

House of Representatives

Supplementary Order Paper

Tuesday, 4 February 2014

Electoral Amendment Bill

Proposed amendment

Mojo Mathers, in Committee, to move the following amendment:

New clause 27A

After *clause 27* (After line 31 on page 26), insert:

27A Section 170 amended (Blind, disabled, or illiterate voters)

Replace section 170(6) with:

- “(6) Regulations made under section 267 may make provision for electors who are wholly or partially blind, or whether because of physical handicap or otherwise, are unable to read or write or have severe difficulty reading or writing, or are not sufficiently familiar with the English language to vote without assistance, to vote by means of devices that enable them to vote without assistance despite the fact that they are wholly or partially blind, or whether, because of physical handicap or otherwise, are unable to read or write or have severe difficulty reading or writing, or are not sufficiently familiar with the English language to vote without assistance.”

Explanatory note

This Supplementary Order Paper amends the Electoral Amendment Bill to extend the regulation making power of the Electoral Act 1993 (the **Act**) to make provision for electors who are wholly or partially blind to also apply to electors who are unable to read or write or have severe difficulty reading or writing, whether because of physical handicap or otherwise, or who are not sufficiently familiar with the English language to vote without assistance, to vote by means of devices that enable them to vote without assistance.

The current wording of the Act only makes provisions for electors who are wholly or partially blind and does not extend to other electors who are unable to vote without assistance. The Human Rights Commission has drawn attention to this inconsistency. The right to vote in elections independently by secret ballot is considered one of the most fundamental of all human rights and is protected by Article 25 of the International Covenant on Civil and Political Rights (ICCPR). Section 170 of the Electoral Amendment Act does allow disabled voters to vote with assistance if needed, however this requires the disabled voter to disclose their voting preference to someone else, which is a breach of their right to a secret vote. This Supplementary Order Paper would make provision for electors to vote without assistance and therefore allow them the right to a secret vote.
