



Inquiry into the operation of the 2024 ACT Election and Electoral Act 1992

Answer to question taken on notice

Asked by: Mr Edward Cocks MLA

Addressed to: Attorney-General

In relation to: Attorney-General and Legislative requirements for early polling

Hearing: 9 December 2025

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Answer Due: 23/12/2025

THE CHAIR: We have entered a scenario at this stage where the early voting period has turned things into not a vote early if you cannot make it on polling day, but we have accepted that people like to vote before you get into polling day, that people like to have that flexibility.

Ms Cheyne: A voting period, yes.

THE CHAIR: Yes. At the same time, it seems that many of the legislative requirements are still geared around polling day. Have you done any sort of legislative review around whether the shift to an early polling day justifies any other legislative shifts?

Ms Cheyne: Is there a specific example you can give me about—

THE CHAIR: Well, one of the clearest things in my mind is deadlines for costs. I know that—

Ms Cheyne: Right. Okay. No, yes. Great, great. On that, I will take that on notice. I am not sure. I will have to consult. I think there was consideration given about—I think you might recall the 2020 election; there was a three-week early voting period which we all never want to experience again, I think, and then it changed to a two week early voting period which I think was really designed to take into account the fact that there is still policies emerging, there is still costings to be made, there is still further work that parties are wanting to put forward and to be able to also respond to other policies that are being announced or whatever it might be. So there is a real balance there. Certainly in the recognition of the early voting period, I think we have, rather than the blind eye of "Do you have a reason for voting early", that we just made it very clear that of course you can and that is not going to change any time soon. I would note that the two week period, we did see slightly lower numbers of early voting, I think, than when we had the three weeks, which obviously makes sense. But in terms of that specific question about costings, I do not know. Let me find out.

THE CHAIR: Just whether there are any other provisions that are linked to timing around election day that should be considered as the broader timeframe we are having.

Ms Cheyne: If this is not possible, just tell me to, you know, deal with ... (indistinct)... [4.04.29] now, but perhaps what we can do is go through the policy development of the previous reforms and see if there was anything around the time that did not progress forward.

Mr Ng: Happy to do that, minister. So Mr Cocks, what we might be able to do is take on notice what corresponding transitional or consequential amendments followed the changes to the early voting period and provide that on notice that we did identify a correlation that did need to change along with that primary provision. We can provide that information, yes.

THE CHAIR: And if there are any provisions that are still linked to polling day specifically, outside the operation of, is what I am keen to find out.

Mr Ng: Yes, indeed. Yes, we could also just provide a general answer around where that kind of definition or term correlates with elsewhere in the legislation if we did not change it.

MS TARA CHEYNE MLA: The answer to the Member's question is as follows:

The Electoral and Road Safety Legislation Amendment Act 2023 made changes to the early voting period for an election, allowing access for early voting in the ACT for 2 weeks prior to the election. The relevant amendments are contained in clause 32 of the Amending Act, which inserts new ss 136B – 136I relating to early voting in the ACT, declaration voting, electronic voting and telephone voting.

'Polling day' is defined in the dictionary of the *Electoral Act 1992* (the Act).

The following parts of the Act are linked to polling day for ordinary elections:

- Section 76 – Subsection (7) provides for the delivery of a posted claim for enrolment or transfer of enrolment delayed by an industrial dispute that otherwise would have been delivered by the commissioner before 6pm on polling day.
- Section 108 – Subsection (3) provides that the hour of nomination in relation to an election is 12 o'clock noon on the 24th day before polling day for the election.
- The Act provides for arrangements in the event of a death of a candidate before polling day (for example, sections 112, 113 and 181).
- Section 121 – Defines an 'eligible elector' and 'supplementary certified extract of electors' with reference to polling day.
- Section 136A – Provides for postal voting papers which must be received before polling day.
- Division 10.4 – Voting otherwise than at a polling place. Provisions relate to voting on or before polling day via ordinary, declaration, electronic and telephone voting. Sets out requirements for when the Commissioner must declare early polling places.

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- Sections 149B and 150 – Provides for mobile polling on or before polling day including when mobile polling will be operational.
- Section 160A – Subsection (4) provides for the suspension and resumption of electronic voting for eligible electors.
- Section 179 – Provides for the preliminary scrutiny of declaration voting papers which shall not be conducted earlier than the 5th day before polling day.
- Part 14 provides for election funding, expenditure and financial disclosure. A range of definitions and provisions in this Part are linked to the polling day.

The *Electoral and Road Safety Legislation Amendment Act 2023* also made a number of consequential amendments corresponding to changes to the early voting period (Schedule 1 of the Amendment Act), including amending relevant definitions of ‘*early polling place*’, ‘*polling place*’ and ‘*voting centre*’.

Beyond these consequential amendments, the Justice and Community Safety Directorate (JACS) did not identify further consequential issues, including on any matters related to election funding, expenditure and financial disclosure (Part 14 of the Electoral Act), that were required to be amended by legislation following the reform. Furthermore, JACS has not identified any systemic issues or pressures in relation to the election policy costings and associated deadlines as a result of the change to early voting arrangements.

Approved for circulation to the Standing Committee on the Integrity Commission and Statutory Office Holders

Signature:

By the Attorney-General, Ms Tara Cheyne MLA

Date:

6/1/26