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HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Thursday, 20 August 1998

LOCAL ELECTIONS AND POLLS (PROCESSING OF VOTING PAPERS BEFORE
CLOSE OF VOTING) AMENDMENT BILL

Proposed Amendments

Hon MAURICE WILLIAMSON, in Committee, to move the following amendments:

Clause 9A: To insert, after the word “processed” (page 12, line 32), the words “in the 84 hours”.

Clause 9B: To omit *new section 73A (2)* (page 13, lines 9 to 14), and substitute the following subsection:

“(2) **Subsection (1)** does not require the Returning Officer to ensure the taking of any particular step in **section 73B (4)** in relation to a voting paper in the 84 hours before the close of voting, if the Returning Officer decides, on reasonable grounds, that it is not efficient to take that step in relation to that voting paper in that period.

To omit from *new section 73A (3)* the expression “**section 73B (1)**” (page 13, line 15), and substitute the expression “**section 73B (4)**”.

To omit from *new section 73A (3)* the word “before” (page 13, line 16), and substitute the word “at”.

To omit from *new section 73A (4)* the words “is not completed before the close of voting under **section 73B (1)**” (page 13, lines 19 and 20), and substitute the words “under **section 73B** is not completed at the close of voting”.

To omit *new section 73B* (page 13, lines 24 to 39, and page 14, lines 1 to 15), and substitute the following section:

“**73B. Procedure for processing before close of voting**—(1) In order to implement a determination under **section 66 (1A)**, the Returning Officer must—

“(a) Exercise the discretion in **section 74 (2)** in favour of commencing a scrutiny of the roll in relation to any unopened envelope appearing to contain a voting paper; and

“(b) Ensure that the steps in **subsection (4)** are taken in relation to that envelope and voting paper.

“(2) The following provisions apply to a scrutiny of the roll to which **subsection (1) (a)** applies:

“(a) It may be commenced at any time before the close of voting, but must be completed before any step in **subsection (4)** is taken in relation to that envelope and voting paper:

“(b) It must be conducted in accordance with section 74 (1A) and (3):

“(c) After it is completed, the unopened envelope must be put into a ballot box provided under section 75 (1).

“(3) Every step taken under **subsection (4)**—

“(a) Must be taken in the 84 hours before the close of voting:

“(b) Must be taken by the Returning Officer or a member of staff authorised by the Returning Officer.

“(4) The steps referred to in **subsections (1) to (3)** are to—

“(a) Open any ballot box referred to in **subsection (2) (c)** and take the envelope from it:

“(b) Open the envelope:

“(c) Take any voting paper from the envelope:

“(d) Set the envelope aside:

“(e) Comply with anything in subsections (3A) to (6) of section 77 that is then applicable to the envelope or the voting paper:

“(f) If the total numbers of votes are to be ascertained electronically after the close of voting, record electronically the vote on the voting paper:

“(g) Put any voting paper to which this section applies into a ballot box provided under section 75 (1).

“(5) If the total numbers of votes are to be ascertained manually after the close of voting, a vote on a voting paper to which this section applies must not be recorded, either manually or electronically, before the close of voting.

To omit from *new section 73c (1)* the expression “**section 73B (1)**” (page 14, line 19), and substitute the expression “**section 73B (4)**”.

To omit from *new section 73c (1) (b)* the expression “**section 73B (1) (g)**” in both places where it appears (page 14, lines 27 and 29), and substitute in each case the expression “**section 73B (4) (f)**”.

To omit from *new section 73c (2)* the expression “**section 73B (1) (a) (iii) or (h)**” (page 14, line 31), and substitute the expression “**section 73B (2) (c) or (4) (g)**”.

To omit from *new section 73c (5)* the expression “**section 73B (1)**” in both places where it appears (page 15, lines 8 and 13), and substitute in each case the expression “**section 73B (4)**”.

To omit from *new section 73D (1)* the words “the steps in **section 73B (1) (b) to (h)** are being taken” (page 15, lines 24 and 25), and substitute the words “any step in **section 73B (4)** is being taken in the 84 hours”.

To omit *new section 73D (2) (a)* (page 15, line 28), and substitute the following paragraph:

“(a) A scrutiny to which **section 73B (1) (a)** applies is being conducted; or

To omit from *new section 73D (2) (b)* the words “**section 73B (1)** started” (page 15, line 29), and substitute the words “**section 73B (4)** started in the 84 hours”.

To omit from *new section 73E (3)* the words “**section 73B (1) (b) to (h)** is being taken” (page 16, line 16), and substitute the words “**section 73B (4)** is being taken in the 84 hours”.

Clause 10 (1): To omit this subclause (page 17, lines 7 to 10).

Clause 10 (2A): To omit this subclause (page 17, lines 15 to 17).

EXPLANATORY NOTE

The Bill being amended by this Supplementary Order Paper provides that, if the local authority so determines, voting papers in a local authority election held by postal vote may be processed at any time before the close of voting. The scrutiny of the roll is the first step in the processing.

The amendments in this SOP do 2 things. First, the time within which processing may occur is reduced to the 84 hours before the close of voting. Second, the scrutiny of the roll ceases to be a step in the processing. The Returning Officer must conduct a scrutiny before a voting paper can be processed, but can do so at any time before the close of voting.