



New South Wales

Electoral Legislation Amendment (Elections) Bill 2026

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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Electoral Legislation Amendment (Elections) Bill 2026

No. , 2026

A Bill for

An Act to make miscellaneous amendments to the Electoral Act 2017, the Electoral Funding Act 2018, the Independent Commission Against Corruption Act 1988 and the Local Government Act 1993.

EXAMINED

Speaker

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Electoral Legislation Amendment (Elections) Act 2026*.

2 Commencement

This Act commences, or is taken to have commenced, as follows—

- (a) for section 3(1) and Schedule 2[30], [31] and [43]—on a day or days to be appointed by proclamation,
- (b) for Schedule 2[10] and [11]—1 July 2026,
- (c) for Schedule 2[41]—on 12 December 2023, immediately after the commencement of the *Electoral Funding Amendment Act 2023*,
- (d) otherwise—on the date of assent to this Act.

3 Repeals

- (1) The *Electoral Funding (Adjustable Amounts) (Administrative Funding) Notice 2025* is repealed.
- (2) The *Electoral Funding (Adjustable Amounts) (Public Funding) Notice 2023* is repealed.

Schedule 1	Amendment of Electoral Act 2017 No 66	1
[1] Section 4 Definitions		2
	Omit “section 117” from section (4)(1), definition of <i>declared facility</i> .	3
	Insert instead “section 118”.	4
[2] Section 4(1), definition of “election”		5
	Omit the definition. Insert instead—	6
	<i>election</i> —	7
	(a) means an election of a member or members of the Assembly or a periodic Council election, and	8
		9
	(b) for sections 13 and 15—includes another election, or a referendum, poll or plebiscite, under this Act or another law that the Electoral Commissioner is authorised to conduct.	10
		11
		12
[3] Section 4(1), definition of “registered officer”		13
	Omit “a person shown in that Register as a deputy”.	14
	Insert instead “the person shown in that Register as the deputy”.	15
[4] Section 10 Functions of Electoral Commission		16
	Omit “research, and” from section 10(2)(d). Insert instead “research.”.	17
[5] Section 10(2)(e)		18
	Omit the paragraph.	19
[6] Section 10(2A)		20
	Insert after section 10(2)—	21
	(2A) The Electoral Commission must promote public awareness of electoral matters that are in the general public interest by means of education and information programs.	22
		23
		24
[7] Section 22 Public notice of redistribution		25
	Omit section 22(2) and (3). Insert instead—	26
	(2) The public notice must invite suggestions relating to the distribution of New South Wales into electoral districts to be—	27
		28
	(a) in writing, and	29
	(b) lodged with the Redistribution Panel within 30 days after the date the public notice was given (the <i>suggestion period</i>).	30
		31
	(3) The Redistribution Panel must make a copy of the suggestions lodged with the Panel under this section available for public inspection on the Electoral Commission’s website within 5 business days after the expiry of the suggestion period (the <i>publication period</i>).	32
		33
		34
		35
	(4) The public notice must invite comments relating to any suggestions received by the Redistribution Panel under this section to be—	36
		37
	(a) in writing, and	38
	(b) lodged with the Panel within 14 days after the expiry of the publication period (the <i>comments period</i>).	39
		40

(5)	The Redistribution Panel must make a copy of any comment lodged with the Panel under this section available for public inspection on the Electoral Commission’s website as soon as reasonably practicable after the expiry of the comments period.	1 2 3 4
[8]	Section 25 Public notice of draft redistribution determination	5
	Omit “determination, and” from section 25(2)(b). Insert instead “determination.”.	6
[9]	Section 25(2)(c) and (d)	7
	Omit the paragraphs.	8
[10]	Section 25(3)	9
	Omit the subsection. Insert instead—	10
(3)	The Redistribution Panel must make a copy of all submissions lodged with the Panel under this section available for public inspection on the Electoral Commission’s website within 5 business days after the expiry of the submission period (the <i>publication period</i>).	11 12 13 14
(3A)	The public notice must invite comments relating to any submissions received by the Redistribution Panel under this section to be—	15 16
(a)	in writing, and	17
(b)	lodged with the Panel within 14 days after the expiry of the publication period (the <i>comments period</i>).	18 19
(3B)	The Redistribution Panel must make a copy of any comment lodged with the Panel under this section available for public inspection on the Electoral Commission’s website as soon as reasonably practicable after the expiry of the comments period.	20 21 22 23
[11]	Section 49 Provision of enrolment information to parties, members and candidates	24
	Insert after section 49(7)—	25
(7A)	A request under subsection (6) or (7) must be made at least 48 hours before the close of voting for the election.	26 27
[12]	Section 50 Provision of enrolment information to other persons	28
	Omit section 50(1) and (2). Insert instead—	29
(1)	A person may apply to the Electoral Commissioner for a list of enrolled persons and their particulars, but only if the person is not referred to in section 49.	30 31 32
(2)	On application, the Electoral Commissioner may provide to the person a list specifying enrolled persons and particulars that, in the opinion of the Electoral Commissioner, are relevant to the person’s request.	33 34 35
(2A)	The Electoral Commissioner must not provide enrolment information under this section unless the Electoral Commissioner has—	36 37
(a)	identified a public interest in providing the requested information, and	38
(b)	made a finding that the public interest in providing the requested information outweighs the public interest in protecting the privacy of personal information in the particular circumstances.	39 40 41
(2B)	Before making a finding under subsection (2A)(b), the Electoral Commissioner—	42 43

	(a) must consult with the Privacy Commissioner, and	1
	(b) may consult with another person the Electoral Commissioner considers necessary.	2 3
	(2C) The Electoral Commissioner may charge a fee that covers the cost to the Electoral Commissioner of providing a list under this section.	4 5
[13]	Section 50(6) and (7)	6
	Omit “subsection (1)” wherever occurring. Insert instead “subsection (2A)(b)”.	7
[14]	Section 57 Interpretation	8
	Omit “(however expressed).” from after section 57(1), definition of <i>eligible party</i> , paragraph (b). Insert instead—	9 10
	(however expressed), and	11
	(c) has a secretary enrolled in New South Wales, and	12
	(d) for a party seeking registration—has a proposed registered officer and proposed deputy registered officer enrolled in New South Wales, and	13 14
	(e) for a registered party—has a registered officer and deputy registered officer enrolled in New South Wales, and	15 16
	(f) is established on the basis of a written constitution, however expressed.	17
[15]	Section 59 Application for registration	18
	Omit “and address” wherever occurring in section 59(2)(c)–(e).	19
	Insert instead “, and the enrolled address in New South Wales,”.	20
[16]	Section 59(2)(i)	21
	Insert “at least” before “750 members”.	22
[17]	Section 59(3)	23
	Omit the subsection.	24
[18]	Section 60 Notice of application for registration	25
	Omit section 60(4)(c). Insert instead—	26
	(c) the addresses provided under section 59(2)(c)–(e),	27
	(c1) the names and enrolled addresses provided under section 59(2)(i),	28
[19]	Section 64 Refusal to register	29
	Insert after section 64(4)(b)—	30
	(b1) is solely the name of an individual, or	31
[20]	Section 64(4)(e)	32
	Omit the paragraph. Insert instead—	33
	(e) comprises the words “Independent Party” or comprises or contains the word “Independent”.	34 35
[21]	Section 64(5)(b)	36
	Omit “party, or”. Insert instead “party.”.	37

[22] Section 64(5)(c)	1
Omit the paragraph.	2
[23] Section 64(5A)(b1)	3
Insert after section 64(5A)(b)—	4
(b1) is comprised solely of the name of an individual, or	5
[24] Section 64(5A)(e)	6
Omit the paragraph. Insert instead—	7
(e) comprises or contains the words “Independent Party” or comprises or contains the word “Independent”.	8 9
[25] Section 64(5B)(c)	10
Omit “exist, or”. Insert instead “exist.”.	11
[26] Section 64(5B)(d)	12
Omit the paragraph.	13
[27] Section 65 Electoral Commissioner may request statement of current structure be provided	14 15
Omit “2018.” from section 65(1)(f). Insert instead—	16
2018,	17
(g) the names and addresses of the party’s registered officer, deputy registered officer and secretary.	18 19
[28] Section 66 Amendment of Register	20
Insert after section 66(3)(c)(v)—	21
(va) the address of the party’s registered officer,	22
(vb) the name or address of the party’s deputy registered officer or secretary,	23 24
[29] Section 66(5)	25
Omit “a deputy”. Insert instead “the deputy”.	26
[30] Section 70 Public access to Register	27
Insert after section 70(3)—	28
(3A) The address of a silent elector must not be made available for public inspection or published on the Electoral Commission’s website.	29 30
[31] Section 73 Evidence	31
Omit “a deputy” from section 73(b). Insert instead “the deputy”.	32
[32] Section 81 Election officials, election managers and voting centre managers	33
Insert “under subsection (1)(b)” after “official” wherever occurring in section 81(2).	34
[33] Section 83 Requirements for nomination	35
Omit section 83(2)(a). Insert instead—	36
(a) one of the following—	37

	(i) the registered officer of a registered party,	1
	(ii) if the registered officer is dead, has become a mentally incapacitated person or is otherwise unavailable due to an emergency—the deputy registered officer of a registered party,	2 3 4
	(iii) if the registered officer and deputy registered officer are both dead, have become mentally incapacitated persons or are otherwise unavailable due to an emergency—the secretary of a registered party, or	5 6 7 8
[34]	Section 86 Grouping of periodic Council election candidates	9
	Omit section 86(7)(b). Insert instead—	10
	(b) the nomination of the lead candidate is withdrawn.	11
[35]	Section 86(7A)	12
	Insert after section 86(7)—	13
	(7A) To avoid doubt, a claim is not invalid if a candidate, other than the lead candidate, has their nomination withdrawn.	14 15
[36]	Section 86(8)(b)	16
	Omit the paragraph. Insert instead—	17
	(b) is a person whose nomination is void under section 90, or	18
	(b1) is a person, other than the lead candidate, whose nomination is withdrawn,	19 20
[37]	Section 86(9)	21
	Insert after section 86(8)—	22
	(9) In this section—	23
	<i>lead candidate</i> means the candidate in the group whose name is first in the order of names of candidates specified in the claim.	24 25
[38]	Section 96 Duties of Electoral Commissioner with respect to child protection declarations	26 27
	Omit “a copy of” wherever occurring.	28
	Insert instead “the information contained in”.	29
[39]	Section 103 Ballot papers may be photocopied, written or otherwise reproduced	30
	Insert after section 103(3)—	31
	(4) Despite subsection (2), a ballot paper reproduced in handwriting is not required to include a logo for a registered party or candidate.	32 33
[40]	Section 104 Notification of party nomination	34
	Insert after section 104(4)—	35
	(5) A request under this section must be made in the way and form approved by the Electoral Commissioner.	36 37
[41]	Section 105A Request for use of independent candidate logo	38
	Insert after section 105A(2)—	39

(2A)	The request must be made in the way and form approved by the Electoral Commissioner.	1 2
[42]	Section 106C	3
	Insert after section 106B—	4
	106C Election not invalid if logo printing unavailable	5
	An election is taken not to have failed, and the results of an election are not invalid, merely because the logos for the registered parties and candidates were not printed on the ballot papers for an Assembly election or a periodic Council election.	6 7 8 9
[43]	Section 108 Appointment of voting centres	10
	Omit section 108(1). Insert instead—	11
	(1) The Electoral Commissioner must appoint for each district as many voting centres for each election as the Electoral Commissioner considers necessary.	12 13
[44]	Section 108(5)	14
	Omit the subsection. Insert instead—	15
	(5) The Electoral Commissioner may abolish a voting centre appointed under this section.	16 17
	(6) The Electoral Commissioner must, as soon as reasonably practical after making an appointment, designation or abolition under this section, publish and keep updated the following information on the Electoral Commission's website—	18 19 20 21
	(a) the location of each voting centre,	22
	(b) whether a voting centre is an early voting centre,	23
	(c) for an early voting centre—the days and hours of operation of the early voting centre, including whether voting will occur at the early voting centre on election day.	24 25 26
[45]	Section 117	27
	Omit the section. Insert instead—	28
	117 Definition	29
	In this subdivision—	30
	registered how-to-vote card means a how-to-vote card that—	31
	(a) is registered as electoral material under Division 14, Subdivision 6, the application for which indicated that the how-to-vote card should be available for perusal by voters at mobile voting centres, and	32 33 34
	Note— See section 199(8).	35
	(b) complies with the approved requirements, if any, and	36
	(c) complies with the additional requirements prescribed by the regulations.	37 38
[46]	Section 118, heading	39
	Omit the heading. Insert instead—	40
	118 Mobile voting centres at declared facilities	41

[47] Section 118(1A)–(1C)	1
Insert before section 118(1)—	2
(1A) The Electoral Commissioner may, in an approval, declare that a hospital, nursing home, retirement village, correctional centre or similar facility must be provided with a mobile voting centre (a <i>declared facility</i>).	3 4 5
(1B) A declared facility is, for this part, taken to be an early voting centre while voting is occurring at the facility.	6 7
(1C) Before making a declaration under subsection (1A) for a correctional centre, the Electoral Commissioner must consult the Commissioner of Corrective Services.	8 9 10
[48] Section 118(2)	11
Omit “mobile voting centre is to”.	12
Insert instead “mobile voting centre at a declared facility, other than a correctional centre, must”.	13 14
[49] Section 118(2A)	15
Insert after section 118(2)—	16
(2A) A mobile voting centre at a declared facility that is a correctional centre must be used to give an opportunity to vote to each elector who is an inmate in the correctional centre and not other electors.	17 18 19
[50] Section 118(6A) and (6B)	20
Insert after section 118(6)—	21
(6A) A visit to a correctional centre under this section must not be made if the Electoral Commissioner is informed by the governor of the correctional centre that the visit is forbidden by the governor because of circumstances related to the security of the correctional centre.	22 23 24 25
(6B) A failure to appoint a day for a visit to a declared facility or to make a visit to a declared facility on a day appointed by the Electoral Commissioner does not invalidate the result of the election.	26 27 28
[51] Section 118(9)	29
Omit the subsection.	30
[52] Section 118A	31
Insert after section 118—	32
118A Mobile voting centres at other places	33
(1) The Electoral Commissioner—	34
(a) may determine the places, other than declared facilities, that an election official will visit for the purpose of enabling electors to vote in an election in accordance with this section (<i>mobile voting centres</i>), and	35 36 37
(b) must give notice to the public on the Electoral Commission’s website of—	38 39
(i) the places determined under paragraph (a), and	40
(ii) the days and times when the election official will visit for the purposes of this section.	41 42

(2)	A mobile voting centre is taken to be an early voting centre while voting is occurring at the mobile voting centre.	1 2
(3)	A failure by an election official to make a visit in accordance with this section does not invalidate the result of the election.	3 4
(4)	On a visit—	5
(a)	the election official must take the ballot box provided for the mobile voting centre, and	6 7
(b)	the election official must be accompanied by another election official and the scrutineers appointed for the mobile voting centre who choose to accompany the election official, and	8 9 10
(c)	the elector’s vote is, so far as is reasonably practicable, to be taken in all respects as if the vote were recorded in a voting centre under usual conditions.	11 12 13
[53]	Section 119 Appointment of scrutineers	14
	Omit “this section” in section 119(10). Insert instead “in subsections (1), (3)(a) and (4)”.	15
[54]	Section 134A	16
	Insert after section 134—	17
134A	Certain electors may vote outside voting centre	18
(1)	If the voting centre manager at a voting centre is satisfied that an elector is unable to enter the voting centre because of physical disability, illness, advanced pregnancy or another condition, the voting centre manager may allow the elector to vote outside, but nearby to, the voting centre.	19 20 21 22
(2)	Before allowing the elector to vote outside the voting centre, the voting centre manager must—	23 24
(a)	inform any scrutineers at the voting centre that the elector is to vote outside the voting centre, and	25 26
(b)	allow one scrutineer per candidate, of the scrutineers present, to be present when the elector votes.	27 28
(3)	Subject to subsection (5), the elector—	29
(a)	must mark the elector’s vote on the ballot paper in the presence of the voting centre manager or an election official, and	30 31
(b)	must hand the ballot paper to the manager or official.	32
(4)	The voting centre manager or election official must ensure that the ballot paper is immediately returned to the voting centre and put in the ballot box in the presence of the scrutineers who were present when the elector voted.	33 34 35
(5)	If the elector also satisfies the voting centre manager that the elector is unable to vote without assistance, the voting centre manager may, with the elector’s consent, mark, or allow an election official to mark, the elector’s ballot paper.	36 37 38
(6)	The elector must indicate to the voting centre manager or election official how the elector wishes the manager or official to mark the elector’s ballot paper.	39 40
(7)	Without limiting the methods by which the elector may indicate, for subsection (6), how the elector wishes to vote, the elector may present to the voting centre manager or election official a statement in writing, which may be, or include, a how-to-vote card, specifying how the ballot paper must be marked.	41 42 43 44 45

(8)	If subsection (5) applies in relation to vote under Division 9, the voting centre manager or election official must—	1 2
(a)	fill in the declaration referred to in the division with the required particulars as requested by the elector, and	3 4
(b)	read the declaration to the elector, and	5
(c)	complete and attest the declaration, and	6
(d)	cause the declaration to be witnessed by a scrutineer, or, if no scrutineer is present, by another person who is either the voting centre manager or an election official.	7 8 9
[55]	Section 136A	10
	Insert after section 136—	11
136A	Absent voting and absent silent voting when interstate and overseas	12
(1)	Despite section 108, the Electoral Commissioner may, if the Electoral Commissioner is satisfied it would enhance the convenience for a large number of electors—	13 14 15
(a)	appoint a place outside New South Wales or outside Australia as a voting centre for all electoral districts, and	16 17
(b)	designate the voting centre as an early voting centre, and	18
(c)	determine the days and hours of operation of the early voting centre, including whether voting will occur at the early voting centre on election day.	19 20 21
(2)	The Electoral Commissioner may abolish a voting centre appointed under this section.	22 23
(3)	The Electoral Commissioner must publish notice of the following on the Electoral Commission's website at a time determined by the Electoral Commissioner—	24 25 26
(a)	an appointment, designation or determination under subsection (1),	27
(b)	an abolition of a voting centre under subsection (2).	28
(4)	Despite the other provisions of this part, only voting under sections 135 and 136 is permitted to take place at a voting centre appointed under this section.	29 30
(5)	For this section—	31
(a)	despite section 81(1) and (2), the Electoral Commissioner may appoint a person, who the Electoral Commissioner considers has the appropriate skills and experience, as an election official for a voting centre appointed under this section, and	32 33 34 35
(b)	a reference in section 135 or 136 to an elector at a voting centre that is not designated for the electoral district for which the elector claims to be enrolled is taken to be a reference to an elector at a voting centre appointed under this section.	36 37 38 39
[56]	Section 141	40
	Omit the section. Insert instead—	41
141	Forwarding of declaration envelopes to ballot counting place	42
	Each voting centre manager must, as soon as practicable after the close of voting, send each sealed envelope containing a declaration vote to a ballot	43 44

counting place appointed for the electoral district for which the elector was permitted to vote.	1 2
[57] Section 144 Issue of ballot papers to registered early voters	3
Omit section 144(a)–(b). Insert instead—	4
(a) a postal vote certificate in the approved form, and	5
(b) a ballot paper for the election, and	6
(c) an envelope for the return of the certificate and ballot paper to the Electoral Commissioner.	7 8
[58] Section 145 Issue of ballot papers to postal vote applicants	9
Omit section 145(2)(a)–(b). Insert instead—	10
(a) a postal vote certificate in the approved form, and	11
(b) a ballot paper for the election, and	12
(c) an envelope for the return of the certificate and ballot paper to the Electoral Commissioner.	13 14
[59] Section 147A	15
Insert after section 147—	16
147A Form of certain postal vote certificates and ballot papers	17
A postal vote certificate and ballot paper may be printed on the same sheet of paper with a perforation to enable the postal vote certificate and ballot paper to be divided into separate documents.	18 19 20
[60] Section 148 Directions for postal voting	21
Omit section 148(1)(c)(iii). Insert instead—	22
(iii) place the ballot paper and the certificate in the envelope provided by the Electoral Commissioner for return to the Electoral Commissioner, and	23 24 25
[61] Section 148(1)(d)(iii)	26
Omit “day.” from section 148(1)(d)(ii). Insert instead—	27
day, or	28
(iii) for an eligible overseas elector—	29
(A) post the envelope to an election official located at a place outside Australia appointed by the Electoral Commissioner at the election official’s designated postal address, or	30 31 32 33
(B) deliver the envelope to an election official located at a place outside Australia appointed by the Electoral Commissioner at the election official’s designated office address before the date and time designated for the election official under subsection (1A)(a)(iii).	34 35 36 37 38
[62] Section 148(1A)	39
Insert after section 148(1)—	40
(1A) The Electoral Commissioner, for postal voting by eligible overseas electors—	41
(a) may—	42

	(i) appoint one or more election officials located at places outside Australia, and	1 2
	(ii) designate for each election official located at a place outside Australia—	3 4
	(A) a postal address, and	5
	(B) an office address, and	6
	(iii) designate the date and time by which the ballot paper vote must be received by the election official, being a date and time not later than the close of voting according to New South Wales standard time, and	7 8 9 10
	(b) must publish notice of the appointment and designation of addresses, dates and times on the Electoral Commission’s website.	11 12
	(1B) Despite section 81(1) and (2), the Electoral Commissioner may appoint a person, who the Electoral Commissioner considers has the appropriate skills and experience, as an election official under subsection (1A)(a)(i).	13 14 15
[63]	Section 148(2)	16
	Omit “subsection (1) (d) (ii)”. Insert instead “subsection (1)(d)(ii) or (iii)”.	17
[64]	Section 149 Preliminary scrutiny of postal ballot papers	18
	Insert before section 149(1)—	19
	(1A) The Electoral Commissioner may—	20
	(a) without opening it, examine an envelope received by the Electoral Commissioner containing a ballot paper to determine whether the postal vote certificate is visible through a rear window in the envelope, and	21 22 23
	(b) if the postal vote certificate is not visible through the rear window in the envelope, but the Electoral Commissioner considers it is likely the postal vote certificate is sealed inside the envelope—	24 25 26
	(i) open the envelope without destroying it, and	27
	(ii) withdraw the documents inside the envelope and ascertain whether the postal vote certificate was sealed inside the envelope, and	28 29 30
	(iii) without further inspecting the documents or allowing another person to inspect the documents—	31 32
	(A) if the postal vote certificate was sealed inside the envelope with the ballot paper—replace the documents in the envelope in a way that enables the postal vote certificate to be visible through the rear window in the envelope, or	33 34 35 36
	(B) if the postal vote certificate was not sealed inside the envelope with the ballot paper—replace the documents in the envelope, and	37 38 39
	(iv) reseal the envelope, and	40
	(v) if the postal vote certificate was not sealed inside the envelope with the ballot paper—the reject the envelope from further scrutiny.	41 42 43
[65]	Section 149(1)(a)	44
	Omit “such unopened envelopes on which a postal vote certificate is printed containing postal votes as”.	45 46

Insert instead “the sealed envelopes containing postal votes that”.	1
[66] Section 149(1)(b)	2
Omit “unopened all remaining envelopes on which a postal vote certificate is printed”.	3
Insert instead “all remaining sealed envelopes”.	4
[67] Section 149(1)(b)(iii)	5
Omit “day.” from section 149(1)(b)(ii). Insert instead—	6
day, or	7
(iii) for envelopes posted or delivered by an eligible overseas elector to an election official appointed under section 148(1A)(a)(i)—	8
received by the election official before the date and time	9
designated for the election official under section 148(1A)(a)(iii).	10
	11
[68] Section 149(2)(a3)	12
Insert after section 149(2)(a2)—	13
(a3) for postal vote certificate posted or delivered by an eligible overseas elector to an election official appointed under section 148(1A)(a)(i)—	14
the certificate was received by the election official before the date and	15
time designated for the election official under section 148(1A)(a)(iii),	16
and	17
	18
[69] Section 149(4)	19
Omit “on an envelope containing a ballot paper”.	20
Insert instead “for a ballot paper”.	21
[70] Section 149(4)	22
Insert “containing the ballot paper” after “the envelope”.	23
[71] Section 149A	24
Omit the section. Insert instead—	25
149A Saving of certain postal ballot papers	26
(1) A ballot paper is not to be rejected from scrutiny merely because the ballot paper and postal vote certificate were sealed inside an envelope other than the envelope provided by the Electoral Commissioner.	27
	28
	29
(2) If the Electoral Commissioner is unable to read the postal vote certificate without opening the envelope because of the reason referred to in subsection (1), the Electoral Commissioner must—	30
	31
	32
(a) open the envelope, and	33
(b) withdraw the postal vote certificate from the envelope, and	34
(c) accept the envelope for scrutiny if satisfied—	35
(i) the postal vote certificate has been properly signed and witnessed, and	36
	37
(ii) for a postal vote certificate posted to the Electoral Commissioner—the certificate was completed before the close of voting, and	38
	39
	40
(iii) for a postal vote certificate delivered to an election official—the certificate was delivered before the close of voting, and	41
	42

(iv)	the elector is enrolled for the district for which the elector claimed to be enrolled, and	1 2
(d)	if not satisfied of one or more of the matters in paragraph (c)—disallow the ballot paper in the envelope.	3 4
(3)	If an envelope has been accepted for scrutiny under subsection (2), the Electoral Commissioner must—	5 6
(a)	withdraw the ballot paper from the envelope, and	7
(b)	without inspecting the ballot paper, or allowing another person to inspect the ballot paper, place the ballot paper in a ballot box for further scrutiny.	8 9 10
[72]	Section 150, heading	11
	Omit the heading. Insert instead—	12
	150 Spoilt and lost postal ballot papers	13
[73]	Section 150(2)	14
	Insert at the end of section 150—	15
(2)	An elector is permitted to vote at a voting centre at an election if the elector makes a declaration in an approved form before an election official at the voting centre that—	16 17 18
(a)	the elector has not received, or has lost, the elector’s postal ballot paper or the postal vote certificate or both, and	19 20
(b)	the elector will not use the postal ballot paper and the postal vote certificate if the elector later receives or finds the postal ballot paper or the postal vote certificate or both.	21 22 23
[74]	Section 163A	24
	Insert after section 163—	25
	163A Processing of early voting centre ballot papers	26
(1)	This section applies to the processing of ballot papers deposited in ballot boxes at an early voting centre.	27 28
(2)	The processing of ballot papers may be conducted—	29
(a)	during the authorised period, and	30
(b)	within a restricted area in a ballot counting place, and	31
(c)	in accordance with the regulations, and	32
(d)	in accordance with the instructions in relation to secrecy determined by the Electoral Commissioner, if any.	33 34
(3)	The Electoral Commissioner may, for votes cast at an early voting centre, appoint a restricted area within a ballot counting place.	35 36
(4)	The Electoral Commissioner must not appoint a place as a restricted area unless satisfied that arrangements may be made to ensure that an election manager or election official may control entry to and exit from the area.	37 38 39
(5)	An election manager, voting centre manager or election official must not conduct the processing of ballot papers unless the Electoral Commissioner has given written notice to each registered party and each candidate whose name is printed on the ballot papers specifying—	40 41 42 43

(a)	the early voting centre, and	1
(b)	the authorised period, and	2
(c)	the location of the restricted area.	3
(6)	A person must not enter the restricted area with a device that could be used to convey or transmit information to a person or device located outside the restricted area.	4
	Maximum penalty—20 penalty units.	5
		6
		7
(7)	A person must not disclose or otherwise use information obtained during the processing of ballot papers for a purpose other than the conducting of the processing.	8
	Maximum penalty—20 penalty units.	9
		10
		11
(8)	A scrutineer commits an offence if—	12
(a)	the scrutineer is present while processing ballot papers under this section is being undertaken, and	13
(b)	the scrutineer discloses or communicates information that relates to the processing to persons outside the restricted area, and	14
(c)	the disclosure or communication is made before the closing of the poll.	15
	Maximum penalty—20 penalty units.	16
		17
		18
(9)	In this section—	19
	<i>authorised period</i> means the period of 2 hours immediately before the close of voting specified in the written notice given under subsection (5).	20
	<i>processing</i> , in relation to ballot papers, does not include counting the ballot papers but does include the following—	21
(a)	exhibiting ballot boxes for the inspection of the scrutineers,	22
(b)	recording the condition of the ballot boxes when received,	23
(c)	opening ballot boxes and removing ballot papers from the box,	24
(d)	unfolding ballot papers and sorting them into groups as follows—	25
(i)	a group for each candidate for whom a ballot paper indicates a first preference,	26
(ii)	a group for informal votes.	27
	<i>restricted area</i> means an area specified in the written notice under subsection (5).	28
		29
		30
		31
		32
[75]	Section 164 Counting of votes	33
	Omit “, in the presence of any scrutineers present, but of no other persons,”.	34
[76]	Section 164(2)	35
	Insert at the end of section 164—	36
(2)	The following persons may be present at the scrutiny—	37
(a)	scrutineers,	38
(b)	the following persons approved by the Electoral Commissioner—	39
(i)	persons providing security or auditing services at the scrutiny,	40
(ii)	an officer or member of staff of an electoral commission or electoral office of the Commonwealth, a State or Territory or a foreign jurisdiction,	41
		42
		43

(iii)	persons engaged by the Electoral Commission or the Electoral Commissioner for the purpose of research.	1 2
[77]	Section 165A	3
	Insert after section 165—	4
165A	Ballot papers placed in incorrect ballot box	5
(1)	This section applies if, during the scrutiny and counting of ballot papers, at a voting centre appointed for 2 or more electoral districts, the voting centre manager is satisfied—	6 7 8
(a)	a ballot paper was deposited in a ballot box for the wrong district for the ballot paper, and	9 10
(b)	the district to which the ballot paper relates is a district appointed for the voting centre.	11 12
(2)	An election official may arrange for the ballot paper to be included in the scrutiny and counting for the correct district.	13 14
[78]	Section 183 Printing, publishing and distributing non-complying electoral material	15
	Omit the penalty. Insert instead—	16
	Maximum penalty—	17
(a)	for an individual—60 penalty units or imprisonment for 6 months, or both, or	18 19
(b)	otherwise—300 penalty units.	20
[79]	Section 184 Display of posters	21
	Omit section 184(1), penalty. Insert instead—	22
	Maximum penalty—	23
(a)	for an individual—60 penalty units or imprisonment for 6 months, or both, or	24 25
(b)	otherwise—300 penalty units.	26
[80]	Section 186 Name and address on electoral material	27
	Omit section 186(1). Insert instead—	28
(1)	A person must not, during the regulated period, print, publish, distribute or publicly display electoral material, other than the announcement in a newspaper of the holding of a meeting, without legibly showing on the material the name and address of an individual on whose instructions the material was printed, published, distributed or publicly displayed.	29 30 31 32 33
	Maximum penalty—	34
(a)	for an individual—20 penalty units or imprisonment for 6 months, or both, or	35 36
(b)	otherwise—100 penalty units.	37
[81]	Sections 189A and 189B	38
	Insert after section 189—	39
189A	Certain digitally generated electoral material prohibited	40
(1)	A person must not, during the regulated period, print, publish, distribute or publicly display digitally generated electoral material that contains a depiction	41 42

- of a simulated person performing an act that the real person depicted in the depiction did not perform. 1
2
Maximum penalty— 3
(a) for an individual—60 penalty units or imprisonment for 6 months, or both, or 4
5
(b) otherwise—300 penalty units. 6
- (2) It is a defence to a prosecution for an offence against this section if the defendant establishes that— 7
8
(a) the printing, publication, distribution or display of the digitally generated electoral material containing a depiction of a simulated person occurred with the written consent of the real person depicted as the simulated person, or 9
10
11
12
(b) the defendant— 13
(i) took no part in determining the content of the digitally generated electoral material, and 14
15
(ii) could not reasonably be expected to have known that the digitally generated electoral material contravened subsection (1). 16
17
- (3) An apparent consent will not be an effective consent for this section if— 18
(a) given by a person who is under the age of 17 years or has a cognitive impairment within the meaning of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*, or 19
20
21
(b) obtained from a person by duress or deception. 22
- (4) In this section— 23
depiction includes an audio visual, visual or audio depiction of a real person. 24
digitally generated electoral material— 25
(a) means electoral material containing audio visual, visual or audio content that is generated substantially, or modified or altered significantly, by artificial intelligence, but 26
27
28
(b) does not include— 29
(i) a cartoon or animated drawing, or 30
(ii) electoral material that is of a kind, or generated in a way, prescribed by the regulations. 31
32
simulated person means a person depicted in digitally generated electoral material that— 33
34
(a) purports to be a depiction of a particular real person, or 35
(b) so closely resembles a depiction of a particular real person that a reasonable person would consider it likely to be a depiction of the real person. 36
37
38
- (5) The Minister must not recommend the making of a regulation under subsection (4), definition of **digitally generated electoral material**, paragraph (b)(ii) during the following periods— 39
40
41
(a) the period— 42
(i) commencing on 1 October in the year before a general election, and 43
44
(ii) ending on the election day for the general election, 45
(b) the period— 46

(i)	commencing on the date of the issue of the writ for a by-election, and	1 2
(ii)	ending on the day of the by-election.	3
189B	Digitally generated electoral material to include certain statements	4
(1)	A person must not, during the regulated period, print, publish, distribute or publicly display digitally generated electoral material that depicts a digitally created person, event or place that a reasonable person would think is an actual person, event or place unless the material contains—	5 6 7 8
(a)	a statement that the material is digitally generated electoral material, and	9 10
(b)	the statement is—	11
(i)	for audio visual content—written and spoken, or	12
(ii)	for visual content—written, or	13
(iii)	for audio content—spoken.	14
	Maximum penalty—	15
(a)	for an individual—20 penalty units or imprisonment for 6 months, or both, or	16 17
(b)	otherwise—100 penalty units.	18
(2)	The statement must be printed, published, distributed or publicly displayed or communicated, in a way, if any, prescribed by the regulations.	19 20
(3)	It is a defence to a prosecution for an offence against this section if the defendant establishes that the defendant—	21 22
(a)	took no part in determining the content of the digitally generated electoral material, and	23 24
(b)	could not reasonably be expected to have known that the digitally generated electoral material contravened subsection (1).	25 26
(4)	In this section— <i>digitally generated electoral material</i> —see section 189A(4).	27 28
[82]	Section 193A	29
	Insert before section 194—	30
193A	Distribution of electoral material on early voting days near early voting centre	31
(1)	A person must not, within 100m of an early voting centre, distribute electoral material on a day on which early voting is conducted unless the material has been registered under Subdivision 6 for the election.	32 33 34
	Maximum penalty—	35
(a)	for a corporation—100 penalty units, or	36
(b)	otherwise—20 penalty units or imprisonment for 6 months, or both.	37
(2)	For this section and without limiting its operation, material is taken to be distributed if it is left in a position and in circumstances that indicate that it is intended to be available for collection by members of the public.	38 39 40
(3)	This section does not apply to 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.	41 42 43 44 45

(4)	Section 194 extends to this section.	1
[83]	Section 199 Application for registration of electoral material	2
	Omit section 199(4). Insert instead—	3
(4)	Timing of application An application may only be made during the following periods (the <i>application period</i>)—	4
(a)	for an application for the registration of electoral material that is only to be supplied to voters at a declared facility—the period—	5
(i)	starting on nomination day, and	6
(ii)	ending at 5pm on the Friday 8 days before election day, or	7
(b)	otherwise—the period—	8
(i)	starting on nomination day, and	9
(ii)	ending at 5pm on the Thursday before election day.	10
[84]	Section 200 Consideration of application for registration	11
	Omit “Parties, and” from section 200(3)(c)(ii). Insert instead “Parties, or”.	12
[85]	Section 200(3)(c)(iii)	13
	Omit the subparagraph.	14
[86]	Section 200(5)	15
	Insert after section 200(4)—	16
(5)	The Electoral Commissioner must consider an application for the registration of electoral material within 24 hours of receiving the application if the application is received during the period—	17
(a)	starting at 5pm on the Friday 8 days before election day, and	18
(b)	ending at 5pm on the Thursday before election day.	19
[87]	Section 201 Registration of electoral material	20
	Omit section 201(8). Insert instead—	21
(8)	Copy of material and certificate to be available for public inspection The Electoral Commissioner must ensure that registered electoral material and the relevant certificate of registration are made available for public inspection on the Electoral Commission’s website—	22
(a)	for electoral material that is registered before 5pm on the Friday that is 8 days before election day—from the Monday preceding the election day until 6 pm on election day, or	23
(b)	for electoral material that is registered at or after 5pm on the Friday that is 8 days before election day—as soon as practicable after the material is registered until 6 pm on election day.	24
[88]	Section 203, heading	25
	Insert “safety and” before “order”.	26
[89]	Section 203(3)	27
	Omit “to maintain order at any election or any place where voting is occurring under this Act.”	28
	Insert instead—	29

for the following purposes—	1
(a) to protect persons at a place where voting is occurring under this Act from health and safety hazards caused by storm, fire, flood or another emergency,	2 3 4
(b) to maintain order at an election or a place where voting is occurring under this Act.	5 6
[90] Section 207 Offence of failing to vote	7
Insert after section 207(2)—	8
(2A) It is not a defence to a prosecution under this section that the defendant did not know that the election was being conducted.	9 10
[91] Section 210A	11
Insert after section 210—	12
210A Photographing and recording of voting and scrutiny	13
(1) A person must not, in a voting centre or ballot counting place, take a photograph or make an audio or video recording. Maximum penalty—20 penalty units.	14 15 16
(2) Subsection (1) does not apply to the taking of a photograph or the making of an audio or video recording with the permission of the voting centre manager or person in charge of the ballot counting place.	17 18 19
210B Photographing and recording election officials outside voting centres or ballot counting places	20 21
(1) A person must not, outside a voting centre or ballot counting place, take a photograph or make an audio or video recording of an election official or scrutineer if the photographing or recording is reasonably likely to cause the official or scrutineer to be intimidated or harassed. Maximum penalty—20 penalty units.	22 23 24 25 26
(2) A person must not publish or distribute a photograph or an audio or video recording made in the course of committing an offence against subsection (1). Maximum penalty—20 penalty units.	27 28 29
[92] Sections 219A and 219B	30
Insert after section 219—	31
219A Distribution of postal vote applications	32
(1) A person, other than the Electoral Commissioner, must not distribute, or cause or permit to be distributed, an application to vote by post in an election under Division 10, unless—	33 34 35
(a) the application is in the form approved by the Electoral Commission, and	36 37
(b) the form states that the application must be submitted directly to the Electoral Commissioner, and	38 39
(c) no additional information or matter appears on the application. Maximum penalty—20 penalty units.	40 41
(2) It is not an offence under subsection (1) for a person to make available at a post office an application to vote by post provided by the Electoral Commissioner.	42 43

219B Solicitation of postal vote applications	1
(1) A person must not solicit another person to return or submit the other person's application to vote by post to anyone other than the Electoral Commissioner. Maximum penalty—20 penalty units.	2 3 4
(2) A person, other than the Electoral Commissioner, must not, in connection with the distribution or collection of another person's application to vote by post, collect personal information about the other person without the other person's written consent. Maximum penalty—20 penalty units.	5 6 7 8 9
[93] Section 222 Election information	10
Insert after section 222(4)—	11
(5) The Electoral Commissioner may, before providing information under subsection (2), require the registered party or member of Parliament give the Electoral Commissioner an undertaking that the party or member's systems and procedures will be adequate to preserve the security of that information.	12 13 14 15
(6) A person must not, without reasonable excuse, refuse or fail to comply with an undertaking given under subsection (5). Maximum penalty—1,000 penalty units.	16 17 18
(7) The regulations may deal with the making of undertakings under this section.	19
(8) Subsection (9) applies if the Electoral Commissioner believes it necessary to ensure either of the following is not ascertainable—	20 21
(a) the way an elector voted at an election,	22
(b) health information, within the meaning of the <i>Health Records and Information Privacy Act 2002</i> , about an elector.	23 24
(9) Despite subsection (2), the Electoral Commissioner may—	25
(a) refuse to provide the requested election information, or	26
(b) give the election information in a form or format that the Electoral Commissioner believes ensures the information is not ascertainable.	27 28
[94] Section 254 Proceedings for offences	29
Insert after section 254(4)—	30
(4A) Proceedings for an offence against this Act or the regulations may only be commenced with the consent of the Electoral Commission.	31 32
[95] Sections 267B and 267C	33
Insert after section 267A—	34
267B Electronic documents and information	35
(1) If a person is authorised or required under this Act, the <i>Electoral Funding Act 2018</i> or another Act to give a document or information to the Electoral Commissioner or Electoral Commission, the Electoral Commissioner or Electoral Commission, as the case requires, may approve the giving of the document or information by an approved electronic method.	36 37 38 39 40
(2) In this section— <i>give</i> includes lodge or serve.	41 42

267C Annual reporting information	1
The <i>Government Sector Finance Act 2018</i> , Part 7, Division 7.3 is, in its application to the annual reporting information prepared by or for the Electoral Commission or Electoral Commissioner, modified as follows—	2 3 4
(a) the annual reporting information is to be given—	5
(i) to the Presiding Officer of each House of Parliament and not to the responsible Minister for the Electoral Commission, and	6 7
(ii) as soon as practicable after the end of the annual reporting period but no later than within 5 months or any other period prescribed under the <i>Government Sector Finance Act 2018</i> , section 7.13 for the purposes of that section,	8 9 10 11
(b) the President of the Council must cause the annual reporting information to be laid before the Council as soon as practicable after the receipt by the President of the information,	12 13 14
(c) the Speaker of the Assembly must cause the annual reporting information to be laid before the Assembly as soon as practicable after the receipt by the Speaker of the information,	15 16 17
(d) provisions of that Act relating to the giving of annual reporting information to the responsible Minister for a GSF agency and to the public availability of annual reporting information do not apply to the Electoral Commission or the Electoral Commissioner.	18 19 20 21
[96] Section 268 Disclosure of information	22
Insert “, or regulatory action or compliance audit under,” after “contravention of” in section 268(3)(a).	23 24
[97] Section 268(3)(b)	25
Insert “or the outcome of any regulatory action or compliance audit” after “contravention”.	26
[98] Section 268(3A)	27
Insert after section 268(3)—	28
(3A) Despite subsection (1), the Electoral Commission or the Electoral Commissioner may disclose information if—	29 30
(a) the Electoral Commission or the Electoral Commissioner, as the case requires, is satisfied the disclosure is in the public interest, and	31 32
(b) the disclosure is for the purposes of—	33
(i) publishing research on electoral matters dealt with by the Electoral Commission or the Electoral Commissioner, or	34 35
(ii) promoting public awareness of electoral matters dealt with by the Electoral Commission or the Electoral Commissioner.	36 37
[99] Schedule 7 Savings, transitional and other provisions	38
Insert at the end of the schedule—	39
Part 6 Special provision relating to postal voting	40
1 Alternate method of postal voting	41
(1) The Electoral Commissioner may determine that postal voting at a by-election must be conducted under the Act, Part 7, Division 10 as modified by Schedule 8.	42 43 44

- (2) A determination under subclause (1) must be—
 - (a) made before the nomination day for the by-election, and
 - (b) written, and
 - (c) published on the Electoral Commission’s website.
- (3) If a determination has been made under this clause, postal voting at the by-election must be conducted under the Act, Part 7, Division 10 as modified by Schedule 8.

Part 7 Provisions consequent on enactment of Electoral Legislation Amendment (Elections) Act 2026

1 Definition

In this part—

amending Act means the *Electoral Legislation Amendment (Elections) Act 2026*.

2 Registered party no longer an eligible party—section 57

- (1) This clause applies if, after the amendment of the Act, section 57 by the amending Act, a registered party ceases to be an eligible party.
- (2) The registration of the party is cancelled on the day that is 6 months after the commencement of the amendments unless an application has been made under the Act, section 66 for an amendment to the particulars in the Register of Parties that ensures the party does not contravene the Act.

3 Registered party names that are individual’s names—section 64(4)(b1)

- (1) This clause applies if the registered name of a registered party contravenes the Act, section 64(4)(b1) on its commencement.
- (2) The registration of the party is cancelled on the day that is 6 months after the commencement unless an application has been made under the Act, section 66 to change the name of the party to a name that does not contravene the Act.
- (3) To avoid doubt, this clause extends to a party registered under the *Local Government Act 1993*, Chapter 10, Part 7.

4 Registered party names and logos containing “Independent Party” or “Independent”—section 64(4)(e)

- (1) This clause applies if either or both of the following occurs—
 - (a) the registered name of a registered party contravenes the Act, section 64(4)(e), as substituted by the amending Act,
 - (b) the registered logo of a registered party contravenes the Act, section 64(5A)(e), as substituted by the amending Act.
- (2) The registration of the party is cancelled on the day that is 6 months after the substitution unless an application has been made under the Act, section 66 to change the name of the party or the registered logo, as the case requires, to a name or logo that does not contravene the Act.
- (3) To avoid doubt, this clause extends to a party registered under the *Local Government Act 1993*, Chapter 10, Part 7.

5 Disclosure of information in relation to contraventions under former Acts	1
(1) Despite section 268(1), the Electoral Commission or the Electoral Commissioner may disclose information if—	2
	3
(a) the information is disclosed to a person who has given information to the Electoral Commission or Electoral Commissioner about a possible contravention of the <i>Parliamentary Electorates and Elections Act 1912</i> or the <i>Election Funding, Expenditure and Disclosures Act 1981</i> or a regulation under either of the Acts, and	4
	5
	6
	7
	8
(b) the disclosure is reasonably necessary for the purpose of—	9
(i) reporting the progress of an investigation into the possible contravention, or	10
	11
(ii) providing the person who gave the information with advice as to the outcome of the investigation or any action taken as a result of the investigation, and	12
	13
	14
(c) the Electoral Commission or the Electoral Commissioner, as the case requires, is satisfied the disclosure is in the public interest.	15
	16
(2) Despite section 268(1), the Electoral Commission or the Electoral Commissioner may disclose information if—	17
	18
(a) the information concerns a possible contravention of, or regulatory action or compliance audit under, the <i>Parliamentary Electorates and Elections Act 1912</i> or the <i>Election Funding, Expenditure and Disclosures Act 1981</i> or a regulation under either of the Acts, and	19
	20
	21
	22
(b) the disclosure is for the purpose of reporting to the public about the progress or outcome of an investigation into the possible contravention, or the outcome of any regulatory action or compliance audit, and	23
	24
	25
(c) the Electoral Commission or the Electoral Commissioner, as the case requires, is satisfied the disclosure is in the public interest.	26
	27
(3) The Electoral Commission and the Electoral Commissioner have qualified privilege in proceedings for defamation arising out of a disclosure made under this clause.	28
	29
	30
[100] Schedule 8	31
Omit the schedule. Insert instead—	32
Schedule 8 Modification of postal voting	33
	Schedule 7, Part 6, clause 1
	34
[1] Section 144 Issue of ballot papers to registered early voters	35
Omit section 144(a)–(c). Insert instead—	36
(a) a postal vote certificate in the approved form, printed on an envelope, and	37
	38
(b) if the envelope on which the postal vote certificate is printed is not addressed to the Electoral Commissioner—another envelope addressed to the Electoral Commissioner, and	39
	40
	41
(c) a ballot paper for the by-election.	42
[2] Section 145 Issue of ballot papers to postal vote applicants	43
Omit section 145(2)(a)–(c). Insert instead—	44

	(a) a postal vote certificate in the approved form, printed on an envelope, and	1 2
	(b) if the envelope on which the postal vote certificate is printed is not addressed to the Electoral Commissioner—another envelope addressed to the Electoral Commissioner, and	3 4 5
	(c) a ballot paper for the by-election.	6
[3]	Section 147A Form of certain postal vote certificates and ballot papers	7
	Omit the section.	8
[4]	Section 148 Directions for postal voting	9
	Omit section 148(1)(c)(iii). Insert instead—	10
	(iii) place the ballot paper in the envelope on which the postal vote certificate is printed, and	11 12
[5]	Section 149 Preliminary scrutiny of postal ballot papers	13
	Omit section 149(1A).	14
[6]	Section 149(1)(a)	15
	Omit “the sealed envelopes containing postal votes that”.	16
	Insert instead “any unopened envelopes on which a postal vote certificate is printed containing postal votes that”.	17 18
[7]	Section 149(1)(b)	19
	Omit “all remaining sealed envelopes”.	20
	Insert instead “unopened all remaining envelopes on which a postal vote certificate is printed”.	21 22
[8]	Section 149(4)	23
	Omit “for a ballot paper”.	24
	Insert instead “on an envelope containing a ballot paper”.	25
[9]	Section 149(4)	26
	Omit “containing the ballot paper”.	27
[10]	Section 149A	28
	Omit the section. Insert instead—	29
149A	Saving of certain postal ballot papers	30
	(1) This section applies if, for a by-election, the Electoral Commissioner has delivered or posted 2 envelopes to electors under this division, being—	31 32 33
	(a) an envelope on which a postal vote certificate is printed, and	34
	(b) an envelope addressed to the Electoral Commissioner.	35
	Note— See sections 144(b) and 145(2)(b).	36
	(2) Despite sections 148 and 149, a ballot paper must not be rejected for further scrutiny because the ballot paper was not inside the envelope on which the postal vote certificate is printed if—	37 38 39

	(a) the ballot paper was sealed inside the envelope addressed to the Electoral Commissioner, and	1 2
	(b) the ballot paper was accompanied by the envelope on which the postal vote certificate is printed, and	3 4
	(c) the Electoral Commissioner is satisfied the postal vote certificate has been properly signed and witnessed and relates to the ballot paper.	5 6 7
[101]	Schedule 9	8
	Insert after Schedule 8, as substituted by item [100]—	9
	Schedule 9 Special provisions for 2027 general election and certain by-elections	10 11
	Part 1 Provisions about 2027 general election	12
	1 Application of part	13
	This part applies only in relation to the 2027 Assembly general election and concurrent periodic Council election (the <i>2027 general election</i>).	14 15
	2 Method of nomination—the Act, s 84	16
	(1) A nomination paper must be lodged during the period beginning on Monday 15 February 2027 and ending at midday on the nomination day.	17 18
	(2) Despite subclause (1), if the Assembly is dissolved before 15 February 2027, a nomination paper must be lodged during the period beginning on the issue of the writs and ending at midday on the nomination day.	19 20 21
	3 When disclosures of political donations must be made—the Electoral Funding Act 2018, s 15	22 23
	(1) For the <i>Electoral Funding Act 2018</i> , despite section 15, the <i>pre-election period for an Assembly general election</i> means the period from and including 1 October 2026 to the end of the election day for the election.	24 25 26
	(2) Despite subclause (1), if the Assembly is dissolved before 1 October 2026, the <i>pre-election period for an Assembly general election</i> means the period from and including the day of the issue of the writ or writs for the election to the end of the election day for the election.	27 28 29 30
	4 Capped State expenditure period—the Electoral Funding Act 2018, s 27	31
	(1) For the <i>Electoral Funding Act 2018</i> , despite section 27, the applicable cap on electoral expenditure for a State election applies to electoral expenditure during the period from and including 1 October 2026 to the end of the election day for the election (the <i>capped State expenditure period</i>).	32 33 34 35
	(2) Despite subclause (1), if the Assembly is dissolved before 1 October 2026, the <i>capped State expenditure period</i> means the period from and including the day of the issue of the writ or writs for the election to the end of the election day for the election.	36 37 38 39

Part 2	Technology assisted voting	1
5	Technology assisted voting other than telephone voting must not be used	2
(1)	Technology assisted voting under the Act, Part 7, Division 11, other than telephone voting permitted under this clause, must not be used at—	3 4
(a)	the 2027 general election, or	5
(b)	a by-election held during the period after the conduct of the 2027 general election and before the 2031 general election.	6 7
(2)	Telephone voting by electors who are blind or have low vision is permitted.	8
(3)	Despite subclauses (1) and (2), the Electoral Commissioner may, at any time, determine that telephone voting is not permitted at a specified election, or during a specified period during an election.	9 10 11
(4)	A determination under subclause (3) must be in writing and published on the Electoral Commission's website.	12 13
(5)	An election is taken not to have failed, and the results of an election are not invalid, merely because telephone voting permitted by this clause was not available during a period when telephone voting was permitted under this clause.	14 15 16 17

Schedule 2	Amendment of Electoral Funding Act 2018 No 20	1
[1] Section 7 Meaning of “electoral expenditure”		2
Insert after section 7(4A)—		3
(4AA) For Part 3 (Political donations and electoral expenditure), Division 4 (Caps on electoral expenditure for election campaigns), electoral expenditure does not include expenditure incurred on research associated with election campaigns.		4 5 6
[2] Section 9 Miscellaneous interpretative provisions		7
Omit “For the purposes of this Act” from section 9(4).		8
Insert instead “For Part 3”.		9
[3] Section 12 Disclosures required to be made		10
Omit “of or exceeding \$1,000” from section 12(3).		11
[4] Section 12(4)		12
Insert “registered third-party campaigner,” after “candidate,” wherever occurring.		13
[5] Section 14 Person responsible for making disclosures		14
Omit section 14(1)(d) and (e). Insert instead—		15
(d) for a candidate who is not a member of a group—		16
(i) if the candidate is a member of a registered party—the party agent of the registered party, or		17 18
(ii) if the candidate is not a member of a registered party—the candidate,		19 20
(e) for a candidate who is a member of a group—		21
(i) if all the members of the group are members of the same registered party—the party agent of the registered party, or		22 23
(ii) if one or more members of the group are members of a registered party and one or more other members of the group are members of another registered party—the party agent of the registered party of the candidate, or		24 25 26 27
(iii) if all the members of the group are not members of any registered party—the lead candidate of the group, or		28 29
(iv) otherwise—		30
(A) for a candidate who is a member of a registered party—the party agent of the registered party, or		31 32
(B) for a candidate who is not a member of a registered party—the candidate,		33 34
[6] Section 14A Person responsible for making disclosures for dis-endorsed candidates		35
Omit the section.		36
[7] Section 15 When disclosures of political donations to be made		37
Omit “21 days” from section 15(1)(a). Insert instead “7 days”.		38
[8] Section 15(2)(a)		39
Omit “received or”.		40

[9] Section 17 How are disclosures to be made	1
Insert after section 17(2)—	2
(3) A declaration lodged under this section must be accompanied by the documents and information prescribed by the regulations.	3 4
[10] Section 19 Political donations required to be disclosed	5
Omit “aggregated.” from section 19(2)(g). Insert instead—	6
aggregated,	7
(h) in relation to the disclosure by a party of a reportable political donation to the party—	8 9
(i) whether the donation was solicited by particular candidates endorsed by the party or elected members of the party and, if so, the name of the candidates or elected members, and	10 11 12
(ii) whether the donation was made for the direct benefit of particular candidates endorsed by the party or elected members of the party and, if so, the name of the candidates or elected members.	13 14 15
[11] Section 19(2A)	16
Insert after section 19(2)—	17
(2A) To avoid doubt, if a party discloses a political donation made to the party was solicited by, or made for the direct benefit of, particular candidates or elected members under subsection (2)(h)—	18 19 20
(a) the candidate or elected member is not required to also disclose the political donation, and	21 22
(b) the donation is subject to the cap on political donations to the party specified in section 23(1)(a).	23 24
[12] Section 19(5)(a)	25
Omit the paragraph. Insert instead—	26
(a) the gross proceeds of each fundraising venture or function, and	27
[13] Section 22 Public access to disclosures, expenditure etc	28
Insert “or electoral expenditure” after “political donations” in section 22(3).	29
[14] Section 22(3A) and (3B)	30
Insert after section 22(3)—	31
(3A) If a disclosure contains the residential address of a registered candidate or elected member, the Electoral Commission must—	32 33
(a) not publish the residential address on the website, and	34
(b) when providing a copy of the disclosure for inspection under subsection (4)—only provide a copy of the disclosure that does not include the residential address.	35 36 37
(3B) The Electoral Commission may modify a disclosure published on the website to remove the residential address of a donor who is or was an elected member or registered candidate.	38 39 40
[15] Section 25	41
Omit the section. Insert instead—	42

25	Prohibition on donations to more than 3 third-party campaigners	1
(1)	It is unlawful for a person to make political donations, whether for a State or local government election, to more than 3 third-party campaigners in the same financial year, unless the person making the donation did not know and could not reasonably have known of the political donations made to the other third-party campaigners.	2 3 4 5 6
(2)	It is unlawful for a third-party campaigner to accept a political donation, whether for a State or local government election, from a person if the person has made political donations to more than 3 third-party campaigners in the same financial year, unless the third-party campaigner accepting the donation did not know and could not reasonably have known of the political donations made to the other third-party campaigners.	7 8 9 10 11 12
(3)	This section applies only to a political donation to a third-party campaigner that is to be paid into, or held as an asset of, the campaign account of the third-party campaigner under Division 5, Subdivision 3.	13 14 15
[16]	Section 38 Requirements for political donations to, and electoral expenditure by, elected member, group or candidate—members of registered parties	16 17
	Insert after section 38(7)—	18
(8)	In addition to political donations, money may be paid into a campaign account by the elected member, group or candidate for whom the account is operated.	19 20
(9)	For subsection (8), the amount paid and the terms on which the payment was made must be disclosed in the relevant declaration lodged under this part.	21 22
	Note— Section 76(3) requires electoral funding payments under Part 4 for a candidate to be paid into the relevant campaign account.	23 24
[17]	Section 47 Prohibition on certain indirect campaign contribution	25
	Insert “, associated entity, third-party campaigner,” after “group” wherever occurring in section 47(1).	26 27
[18]	Section 50 Prohibition on receiving loans unless details recorded	28
	Insert “, within 30 days of receiving the loan,” after “unless” in section 50(1).	29
[19]	Section 56A	30
	Insert before section 57—	31
56A	Candidates dis-endorsed during election campaigns	32
(1)	This section applies to State elections.	33
(2)	A party agent of a registered party may, by written notice given in an approved way, notify the Electoral Commission the party has dis-endorsed a candidate.	34 35
(3)	The party agent of the registered party must give a copy of the notice to the candidate.	36 37
(4)	On and from the receipt of the notice by the Electoral Commission, the following applies—	38 39
(a)	despite section 14(1)(d) and (e), the person responsible for making a disclosure required under this part for the candidate is the candidate and not the party agent of the registered party,	40 41 42
(b)	for a candidate in an Assembly general election—	43

	(i) the applicable cap for the party is not reduced to exclude the candidate's electoral district, and	1 2
	(ii) the applicable cap for the candidate remains the amount under section 29(6),	3 4
	(c) for a candidate in a periodic Council election—the applicable cap for the candidate is the amount under section 29(8).	5 6
(5)	A written notice given under subsection (2) is not invalid because of a failure to comply with subsection (3).	7 8
(6)	The regulations may make further provision dealing with the consequences of the giving of notices under this section.	9 10
[20]	Section 58 Recovery of unlawful donations and expenditure and certain other property developer donations	11 12
	Insert after section 58(4)—	13
(5)	A cause of action to recover money under this section may only be commenced within 10 years from—	14 15
(a)	for a political donation, loan or indirect campaign contribution referred to in subsections (1) and (2)—the date on which the donation, loan or contribution was accepted, or	16 17 18
(b)	for a political donation referred to subsection (3)—the date on which the donation was made, or	19 20
(c)	for electoral expenditure referred to subsection (4)—the date on which the expenditure was incurred.	21 22
[21]	Section 59 Electoral Commission may audit disclosures	23
	Insert “party agent, official agent,” after “party,” wherever occurring in section 59(2).	24
[22]	Section 67 Amount of public funding for eligible parties	25
	Omit “\$4” from section 67(1)(a).	26
	Insert instead “\$5.30”.	27
[23]	Section 67(1)(a)	28
	Omit “\$3”.	29
	Insert instead “\$3.98”.	30
[24]	Section 67(2)(a)	31
	Omit the paragraph. Insert instead—	32
(a)	in the case of a party that had 10–24 endorsed candidates in the Assembly general election—the amount under subsection (1)(a) is to include \$3.98 for each first preference vote in relation to the Assembly general election, in addition to \$3.98 for each first preference vote in relation to the periodic Council election, or	33 34 35 36 37
(a1)	in the case of a party that had 25 or more endorsed candidates in the Assembly general election—the amount under subsection (1)(a) is to include \$5.30 for each first preference vote in relation to the Assembly general election, in addition to \$3.98 for each first preference vote in relation to the periodic Council election, or	38 39 40 41 42

(1A)	The excess amount for a quarter carried over in subsection (1) is taken to be actual administrative expenditure incurred in the subsequent quarter within the total 2-year period.	1 2 3
[33]	Section 93 Public funding of eligible parties for policy development expenditure— payment from New Parties Fund	4 5
	Omit “and has been a registered party for at least 12 months” from section 93(2)(a).	6
[34]	Section 98 Parties to provide Electoral Commission with list of senior office holders	7
	Omit section 98(1)(a) and (b). Insert instead—	8
	(a) provides to the Electoral Commission a list of the names and enrolled addresses in New South Wales of the party’s senior office holders and a summary of the roles and responsibilities of the senior office holders, and	9 10 11 12
	(b) gives written notice to the Electoral Commission of any changes to the names or enrolled addresses of the senior office holders or the roles and responsibilities of the senior office holders within 21 days of the change.	13 14 15 16
[35]	Section 98(1A)	17
	Insert after section 98(1)—	18
	(1A) A party is also not eligible for a payment under Part 4 or 5 unless the party’s senior officer holders are enrolled in New South Wales.	19 20
[36]	Section 145 Other offences relating to political donations and electoral expenditure	21
	Insert “section 9(10)(b) or” after “unlawful under” in section 145(1).	22
[37]	Section 152 Guidelines	23
	Omit “relating to administrative expenditure under Part 5” from section 152(3).	24
[38]	Section 152(7)(a)	25
	Omit “about administrative expenditure”.	26
[39]	Section 154 Reports to Parliament	27
	Omit “within 4 months after” from section 154(1).	28
	Insert instead “within 5 months after or any other period prescribed by the regulations”.	29
[40]	Section 156 Regulations	30
	Insert after section 156(3)(c)—	31
	(c1) requiring parties, when issuing an invoice under section 9(9), to average the expenditure among all endorsed candidates who directly or indirectly benefit from the expenditure,	32 33 34
	(c2) determining whether or not a political donation was solicited by or made for the direct benefit of particular candidates endorsed by a party or elected members of the party for the purposes of section 19(2)(h),	35 36 37
[41]	Section 158 Review of provisions of Act relating to caps on electoral expenditure for election campaigns	38 39
	Insert “State” before “general election” in section 158(2).	40

[42] Schedule 1 Adjustment for inflation of monetary amounts	1
Omit clause 4(3). Insert instead—	2
(3) The adjustable amounts that are to apply for the 2027–2031 election period are to be determined by multiplying the adjustable amounts specified in sections 67 and 69 by the increase in the Consumer Price Index during the election period—	3
(a) commencing on the date of the return of the writs of the 2023 State general election, and	4
(b) ending on the date of the return of the writs of the 2027 State general election.	5
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[43] Schedule 1, clause 5(2)	11
Omit “2019”.	12
Insert instead “2027”.	13
[44] Schedule 2 Savings, transitional and other provisions	14
Insert at the end of the schedule, with appropriate part numbering—	15
Part Provisions consequent on enactment of Electoral Legislation Amendment (Elections) Act 2026	16
	17
1 Political donations required to be disclosed—s 19	18
The amendment by the <i>Electoral Legislation Amendment (Elections) Act 2026</i> to section 19(2) applies only to reportable political donations received or made after 30 June 2026.	19
	20
	21
2 Parties to provide Electoral Commission with names and addresses in State of senior office holders—s 98	22
The amendments by the <i>Electoral Legislation Amendment (Elections) Act 2026</i> to section 98 do not have effect until the day that is 6 months after the date of assent to that Act.	23
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Schedule 3 **Amendment of Independent Commission Against Corruption Act 1988 No 35**

Section 108A

Insert after section 108—

108A **Provision of enrolment information**

- (1) The Electoral Commissioner must, at the request of the Chief Commissioner, provide the Commission with a list of enrolled persons and their particulars, but only for the following purposes (a *relevant purpose*)—
 - (a) to identify or locate a person when determining whether to conduct an investigation under section 13(1)(a) or (b), 13A or 20A,
 - (b) to identify or locate a person—
 - (i) in connection with an investigation under section 13(1)(a) or (b), 13A or 20A, or
 - (ii) for the purpose of determining whether such an investigation is necessary,
 - (c) to issue or serve a notice under section 22,
 - (d) to issue or serve a summons under section 35,
 - (e) to apply for the issue of a search warrant under section 40,
 - (f) for the purpose of gathering and assembling evidence for the prosecution of a person for a criminal offence,
 - (g) for the purpose of determining whether to issue or serve any process to commence proceedings against a person for a criminal offence and for the purpose of any ensuing prosecution proceeding,
 - (h) for the purpose of identifying the person to whom property no longer required by the Commission should be returned.
- (2) The Electoral Commissioner must not provide enrolment information under this section unless the Chief Commissioner has provided a written statement that the Commission will—
 - (a) only use the information for a relevant purpose, and
 - (b) return the information to the Electoral Commissioner, or securely destroy the information, if the information is no longer useful for any relevant purpose, and
 - (c) not share the information to another person unless necessary for a relevant purpose, and
 - (d) use security safeguards as are reasonable in the circumstances against the loss or unauthorised access, use, modification or disclosure of the information.
- (3) The Electoral Commissioner may determine the manner and form in which information is to be provided under this section.
- (4) Without limiting subsection (3), the Electoral Commissioner may determine that the information is to be provided in a written or an electronic form.
- (5) Information provided under this section must not contain particulars specified in the *Electoral Act 2017*, section 48(3), including particulars prescribed by the regulations under that section.

- (6) The Electoral Commissioner may charge a fee that covers the cost to the Electoral Commissioner of providing a list under this section.

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Schedule 4 Amendment of Local Government Act 1993 No 30

[1] Section 320 Registration of political parties

Omit “750 electors” from section 320(2)(c). Insert instead “at least 750 members”.

[2] Section 320(2)(c)

Omit “100 electors”. Insert instead “at least 100 members”.

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