Silent electors

Insert after section 127(4)—

- (5) The election official must not ask the elector to produce a current identification document to establish the person's identity.

#### [5] Section 135 Absent voters

Insert after section 135(2)—

- (2A) The election official must ask the elector to show the official a current identification document to establish the elector's identity.
- (2B) The election official must reject the elector's application to vote as an absent voter if the elector fails or refuses to show the official a current identification document to establish the elector's identity.

#### [6] Section 136 Absent silent electors

Insert after section 127(5)—

- (6) The election official must not ask the elector to produce a current identification document to establish the person's identity.

<b>[7] Section 137 Provisional voting</b>	1
Insert after section 137(5), note—	2
<b>(6) Person to show identification</b>	3
Before making a declaration under this section, a person must show the	4
election official a current identification document to establish the person's	5
identity.	6
<b>1.2 Amendments relating to electronic mark off</b>	7
<b>[1] Section 46 Authorised roll of electors to be prepared for each election</b>	8
Omit section 46(2)(d). Insert instead—	9
(d) must be in both an electronic and printed form determined by the	10
Electoral Commissioner.	11
<b>[2] Section 46(4)</b>	12
Insert after section 46(3)—	13
(4) A copy of the electronic authorised roll must be kept on an approved	14
networked computer system that enables an election official at a voting centre	15
to record that a ballot paper has been given to a person.	16
<b>[3] Section 131 Elector to receive ballot paper</b>	17
Omit section 131(b). Insert instead—	18
(b) record, in the approved way, on the electronic authorised roll kept on the	19
approved networked computer system specified in section 46 that the	20
person has received a ballot paper at the voting centre.	21
<b>[4] Section 131(2)</b>	22
Insert at the end of the section—	23
(2) If an election official is unable to comply with subsection (1)(b), the official	24
must record a mark, in the approved way, against the person's name on a	25
printed authorised roll to show that the person has received a ballot paper at	26
the voting centre.	27