

Version
As at 17 January 2026

Electoral Amendment (Online Voting) Act 2026

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|----------------|-----------------|
| Public Act | 2026 No 01 |
| Date of assent | 20 January 2026 |
| Commencement | see section 2 |

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This Act is administered by the Ministry of Justice

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An Act to amend the Electoral Act 1986; to provide for the establishment and operation of a secure online voting system; to enable electors to cast votes electronically at general elections, by-elections, and referendums; and to ensure the integrity, secrecy, accessibility, and proper administration of online voting in Square Country.

1 Short Title

This Act is the **Electoral Amendment (Online Voting) Act 2026**.

2 Commencement

- (1) This Act comes into force on a date appointed by the Governor-General by Order in Council.
- (2) Different provisions may be brought into force on different dates.

3 Purpose

The purposes of this Act are—

- (a) to permit electors to cast votes electronically using an approved online voting system;
- (b) to ensure that online voting is secure, accessible, and verifiable;
- (c) to maintain the secrecy and integrity of the ballot;
- (d) to supplement the Electoral Act 1986 without replacing existing voting methods.

4 Act binds the crown

This Act binds the crown in right of Square Country.

5 Interpretation

In this Act, unless the context otherwise requires—

“**Commission**” means the Electoral Commission established under the Electoral Act 1986.

“**Online vote**” means a vote cast using the online voting system established under this Act.

“**Online voting system**” means the secure electronic system approved by the Commission for the purpose of casting votes.

“**Polling day**” has the meaning given in the Electoral Act 1986.

Part 1

Establishment of Online Voting System

6 Authority to establish online voting

- (1) The Commission may establish and operate an online voting system for use in—
 - (a) general elections;
 - (b) by-elections;
 - (c) referendums.
- (2) The system must comply with technical and security standards prescribed by regulations.

7 Application of this Act

This Act applies in addition to the Electoral Act 1986.

8 Relationship with Electoral Act 1986

If any provision of this Act conflicts with the Electoral Act 1986, the Electoral Act prevails unless this Act expressly states otherwise.

Part 2
Operation of Online Voting

9 Eligibility to cast an online vote

- (1) Any elector whose name appears on the electoral roll may cast an online vote.
- (2) An elector may cast either—
 - (a) an online vote; or
 - (b) a vote at a polling place; but not both.

10 Authentication of electors

- (1) The Commission must establish secure authentication procedures.
- (2) Authentication may include—
 - (a) multi-factor verification;
 - (b) unique voting credentials;
 - (c) identity checks against the electoral roll.
- (3) Authentication procedures must not compromise ballot secrecy.

11 Casting of online votes

- (1) An elector may cast an online vote only through the online voting system.
- (2) The system must provide clear instructions for voting.
- (3) The system must prevent duplicate voting.

12 Secrecy of online voting

- (1) A vote cast online must be secret.
- (2) No person may—
 - (a) attempt to discover how an elector voted online;
 - (b) require an elector to reveal their online vote;
 - (c) interfere with an elector casting an online vote.
- (3) A person who contravenes this section commits an offence.

13 Receipt and recording of online votes

- (1) The system must record each vote in a secure, encrypted form.
- (2) The system must generate a confirmation of receipt.

- (3) The Commission must maintain an auditable record of online votes without compromising anonymity.

14 Counting of online votes

- (1) Online votes must be decrypted and counted only after the close of polling.
- (2) Online votes must be included in the preliminary and official counts.
- (3) Online votes must not be linked to individual electors during counting.

15 Suspension of online voting

- (1) The Commission may suspend online voting if—
 - (a) a security breach occurs;
 - (b) system integrity cannot be assured;
 - (c) any other circumstance arises that may compromise the election.
- (2) If online voting is suspended, electors must be permitted to vote at a polling place.

Part 3
Offences and Enforcement

16 Interference with online voting

A person commits an offence if the person—

- (a) Interferes with the online voting system;
- (b) Attempts to tamper with, alter, or intercept online votes;
- (c) Impersonates an elector for the purpose of casting an online vote.

17 Unlawful disclosure

A person commits an offence if the person knowingly discloses information that may reveal how an elector voted online.

18 Attempted offences

A person who attempts to commit an offence under this Act is liable as if the offence had been completed.

19 Penalties

A person convicted of an offence under this Act is liable to—

- (a) imprisonment for up to 2 years; or
- (b) a fine not exceeding 50,000 Square Dollars; or
- (c) both.

Part 4

Regulations and Miscellaneous

20 Regulations

The Governor-General may, by Order in Council, make regulations prescribing—

- (a) technical and security standards;
- (b) authentication requirements;
- (c) auditing and verification procedures;
- (d) contingency procedures for system failure;
- (e) any other matter necessary for the operation of online voting.

21 Protection of officials

No civil or criminal proceedings may be brought against the Commission or its officials for acts done in good faith under this Act.

22 Review of online voting system

- (1) The Commission must review the operation of online voting after the first general election in which it is used.
- (2) The Commission must report to Parliament on—
 - (a) security and integrity;
 - (b) accessibility;
 - (c) turnout effects;
 - (d) recommended improvements.

Notes

1 *General*

This is a consolidation of the Electoral Amendment (Online Voting) Act 2026 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal Status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. The presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.