

ELECTORAL

1^o EDWD. VIII., No. X

No. 10 of 1936.

AN ACT to amend the Electoral Act 1907-1921.

[Assented to 3rd December, 1936]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the *Electoral Act Amendment Act, 1936*, and shall be read as one with the Electoral Act, 1907-1921 (as reprinted in the Appendix to the Sessional Volume of the Statutes for the year 1928 and amended by the Acts No. 38 of 1931 and No. 39 of 1934), hereinafter called the principal Act.

Short title.

2. Paragraph (2) of section one hundred and sixteen of the principal Act is amended by deleting the word "seven" in the third line of the paragraph and inserting in lieu thereof the word "eight."

Amendment of s. 116 of the principal Act.

3. A new Division and section is inserted after Division (6) in Part IV. of the principal Act as follows :—

New division and section inserted.

Division (7)—Voting for the Assembly to be Compulsory.

154A. (1) It shall be the duty of every elector for the Assembly to record his vote at any election for the district for which he is enrolled unless he is prevented

Compulsory voting for the Assembly.

from doing so by absence from the State, or by illness or infirmity, or any physical incapacity on the day of the election.

(2) The returning officer shall as soon as practicable after the election prepare a list in duplicate of the names and descriptions of the electors enrolled for his district who have not voted at the election, and certify the list by statutory declaration under his hand.

(3) Each copy of the list certified by the returning officer under the preceding subsection shall in all proceedings be *prima facie* evidence of the contents thereof and of the fact that the electors whose names appear therein did not vote at the election.

(4) Within the prescribed period after the close of each election the returning officer shall send by post to each elector whose name appears on the list prepared in accordance with subsection (2) of this section, at the address mentioned in that list, a notice, in the prescribed form, notifying the elector that he appears to have failed to vote at the election, and calling upon him to give a valid, truthful, and sufficient reason why he failed so to vote.

(5) Before sending any such notice the returning officer shall insert therein a date, not being less than forty-two days after the date of posting of the notice, on which the form attached to the notice, duly filled up and signed by the elector, is to be in the hands of the returning officer.

(6) Every elector to whom a notice under this section has been sent shall fill up the form at the foot of the notice by stating in it the true reason why he failed so to vote, sign the form, and post it so as to reach the returning officer not later than the date inserted in the notice.

(7) If any elector is unable by reason of absence from his place of living or physical incapacity to fill up, sign, and post the form within the time allowed under subsection (5) of this section, any other elector who has personal knowledge of the facts may, subject to the regulations, fill up, sign, and post the form, duly witnessed, within that time, and the filling up, signing, and posting of the form may be treated as compliance by the first-mentioned elector with the provisions of subsection (6) of this section.

(8) Upon receipt of a form referred to in either of the last two preceding subsections the returning officer shall indorse on both copies of the list prepared in accordance with subsection (2) of this section opposite the name of the elector his opinion whether or not the reason contained in the form is a valid and sufficient reason for the failure of the elector to vote.

(9) The returning officer shall also indorse on both copies of the list opposite the name of each elector to whom a notice under this section has been sent and from or on behalf of whom a form properly filled up, signed, and witnessed has not been received by him, a note to that effect.

(10) Within two months after the expiration of the period prescribed under subsection (4) of this section, the returning officer shall send to the Chief Electoral Officer one copy of the list, with his indorsements thereon, certified by statutory declaration under his hand.

(11) Each copy of the list prepared and indorsed by the returning officer, indicating—

- (a) the names of the electors who did not vote at the election ;
- (b) the names of the electors from whom or on whose behalf the returning officer received, within the time allowed under subsection (5) of this section, forms properly filled up and signed ; and
- (c) the names of the electors who failed to reply within that time,

and any extract therefrom, certified by the returning officer under his hand, shall in all proceedings be *prima facie* evidence of the contents of such list or extract, and of the fact that the electors whose names appear therein did not vote at the election, and that the notice specified in subsection (4) of this section was received by those electors, and that those electors did or did not (as the case may be) comply with the requisitions contained in the notice within the time allowed under subsection (5) of this section.

(12) Every elector who—

- (a) fails to vote at an election without a valid and sufficient reason for such failure ; or

(b) on receipt of a notice in accordance with subsection (4) of this section fails to fill up, sign, and post within the time allowed under subsection (5) of this section the form (duly witnessed) which is attached to the notice ;
or

(c) states in such form a false reason for not having voted, or, in the case of an elector filling up or purporting to fill up a form on behalf of any other elector, in pursuance of subsection (7) of this section, states in such form a false reason why that other elector did not vote,

shall be guilty of an offence.

Penalty : Two pounds.

(13) Proceedings for an offence against this section shall not be instituted except by the Chief Electoral Officer or an officer thereto authorised in writing by the Chief Electoral Officer.

Citation of
principal Act
as amended.

4. The principal Act as amended by this Act may be cited as the Electoral Act, 1907-1936.