

# THE ELECTORAL ACT, 1907.

(No. 27 of 1907.)

## ARRANGEMENT.

### PART I.—PRELIMINARY.

- Sec.  
1. Short title.  
2. Commencement.  
3. Division.  
4. Interpretation.

### PART II.—ADMINISTRATION.

5. Chief Electoral Officer.  
6. Registrars and Returning Officers.  
7. Substitute.  
8. Registrars.  
9. Returning Officers.  
10. Deputy Returning Officers.  
11. Registrar may be Returning Officer.  
12. Returning Officer's declaration.  
13. Resignation of Returning Officer after issue of Writ.  
14. Death resignation, or removal of Returning Officer after issue of Writ.  
15. Temporary assistance.  
16. Disqualification of officers.

### PART III.—ENROLMENT.

#### *Division (1)—Qualification of Electors.*

17. Qualification of Assembly electors.  
18. Disqualifications.

#### *Division (2)—Electoral Rolls.*

19. Electoral rolls.  
20. Rolls to be kept by Registrars.  
21. Existing rolls.  
22. Form of rolls.  
23. Arrangement of rolls.  
24. Printing of rolls.  
25. Copies to be kept for public inspection.  
26. Supplementary rolls.  
27. Incorporation of supplementary rolls.  
28. Amalgamation of rolls.  
29. Rolls to be dated.  
30. Supplementary rolls to be numbered and dated.  
31. Arrangement with Commonwealth.  
32. The rolls.  
33. Inspection of rolls by the public.  
34. Rolls and documents not to be invalidated.  
35. Officers to furnish information.  
36. Chief Electoral Officer to inspect District offices and rolls.  
37. New rolls.  
38. How prepared.

- Sec.  
39. Electoral census.  
40. Names to be inscribed from existing rolls, etc.

#### *Division (3)—Additions to Rolls.*

41. Addition of names.  
42. Form of claim.  
43. Claims, how dealt with.  
44. Essential particulars.  
45. Registration of claims.

#### *Division (4)—Objections.*

##### *(i.) To Claims.*

46. Objections to claims. By electors. By the Registrar.

##### *(ii.) To Enrolment.*

47. Objections to enrolment. By electors. By the Registrar.

##### *(iii.) Powers of Magistrate.*

48. Powers of Magistrate.

#### *Division (5)—Miscellaneous.*

49. Substitution of qualification.  
50. Removal of names repeated on roll.  
51. Alteration of rolls.  
52. Time for altering rolls.  
53. Alterations, how to be made.  
54. Method of removing names from a printed roll.  
55. Registrar General to furnish quarterly lists.  
56. Inspector-General of the Insane to furnish quarterly lists.  
57. Superintendent of Public Charities to furnish quarterly lists.  
58. Comptroller-General of Prisons to furnish quarterly lists.  
59. Chief Electoral Officer to cause certain names to be struck off the rolls.  
60. Chief Electoral Officer to cause certain names to be altered.  
61. Method for restitution of electoral registration.

### PART IV. ELECTIONS.

#### *Division (1).—Writs.*

62. Appointment of Clerk of the Writs.  
63. Writs for general election to issue within seven days.  
64. Notice to be published.

*Electoral.*

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|--|---|
| <p>Sec.<br/>65. General elections to be held on same day.<br/>66. Issue of writs in cases of vacancy.<br/>67. Issue of writs.<br/>68. Form of writs.<br/>69. Date of nomination.<br/>70. Date of polling.<br/>71. Date of return of writ.<br/>72. Notice to Registrars of issue of writ.<br/>73. Address of writs.<br/>74. Duty of Returning Officer on receipt of writ.<br/>75. Extension of time.</p> <p style="text-align: center;"><i>Division (2).—Nominations.</i></p> <p>76. Candidates to nominate.<br/>77. Mode of nomination.<br/>78. Time for receipt.<br/>79. Nominations may be telegraphed.<br/>80. Requisites for nomination.<br/>81. Withdrawal of nomination.<br/>82. Formal defects.<br/>83. Deposit to be forfeited in certain cases.<br/>84. Place of nomination.<br/>85. Hour of nomination.<br/>86. Proceedings on nomination day.<br/>87. Withdrawal or death of candidate after nomination.<br/>88. Failure of election.</p> <p style="text-align: center;"><i>Division (3).—Voting.</i></p> <p style="text-align: center;"><i>(i.) In absence.</i></p> <p>89. Voting by post.<br/>90. Postal vote books.<br/>91. Directions.<br/>92. Mode of marking ballot paper.<br/>93. Inspection.<br/>94. Postal vote officer not to visit electors.<br/>95. Duty of Returning Officer in regard to postal votes.<br/>96. Mistakes.<br/>97. Officer to decide.<br/>98. Applicant not to vote otherwise at election.</p> <p style="text-align: center;"><i>(ii.) At the Poll.</i></p> <p>99. Polling places.<br/>100. Polling.<br/>101. Duty of Returning Officer.<br/>102. Presiding officer.<br/>103. Appointment of presiding officers, poll clerks, and door-keepers.<br/>104. Substitute.<br/>105. Absence of Returning Officer or presiding officer not to invalidate election.<br/>106. Subdivision of polling places.<br/>107. No licensed premises to be used.<br/>108. Certain buildings to be used free.<br/>109. Separate compartments.<br/>110. Ballot boxes.<br/>111. Registrar to supply signed rolls.<br/>112. Ballot papers.<br/>113. Scrutineers.<br/>114. Persons present at polling.<br/>115. Maintenance of order.</p> | <p>Sec.<br/>116. The polling.<br/>117. Persons claiming to vote to give name, etc.<br/>118. Questions to be put if voter challenged.<br/>119. Consequence of answers.<br/>120. Answer conclusive.<br/>121. Persons objected to—how to vote.<br/>122. No other question or declaration necessary.<br/>123. Errors not to forfeit vote.<br/>124. Ballot paper to be handed to elector.<br/>125. Roll to be marked on voting paper being issued.<br/>126. Vote to be marked in private.<br/>127. How votes to be marked.<br/>128. Provision where voter is blind or disabled or cannot write.<br/>129. Spoilt ballot papers.<br/>130. Adjournment of polling on account of riot.<br/>131. Adjournment in other cases.<br/>132. Voting at adjourned polling.</p> <p style="text-align: center;"><i>Division (4).—Counting the Votes.</i></p> <p>133. Count of the votes—how conducted.<br/>134. Adjournment to be announced.<br/>135. Before adjourning, ballot papers, etc., to be sealed in boxes.<br/>136. Power to appoint scrutineers.<br/>137. Scrutineer may object to vote as informal.<br/>138. Informal ballot papers.<br/>139. Ballot papers not informal.<br/>140. Outlying polling places.<br/>141. The count of the votes by deputy and assistant Returning Officers.<br/>142. Returning Officer to ascertain result of polling.<br/>143. Counting of votes by Returning Officers.<br/>Counting of votes, when more candidates than two.<br/>Exhausted ballot papers.<br/>144. Casting vote for exclusion during progress of count.<br/>145. Re-count.</p> <p style="text-align: center;"><i>Division (5).—Declaration of Poll and Return of the Writ.</i></p> <p>146. Declaration of poll and return of writs.<br/>147. Election not to be questioned.<br/>148. Remedy for informalities in election proceedings.</p> <p style="text-align: center;"><i>Division (6).—After the Poll.</i></p> <p>149. Returning Officer to forward to Chief Electoral Officer statistical return.<br/>150. Returning Officer to send ballot papers to Clerk of Council or Assembly.<br/>151. Preservation of ballot papers.<br/>152. Production of rolls used at election.<br/>153. Ballot papers, etc., to be delivered to Court of Disputed Returns.<br/>154. Papers, etc., to be destroyed.</p> |
|--|---|

*Electoral.*

Sec.

## PART V.—DISPUTED RETURNS.

155. Method of disputing elections.
156. Requisites of petition.
157. Presumption as to date of return of writ.
158. Deposit as security for costs.
159. No proceedings unless requisites complied with.
160. Powers of Court.
161. Inquiries by Court.
162. Voiding election for illegal practices.
163. Court to report cases of illegal practices.
164. Immaterial errors not to vitiate election.
165. Decisions to be final.
166. Copies of petition, etc., to be sent to House affected.
167. Costs.
168. Deposit applicable for costs.
169. Other costs.
170. Effect of decision.
171. Power to make rules of Court.

## PART VI.—LIMITATION OF ELECTORAL EXPENSES.

172. Rates of expenditure.
173. Electoral expenses.
174. Expenses allowed.
175. Candidate to file account of electoral expenses.
176. Payments to be vouched by bill.

## PART VII.—ELECTORAL OFFENCES.

177. Offences.
178. Breach or neglect by officers.
179. Bribery.
180. Definition.
181. Undue influence.
182. Definition.
183. Exception.
184. Disqualification for bribery or undue influence.
185. Illegal practices.
186. Punishment.
187. Gifts by candidates.
188. Electoral offences.
189. Prohibition of canvassing near polling booth.
190. Witness to application must satisfy himself of truth of statements.
191. Failure to transmit claim.
192. Particulars for Electoral Census—penalty for neglect or refusal to furnish.
193. Employers to allow employees leave of absence to vote.
194. Offender may be removed from polling-booth.

Sec.

195. Further punishment.
196. Expenditure on behalf of a candidate.
197. Liability for indirect acts.
198. Attempts.
199. Certificate evidence.
200. Hard labour may be awarded.
201. Indictable offences.
202. Summary conviction.
203. Criminal Code not to apply to Parliamentary elections.

## PART VIII.—MISCELLANEOUS.

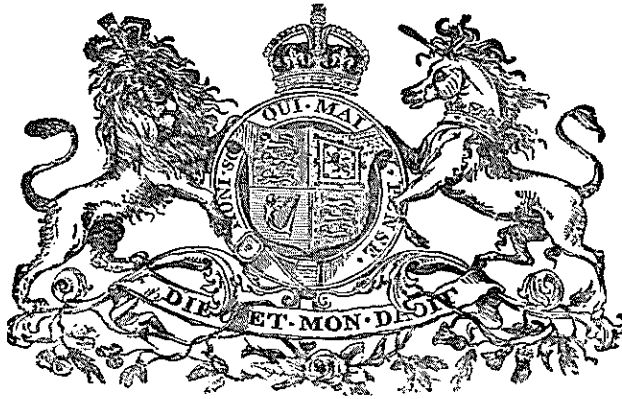
204. Persons authorised to witness signatures.
205. Service.
206. Electoral matter to be sent by post.
207. Electoral matter may be sent by telegraph.
208. A person unable to write may make his mark.
209. Forms.
210. Regulations.
211. Repeal.

## FORMS.

1. Declaration by Returning Officer.
2. Legislative Council electoral roll.
3. Legislative Assembly electoral roll.
4. Legislative Council electoral claim.
5. Legislative Assembly electoral claim.
6. Notice of rejection of claim.
7. Notice to cancel previous enrolment.
8. Objection to claim.
9. Declaration by a person whose name is objected to.
10. Registrar's objection to claim.
11. Objection to enrolment.
12. Registrar's objection to enrolment.
13. Application to substitute qualification.
14. Notice that application to substitute qualification is not in order.
15. Application to change name or address on roll.
16. Warrant for issue of writs for a general election.
17. Warrant for the use of a writ for a by-election.
18. Certificate of death of member.
19. Writ.
20. Nomination paper.
21. Postal ballot paper.
22. Appointment of presiding officers, poll clerks, and door-keepers.
23. Declaration by presiding officers, poll clerks, and door-keepers.
24. Ballot paper.
25. Declaration by scrutineer.
26. Return of electoral expenses.



WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

XXVII.

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No. 27 of 1907.

AN ACT to regulate Parliamentary Elections.

[Assented to 20th December, 1907.]

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:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Electoral Act*, 1907. Short title.
2. This Act shall come into operation on the first day of Commencement. March, One thousand nine hundred and eight.
3. This Act is divided into Parts as follows:— Division.
  - PART I.—PRELIMINARY, ss. 1-4.
  - PART II.—ADMINISTRATION, ss. 5-16

## PART III.—ENROLMENT, SS. 17-61.

*Division (1).—Qualification of Electors.**Division (2).—Electoral Rolls.**Division (3).—Additions to Rolls.**Division (4).—Objections—**(i.) To Claims ;**(ii.) To Enrolment ;**(iii.) Powers of Magistrate.**Division (5).—Miscellaneous.*

## PART IV.—ELECTIONS, SS. 62-154.

*Division (1).—Writs.**Division (2).—Nominations.**Division (3).—Voting.**(i.) In absence ;**(ii.) At the Poll.**Division (4).—Counting the Votes.**Division (5).—Declaration of Poll and Return of the Writ.**Division (6).—After the Poll.*

## PART V.—DISPUTED RETURNS, SS. 155-171.

## PART VI.—LIMITATION OF ELECTORAL EXPENSES, SS. 172-176.

## PART VII.—ELECTORAL OFFENCES, SS. 177-203.

## PART VIII.—MISCELLANEOUS, SS. 204-211.

Interpretation.  
See 1904, No. 20,  
s. 3.

4. In this Act, unless the contrary intention appears,—
- “ Absolute majority of votes ” means a number of votes greater than one-half of the number of all the electors who vote at an election, exclusive of electors whose ballot papers are rejected as informal, but inclusive of the casting vote of the returning officer, when given.
- “ Assembly ” means the Legislative Assembly.
- “ By-election ” means any election other than a General Election.
- “ Candidate ” in Parts II., VI., and VII. includes any person who, within three months before the day of election, offers himself for election as a member of the Council or Assembly.
- “ Chief Electoral Officer ” means the officer for the time being appointed to that office, and includes a substitute.
- “ Christian name ” means the name or names prefixed to the surname of any person, whether received at Christian baptism or not.

- “ Council ” means the Legislative Council.
- “ District ” means an Electoral District for the election of a member of the Assembly.
- “ Elector ” means any person whose name appears on a Roll as an elector.
- “ Electoral Census ” means any enumeration of persons eligible as electors for the Council or Assembly, made under the provisions of Part III. of this Act.
- “ Electoral Claim File ” means any appliance approved by the Minister for use by the Chief Electoral Officer or the Registrars for enrolling claims, pending their inclusion in any supplementary or amalgamated printed roll.
- “ General Election ” means:—
- (1.) Any election for the Assembly caused by effluxion of time or by the dissolution of the Assembly by the Governor;
  - (2.) Any election for the Council caused by the retirement of the senior member for each Province by effluxion of time.
- “ Local governing body ” means and includes the council of a municipality, the board of a road district, and any local board of health.
- “ Magistrate ” means a Government Resident, Police Magistrate, or Resident Magistrate, and includes any Justice of the Peace authorised by the Governor to hear and determine electoral appeals.
- “ Minister ” means the responsible Minister of the Crown charged for the time being with the administration of this Act.
- “ Naturalised ” means naturalised under a law of the United Kingdom, or of a Colony which has become a State of the Commonwealth, or of the Commonwealth, or of a State.
- “ Officer ” includes all persons appointed to any office under this Act, or exercising any power or discharging any duty thereunder.
- “ Parliament ” means the Parliament of Western Australia.
- “ Polling place ” means any building or structure in which the polling at elections is appointed to take place.
- “ Prescribed ” means prescribed by this Act or by the Regulations.
- “ President ” means the President of the Legislative Council.

“ Proclamation ” means a proclamation by the Governor published in the “ Government Gazette.”

“ Province ” means an Electoral Province for the election of members of the Council.

“ Registrar ” means an Electoral Registrar, and includes a substitute.

“ Returning Officer ” includes Deputy Returning Officer.

“ Roll ” means the electoral roll of a Province or District.

“ Speaker ” means the Speaker of the Legislative Assembly.

“ Telegraph Office ” means any office appointed for the receipt and transmission of telegraph messages.

“ Writ ” means a writ issued by the Clerk of the Writs directing a Returning Officer to proceed with the election of a member of the Council or Assembly.

## PART II.—ADMINISTRATION.

Chief Electoral  
Officer.  
See 1904, No. 20,  
s. 5.

**5.** (1.) The Governor may, from time to time, appoint a Chief Electoral Officer who shall, under the Minister, be charged with the administration of this Act.

(2.) The Chief Electoral Officer in office at the commencement of this Act shall be deemed to have been appointed under this Act.

Registrars and  
Returning Officers.  
See 1904, No. 20,  
ss. 7-9.

**6.** The Governor may, from time to time, appoint such Registrars, Returning Officers, and Assistant Returning Officers as may be required to carry the provisions of this Act into execution.

Substitute.

**7.** (1.) The Governor may, during the absence or temporary incapacity of the Chief Electoral Officer or of any Registrar or Returning Officer, appoint a substitute to discharge the duties of such officer.

(2.) Every substitute appointed under this section shall, while so acting, have and may exercise all the duties, powers, and functions of the officer for whom he is acting.

Registrars.  
See 1904, No. 20,  
s. 7.

**8.** (1.) There shall be a Registrar for each Province and District.

(2.) The same person may be appointed Registrar for a Province and for a District, or for two or more Provinces and Districts.

Returning Officers.  
See 1904, No. 20,  
s. 8.

**9.** There shall be a Returning Officer for each Province and District.



**10.** The Returning Officer for each District shall be a Deputy Returning Officer for the Province within which his District is situated.

Deputy Returning Officers.  
See 1904, No. 20, s. 9.

**11.** A Registrar may be appointed Returning Officer for any Province or District.

Registrar may be Returning Officer.

**12.** Every person shall, upon being appointed to the office of Returning Officer, and before acting in such office, make and subscribe before a Justice of the Peace a declaration in the Form numbered (1) in the Schedule and lodge such declaration with the Chief Electoral Officer, who shall cause the same to be filed in his office.

Returning Officer's declaration.  
Q. 1905, No. 1, s. 45.  
Form (1.)

**13.** No person being a Returning Officer for any Province or District shall, without the consent of the Governor, resign his office after the issue of any writ for an election for such Province or District until such writ is executed and returned.

Resignation of Returning Officer after issue of Writ.

**14.** If the Returning Officer for any Province or District dies, resigns, leaves, or is removed, after the issue of a Writ for an election for such Province or District, the Governor may appoint some other person to be the Returning Officer in his place; and such writ, so far as it is not executed, may be executed and returned by the Returning Officer so appointed.

Death, resignation, or removal of Returning Officer after issue of Writ.

**15.** (1.) The Minister may, on the recommendation of the Chief Electoral Officer, appoint such temporary assistants as he may consider requisite for the due administration of this Act.

Temporary assistance.

(2.) The Public Service Act, 1904, shall not apply to temporary assistants appointed under this section.

**16.** (1.) No candidate, and no person holding any official position in connection with any political organisation or election committee, shall be appointed an officer under this Act.

Disqualification of officers.  
See 1904, No. 20, s. 11.

(2.) If any such officer knowingly becomes a candidate, or is elected, appointed, or otherwise becomes an official of any political organisation or election committee, he shall be deemed to have vacated the office held by him under this Act, and some other person shall be appointed in his stead.

### PART III.—ENROLMENT.

#### *Division (1).—Qualification of Electors.*

**17.** (1.) Subject to the disqualifications hereinafter set out, every person not under twenty-one years of age, who—

Qualification of Assembly electors.

(a.) is a natural born or naturalised subject of His Majesty; and

See 63 Vict., No. 19, s. 26.

(b.) has resided in Western Australia for six months continuously; and

(c.) has resided in the district for which he claims to be enrolled for a continuous period of one month immediately preceding the date of his claim, shall be entitled, subject to the provisions of this Act, to be enrolled as an elector, and when enrolled, and so long as he continues to reside in the district for which he is enrolled, to vote at the election of a member of the Legislative Assembly for that district.

Provided that an elector who has changed his place of residence to another district may, until his name is transferred to another roll, vote for the district in which his name continues enrolled at any election held within three months after he has ceased to reside in the district.

(2.) For the purposes of this Act a person shall be deemed to have resided within the district wherein he has his usual place of abode, notwithstanding his occasional absence from such district.

(3.) Any member of the Legislative Assembly, and the wife of any member of the Legislative Assembly, may claim to be enrolled for the district represented by such member, and when so enrolled shall be deemed to reside in such district.

(4.) A person shall not be entitled to be enrolled at the same time on more than one Assembly roll.

**Disqualifications.**

See 63 Vict., No. 19, s. 28.

**18.** Every person, nevertheless, shall be disqualified from being enrolled as an elector, or, if enrolled, from voting at any election, who

- (a.) is of unsound mind ; or
- (b.) is wholly dependent on relief from the State or from any charitable institution subsidised by the State, except as a patient under treatment for accident or disease in a hospital ; or
- (c.) has been attainted of treason, or has been convicted and is under sentence or subject to be sentenced for any offence punishable under the law of any part of the King's dominions by imprisonment for one year or longer ; or
- (d.) is an aboriginal native of Australia, Asia, Africa, or the Islands of the Pacific, or a person of the half-blood.

*Division (2) — Electoral Rolls.*

**Electoral rolls.**

See 1904, No. 20, s. 18.

**Rolls to be kept by Registrars.**

See 1904, No. 20, s. 17.

**Existing rolls.**

**19.** There shall be a roll of electors for each Province and District.

**20.** The roll for each Province and District shall be kept by the Registrar.

**21.** Until new rolls prepared under this Act come into operation, the rolls in existence at the commencement of this Act shall, as altered from time to time, be the rolls of electors.

**22.** (1.) Rolls may be in the forms numbered (2) and (3) respectively in the Schedule, and shall describe the surname, christian name, sex, residence, and occupation of each elector, and shall contain such other particulars as may be prescribed.

Form of rolls.  
Forms (2) and (3).

(2.) The Council rolls shall also state the qualification of each elector.

**23.** (1.) The rolls shall be arranged in lexicographical order of surnames, and where the surnames are identical, then in lexicographical order of the christian names.

Arrangement of rolls.  
See 1904, No. 20, s. 20.

(2.) The names appearing on the roll shall be numbered in regular, progressive arithmetical order, commencing with number one for the first name.

(3.) In the supplementary roll the first name shall have the number next following that which is set against the last name on the general roll.

**24.** The rolls shall be printed, and issued under the hand of the Chief Electoral Officer, whenever he thinks fit.

Printing of rolls.  
See 1904, No. 20, s. 23.

**25.** A printed copy of the roll of every Province and District shall be kept for inspection by the public at the office of the Registrar, and at such other convenient places within such Province or District as the Chief Electoral Officer may from time to time determine.

Copies to be kept for public inspection.

**26.** Supplementary rolls, setting out additions and alterations since the last print, shall be printed and issued under the hand of the Registrar for each Province and District—

Supplementary rolls.  
See 1904, No. 20, s. 24.

(a.) as soon after the last day of March, June, September, and December in each year as practicable, and not later than the last day of the month next following; and

(b.) immediately after the issue of the writ for any general election or by-election:

Provided that if it is not practicable to print any supplemental roll after the issue of the writ, such supplemental roll may be issued in written form.

**27.** In the printing of the second and subsequent supplementary rolls, all the names in the last preceding supplementary roll shall be incorporated in lexicographical order, so that such roll for the last day of June shall contain all the names included in such roll for the last day of March, and so on until a new roll or an amalgamated roll is prepared and issued as hereinafter provided.

Incorporation of supplementary rolls.  
Q. 1905, No. 1, s. 37.

**28.** (1.) Whenever the Minister so directs, the roll and any supplementary roll may be printed in an amalgamated form.

Amalgamation of rolls.

(2.) In the preparation of such amalgamated roll, the provisions of section twenty-three shall be observed.

(3.) Every amalgamated roll shall have printed upon it in a conspicuous place an indication of what roll and supplementary roll it is an amalgamation, giving the number and date of such rolls.

Rolls to be dated.

**29.** Each new or amalgamated roll shall be dated with the date of its completion.

Supplementary rolls to be numbered and dated.

**30.** (1.) The supplementary rolls shall be numbered in regular progressive arithmetical order. The first issue following upon a new roll, or an amalgamated roll as aforesaid, shall be supplementary roll No. 1, and subsequent rolls numbered consecutively.

(2.) The date to which a supplementary roll is made up shall also appear on such roll.

Arrangement with Commonwealth.  
See Com. 1902-1905, s. 30.

**31.** (1.) The Governor may arrange with the Governor General of the Commonwealth for the preparation, alteration, and revision of the Assembly rolls, in any manner consistent with the provisions of this Act, jointly by the State and the Commonwealth, to the intent that the rolls may be used as electoral rolls for Commonwealth elections as well as State elections.

(2.) When any such arrangement has been made, the rolls may contain, for the purposes of such Commonwealth elections,—

(a.) The names and descriptions of persons who are not entitled to be enrolled thereon as electors of the State, provided that it is clearly indicated in the prescribed manner that those persons are not enrolled thereon as State electors;

(b.) Distinguishing marks against the names of persons enrolled as State electors, to show that those persons are, or are not also enrolled as Commonwealth electors;

(c.) Other particulars in addition to the prescribed particulars; and for the purposes of this Act the names and descriptions, marks, and particulars so contained, shall not be deemed part of the roll.

The rolls.

**32.** The latest printed or written rolls filed in the office of the Registrar as altered from time to time, as hereinafter provided, together with the names for the time being enrolled upon the electoral claim file, shall be deemed to constitute the roll for the Province or District.

Inspection of rolls by the public.  
See 1904, No. 20, s. 25.

**33.** The roll and supplementary roll for each Province or District shall be open for public inspection without fee, at the

Registrar's office, on any week day during the hours the office is open, and the latest printed copies thereof shall be obtainable at the prescribed price not exceeding one shilling.

**34.** No roll or other document shall be invalidated by reason only that it is not printed, kept, or published in the place or manner or for the time required for such purposes respectively, nor by reason of any error in the copying or printing of the same.

Rolls and documents not to be invalidated.  
N.Z. 1905, No. 29, s. 69.

**35.** All public officers in the service of the State, and all officers in the service of any local governing body are hereby authorised and required to furnish to the Chief Electoral Officer or any of his officers all such information as he requires to enable him to prepare or to revise the rolls.

Officers to furnish information.

**36.** The Chief Electoral Officer shall from time to time inspect the various Registrars' offices and the rolls kept by each Registrar, and forward to the Minister such recommendation for the more efficient conduct of such offices, or the keeping of the rolls as he may deem expedient.

Chief Electoral Officer to inspect District offices and rolls.

**37.** A new roll for any Province or District, and new rolls generally, shall be prepared under the supervision of, and issued by, the Chief Electoral Officer, whenever directed by proclamation, and shall come into operation at the date stated in the same or any subsequent proclamation.

New rolls.  
See 1904, No. 20, s. 27.

**38.** New rolls shall be prepared in the manner specified in the proclamation, or prescribed by the regulations.

How prepared.

**39.** (1.) New rolls for the whole or any portion of the State shall, if the Governor so orders, be prepared from the results obtained by means of an electoral census to be taken for that purpose.

Electoral census.  
See 1904, No. 20, s. 28.

(2.) Such electoral census shall be taken under the direction and superintendence of the Chief Electoral Officer, in the manner prescribed by regulations, and at such time or times as the Governor may direct.

(3.) In such portion or portions of the State for which an electoral census may be ordered, the result of such census shall alone be used for the purpose of preparing new rolls.

**40.** (1.) In preparing new rolls,—

(a.) The names of all persons who appear to be qualified shall be inserted; and

(b.) The names of all persons—

(i.) who, from information supplied by the Registrar General of Deaths, appear to be dead, or who, from information supplied by the Inspector General of the Insane, the Superintendent of Public Charities, and the Comptroller General of Prisons appear to be disqualified; or

Names to be inscribed from existing rolls, etc.  
See 1904, No. 20, s. 29.

- (ii.) who appear to be otherwise disqualified; or
- (iii.) in the case of Assembly rolls, who do not appear to reside in the district,

shall be omitted.

(2.) The Chief Electoral Officer shall forthwith give notice to any person whose name is omitted, if such name appears on an existing roll for the same Province or District.

(3.) If the person to whom such notice is given makes and sends in a claim to be enrolled, and such claim appears to the Chief Electoral Officer to be in order, he shall enrol the claimant.

(4.) If the Chief Electoral Officer rejects such claim, he shall forthwith give notice thereof to the claimant, and the claimant may, within the prescribed time, appeal from the rejection of his claim to a magistrate, and the provisions of Division (4) of this Part shall apply.

*Division (3).—Additions to Rolls.*

Addition of names.  
See 1904, No. 20,  
s. 31.

**41.** New names may be added to rolls by the Registrars pursuant to claims.

Form of claim.

**42.** Claims—

Forms (4) and (5.)  
See 1904, No. 20,  
s. 32.

- (a.) may be in the forms numbered (4) and (5) in the Schedule,
- (b.) shall be made out in duplicate and signed by the claimant in the presence of a person authorised by this Act to witness the signatures of claimants, and
- (c.) shall be sent in duplicate to the Registrar keeping the roll on which the claimant claims to be enrolled.

Claims, how dealt with.

**43.** (1.) Immediately upon the receipt of a claim the Registrar shall—

- (a.) insert therein the date of its receipt; and
- (b.) file the claim provisionally.

(2.) Claims shall be open for public inspection, without fee, at the Registrar's office on any week day during the hours the office is open.

Essential particulars.

**44.** (1.) The essential parts of a claim shall be—

- (a.) the surname and christian names in full of the claimant;
- (b.) the residence of the claimant;
- (c.) the usual signature of the claimant in his own handwriting; and
- (d.) if the claim is for enrolment for a Province, the qualification of the claimant.

(2.) If the residence of the claimant is within a municipal district or townsite, the name of the street and the number of the house, if numbered, shall be stated, and if not numbered, such particulars shall be given as, in the opinion of the Registrar, are sufficient to enable the exact locality of the claimant's residence to be ascertained.

(3.) If the residence of a claimant is not within a municipal district or townsite, his residence shall be stated with such particulars as are, in the opinion of the Registrar, sufficient to enable the exact locality of the claimant's residence to be ascertained.

(4.) Any claim that does not comply with this section shall be rejected, and notice thereof in the form numbered (6) in the Schedule shall be given by the Registrar to the claimant. Form (6).

**40.** If the claim is in order, and is not objected to, the Registrar shall, at the expiration of fourteen days from its receipt— Registration of claims.  
See 1904, No. 20,  
s. 33.

(a.) indorse the claim as approved;

(b.) enrol the claimant by filing the claim on the electoral claim file in the prescribed manner;

(c.) send the duplicate claim to the Chief Electoral Officer; and

(d.) if the elector's name is on the roll for any other District, forthwith send to the Registrar of such District a notice in the form numbered (7) in the Schedule, and the Registrar receiving such notice shall forthwith Form (7).

(i.) remove the elector's name from the roll, if his name is on the printed roll; or

(ii.) remove the elector's claim from the electoral claim file if the elector's name is not on the printed roll,

and advise the Registrar from whom the notice was received of such removal by means of the memorandum affixed to the form numbered (7).

#### *Division (A).—Objections.*

##### *(i.) To Claims.*

**46.** (1.) The claim of any person to be enrolled may be objected to— Objections to claims.

(a.) by any elector enrolled on the same roll; or

(b.) by the Registrar.

It shall be the duty of the Registrar to object to any claim if he has reason to believe that the claimant is not entitled to be enrolled.

(2.) If the objection is by an elector, the following provisions shall apply:— By electors.

Form (8).

- (a.) The objection shall be in writing lodged in duplicate with the Registrar, setting forth the grounds thereof, and may be in the form numbered (8) in the Schedule.
- (b.) The sum of two shillings and sixpence shall be deposited with the Registrar, and shall be forfeited if the objection is held not to be reasonable.
- (c.) The Registrar shall set down the objection for hearing before a Magistrate, who shall appoint a day and place for the hearing.
- (d.) The Registrar shall give notice in writing to the objector, and the person objected to, of the day and place appointed for the hearing, and a copy of the objection, setting forth the grounds thereof, shall be sent therewith to the person objected to.
- (e.) The person objected to may, on the hearing of the objection, either—
- (i.) Appear in person to prove his claim, or
  - (b.) Appear by an agent appointed in writing under his hand, or
  - (c.) Forward by post, addressed to the Registrar, a statement made by the person objected to and signed before another elector of the same District or Province, setting forth reasons for his remaining on the roll.
- (f.) The Magistrate shall hear and determine the objection, and may direct the Registrar to enrol the claimant or to reject the claim, but no grounds of objection shall be entertained except such as are specifically set forth in the objection lodged as aforesaid.
- (g.) If a writ is issued for an election before the objection is heard and determined, and the claim was received by the Registrar not less than fourteen days before the issue of the writ, it shall be the duty of the Registrar to enrol the claimant.

Provided that the Registrar shall place a mark in the prescribed manner against the claimant's name when enrolled, and no person whose name is so marked shall be entitled at any election to obtain a ballot paper and record his vote unless he has delivered to the presiding officer a declaration duly made by himself in the form numbered (9) in the Schedule.

Form (9)



(3.) If the objection is by the Registrar, the following provisions shall apply:— By the Registrar.

(a.) The Registrar shall give notice of objection to the claimant setting forth—

- (i.) the grounds of objection; and
- (ii.) that unless notice of appeal is given within a time stated (not being less than seven days), the claim will be rejected.

The notice of objection may be in the form numbered Form (10).  
(10) in the Schedule, and a form of notice of appeal shall be annexed thereto.

(b.) If notice of appeal is not duly given, the Registrar may reject the claim.

(c.) If notice of appeal is duly given, the Registrar shall set down the objection for hearing before a Magistrate, who shall appoint a day and place for the hearing.

(d.) The Registrar shall give notice to the claimant of the day and place appointed for the hearing.

(e.) The Magistrate shall hear and determine the objection, and may direct the Registrar to enrol the claimant or reject the claim, as he thinks fit, but no grounds of objection shall be entertained except such as are specifically set forth in the notice of objection.

(f.) If a writ is issued for an election before the appeal is heard and determined, and the claim was received by the Registrar not less than fourteen days before the issue of the writ, it shall be the duty of the Registrar to enrol the claimant:

Provided that the Registrar shall place a mark in the prescribed manner against the claimant's name when enrolled, and no person whose name is so marked shall be entitled at any election to obtain a ballot paper and record his vote unless he has delivered to the presiding officer a declaration duly made by himself in the form numbered (9) in the Schedule. Form (9).

*(ii.) To Enrolment.*

47. (1.) Any name on the roll may be objected to—

- (a.) by an elector registered on the same roll; or
- (b.) by the Registrar.

Objections to enrolment.

By electors.

(2.) If the objection is by an elector, the following provisions shall apply:—

Form (11).

- (a.) The objection shall be in writing lodged in duplicate with the Registrar, setting forth the grounds thereof, and may be in the form numbered (11) in the Schedule.
- (b.) The sum of two shillings and sixpence shall be deposited with the Registrar, and shall be forfeited if the objection is held not to be reasonable.
- (c.) The Registrar shall set down the objection for hearing before a Magistrate, who shall appoint a day and place for the hearing.
- (d.) The Registrar shall give notice to the objector and the person objected to of the day and place appointed for the hearing, and a copy of the objection, setting forth the grounds thereof, shall be sent therewith to the person objected to.
- (e.) The person objected to may, on the hearing of the objection, either—
  - (a.) Appear in person to prove his claim, or
  - (b.) Appear by an agent appointed in writing under his hand, or
  - (c.) Forward by post, addressed to the Registrar, a statement made by the person objected to and signed before another elector of the same District or Province, setting forth reasons for his remaining on the roll.
- (f.) The Magistrate shall hear and determine the objection, and may direct the Registrar to retain the name on the roll, or to strike the name off the roll, or to make such amendment as may be necessary according to such determination; but no grounds of objection shall be entertained except such as are specifically set forth in the objection lodged as aforesaid.
- (g.) No objection shall be entertained by the Magistrate unless notice thereof is served upon the person objected to in sufficient time to admit of the objection being determined before the issue of a writ for an election in the Province or District, as the case may be, and the name of the person so objected to shall not be removed from the roll, notwithstanding such objection, unless the objection has been so determined.

(3.) If the objection is by the Registrar, the following provisions shall apply:—

(a.) The Registrar shall give notice of objection to the person objected to, setting forth— By the Registrar.

(i.) the grounds of objection; and

(ii.) that unless notice of appeal is given within a time stated (not being less than seven days), the name of the elector will be struck off the roll.

The notice of objection may be in the form numbered (12) in the Schedule, and a form of notice of appeal shall be annexed thereto. Form (12).

(b.) If notice of appeal is not duly given, the Registrar may strike the name off the roll.

(c.) If notice of appeal is duly given, the Registrar shall set down the objection for hearing before a Magistrate, who shall appoint a day and place for the hearing.

(d.) The Registrar shall give notice to the person objected to of the day and place appointed for the hearing.

(e.) The Magistrate shall hear and determine the objection, and may direct the Registrar to retain the name on the roll, or to strike the name off the roll, or to make such amendment as may be necessary according to such determination; but no grounds of objection shall be entertained except such as are specifically set forth in the notice of objection.

(f.) If a writ is issued for an election before the appeal is heard and determined the appeal shall lapse, but the name of the person objected to shall not be removed from the roll:

Provided that the Registrar shall place a mark in the prescribed manner against the elector's name on the roll, and no person whose name is so marked shall be entitled at any election to obtain a ballot paper and record his vote unless he has delivered to the presiding officer a declaration duly made by himself in the form numbered (9) in the Schedule Form (9).

(4.) The name of every elector whose enrolment is objected to shall be publicly exhibited outside such place or places as the Chief Electoral Officer may direct, and maintained there until the objection is heard and determined.

(iii) *Powers of Magistrate.*

48. (1.) The Magistrate shall, for the purposes of this Part of this Act, be deemed to be and shall have all the powers of a court of Powers of Magistrate.

petty sessions, and if any objection, except an objection by the Registrar, is held not to be reasonable, may make such order as to costs as he thinks fit.

(2.) If the parties to any proceeding appear by an authorised agent, the Magistrate may, if he deems it necessary, adjourn the hearing for the attendance of any party in person, and may make an order requiring his attendance accordingly.

(3.) The Magistrate shall make such order for the forfeiture or return of the sum deposited with the objection as he thinks fit.

*Division (5).—Miscellaneous.*

Substitution of qualification.

**49.** (1.) Any elector for a Province may apply to substitute for his registered qualification any other sufficient qualification.

Form (13).

(2.) The application shall be in writing in the form numbered (13) in the Schedule, signed by the applicant, and delivered or sent by post, in duplicate, to the Registrar.

(3.) If the application is in order, the Registrar shall forthwith make the necessary alteration of the roll, and forward the duplicate to the Chief Electoral Officer after indicating thereon that the alteration has been made.

Form (14).

(4.) If the application appears to the Registrar not to be in order he shall give notice to the applicant in the form numbered (14) in the Schedule.

Removal of names repeated on roll.

**50.** Whenever in the opinion of the Chief Electoral Officer the name of the same person appears more than once on the same roll, or on more than one Assembly roll, he shall direct the Registrar to remove from the roll every such name except the latest enrolled name, and the Registrar shall forthwith remove such names accordingly.

Alteration of rolls. See 1904, No. 20, s. 38.

**51.** In addition to the other powers of alteration conferred by this Act, rolls may be altered by the Registrar as follows:—

Form (15).

(a.) By correcting any obvious mistake or omission, but not to the extent of wholly removing a name from the roll except where a name is repeated.

(b.) By removing the name of any person who requests in writing that his name may be removed from the roll.

(c.) By changing, upon the written application of an elector in the form numbered (15) in the Schedule, the original name or address of the elector to an altered name or address.

(d.) By changing, pursuant to an order in writing under the hand of the Chief Electoral Officer, the maiden name of a female elector to her married name.

- (e.) By removing, pursuant to an order in writing under the hand of the Chief Electoral Officer, the names of persons reported as being—
- (i.) dead;
  - (ii.) of unsound mind;
  - (iii.) inmates of any public charitable institution;
  - (iv.) convicted, or subject to be sentenced, for an offence disqualifying them as electors for the time being;
  - (v.) already enrolled in another district, or whose names are repeated on the same roll.
- (f.) By re-instating, pursuant to an order in writing under the hand of the Chief Electoral Officer, any name struck off by mistake under the last preceding subsection.

**52.** Claims received not less than fourteen days before the issue of the writ for an election may be enrolled after the issue of the writ, and alterations of the rolls pursuant to applications or directions received under sections forty-nine or fifty before the issue of the writ for an election may be made after the issue of the writ, but otherwise no addition to or alteration of the roll shall be made between the date of the issue of the writ for an election and the closing of the poll at the election.

Time for altering rolls.  
See 1904, No. 20, s. 40.

**53.** (1.) All alterations of the rolls shall be made in such manner that the original writing or print shall not be obliterated, and the reason for the alteration, the date thereof, and such reference to authority as may be deemed necessary, shall be set against the alteration together with the initials of the Registrar making such alteration.

Alterations, how to be made.  
See 1904, No. 20, s. 41.

(2.) The Registrar shall forthwith give notice to the Chief Electoral Officer of every alteration of the rolls.

**54.** A name shall be deemed to be removed from the roll when a line in ink is drawn through the name and a note stating the ground of removal made opposite thereto, with such reference to authority as may be deemed necessary, and initialed and dated by an officer authorised to remove such name from the roll.

Method of removing names from a printed roll.  
N.Z. 1905, No. 29, s. 56.

**55.** The Registrar General of Births, Deaths, and Marriages shall, during the months of January, April, July, and October in every year, forward to the Chief Electoral Officer—

Registrar General to furnish quarterly lists.  
See 1904, No. 20, s. 42.

- (a.) A list, in the prescribed form, containing the names, address, occupation, and age at the time of death of every person not under twenty-one years of age, whose death has been registered in each Registry District respectively during the preceding three months;

(b.) A list, in the prescribed form, of the maiden name<sup>e</sup> residence, and occupation as disclosed by the marriage certificate of every woman not under twenty-one years of age, whose marriage has been registered in each Registry district respectively during the preceding three months, as well as particulars of the name, residence, and occupation of her husband.

Inspector-General of the Insane to furnish quarterly lists.

**56.** The Inspector-General of the Insane shall, during the months of January, April, July, and October in each year, forward to the Chief Electoral Officer a list, in the prescribed form, containing the names and age and the address and occupation immediately prior to the date of reception, of every person not under twenty-one years of age who has been received by him as an inmate of any hospital or reception house for the insane during the preceding three months, and who continues an inmate of such hospital or reception house.

Superintendent of Public Charities to furnish quarterly lists.

**57.** The Superintendent of Public Charities shall, during the months of January, April, July, and October in each year, forward to the Chief Electoral Officer, in the prescribed form, a list containing the names, age, address, and previous occupation of every person not under twenty-one years of age who has been received as an inmate of any public charitable institution for the reception, maintenance, and care of indigent persons, other than a hospital, during the preceding three months, and who continues in receipt of such relief.

Comptroller-General of Prisons to furnish quarterly lists.

**58.** The Comptroller-General of Prisons shall, during the months of January, April, July, and October in each year, forward to the Chief Electoral Officer, in the prescribed form, a list containing the names and age, and the address and occupation prior to conviction, of every person sentenced for any offence punishable by law by imprisonment for one year or longer, received by him in each of His Majesty's gaols during the preceding three months.

Chief Electoral Officer to cause certain names to be struck off the rolls.

**59.** (1.) Upon receipt of the lists referred to in section fifty-five, subsection (a), and sections fifty-six, fifty-seven, and fifty-eight, the Chief Electoral Officer shall cause the names of such persons enumerated in such lists, as are enrolled as electors for the Council and Assembly, to be ascertained.

(2.) He shall thereupon cause lists of such names as are, to his satisfaction, identical with the names on the lists above referred to, to be prepared in respect of each Province or District, and shall forward the lists to the Registrars, together with an order in writing under his hand, authorising the Registrar to strike off the roll, or remove from the electoral claim file, the names of the persons who appear on such lists, and the Registrar shall forthwith remove such names accordingly.

**60.** (1.) Upon receipt of the lists referred to in section fifty-five, subsection (b), the Chief Electoral Officer shall cause the names of the married women enumerated in such lists, who are enrolled as electors for the Council and Assembly, to be ascertained under the maiden surname of such married women.

Chief Electoral Officer to cause certain names to be altered.

(2.) He shall thereupon cause lists of such maiden names as are, to his satisfaction, identical with the names on the lists above referred to, to be prepared in respect of each Province or District, and shall forward the lists to the Registrars, together with an order in writing under his hand authorising the Registrars to remove from the roll the name of every woman who is named on such lists, and in lieu thereof (where necessary) to insert her married name in its lexicographical order.

(3.) If for any reason such alteration is not made before the issue of the writ, then such woman shall, if qualified to vote for that Province or District, be entitled to vote in right of her former name as appearing on the roll.

**61.** Every person whose name has been removed from any roll under the provisions of section fifty-nine, pursuant to the lists furnished under sections fifty-six, fifty-seven, and fifty-eight, may, when no longer disqualified, claim, in the manner prescribed in section forty-two, to have his name entered upon any roll for which he possesses the necessary qualification.

Method for restitution of electoral registration.

#### PART IV.—ELECTIONS.

##### *Division (1).—Writs.*

**62.** (1.) The Governor may, from time to time, appoint a Clerk of the Writs, by whom writs for the election of members of the Council and the Assembly shall be issued, and to whom such writs shall be returned.

Appointment of Clerk of the Writs. N.Z. 1905, No. 29, s. 89.

(2.) There shall be a Deputy Clerk of the Writs, to be appointed in like manner, who shall act when the Clerk of the Writs is unable to act.

**63.** (1.) For every general election the Governor may, within the time prescribed by the Constitution Acts Amendment Act, 1899, in the case of the biennial vacancies in the Council, and not later than seven days after the day of the dissolution or expiry of the then last Parliament in the case of the Assembly, by warrant under his hand in the form numbered (16) in the Schedule, direct the Clerk of the Writs to issue writs for the election.

Writs for general election to issue within seven days. N.Z. 1905, No. 29, s. 90.

Form (16).

(2.) On the receipt of such warrant the Clerk of the Writs shall forthwith cause writs to be issued to the several Returning Officers.

Notice to be published.

**64.** Before any warrant is issued under the last preceding section fourteen days' notice of the intention to issue the same shall be published in the "Government Gazette."

General elections to be held on same day.  
Com. 1902-1905, s. 9.

**65.** In the case of a general election for the Assembly, the same day shall be fixed by the writ for the polling in each District.

Issue of writs in cases of vacancy.  
See 63 Vict., No. 19, s. 30.

**66.** (1.) Whenever a vacancy occurs in either House from any cause (otherwise than by the effluxion of time in the case of a member of the Council), the President or Speaker, as the case may be, upon a resolution by the House declaring such vacancy and the cause thereof, shall by warrant under his hand, in the form numbered (17) in the Schedule, direct the Clerk of the Writs to issue a writ to supply the vacancy.

Form (17).

(2.) In the case of a vacancy caused by death or resignation, or the acceptance of any of the principal executive offices of the Government liable to be vacated on political grounds, or by the decision of the Court of Disputed Returns, the President or Speaker may, without such preceding resolution when Parliament is not in session, or when such vacancy occurs during any adjournment for a longer period than seven days of the House affected, by warrant under his hand, in the form numbered (17) in the Schedule, direct the Clerk of the Writs to issue a writ to supply the vacancy.

Form (17).

(3.) If at the occurrence of any such vacancy caused by death, resignation, or acceptance of office, or a decision of the Court of Disputed Returns, there is no President or Speaker of the House affected, and Parliament is not in session, or if the President or Speaker of the House affected is absent from the State, the Governor shall, if satisfied of the existence of such vacancy, by warrant under his hand direct the Clerk of the Writs to issue a writ for the election of a member for the seat so vacated.

(4.) Every such warrant shall be issued by the President or Speaker, or by the Governor, as the case may require, as soon as—

Form (18).

(a.) in the case of death he shall receive notice by a certificate in the form numbered (18) in the Schedule, under the hands of two members of the House of which the deceased was a member, of the death of such member; and

(b.) in the case of acceptance of office as aforesaid, as soon as the appointment of such member has been published in the "Government Gazette," and notified by the Minister to the President or Speaker, or to the Governor, as the case may be, and such appointment and notification it shall be the duty of the Minister to publish and give forthwith:



Provided that any such warrant may be issued notwithstanding no such notice has been received or appointment published as aforesaid, if the President or Speaker, or the Governor, as the case may be, is satisfied of the existence of the vacancy.

(5.) Whenever a vacancy occurs by reason of any of the disqualifications mentioned in section thirty-one, subsection (5) and section thirty-eight, subsection (2) of the Constitution Acts Amendment Act, 1899, it shall be the duty of the Registrar in Bankruptcy forthwith to give notice thereof in writing to the President or the Speaker, as the case may be, if within the State, and otherwise to the Governor, and on receipt of such notice the President or Speaker, as the case may be, if within the State, or otherwise the Governor, shall forthwith, by warrant under his hand, direct the Clerk of the Writs to issue a writ for the election of a member to supply the vacancy.

**67.** (1.) The Clerk of the Writs shall, forthwith after the receipt of a warrant under the hand of the Governor, President, or Speaker, issue the writs or writ for the election. Issue of writs.

(2.) Every writ shall be deemed to have been issued at the commencement of the day on which it was issued.

**68.** Writs may be in the form numbered (19) in the Schedule, and shall fix the dates for— Form of writs.  
See 1904, No. 20,  
s. 62.  
Form (19).

(a.) the nomination ;

(b.) the polling ; and

(c.) the return of the writ.

**69.** The date fixed for the nomination of candidates shall not be less than seven nor more than thirty days from the date of the writ. Date of nomination  
See 1904, No. 20,  
s. 63.

**70.** The date fixed for the polling shall not be less than seven days nor more than thirty days after the date of nomination. Date of polling.  
See 1904, No. 20,  
s. 64.

**71.** The date fixed for the return of the writ shall not be more than sixty days after the issue of the writ. Date of return of  
writ.  
See 1904, No. 20,  
s. 65.

**72.** The Clerk of the Writs shall cause notice of his intention to issue the writ to be sent by telegraph to the Registrar of the Province or District for which the election is to be held, stating the date on which the writ will be issued. Notice to Registrars  
of issue of writ.  
N.Z. 1905, No. 29,  
s. 95.

**73.** Writs shall be addressed to the Returning Officer for the Province or District for which an election is to be held. Address of writs.  
See 1904, No. 20,  
s. 66.

Duty of Returning Officer on receipt of writ.  
See 1904, No. 20, s. 67.

**74.** On the receipt of a writ the Returning Officer to whom it is directed shall—

- (a.) indorse thereon the date of its receipt;
- (b.) advertise its receipt and particulars in a newspaper circulating in the Province or District, or by placards or otherwise, and the dates fixed for the nomination and the polling, giving at least ten clear days' public notice of the day of polling and the places at which the poll will be taken; and
- (c.) in the case of a Council election, forward a copy of the writ to each Deputy Returning Officer.

Extension of time.  
See 1904, No. 20, ss. 63-65.

**75.** Subject to the provisions of section eight of the Constitution Acts Amendment Act, 1899, the Governor may extend the time appointed for the nomination of candidates, the taking of the poll, or the return of the writ for any election.

Provided that—

- (a.) public notice shall be forthwith given in the Province or District in which the election is to be held of any extension of the time for taking the poll;
- (b.) no extension of the time for taking the poll shall be made under this section at any time later than seven days before the time originally appointed.

*Division (2).—Nominations.*

Candidates to nominate.  
See 1904, No. 20, s. 68.

**76.** (1.) No person shall be capable of being elected as a member of the Council or Assembly unless he—

- (a.) duly nominates himself; and
- (b.) is qualified to be elected as a member of the Council or Assembly, as the case may be.

(2.) No person shall nominate himself as a candidate for more than one Province or District at the same general election.

Mode of nomination.  
Form (20).  
See 1904, No. 20, s. 69.

**77.** Nominations may be in the form numbered (20) in the Schedule, and shall—

- (a.) be signed by the candidate;
- (b.) state the place of residence and occupation of the candidate; and
- (c.) be addressed to the Returning Officer.

Time for receipt.  
Com. 1902-1905, s. 101.

**78.** Nominations may be received by the Returning Officer at any time after the issue of the writ and before the hour of nomination.

**79.** It shall suffice if the nomination paper is lodged at any telegraph office and the contents are communicated to the Returning Officer by telegraph.

Nominations may be telegraphed.  
See 1904, No. 20, s. 70.

**80.** No nomination shall be valid unless—

Requisites for nomination.  
See 1904, No. 20, s. 71.

- (1.) The nomination paper or nomination by telegraph is received by the Returning Officer after the issue of the writ and before the hour of nomination; and
- (2.) The person nominated, or some person on his behalf, deposits the sum of twenty-five pounds in money—
  - (a.) with the Returning Officer at or before the hour of nomination; or
  - (b.) at the Treasury in Perth, in which case notice from the Under Treasurer that the money is deposited must be received by the Returning Officer before the hour of nomination.

**81.** Any candidate may withdraw his nomination by lodging with the Returning Officer notice in writing of such withdrawal at any time not later than seven clear days before polling day, and in such case the deposit shall be forfeited to the King.

Withdrawal of nomination.  
Com. 1902-1905, s. 105 (a.)

**82.** No nomination paper shall be rejected by reason of any defect or error therein, if the Returning Officer is satisfied that the provisions of this Act have been substantially complied with.

Formal defects.  
See 1904, No. 20, s. 72.

**83.** (1.) The deposit made by or on behalf of a person nominated shall be retained pending the election, and after the election shall be returned unless the person by or on whose behalf it was made fails to obtain at the election a number of votes above one-fifth of the number of votes polled by the successful candidate, in which case the deposit shall be forfeited to the King:

Deposit to be forfeited in certain cases.  
See 1904, No. 20, s. 73.

Provided that, in computing the number of votes for the purposes of this section when there are more candidates than two, only the first preference votes shall be reckoned.

(2.) On the death of a candidate before the election, the deposit made on behalf of such candidate shall be paid to his legal representative.

**84.** The chief polling place for the Province or District, as the case may be, shall be the place of nomination.

Place of nomination.  
See 1904, No. 20, s. 74.

**85.** (1.) Twelve o'clock noon on the day of nomination shall be the hour of nomination, and the Returning Officer shall, on the day of nomination, attend between the hours of eleven a.m. and twelve noon at the place of nomination, for the purpose of receiving nominations.

Hour of nomination.  
See 1904, No. 20, s. 75.

(2.) At the hour of nomination the Returning Officer shall publicly produce all nomination papers received by him between the issue of the writ and the hour of nomination, and declare the names, occupations, and residences of all candidates nominated, and immediately forward to the Chief Electoral Officer at Perth, by telegraph or other expeditious means, the names and other particulars of the several candidates nominated, and also advertise the same in a newspaper circulating within the Province or District.

(3.) Before attending the chief polling place for the purpose of receiving the nominations, the Returning Officer shall ascertain the correct time; and in any dispute that may arise as regards time the Returning Officer's decision shall be final.

Proceedings on nomination day.  
See 1904, No. 20, s. 76.

**86.** The Returning Officer shall declare the candidate or candidates nominated to be duly elected if no greater number are nominated than are required to be elected; but otherwise the proceedings shall stand adjourned to polling day.

Withdrawal or death of candidate after nomination.  
See 1904, No. 20, s. 77.

**87.** If after the nominations have been declared, and before polling day, any candidate withdraws his nomination or dies, and there remains only one candidate, such candidate shall forthwith be declared to be elected and the writ returned.

Failure of election.  
See 1904, No. 20, s. 78.

**88.** (1.) Whenever an election fails, a new writ shall forthwith be issued for a supplementary election.

(2.) An election shall be deemed to have failed if no candidate is nominated or returned as elected.

*Division (3).—Voting.*

*(i.) In absence.*

Voting by post.  
See 1904, No. 20, s. 79.

**89.** (1.) Any elector—

(a.) who has reason to believe that he will, on polling day, be more than seven miles from any polling place at which he is entitled to vote; or

(b.) who, being a woman, believes that she will, on account of ill health, be unable, on polling day, to attend a polling place to vote; or

(c.) who will be prevented by serious illness or infirmity from attending a polling place on polling day,

may, after the issue of the writ, attend before a Magistrate, or other person appointed by the Minister in that behalf (in this Part of this Act referred to as a "postal vote officer"), and vote by post.

(2.) Notice of every appointment, or suspension, or removal of a postal vote officer shall be published in the "Government Gazette."

**90.** It shall be the duty of the Chief Electoral Officer to supply postal vote officers with postal vote books in the form numbered (21) in the Schedule.

Postal vote books.

Form (21).

**91.** The following directions for voting by post shall be observed:—

Directions.

See 1904, No. 20,  
s. 80.

- (1.) The elector shall sign and declare before the postal vote officer the declaration contained in the form numbered (21) in the Schedule.
- (2.) The postal vote officer shall then—
  - (a.) write on the counterfoil—
    - (i.) the name of the Province or District for which the elector claims to vote;
    - (ii.) the christian name, surname, and address of the elector; and
    - (iii.) the date of issue of the postal ballot paper; and
  - (b.) sign and require the elector to sign the counterfoil.
- (3.) The postal vote officer shall then—
  - (a.) indorse on the ballot paper—
    - (i.) the name of the Province or District as on the counterfoil; and
    - (ii.) the date of issue; and
  - (b.) sign the indorsement.
- (4.) The postal vote officer shall then hand the ballot paper and an envelope to the elector, and complete and sign the certificate indorsed on the declaration.
- (5.) The elector shall then—
  - (a.) write on the ballot paper, in the manner prescribed by section ninety-two, the name of the candidate for whom he votes, but so that the postal vote officer shall not see the vote;
  - (b.) fold up the ballot paper and, in the presence of the postal vote officer, put it in the envelope; and
  - (c.) fasten the envelope and hand it to the postal vote officer:

Provided that where an elector satisfies the postal vote officer that he is blind, or that his sight is so impaired, or that he is otherwise so physically incapable that he is unable to vote without assistance, or is unable to read or write, such officer may, and at

the request of such elector shall, mark on the ballot paper, according to the instructions of the elector, the name of the candidate, and enclose the ballot paper in the envelope.

- (6.) The postal vote officer shall then write " Ballot paper " on the envelope, and place the counterfoil in another envelope and fasten it and write " Counterfoil " thereon, and shall forthwith send both envelopes, enclosed in an envelope marked " Electoral ballot paper only," and upon which the postal vote officer shall write his name and title, by post or otherwise, addressed to the Returning Officer of the Province or District in which the elector claims to be entitled to vote, or to a Presiding Officer at any polling place within such Province or District if the postal vote officer is satisfied that the vote taken by him cannot in the ordinary course of post reach the Returning Officer before the close of the poll.

Mode of marking  
ballot paper.  
See 1904, No. 20,  
s. 82.

**92.** An elector recording his vote by means of a postal vote ballot paper shall do so in the following manner:—

- (1.) At elections where there are only two candidates, the elector shall insert in the postal ballot paper the surname of the candidate for whom he votes.
- (2.) At elections where there are more than two candidates, the elector may, in addition to the name of the candidate for whom he votes as a first preference, give contingent votes for so many of the other candidates as he chooses.
- (3.) The voting under subsection two shall be as follows:—  
The voter shall first write on the ballot-paper the surname of the candidate for whom he votes in the first instance, and he shall mark the numeral 1 against such name, and he may write any other names of candidates for whom he wishes to record contingent votes underneath such name, numbering them 2, 3, 4, and so on in the order of his preference.
- (4.) In the case of more candidates than one having the same surname, the elector shall also insert in the ballot paper the christian names of such candidates.

Inspection.

**93.** At any time when called upon in writing by the Chief Electoral Officer, or by a Registrar, a postal vote officer shall transmit to the Chief Electoral Officer or such Registrar, for inspection, his postal vote book, and the written applications received by him for postal vote ballot papers.

**94.** It shall be unlawful for any postal vote officer to visit any elector for the purpose of taking his vote, or to take any elector's postal vote in any other place than such postal vote officer's ordinary place of living or business. But this section shall not apply to electors entitled to vote by post under paragraph (b) or (c) of section eighty-nine.

Postal vote officer not to visit electors.

**95.** (1.) The Returning Officer or Presiding Officer, as the case may be, upon the receipt of any postal votes, shall retain them in his possession and

Duty of Returning Officer in regard to postal votes.

See 1904, No. 20, s. 85.

(a.) during or immediately after the close of the poll, in the presence of the scrutineers, proceed to open them; and

(b.) if satisfied, by comparing each counterfoil with the roll, that the person named is entitled to vote, shall, as he takes out each ballot paper from its envelope, without unfolding it, deposit it in the ballot box.

(2.) The Returning Officer or Presiding Officer, as the case may be, may compare the elector's signature on the counterfoil with his signature on the claim, and if he is not satisfied that the signature on the counterfoil corresponds with the signature on the claim, the ballot-paper shall be deemed informal, and may be rejected.

**96.** No postal vote shall be rejected by reason of any mistake in spelling where the elector's intention is clear.

Mistakes.

See 1904, No. 20, s. 88.

**97.** The decision of the officer conducting the count of the votes as to the allowance or disallowance of any postal vote shall be subject only to review by the Court of Disputed Returns under Part V.

Officer to decide.

See 1904, No. 20, s. 87.

**98.** Any person who has applied to a postal vote officer for the purpose of voting under this Part of the Act, and has complied with the provisions thereof, shall not be entitled to vote otherwise at the election, although the said envelopes may not have been sent to the Returning Officer or Presiding Officer, as the case may be, or although they may have miscarried.

Applicant not to vote otherwise at election.

See 1904, No. 20, s. 86.

(ii.) *At the Poll.*

**99.** The Minister may, by notice in the "Government Gazette"—

Polling places.

See 1904, No. 20, s. 90.

(a.) appoint a chief polling place for each Province and District;

(b.) appoint such other polling places for each Province and District as he thinks necessary;

(c.) abolish any polling place.

Polling.  
See 1904, No. 20,  
s. 92.

**100.** If the proceedings on the day of nomination stand adjourned to polling day, the Returning Officer shall immediately make all necessary arrangements for taking the poll.

Duty of Returning  
Officer.  
See 1904, No. 20,  
s. 93.

**101.** In particular the Returning Officer shall—

- (1.) Appoint a presiding officer to preside at each polling place at which he will not be continuously present;
- (2.) Appoint all necessary poll clerks and doorkeepers;
- (3.) Furnish polling places and provide ballot boxes;
- (4.) Provide ballot papers and copies of the roll for use at each polling place.

Presiding officer.  
Com. 1902-1905,  
s. 125.

**102.** The Returning Officer shall be the presiding officer at the chief polling place unless he appoints some other person to be the presiding officer thereat.

Appointment of  
presiding officers,  
poll clerks, and  
door-keepers.  
Form (22).

**103.** (1.) The appointment of presiding officers, assistant presiding officers, poll clerks, and doorkeepers shall be made in writing in the form numbered (22) in the Schedule.

(2.) Every presiding officer, assistant presiding officer, poll clerk, and doorkeeper shall, before acting as such, make and subscribe before an officer authorised by section two hundred and four to witness signatures, a declaration in the form numbered (23) in the Schedule, and lodge such declaration with the Returning Officer, who shall forward the same to the Chief Electoral Officer, to be filed in his office.

Form (23).

Substitute.  
Com. 1902-1905,  
s. 126.

**104.** (1.) Any presiding officer may appoint a substitute to perform his duties during his temporary absence, and may, if authorised by the Returning Officer so to do, appoint in writing one or more assistant presiding officers to assist him in presiding at any polling place.

(2.) Any assistant presiding officer may, subject to the direction of the presiding officer, exercise all or any of his powers, and shall, in respect of those powers, be deemed to be the presiding officer.

Absence of Return-  
ing Officer or pre-  
siding officer not to  
invalidate election.  
Q. 1905, No. 1,  
s. 57 (3) (4).

**105.** (1.) In case any returning officer or presiding officer is prevented from attendance by illness or other sufficient cause, and time does not permit of a substitute being appointed under the provisions of section seven, he may appoint by writing under his hand, a substitute to act for him, who shall have full power and authority to do all things required by this Act to be done by his principal.

(2.) If, by reason of the absence of the presiding officer, the poll is not taken at any polling place, the election shall not therefore be void, but the returning officer may appoint another day, not later than twenty-one days from the day fixed for the



election, for taking the poll at such polling place, of which appointment public notice shall be given, and the poll shall be taken accordingly and be deemed to have been taken on the day previously appointed.

**106.** (1.) When a large number of electors is likely to vote at a polling place, the returning officer may subdivide a polling place into sections, and shall, in such case, appoint presiding officers to take the poll at each section at which he does not himself preside.

Subdivision of  
polling places.  
Q. 1905, No. 1, s. 57,  
(5) (6).  
N.Z. 1906, No. 29,  
s. 108 (2).

(2.) If a polling place is divided into sections, there shall be fixed over each such section, a notice indicating the letters of the alphabet for the section of such polling place at which each elector, according to the initial letter of his surname, is to vote; and no elector shall be permitted to vote in any section thereof save that which is so denoted by the initial letter of his surname.

(3.) All the provisions of this Act relating to presiding officers shall apply to presiding officers at each section of a polling place.

**107.** No part of any premises licensed for the sale of intoxicating liquors shall be used for the purposes of any polling place.

No licensed  
premises to be used  
See 1904, No. 20,  
s. 96.

**108.** All buildings under the control of the Government, or the property of Municipal Corporations or Road Boards, and all Agricultural Halls, Mechanics' and Miners' Institutes, and other buildings which have been or may hereafter be subsidised in their erection by the Government, may be used free of charge, for the purposes of any nomination proceedings or poll.

Certain buildings to  
be used free.  
See 1904, No. 20,  
s. 97.

**109.** Polling places shall have separate voting compartments, constructed so as to screen the electors from observation while they are marking their ballot papers, and each compartment shall be furnished by the returning officer with a pencil for the use of electors.

Separate compart-  
ments.  
See 1904, No. 20,  
s. 98.

**100.** Each polling place or section of a polling place shall be provided with a ballot box having both an inner and an outer cover, with a lock and key to each, and with a cleft in the inner cover for receiving the ballot papers.

Ballot boxes.  
See 1904, No. 20,  
s. 99.

**111.** (1.) Prior to any election the Registrar shall, whenever requested by a Returning Officer, supply a sufficient number of copies of the roll for use at such election, such copies to include the names of all electors, if any, enrolled since the last print, and entitled to vote.

Registrar to supply  
signed rolls.

(2.) The copies of the roll so supplied shall be duly marked in accordance with the proviso to subsections two and three

of sections forty-six and forty-seven respectively, and signed and dated by the Registrar.

(3.) The Returning Officer shall cause a sufficient number of such copies of the roll to be delivered to each presiding officer before the hour for opening the poll, and such copies shall be signed and dated by the Returning Officer, and the name of the polling place at which they are to be used shall be written on the front page by the Returning Officer.

Ballot papers.  
Form (24).  
See 1904, No. 20,  
s. 101.

**112.** (1.) Ballot papers may be in the form numbered (24) in the Schedule, and shall contain the surnames of all the persons nominated as candidates, arranged alphabetically in large characters.

(2.) Where two or more candidates have the same surname they shall be distinguished upon the ballot papers by their christian names being inserted in smaller characters, and if necessary by such other addition as is sufficient to distinguish them.

Scrutineers.  
See 1904, No. 20,  
s. 104.

**113.** (1.) Scrutineers may be appointed by candidates to represent them at polling places during the polling, but not more than one scrutineer shall be allowed to each candidate at each polling place, or section of a polling place, if divided.

(2.) The appointment of scrutineers shall be made by written notice to the Returning Officer or presiding officer, signed by the candidate, giving the names and addresses of the scrutineers, or without such notice by permission of the Returning Officer or presiding officer.

Form (25).

(3.) Every scrutineer shall, upon his appointment, make and subscribe a declaration in the presence of the Returning Officer or presiding officer in the form numbered (25) in the Schedule.

Persons present at  
polling.  
See 1904, No. 20,  
s. 105.

**114.** No candidate shall in any way take part in the conduct of an election; and no one, other than the Chief Electoral Officer or an officer deputed by him, the presiding officer, the poll clerks, doorkeepers, scrutineers, and any member of the police force on duty at a polling place, and the electors voting or about to vote, shall be permitted to enter or remain in the polling place during the polling.

Maintenance of  
order.  
N.Z. 1905, No. 29,  
s. 146 (1) (2).

**115.** (1.) The Returning Officer or presiding officer may summon to his assistance in such polling place any member of the police force for the purpose of:—

(a.) preserving the public peace or preventing any breach thereof, and for removing out of such polling place any person who, in his opinion, is wilfully and unnecessarily obstructing the polling, or wilfully violating any of the provisions of this Act;

- (b.) causing to be removed any person who obstructs the approaches to a polling place; or
  - (c.) causing to be arrested and taken before a justice of the peace, without any other warrant than this Act, any person reasonably suspected by the Returning Officer or presiding officer of committing or attempting to commit at a polling place any of the offences mentioned in this Act.
- (2.) All members of the police force shall aid and assist the Returning Officer or presiding officer in the performance of his duty.

**116.** The polling shall be conducted as follows:—

- (1.) Before any vote is taken the presiding officer shall exhibit the ballot box empty, and shall then securely fasten and seal its inner cover so that nothing can be removed without breaking the seal.
- (2.) The poll shall be open at eight o'clock in the morning, and shall not close until all the electors present in the polling booth at seven o'clock in the evening, and desiring to vote, have voted; and in any dispute as regards time the decision of the presiding officer shall be final.
- (3.) At the close of the poll the presiding officer shall publicly close, fasten, seal the outer cover of, and take charge of the ballot box, and with the least possible delay forward it to the Returning Officer for the purposes of scrutiny; and it shall on no account be opened except as allowed by this Act.
- (4.) The presiding officer shall also forward to the Returning Officer the marked roll or rolls used at the poll, and any other documents received before or during the poll, having first indorsed and signed such rolls to identify them.

The polling.  
See 1904, No. 20,  
s. 106.

**117.** Every person claiming to vote shall:—

- (a.) state his surname and christian name; and
- (b.) if so desired by the presiding officer, state any other particulars necessary to be stated in the roll for the purpose of identifying the name upon the roll under which the vote is claimed.

Persons claiming to  
vote to give name  
etc.  
See 1904, No. 20,  
s. 108.

**118.** (1.) The presiding officer may, and at the request of any scrutineer shall, put to any person claiming to vote all or any of the following questions:—

- (a.) Are you the person whose name appears as [*here state name under which the person claims to vote*] on the roll for this Province? [*or District*].
- (b.) Are you of the full age of twenty-one years?

Questions to be put  
if voter challenged.  
See 1904, No. 20,  
s. 109.

(c.) Have you already voted, either here or elsewhere, at this election?

(d.) Are you disqualified from voting?

And in elections for the Assembly, the following additional questions, that is to say:—

(e.) Do you reside in this Electoral District?

(f.) Where is your residence in this electoral district?

And if the question (e.) is answered in the negative, the following additional questions, that is to say:—

(g.) Have you, within the last preceding three months, been *bona fide* resident within this Electoral District?

(h.) Where was your residence in this Electoral District?

(2.) The presiding officer shall take a note of the name and number on the roll of each elector so challenged, and the result of questioning him as above provided.

(3.) The presiding officer may require any person claiming to vote, before receiving a ballot paper, to make a declaration in the form numbered (9) in the Schedule.

Form (9).

Consequence of answers.  
See 1904, No. 20, s. 110.

**119.** If any person refuses to answer fully any such question put to him by the presiding officer, or to make the declaration requested of him, or fails by his answer to satisfy the presiding officer that he is entitled to vote, his claim to vote shall be rejected.

Answer conclusive.  
See 1904, No. 20, s. 111.

**120.** The elector's answer to the questions shall be conclusive, and the matter shall not be further inquired into during the polling.

Persons objected to—how to vote.

**121.** (1.) No person whose name on the roll has been objected to and is marked in accordance with the provisions of sections forty-six or forty-seven shall have a right to vote until he has made a declaration in the form numbered (9) in the Schedule.

Form (9).

(2.) All declarations received under this section shall be forwarded by the Returning Officer to the Chief Electoral Officer.

(3.) Every elector who has voted by post shall be deemed to have made such declaration.

No other question or declaration necessary.  
Q. 1905, No. 1, s. 70.

**122.** (1.) No elector shall, at any election, be required to answer any question or to make any declaration, except as herein provided.

(2.) No person claiming to vote at any election shall be excluded from voting thereat except by reason of—

(a.) it appearing to the presiding officer, upon putting the questions hereinbefore prescribed, or any of them,—

(i.) that he is not the person whose name appears on the roll, or

- (ii.) that he has previously voted for the Province or District at the same election, or  
 (iii.) that he is otherwise not entitled to vote under this Act; or

(b.) such person refusing to answer any of such questions, or to make the declaration required under sections one hundred and eighteen and one hundred and twenty-one.

**123.** (1.) No omission from the roll of any name other than the surname, or entry of a wrong name other than the surname, and no misspelling of any name, shall warrant the rejection at any polling of any claim to vote, if the elector is sufficiently identified in the opinion of the presiding officer.

Errors not to forfeit vote.  
 See 1904, No. 20, s. 112.

(2.) No female elector shall be disqualified from voting under the name appearing on the roll because her surname has been changed by marriage.

**124.** (1.) If the name under which the elector claims to vote is upon the copy of the roll, and his right to vote is not challenged, or, if challenged, he makes the necessary declaration, or answers the prescribed questions satisfactorily, the presiding officer shall deliver to him a ballot paper.

Ballot paper to be handed to elector.  
 See 1904, No. 20, s. 113.

(2.) Before the delivery of the ballot paper to the elector, it shall be marked on the back by the presiding officer with his initials and the name of the Province or District for which the election takes place.

(3.) The initials of the presiding officer shall be placed on the back of the ballot paper in such a position as to be easily seen when the ballot paper is folded to conceal the vote.

(4.) Every presiding officer who fails faithfully to perform any duty imposed on him by this section by reason whereof any of the requirements of this section are not effectively fulfilled, is liable to a fine not exceeding ten pounds.

**125.** (1.) Immediately upon handing the ballot paper to the person claiming to vote, the officer shall strike out the person's name on the copy of the roll.

Roll to be marked on voting paper being issued.  
 See 1904, No. 20, s. 114.

(2.) The mark so made on the copy of the roll shall be *prima facie* evidence of the identity of the person to whom the ballot paper is delivered, with the elector whose name is so marked on the roll, and of the fact that such elector voted at the election.

**126.** Upon receipt of the ballot paper the elector shall, without delay—

Vote to be marked in private.  
 See 1904, No. 20, s. 115.

- (a.) retire alone to some unoccupied voting compartment and there, in private, mark his vote on the ballot paper in the manner hereinafter described;

(b.) fold the ballot paper so as to conceal the names of the candidates, but to disclose the initials of the presiding officer, and exhibit it so folded to the officer, and then forthwith, without unfolding it, deposit it in the ballot box;

(c.) quit the polling place.

How votes to be marked.  
See 1904, No. 20, s. 118.

**127.** (1.) The elector shall mark his vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom he votes.

(2.) If there are more candidates than two the elector shall mark the ballot paper by placing the numeral 1 opposite the name of the candidate for whom he votes as his first preference, and he may give contingent votes for the remaining candidates, or any of them, by placing numerals 2, 3, 4 (and so on as the case requires) opposite their names, so as to indicate by such numerical sequence the order of his preference.

Provision where voter is blind or disabled or cannot write.

See 1904, No. 20, s. 116.

**128.** At the request of any elector who is blind, or who satisfies the presiding officer that his sight is so impaired, or that he is otherwise so physically incapable that he is unable to vote without assistance, or is unable to read or write, the presiding officer shall, together with any scrutineers who may be present, retire with him into any unoccupied voting compartment, and there mark the paper according to the instruction of the elector; and such presiding officer shall sign his own name at the foot thereof, and, if so required by the elector, shall allow the scrutineers to inspect such ballot paper before depositing it in the ballot box. The presiding officer shall thereupon deposit the ballot paper in the ballot box.

Spoilt ballot papers.  
See 1904, No. 20, s. 117.

**129.** If any elector satisfies the presiding officer, before his ballot paper is deposited in the ballot box, that he has spoilt it by mistake or accident, he may, on giving it up, receive a new ballot paper from the presiding officer, who shall there and then destroy the spoilt ballot paper, and mark the word "cancelled" on the butt corresponding to such ballot paper.

Adjournment of polling on account of riot.  
See 1904, No. 20, s. 120.

**130.** The presiding officer may adjourn the polling from day to day in any case where the polling is interrupted or obstructed by riot or open violence.

Adjournment in other cases.  
See 1904, No. 20, s. 121.

**131.** If from any cause any polling place is not opened on polling day, or, if opened, the poll cannot be proceeded with, the returning officer or the presiding officer may adjourn the polling for a period not to exceed twenty-one days, and shall forthwith give public notice of the adjournment.

**132.** Where for any reason the polling is adjourned at any polling place, those electors only who are entitled to vote at such polling place who have not already voted shall be entitled to vote at the adjourned polling at that polling place.

Voting at adjourned polling.  
Com. 1902-1905,  
s. 153 (a).

*Division (4).—Counting the Votes.*

**133.** The result of the polling shall be ascertained by scrutiny of the ballot papers and by count of the votes, and shall be conducted in the presence of the scrutineers by the Returning Officer, with the assistance of such officers as he deems necessary, in the following manner:—

Count of the votes  
—how conducted.  
See 1904, No. 20,  
ss. 122, 123.

- (1.) The scrutiny and count of votes shall commence as soon as practicable after the closing of the poll;
- (2.) The candidates, the scrutineers, and officers may be present but no other person;
- (3.) Where the count of the votes is not commenced immediately after the close of the poll, the scrutineers shall be informed in writing by the Returning Officer as regards the time and place when and where such count will be commenced and conducted by him;
- (4.) All the proceedings at the count of the votes shall be subject to the inspection of the scrutineers;
- (5.) All informal votes shall be marked “informal” and rejected and the number recorded;
- (6.) The count of the votes may, from time to time, be adjourned as the Returning Officer may deem necessary, until it has been duly completed.

**134.** Each adjournment shall be announced to the scrutineers and officers by the Returning Officer, and the time and place for the continuation of the count shall be in a similar manner made known to them.

Adjournment to be announced.

**135.** (1.) Before every adjournment of the count of the votes all ballot papers and other documents connected with such count shall be placed in one or more ballot boxes, and the Returning Officer shall then, in the presence of such scrutineers and officers as are present, seal the outer cover of such ballot box or boxes with his official seal, if any, or with his private seal, and any scrutineer, who shall desire so to do, shall be permitted by the Returning Officer to place his special seal upon the outer cover of such ballot box or boxes.

Before adjourning,  
ballot papers, etc.,  
to be sealed in  
boxes.

(2.) Before recommencing the count such seals shall be exhibited unbroken to the scrutineers and officers.

**136.** (1.) Each candidate may appoint one scrutineer to represent him at the scrutiny and count of votes at each place where such scrutiny and count are conducted.

Power to appoint  
scrutineers.  
See 1904, No. 20,  
s. 124.

(2.) Such appointment shall be made in writing and addressed to the Returning Officer, Deputy Returning Officer, or Assistant Returning Officer, as the case may be.

Scrutineer may object to vote as informal.  
See 1904, No. 20, s. 125.

**137.** Any scrutineer may object that any ballot paper is informal, and thereupon the officer conducting the count shall mark the ballot paper "admitted" or "rejected" according to his decision on the objection and initial such marking; and such decision shall be final, subject only to reversal by a Judge of the Supreme Court under the provisions of Part V.

Informal ballot papers.  
See 1904, No. 20, s. 126.

**138.** A ballot paper shall be informal—

- (a.) if it is not initialled by the presiding officer, or in the case of a postal ballot paper, not signed and dated by a postal vote officer; or
- (b.) if it is marked in any other manner than in section. ninety-two and one hundred and twenty-seven provided; or
- (c.) if it has upon it any mark or writing not authorised by this Act which, in the opinion of the Returning Officer, will enable any person to identify the elector; or
- (d.) if it does not indicate the elector's vote or first preference for one candidate; or
- (e.) if no mark is indicated on it, or, in the case of a postal ballot paper, no name of any candidate written on it.

Ballot papers not informal.

**139.** (1.) A ballot paper shall not be informal for any reason other than the reasons enumerated in the last preceding section, but shall be given effect to according to the elector's intention so far as his intention is clear.

(2.) In particular a ballot paper shall not be informal by reason only of—

- (a.) The elector having indicated his vote or first preference by a cross instead of the numeral 1; or
- (b.) in the case of a postal ballot paper, the preferential numbering of the names written on such ballot papers having been omitted; and if the names are written on the postal ballot paper without preferential numbering, it shall be deemed that the elector's preference is indicated by the order in which the names are written on the ballot paper.



**140.** The Governor may appoint Assistant Returning Officers to count the votes at any one or more polling places—

- (a.) in outlying portions of a Province or District; or
- (b.) where the polling place is so far distant from the chief polling place that such appointment is necessary to ascertain the result of the election with expedition.

Outlying polling places.

See 1904, No. 20, s. 130.

**141.** The procedure at the count of votes by the Deputy and Assistant Returning Officers shall be as follows:—

- (1.) Each Deputy Returning Officer shall open all ballot boxes from the polling places within his district; and each Assistant Returning Officer shall open all ballot boxes at his polling place.
- (2.) The Deputy or Assistant Returning Officer shall count all the votes on the ballot papers found in the boxes opened by himself, rejecting all informal ballot papers, and ascertain—
  - (a.) the number of votes for each candidate, if there are only two candidates; or
  - (b.) if there are more than two candidates, the number of first preference votes given for each candidate,

The count of the votes by deputy and assistant Returning Officers.

See 1904, No. 20, s. 128.

and shall make and keep a record of the total number of votes for each candidate counted by him from each of such ballot boxes.

- (3.) Each Deputy Returning Officer shall certify by indorsement on the copy of the writ received by him the number of votes or first preference votes, as the case may be, given for each candidate within the district for which he acts, and transmit the copy of the writ so indorsed to the Returning Officer.
- (4.) Each Assistant Returning Officer shall certify in writing, addressed to the Returning Officer, the number of votes or first preference votes, as the case may be, given for each candidate at his polling place.
- (5.) A Deputy or Assistant Returning Officer may communicate to the Returning Officer by telegraph the number of votes or first preference votes, as the case may be, recorded for each candidate within the district or at the polling place for which he is appointed, and the Returning Officer, in ascertaining the result of the poll, may act upon the information so received.

(6.) Each Deputy or Assistant Returning Officer shall—

- (a.) Enclose in one packet all the used ballot papers, in another packet all unused ballot papers, and in another packet all copies of rolls, butts of ballot papers, books, or other papers and documents used at the election or in connection therewith, and all telegrams, letters, or other papers received from the Returning Officer or any other electoral officer; and
- (b.) Seal up the several packets and indorse the same with a description and the number of the contents thereof respectively, and the name of the district or the polling place, as the case may be, and the date of the polling, and sign the indorsement, and forthwith forward the said packets to the Returning Officer.

Returning Officer to ascertain result of polling.  
See 1904, No. 20, s. 131.

**142.** (1.) The Returning Officer for the Province or District, as the case may be, shall, in manner hereinafter provided, ascertain the total number of votes given for each candidate

(2.) In the event of an equality of votes the Returning Officer shall give a casting vote, but otherwise shall not vote at the election in the Province or District in which he presides.

Counting of votes by Returning Officers.

**143.** (1.) The procedure at the count of the votes by the Returning Officer for each Province or District shall, if there are only two candidates, be as follows:—

(a.) The Returning Officer shall—

- (i.) open all ballot boxes not opened by Deputy or Assistant Returning Officers;
- (ii.) count all the votes on the ballot papers found in such ballot boxes, rejecting all informal ballot papers, and ascertain the number of votes given for each candidate; and
- (iii.) make and keep a record of the number of votes counted from each ballot box.

(b.) The Returning Officer shall then—

- (i.) ascertain from the written or telegraphic returns received from Deputy or Assistant Returning Officers the number of votes given for each candidate in districts or at polling places where the ballot boxes have been opened by Deputy or Assistant Returning Officers; and

(ii.) add the votes so given for each candidate to the votes counted by himself in favour of each such candidate, so as to ascertain, for the whole Province or District, the number of votes given for each candidate respectively.

(c.) The candidate who has received the largest number of votes shall be declared by the Returning Officer duly elected.

(2.) The procedure at the count of the votes by the Returning Officer for each Province or District, if there are more candidates than two, shall be as follows:—

Counting of votes,  
when more candi-  
dates than two.

(a.) The Returning Officer shall—

- (i.) open all ballot boxes not opened by Deputy or Assistant Officers;
- (ii.) arrange the ballot papers under the names of the respective candidates and place in a separate parcel all those on which a first preference is indicated for the same candidate, rejecting informal ballot papers; and
- (iii.) count all the first preference votes given for each candidate respectively; and
- (iv.) make and keep a record of the number of votes counted by him from each ballot box.

(b.) The Returning Officer shall then—

- (i.) ascertain from the written or telegraphic returns received from Deputy or Assistant Returning Officers the number of first preference votes given for each candidate in districts or at polling places where the ballot boxes have been opened by such Deputy or Assistant Returning Officers; and
- (ii.) add the first preference votes so given for each candidate to the votes counted by himself in favour of each such candidate, so as to ascertain, for the whole Province or District, the number of first preference votes polled by each candidate respectively.

(c.) The candidate who has received the largest number of first preference votes shall, if such number constitutes an absolute majority of votes, be declared by the Returning Officer duly elected.

(d.) If no candidate has an absolute majority of votes the Returning Officer—

(i.) shall open the packets of ballot papers received from the Deputy or Assistant Returning Officers, and deal with the ballot papers contained therein as prescribed by subsection (1) of this section, adding such ballot papers to those previously counted by himself for each candidate; and

(ii.) shall then declare the candidate who has obtained the fewest first preference votes to be a defeated candidate, and each ballot paper counted to him shall (unless exhausted) be distributed among the non-defeated candidates next in order of the elector's preference.

(e.) After such distribution the number of votes given to each non-defeated candidate shall again be ascertained.

(f.) If no candidate then has an absolute majority of votes the process of declaring the candidate who has the fewest votes to be defeated, and distributing each of his ballot papers (unless exhausted) amongst the non-defeated candidates next in order of the voter's preference shall be repeated, and the votes recounted after every such redistribution until one candidate has obtained an absolute majority of votes, and such candidate shall then be declared duly elected.

Provided that when only two candidates remain undefeated, and neither has obtained an absolute majority, the candidate who has obtained the largest number of votes shall be declared duly elected.

Exhausted ballot papers.

(3.) (a.) Every ballot paper, not rejected as informal, shall be counted in every count until it becomes exhausted, when it shall be rejected in all further counts.

(b.) When a candidate is declared defeated, any ballot paper counted to him shall be deemed to be exhausted if there is not indicated upon it a consecutive preference for a candidate not declared defeated.

**144.** If on any count two or more candidates have an equal number of votes and one of them has to be declared defeated, the Returning Officer shall decide which is to be declared defeated.

Casting vote for exclusion during progress of count.

**145.** At any time before the declaration of the poll the Returning Officer may, if he thinks fit, at the request of any scrutineer, or of his own motion, re-count the ballot papers contained in any parcel.

Re-count.

*Division (5).—Declaration of Poll and Return of the Writ.*

**146.** (1.) As soon as conveniently may be after the result of the election has been ascertained, the Returning Officer shall—

Declaration of poll and return of writs.  
See 1904, No. 20, s. 147.

(a.) at the chief polling place declare the result of the election and the name of the candidate or candidates elected;

(b.) by indorsement under his hand certify on the original writ the name of the candidate or candidates elected, and return the writ to the Clerk of the Writs according to its exigency.

(2.) The day on which the writ was so indorsed shall be deemed to be the day of the return thereof.

(3.) As soon as conveniently may be after the return of the writ the Clerk of the Writs shall forward to the President or the Speaker, as the case may require, the name of the member or members elected, together with a copy of the writ indorsed as aforesaid.

**147.** No election shall be liable to be questioned by reason of any defect in the title or any want of title of any person by or before whom such election is held, if such person really acted at such election, nor by reason of any formal error or defect in any declaration or other instrument, or in any publication made under this Act or intended to be so made, nor by reason of any such publication being out of time.

Election not to be questioned.  
Q. 1905, No. 1, s. 85.

**148.** No election shall be void in consequence solely of any delay in holding the election at the time appointed, or in taking the poll, or in the return of the writ, or in consequence of any impediment of a merely formal nature; and the Governor may adopt such measures as may be necessary for removing any obstacle of a merely formal nature by which the due course of any election might be impeded:

Remedy for informalities in election proceedings.  
Q. 1905, No. 1, s. 86.

Provided that the validity of the election and the measures so taken shall be forthwith declared by the Governor by Proclamation.

*Division (6).—After the Poll.*

Returning Officer  
to forward to Chief  
Electoral Officer  
statistical return.

**149.** (1.) The Returning Officer shall forthwith, after the day of polling at any election, complete and forward to the Chief Electoral Officer a statistical return in the prescribed form.

(2.) He shall also forward to the Chief Electoral Officer all the certified copies of the marked and signed rolls used in his Province or District by himself and by the presiding officers, upon which rolls the names of the electors who voted at the election have been marked in accordance with the provisions of section one hundred and twenty-five.

Returning Officer  
to send ballot  
papers to Clerk of  
Council or  
Assembly.  
N.Z. 1905, No. 29,  
s. 143.

**150.** The Returning Officer shall also, as soon as practicable after the day of polling at any election—

(a.) enclose in one packet all the used ballot papers, including the postal ballot papers, and in another packet all butts of ballot papers, accounts, books, or other papers or documents used at the election or in connection therewith (with the exception of the signed rolls), and all telegrams, letters, or other papers received from Deputy or Assistant Returning Officers and presiding officers in connection with the poll;

(b.) seal up the said several packets and indorse the same with a description and the number of the contents thereof respectively, and the name of the Province or the District and the date of the polling, and shall sign the indorsement, and forthwith forward the said packets to the Clerk of the Council or the Clerk of the Assembly, as the case may be;

(c.) seal up, indorse, and transmit in a similar manner to the same Clerk a packet containing all ballot papers printed for the said election and not used by him or by Deputy or Assistant Returning Officers or presiding officers;

(d.) seal up, indorse, and transmit to the Chief Electoral Officer the marked rolls used at the election and all declarations in the form numbered (9) in the Schedule received by himself and the presiding officers.

Form (9).

(e.) the Clerk of the Council, the Clerk of the Assembly, or the Chief Electoral Officer, as the case may be, shall forthwith give or send to the Returning Officer a receipt under his hand for the said packets.

**151.** The Clerk of the Council and the Clerk of the Assembly shall preserve and hold in custody all such ballot papers and other documents forwarded by the Returning Officers under the provisions of this Part of the Act until the election concerned can in each case be no longer questioned, when such ballot papers shall be destroyed.

Preservation of  
ballot papers.  
See 1904, No. 20,  
s. 127.

**152.** (1.) Any candidate on payment of a fee of five guineas may give notice to the returning officer requiring production of the rolls used by him and any assistant returning officers at any election, and such returning officer or assistant returning officers shall produce such roll or rolls in the presence of the other candidates (if they wish to be present) within thirty-five days of the date of service of the notice.

Production of rolls  
used at election.

(2.) If the returning officer is satisfied that the application was made for a *bona fide* purpose he may direct repayment of the sum deposited.

**153.** Such ballot papers and other documents as may be required by the Court of Disputed Returns shall, upon an order of the Court, be produced by the Clerk of the Council or the Clerk of the Assembly, but shall not be available for any other purpose.

Ballot papers, etc.,  
to be delivered to  
Court of Disputed  
Returns.

**154.** All books, documents, and papers used for or in connection with any election may, when the election can be no longer questioned, be destroyed by the Chief Electoral Officer, or with his approval by any Returning Officer or Registrar.

Papers, etc., to be  
destroyed.

#### PART V.—DISPUTED RETURNS.

**155.** (1.) The validity of any election or return may be disputed by petition addressed to the Court of Disputed Returns, and not otherwise.

Method of disputing  
elections.  
See 1904, No. 20,  
s. 159.

(2.) A Judge of the Supreme Court sitting in open Court shall constitute the Court of Disputed Returns.

**156.** Every petition disputing an election or return, in this Part of this Act called the petition, shall—

Requisites of  
petition.  
See 1904, No. 20,  
s. 160.

- (1.) Set out the facts relied on to invalidate the election or return;
- (2.) Contain a prayer asking for the relief the petitioner claims to be entitled to;
- (3.) Be signed by a candidate at the election in dispute;
- (4.) Be attested by two witnesses whose occupations and addresses are stated;

- (5.) Be filed in the Central Office of the Supreme Court within forty days after the return of the writ; or (if the facts relied on in support of the petition are breaches by a candidate of the provisions of Part VI. of this Act) within forty days after the filing by the candidate of the return of his electoral expenses.

Presumption as to date of return of writ.

**157.** For the purpose of the last preceding section the writ shall be deemed not to have been returned earlier than the date thereby appointed as the day on or before which the same is to be returned.

Deposit as security for costs.  
See 1904, No. 20, s. 161.

**158.** At the time of filing the petition the petitioner shall deposit with the Master of the Supreme Court the sum of fifty pounds as security for costs.

No proceedings unless requisites complied with.  
See 1904, No. 20, s. 162.

**159.** No proceedings shall be had on the petition unless the requirements of the preceding sections are complied with.

Powers of Court.  
See 1904, No. 20, s. 163.

**160.** (1.) The powers of the Court of Disputed Returns shall include the following:—

- (a.) to adjourn;
- (b.) to compel the attendance of witnesses and the production of documents;
- (c.) to examine witnesses on oath;
- (d.) to declare that any person who was returned as elected was not duly elected;
- (e.) to declare any candidate duly elected who was not returned as elected;
- (f.) to declare any election absolutely void;
- (g.) to dismiss or uphold any petition, in whole or in part;
- (h.) to award costs;
- (i.) to punish any contempt of its authority by fine or imprisonment.

(2.) The Court may exercise all or any of its powers under this section on such grounds as the Court in its discretion thinks fit and sufficient.

(3.) Without limiting the powers conferred by this section, it is hereby declared that the power of the Court to declare that any person who was returned as elected was not duly elected, or to declare an election absolutely void, may be exercised on the ground that illegal practices were committed in connection with the election.



**161.** The Court shall inquire whether or not the requisites of section one hundred and fifty-six have been observed, and, so far as the voting is concerned, may inquire into the identity of persons, and whether their votes were improperly admitted or rejected, and whether the result of the polling was correctly ascertained, but the Court shall deem the roll conclusive evidence that the persons enrolled were, at the date of the completion of the roll, entitled to be enrolled.

*Inquiries by Court.*  
See 1904, No. 20,  
s. 164.

**162.** (1.) If the Court of Disputed Returns finds that a candidate has committed or has attempted to commit bribery or undue influence, his election, if he is a successful candidate, shall be declared void.

*Voiding election for illegal practices.*  
Com. 1902-1905,  
s. 198 (a).

(2.) No finding by the Court of Disputed Returns shall bar or prejudice any prosecution for any illegal practice.

(3.) The Court of Disputed Returns shall not declare that any person returned was not duly elected, or declare any election void—

(a.) on the ground of any illegal practice committed by any person other than the candidate and without his knowledge or authority; or

(b.) on the ground of any illegal practice other than bribery or corruption or attempted bribery or corruption, unless the Court is satisfied that the result of the election was intended to be and was actually affected thereby, and that it is just that the candidate should be declared not to be duly elected, or that the election should be declared void.

**163.** When the Court of Disputed Returns finds that any person has committed an illegal practice, the Master of the Supreme Court shall forthwith report the finding to the Minister.

*Court to report cases of illegal practices.*  
Com. 1902-1905,  
s. 198 (b).

**164.** No election shall be avoided on account of any delay in the declaration of nominations, the polling, or the return of the writ, or on account of the absence or error of any officer which shall not be proved to have affected the result of the election.

*Immaterial errors not to vitiate election.*  
See 1904, No. 20,  
s. 166.

**165.** All decisions of the Court shall be final and conclusive without appeal, and shall not be questioned in any way.

*Decisions to be final.*  
See 1904, No. 20,  
s. 167.

**166.** The Master of the Supreme Court shall forthwith, after the filing of the petition, forward to the Clerk of the House of

*Copies of petition, etc., to be sent to House affected.*  
See 1904, No. 20,  
s. 168.

Parliament affected by the petition a copy thereof, and, after the trial of the petition, shall forthwith forward to such Clerk a copy of the order of the Court.

Costs.

**167.** The Court may award costs against an unsuccessful party to the petition, to be taxed by the Taxing Officer of the Supreme Court.

Deposit applicable for costs.  
See 1904, No. 20, s. 169.

**168.** If costs are awarded to any party against the petitioner, the deposit shall be applicable in payment of the sum ordered, but otherwise the deposit shall be repaid to the petitioner.

Other costs.  
See 1904, No. 20, s. 170.

**169.** All other costs awarded by the Court, including any balance above the deposit payable by the petitioner, shall be recoverable as if the order of the Court were a judgment of the Supreme Court, and such order, certified by the Court, may be entered as a judgment of the Supreme Court and enforced accordingly.

Effect of decision.  
See 1904, No. 20, s. 171.

**170.** Effect shall be given to any decision of the Court as follows:—

- (1.) If any person returned is declared not to have been duly elected, he shall cease to be a Member of the Council or Assembly;
- (2.) If any person not returned is declared to have been duly elected, he may take his seat accordingly;
- (3.) If any election is declared absolutely void a new election shall be held.

Power to make rules of Court.  
See 1904, No. 20, ss. 172, 173.

**171.** (1.) The Judges of the Supreme Court or any two of them may make Rules of Court not inconsistent with this Act for carrying this Part of this Act into effect, and in particular for regulating the practice and procedure of the Court, the forms to be used, and the fees to be paid by parties.

(2.) Every such Rule of Court shall be laid before both Houses of Parliament within forty days next after it is made, if Parliament is then sitting, or if Parliament is not then sitting, then within forty days after the next meeting of Parliament.

(3.) If an address is presented to the Governor by either House of Parliament within the next subsequent forty sitting days of the House praying that any such rule may be annulled, the Governor may thereupon annul the same.

(4.) The rule so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which have in the meantime been taken under it.

## PART VI.—LIMITATION OF ELECTORAL EXPENSES.

**172.** No electoral expense shall be incurred or authorised by a candidate or his agent or agents, in respect of any candidature,—

Rates of expenditure.  
See 1904, No. 20,  
s. 135.

- (1.) In elections for the Council in excess of five hundred pounds;
- (2.) In elections for the Assembly in excess of one hundred pounds.

**173.** “Electoral Expense” includes all expenses incurred by or on behalf of any candidate at or in connection with any election, excepting only the cost of electoral rolls, stationery, postage, telegrams, rent of halls belonging to any public body, and personal and reasonable living and travelling expenses of the candidate.

Electoral expenses.  
Com. 1902-1905,  
s. 171.

**174.** No electoral expense shall be incurred or authorised except in respect of the following matters:—

Expenses allowed.  
See 1904, No. 20,  
s. 136.

- (1.) Printing, advertising, publishing, issuing, and distributing addresses by the candidate and notice of meetings;
- (2.) Committee rooms;
- (3.) Public meetings and halls therefor;
- (4.) Scrutineers;
- (5.) Election agents.

**175.** Within three calendar months after the result of a contested election is declared, every candidate at the election shall sign before a Justice of the Peace, and file with the Chief Electoral Officer, a true account in the form numbered (26) in the Schedule, showing in detail—

Candidate to file account of electoral expenses.  
See 1904, No. 20,  
s. 138.  
Form (26).

- (a.) All electoral expenses paid; and
- (b.) All disputed or unpaid claims for electoral expenses.

**176.** Every payment made in respect of any expenses incurred shall, except when less than two pounds, be vouched for by a bill stating the particulars and by a receipt.

Payments to be vouched by bill.  
N.Z., 1905, No. 29,  
s. 164.

## PART VII.—ELECTORAL OFFENCES.

**177.** To secure the due execution of this Act and the purity of elections the following acts are hereby prohibited and penalised:—

Offences.  
See 1904, No. 20,  
s. 139.

- (1.) Breach or neglect of official duty:

- (2.) Illegal practices, including—
  - (a.) bribery ;
  - (b.) undue influence ;
- (3.) Electoral offences.

Breach or neglect  
by officers.  
See 1904, No. 20,  
s. 140.

**178.** “Breach or neglect of official duty” includes—

- (1.) Any attempt by any officer to influence the vote of any elector, or, except by recording his vote, the result of any election:
- (2.) The disclosure of any knowledge officially acquired by any officer or scrutineer touching the vote of any elector:
- (3.) Any neglect or refusal by any officer to discharge any official duty, and any violation by any officer of any provision of this Act:
- (4.) Any attempt by a postal vote officer or person authorised or required by this Act to witness the signature of an elector voting by means of a postal ballot paper to influence the vote of the elector.

Breach or neglect of official duty is punishable by a penalty not exceeding two hundred pounds, or by imprisonment not exceeding one year.

Bribery.  
See 1904, No. 20,  
s. 141.

**179.** Any person who—

- (a.) promises, or offers, or suggests any valuable consideration, advantage, recompense, reward, or benefit for or on account of, or to induce any candidature, or withdrawal of candidature, or any vote or omission to vote, or any support of, or opposition to, any candidate, or any promise of any such vote, omission, support, or opposition;
- (b.) gives or takes any valuable consideration, advantage, recompense, reward, or benefit for, or on account of, any such candidature, withdrawal, vote, omission, support, or opposition, or promise thereof;
- (c.) promises, offers, or suggests any valuable consideration, advantage, recompense, reward, or benefit for bribery, or gives or takes any valuable consideration, advantage, recompense, reward, or benefit for bribery,

shall be guilty of bribery.

Definition.  
See 1904, No. 20,  
s. 142.

**180.** Without limiting the effect of the general words in the preceding section, “bribery” particularly includes the supply of food, drink, or entertainment after the nominations have been officially declared, or horse or carriage hire for any voter whilst going to or returning from the poll, with a view to influencing the vote of an elector.

**181.** Any person who—

- (1.) Threatens, offers, or suggests any violence, injury, punishment, damage, loss, or disadvantage for or on account of, or to induce any candidature, or withdrawal of candidature, or any vote, or any omission to vote, or any support or opposition to any candidate, or any promise of any vote, omission, support, or opposition;
- (2.) Or uses, causes, inflicts, or procures any violence, punishment, damage, loss, or disadvantage for or on account of any such candidature, withdrawal, vote, omission, support or opposition;
- (3.) Or by spoken words, or by written or printed words or signs in any form whatsoever, publishes any matter intended or tending to prevent or restrain the free exercise of the franchise by any person, or which threaten, offer, or suggest any damage, loss, or disadvantage, either in the present or in the future, to any person on account of his political opinions;
- (4.) Or in any way interferes with any elector, either in the polling booth or within fifty yards thereof with the intention of influencing him or advising him as to his vote;
- (5.) Or at any time between the issue of the writ and the close of the poll publishes or exposes, or causes to be published or exposed, to public view any document or writing or printed matter containing any untrue statement defamatory of any candidate and calculated to influence the vote of any elector;
- (6.) Or, being a candidate, personally solicits the vote of any elector on polling day;
- (7.) Or, being a candidate, attends at any meeting of electors other than his committees held for electoral purposes on polling day,

shall be guilty of undue influence.

**182.** Without limiting the effect of the general words in the preceding section, “undue influence” includes every interference or attempted interference with the free exercise of the franchise of any voter.

**183.** No declaration of public policy or promise of public action shall be deemed bribery or undue influence.

**184.** Any person who—

- (a.) is convicted of bribery or undue influence, or of attempted bribery or undue influence, at an election; or
- (b.) is found by the Court of Disputed Returns to have committed or attempted to commit bribery or undue influence when a candidate,

Undue influence.  
See 1904, No. 20,  
s. 143.

Definition.  
See 1904, No. 20,  
s. 144.

Exception.  
See 1904, No. 20,  
s. 145.

Disqualification for  
bribery or undue  
influence.  
Com. 1902-1905,  
s. 206 (a).

shall, during a period of two years from the date of the conviction or finding, be incapable of being chosen or of sitting as a member of the Council or the Assembly.

Illegal practices.  
See 1904, No. 20,  
s. 146.

**185.** In addition to bribery and undue influence, the following shall be illegal practices:—

- (1.) Any publication of any electoral advertisement (other than an advertisement in a newspaper announcing the holding of a meeting), hand-bill, or pamphlet, or any issue of any electoral notice without at the end thereof the name and address of the person authorising the same;
- (2.) Printing or publishing any printed electoral advertisement, hand-bill, or pamphlet (other than an advertisement in a newspaper) without the name and place of business of the printer being printed at the foot of it;
- (3.) Any contravention by a candidate of the provisions of Part VI. of this Act relating to the limitation of electoral expenses;
- (4.) The attendance by a candidate after nomination day at any committee meeting held for the purpose of promoting or procuring his election on premises on which the sale by retail of any intoxicating liquor is authorised by license.
- (5.) The attendance by any member of a committee formed in the interests and with a view to obtain the return of any candidate at an election at a committee meeting held on any premises licensed to sell by retail spirituous liquors.

Punishment.  
See 1904, No. 20,  
s. 147.

**186.** Any illegal practice shall be punishable as follows:—

- (1.) Bribery or undue influence by a penalty not exceeding two hundred pounds, or by imprisonment not exceeding one year;
- (2.) Any other illegal practice by a penalty not exceeding one hundred pounds, or by imprisonment not exceeding six months.

Gifts by candidates.  
Com. 1902-1905,  
s. 206 (b).

**187.** Any person who, having announced himself as a candidate, shall, after the date for an election is ascertained, and within three months of the polling-day, offer, promise, or give, directly or indirectly, to or for any club or other association, any gift, donation, or prize, shall be guilty of an offence against this Act:

Provided that no proceeding shall be taken for a contravention of this section except within three months after the act complained of.

Electoral offences.  
See 1904, No. 20,  
s. 148.

**188.** The matters mentioned in the first column of the table at the foot of this section are electoral offences punishable as provided in the second column of the table opposite the statement of the offence.

*Table of Electoral Offences and Punishments.*

First Column.—Offences.	Second Column.—Punishments.
Falsely personating any person to secure a ballot-paper to which the personator is not entitled, or personating any other person for the purpose of voting	Imprisonment not exceeding two years
Fraudulently destroying or defacing any nomination or ballot-paper	Imprisonment not exceeding two years
Fraudulently putting any ballot or other paper into the ballot-box	Imprisonment not exceeding six months
Fraudulently taking any ballot-paper out of any polling booth	Imprisonment not exceeding six months
Forging or uttering, knowing the same to be forged, any nomination or ballot-paper	Imprisonment not exceeding two years
In any polling booth on polling day misconducting himself, or failing to obey the lawful directions of the presiding officer	Penalty not exceeding fifty pounds, or imprisonment not exceeding one month
Supplying ballot-papers without authority	Imprisonment not exceeding six months
Unlawfully destroying, taking, opening, or otherwise interfering with ballot-boxes or ballot-papers	Imprisonment not exceeding six months
Voting more than once at the same election	Imprisonment not exceeding two years
Wilfully making a false statement in any objection to any claim or to any name on the roll	Imprisonment not exceeding two years
Wagering on the result of any election ...	Penalty not exceeding fifty pounds
Wilfully defacing, mutilating, destroying, or removing, any notice, list, or other document affixed by any Returning Officer or by his authority	Penalty not exceeding two pounds
Wilfully making any false statement in any claim, application, return, or declaration, or in answer to a question under this Act	Imprisonment not exceeding two years
Signing as the claimant on a claim to be enrolled as an elector the name of any other person with or without the authority of such person	Imprisonment not exceeding twelve months
Distributing any advertisement, hand-bill, or pamphlet published in contravention of section one hundred and eighty-five	Penalty not exceeding fifty pounds, or imprisonment not exceeding one month
Any contravention of this Act for which no other punishment is provided	Penalty not exceeding fifty pounds

Prohibition of canvassing near polling booth.  
Com. 1902-1905,  
s. 182 (a).

**189.** The following acts are, on polling day, and on all days to which the polling is adjourned, prohibited in a polling booth or within fifty yards thereof, namely:—

- (1.) Canvassing for votes; or
- (2.) Soliciting the vote of any elector; or
- (3.) Inducing any elector not to vote for any particular candidate; or
- (4.) Inducing any elector not to vote at the election.

Witness to application must satisfy himself of truth of statements.  
Com. 1902-1905,  
s. 182 (b).

**190.** The person witnessing any claim, application to change the qualification of an elector, or application for a postal ballot paper under this Act shall, if he is not personally acquainted with the facts, satisfy himself by inquiry from the claimant or applicant, that the statements contained in the claim or application are true.

Failure to transmit claim.  
Com. 1902-1905,  
s. 182 (c).

**191.** When any person has signed a claim to be enrolled as an elector, any other person who induces the claimant to let him have custody of the claim for transmission to the Registrar, and fails without just cause or excuse to transmit the claim to the Registrar, shall be guilty of a contravention of this Act.

Particulars for Electoral Census—penalty for neglect or refusal to furnish.

**192.** Any person who neglects or refuses to furnish in the manner prescribed, or furnishes in an incomplete form, to any Electoral Census Collector such returns, claims, and other particulars as may be required from him in connection with any Electoral Census taken under the provisions of this Act, or who refuses to answer or who answers incompletely or wrongly any questions put to him by any Electoral Census Collector in the execution of his duties, shall be guilty of a contravention of this Act.

Employers to allow employees leave of absence to vote.  
Com. 1902-1905,  
s. 182 (d).

**193.** (1.) If an employee who is an elector notifies his employer before the polling day that he desires leave of absence to enable him to vote at any election, the employer shall, if the absence desired is necessary to enable the employee to vote at the election, allow him leave of absence without any penalty or disproportionate deduction of pay for such reasonable period not exceeding two hours as is necessary to enable the employee to vote at the election.

(2.) No employee shall, under pretence that he intends to vote at the election, but without the *bonâ fide* intention of doing so, obtain leave of absence under this section.

(3.) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.



- 194.** Whoever in any polling place on polling day misconducts himself, or fails to obey the lawful directions of the presiding officer, may be removed from the polling place by any constable or by any person authorised by the presiding officer. Offender may be removed from polling-booth. See 1904, No. 20, s. 149.
- 195.** Any person so removed re-entering or attempting to re-enter the polling booth, without the permission of the presiding officer, shall be guilty of a further electoral offence punishable, on conviction, by twice the penalties prescribed in the table for the original offence. Further punishment. See 1904, No. 20, s. 150.
- 196.** If any person purporting to act for and on behalf of a candidate incurs or authorises any electoral expense without the written authority of the candidate or of his agent authorised in writing, he shall be guilty of a contravention of this Act. Expenditure on behalf of a candidate. See 1904, No. 20, s. 151.
- 197.** Every person shall be liable for an illegal practice committed directly or indirectly by himself, or by any other person on his behalf, and with his knowledge and authority. Liability for indirect acts. See 1904, No. 20, s. 152.
- 198.** Any attempt to commit an offence against this Act shall be an offence against this Act punishable as if the offence had been committed. Attempts. See 1904, No. 20, s. 153.
- 199.** On any prosecution under this Act the certificate of the Chief Electoral Officer or a Returning Officer that the election mentioned in the certificate was duly held, and that the person named in the certificate was a candidate at the election, shall be evidence of the matter stated. Certificate evidence. See 1904, No. 20, s. 154.
- 200.** Where imprisonment may be awarded for an offence against this Act, it may be awarded with or without hard labour. Hard labour may be awarded. See 1904, No. 20, s. 155.
- 201.** Offences against this Act punishable by imprisonment exceeding one year are indictable offences. Indictable offences. See 1904, No. 20, s. 156.
- 202.** All offences against this Act which are not indictable offences shall be punishable on summary conviction. Summary conviction. See 1904, No. 20, s. 157.
- 203.** Nothing contained in Chapter XIV. of the Criminal Code shall apply to Parliamentary elections. Criminal Code not to apply to Parliamentary elections. See 1904, No. 20, s. 158.

## PART VIII.—MISCELLANEOUS.

Persons authorised to witness signatures.

**204.** (1.) The signatures to claims and other forms may be witnessed by any justice of the peace, returning officer, electoral registrar, post and telegraph master, public officer classified in the administrative, professional, or clerical division of the State or Commonwealth Public Service, classified State school teachers, member of the police force, electoral census collector, or any elector of the same province or district :

Provided that no person under twenty-one years of age shall be qualified to witness any claim or other form.

(2.) Any statutory declaration required under the provisions of this Act may be made before any person authorised to witness signatures to claims, and shall have the same force and effect, and in the case of a false declaration shall subject the declarant to the same penalty as if such declaration had been made before a justice of the peace.

Service.

**205.** Any notice under this Act may be served by posting it to the last known place of abode of the person to whom such notice is given, or to the place of living of such person appearing on any roll.

Electoral matter to be sent by post.  
See 1904, No. 20, s. 174.

**206.** All electoral papers transmitted through the post, if duly addressed, shall, on proof of posting, be deemed to have been duly served on and received by the person to whom they were addressed on the day when, in the ordinary course of post, they should have been received at his address.

Electoral matter may be sent by telegraph.  
See 1904, No. 20, s. 175.

**207.** In all cases where it is impracticable to communicate any electoral matter by post without occasioning undue delay, any telegraphic advice communicated in the ordinary course shall suffice for all the purposes of this Act as if the matter telegraphed had been communicated in manner provided by this Act.

A person unable to write may make his mark.  
See 1904, No. 20, s. 176.

**208.** Any person required by this Act to sign his name may, on satisfying an officer that he is unable to write, make his distinguishing mark, which shall be witnessed by the officer.

Forms.  
See 1904, No. 20, s. 177.

**209.** (1.) Strict compliance with the forms in the Schedule shall not be required, and substantial compliance therewith shall suffice for the purposes of this Act.

(2.) The forms in the Schedule may, subject to the provisions of this Act, be altered by the regulations.

**210.** (1.) The Governor may make regulations for carrying out this Act. Regulations.  
See 1904, No. 20,  
s. 178.

(2.) All such regulations shall be notified in the "Government Gazette," and shall thereupon have the force of law.

(3.) All such regulations shall be laid before both Houses of Parliament within thirty days after the making thereof, if Parliament is then sitting, and if not, then within thirty days after the next meeting of Parliament.

**211.** The Electoral Act, 1904, and sections twenty-six, twenty-seven, twenty-eight, twenty-nine and thirty of the Constitution Acts Amendment Act, 1899, are hereby repealed. Repeal.

Section 12

THE SCHEDULE.

Form No. 1.

WESTERN AUSTRALIA.

The Electoral Act, 1907.

DECLARATION BY RETURNING OFFICER.

I, of , hereby declare that I accept the office of Returning Officer for the Electoral Province [or the Electoral District], and that I will faithfully perform the duties of my office to the best of my understanding and ability, and that I will not attempt to improperly ascertain or discover, or directly or indirectly aid in discovering, the person for whom any vote is given, and that I will keep secret all knowledge of the person for whom any elector has voted which I may obtain in the exercise of my office, unless in answer to any question which I am legally bound to answer.

Declared before me this day of 19 .

J.P.

Section 22.

Form No. 2.

WESTERN AUSTRALIA.

The Electoral Act, 1907.

LEGISLATIVE COUNCIL ELECTORAL ROLL.

.....Electoral Province.

Number, Sex, Surname, Christian names, usual permanent place of living, and occupation of each elector. Particulars of qualification, and where property situated.

Section 22.

Form No. 3.

WESTERN AUSTRALIA.

The Electoral Act, 1907.

LEGISLATIVE ASSEMBLY ELECTORAL ROLL.

.....Electoral District.

Number, Sex, Surname, Christian names, usual permanent place of living, and occupation of each elector.

Form No. 4.

Section 42.

(Front.)

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## LEGISLATIVE COUNCIL ELECTORAL CLAIM.

To the Electoral Registrar for the \_\_\_\_\_ Electoral Province.

1. I claim to have my name placed on the Electoral Roll for the above mentioned Province.

2. I am not under the age of 21 years.

3. I am a natural born subject of the King [or naturalised subject of the King and have been naturalised for twelve months].

4. I am an inhabitant of Western Australia, and have continuously resided therein for six months.

5. The particulars regarding myself entered at back of this Claim Form are all true and correct.

6. My qualification for enrolment is as follows, namely:—

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

No other than the }  
Claimant himself }  
must sign here. } (Usual Signature of Claimant.)

I certify that the Claimant signed this claim in my presence, and that he has satisfied me that he possesses the qualification stated.

\*Witness :

\*Designation of }  
position held }  
by Witness. }

\* The signature of the Claimant may be witnessed by a Justice of the Peace, Returning Officer Electoral Registrar, Post and Telegraph Master, Public Officer classified in the administrative, professional, or clerical division of the State or Commonwealth Public Service, classified State School Teacher, member of the Police Force, Electoral Census Collector, or any elector of the same Province.

(Back.)

Surname :All Christian Names at full length :—Sex :Occupation :Usual permanent place of living, and full postal address :—

Usual Signature }  
of Claimant } (No other than the Claimant himself must sign here.)

Claim Received.	Registrar's Date & stamp.	Claim Approved.	Registrar's Date Stamp.
}		}	
(Initials of Electoral Registrar.)		(Initials of Electoral Registrar.)	

Section 42.

Form No. 5.

(Front.)

WESTERN AUSTRALIA.

The Electoral Act, 1907.

LEGISLATIVE ASSEMBLY ELECTORAL CLAIM.

To the Electoral Registrar for the Electoral District of

1. I claim to have my name placed on the Electoral Roll for the above-mentioned District.

2. I am not under the age of 21 years.

3. I am a natural born [or naturalised] subject of the King.

4. I am an inhabitant of Western Australia, and have continuously resided therein for six months, and have resided in the above-mentioned district for a continuous period of one month immediately preceding the date of this claim.

5. The particulars regarding myself entered at back of this Claim Form are all true and correct.

6. To the best of my knowledge and belief my name is on the Roll for Electoral District.

† (Insert name of District, or, if NOT already registered in another District, fill in the words "NO OTHER.")

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

No other than the } Claimant himself } must sign here. (Usual Signature of Claimant.)

I certify that the claimant signed this claim in my presence, and that he has satisfied me that he possesses the qualifications stated.

\* Witness:

\* Designation of } position held } by Witness.

\*The signature of the Claimant may be witnessed by a Justice of the Peace, Returning Officer, Electoral Registrar, Post and Telegraph Master, Public Officer classified in the administrative, professional or clerical division of the State or Commonwealth Public Service, classified State School Teacher, a member of the Police Force, Electoral Census Collector, or any elector of the same District.

(Back.)

Surname:

All Christian names } at full length }

Sex:

Occupation:

Usual permanent place of living, and full postal address:

Usual Signature } of Claimant }

(No other than the Claimant himself must sign here.)

Table with 4 columns: Claim Received, Registrar's Date Stamp, Claim Approved, Registrar's Date Stamp. Includes instructions for initials of Electoral Registrar.

Form No. 6.

Section 44.

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## NOTICE OF REJECTION OF CLAIM.

To

I hereby give you notice that your claim, dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to have your name placed on the Electoral Roll for the \_\_\_\_\_ Province [or District] does not comply with Section forty-four of the Act in the following particular, namely—  
\_\_\_\_\_, and it is therefore rejected.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
\_\_\_\_\_  
Electoral Registrar.  
Electoral Province [or District].

Form No. 7.

Section 45.

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## NOTICE TO CANCEL PREVIOUS ENROLMENT.

To the Electoral Registrar,  
Electoral District of \_\_\_\_\_

I hereby give you notice that \_\_\_\_\_, formerly residing at \_\_\_\_\_, and said to be enrolled to vote for the \_\_\_\_\_ Electoral District, has, on application, been enrolled for \_\_\_\_\_ Electoral District, and I therefore request you to strike the applicant's name off your roll, and inform me when such action has been taken.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
\_\_\_\_\_  
Electoral Registrar.  
Electoral District of \_\_\_\_\_

To the Electoral Registrar,  
Electoral District of \_\_\_\_\_

In compliance with your notice of the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the name of \_\_\_\_\_ has been removed from the roll for the \_\_\_\_\_ Electoral District.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
\_\_\_\_\_  
Electoral Registrar.  
Electoral District of \_\_\_\_\_

Section 46.

Form No. 8.

WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

OBJECTION TO CLAIM.

To the Electoral Registrar,

Electoral Province [or Electoral District of \_\_\_\_\_].

Take notice that I object to the claim of \_\_\_\_\_ to be enrolled as an  
elector for the \_\_\_\_\_ Province [or District] on the following grounds:—

I deposit herewith the sum of two shillings and sixpence.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

An elector enrolled for the said Province [or District].

Form No. 9.

WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

DECLARATION BY A PERSON WHOSE NAME IS OBJECTED TO.

I \_\_\_\_\_ declare as follows:—

1. I am the elector enrolled on the Roll for the \_\_\_\_\_ Province  
[or District] in the name \_\_\_\_\_ and  
numbered \_\_\_\_\_2. I was legally qualified to be enrolled as an elector for the said Province  
[or District], and am still so qualified.3. I have not already voted at this Election either in person or by postal  
vote.

Signature of elector

Address

Occupation

Declared before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Presiding Officer.  
Polling Place.

Section 46.

Form No. 10.

WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

REGISTRAR'S OBJECTION TO CLAIM.

To \_\_\_\_\_

Take notice that I object to your claim to be enrolled as an elector for  
the \_\_\_\_\_ Province [or District], on the following grounds:—Unless the annexed notice of appeal is signed by you and returned to me  
within \_\_\_\_\_ days from this date your claim will be rejected.



Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

for the \_\_\_\_\_ Electoral Registrar  
Electoral Province [*or* District].

To the Electoral Registrar  
for the \_\_\_\_\_ Electoral Province [*or* District].

(*Address*)

Take notice that I appeal from your rejection of my claim to be enrolled as  
an elector for the \_\_\_\_\_ Province [*or* District].

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

(*Signature*) \_\_\_\_\_

Form No. 11.

Section 47

WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

OBJECTION TO ENROLMENT.

To the Electoral Registrar,  
Electoral Province [*or* Electoral District of \_\_\_\_\_].

Take notice that I object to the name of \_\_\_\_\_ on the roll for the  
Province [*or* District] on the following grounds:—

I deposit herewith the sum of two shillings and sixpence.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

An elector enrolled for the said Province [*or* District].

Form No. 12.

Section 47

WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

REGISTRAR'S OBJECTION TO ENROLMENT.

To

Take notice that I object to the retention of your name on the roll for the  
Province [*or* District] on the following grounds:—

Unless the annexed notice of appeal is signed by you and returned to me  
within \_\_\_\_\_ days from this date, your name will be struck off the roll.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

for the \_\_\_\_\_ Electoral Registrar  
Electoral Province [*or* District].

To the Electoral Registrar for the \_\_\_\_\_ Electoral Province [*or* District].  
(*Address.*)

Take notice that I appeal from your objection to the retention of my name  
on the roll for the \_\_\_\_\_ Province [*or* District].

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

(*Signature.*)

Section 49.

Form No. 13.

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## APPLICATION TO SUBSTITUTE QUALIFICATION.

To the Electoral Registrar, for the \_\_\_\_\_ Province.

My name is at present enrolled on the Electoral Roll for the  
Province, in respect of the following qualification, viz. :\*

Situate at\*\*

I possess another qualification for enrolment as an elector for the same  
Province, viz. :

situate at\*\*

and hereby apply to have my qualification altered on the roll in respect of the  
qualification last mentioned.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 .

Signature.

Witness.

- 
- \* (1.) Legal or equitable freehold estate in possession of the clear value of One hundred pounds sterling; or  
(2.) Householder occupying a dwelling house of the clear annual value of Twenty-five pounds sterling; or  
(3.) Leasehold estate in possession of the clear annual value of Twenty-five pounds sterling; or  
(4.) Holder of lease or license from the Crown to depasture, occupy, cultivate, or mine upon Crown lands at a rental of not less than Ten pounds per annum.

\*\* State where qualifying property is situated with sufficient particulars to identify same.

Section 49.

Form No. 14.

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*NOTICE THAT APPLICATION TO SUBSTITUTE QUALIFICATION  
IS NOT IN ORDER.

To

With reference to your claim for a substitution of qualification as an elector  
of the \_\_\_\_\_ Province, I beg to inform you that your application is  
not in order, for the following reasons:—

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 .

Electoral Registrar,  
Province.

Form No. 15.

Section 51.

WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

APPLICATION TO CHANGE NAME OR ADDRESS ON ROLL.

To the Electoral Registrar

Province [or District].

In place of the particulars shown on the Roll, thus:—

Surname.	Christian Names at full length.	Usual permanent place of living.

Please substitute the following:—

Surname.	Christian Names at full length.	Usual permanent place of living.

as I have changed my surname by marriage [or changed my address].

Dated the        day of        19 .

Witness :

Signature of Elector.

Form 16.

Section 63.

WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

WARRANT FOR ISSUE OF WRITS FOR A GENERAL ELECTION.

To the Clerk of the Writs.

You are hereby authorised and directed to proceed forthwith to issue Writs for the Election of one member for each Province [or District], within the State of Western Australia.

Dated this        day of        , 19 .

Governor.

Section 66.

Form No. 17.

WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## WARRANT FOR THE ISSUE OF A WRIT FOR A BY-ELECTION.

To the Clerk of the Writs.

You are hereby authorised and directed to proceed forthwith to issue a Writ for the election of a member to serve in the Legislative Council [*or Assembly*] for the Province [*or District*].

Dated this        day of        , 19 .

Governor [*or President or Speaker*].

Section 66

Form No. 18.

WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## CERTIFICATE OF DEATH OF MEMBER.

We, the undersigned, being two members of the Legislative Council [*or Legislative Assembly*], do hereby certify that        , a member of the said House, serving for the        Province [*or District*], died upon the day of        , 19        , and we give you this notice to the intent that you may issue a Writ for the election of a member to supply the vacancy caused by the death of the said        .

Given under our hands this        day of        , 19 .

To the President of the Legislative Council [*or the Speaker of the Legislative Assembly, or His Excellency the Governor of Western Australia, as the case may require*].

Form No. 19.

Section 68.

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## WRIT.

To \_\_\_\_\_, Returning Officer for the \_\_\_\_\_ Electoral Province  
[or the Electoral District of \_\_\_\_\_].

By virtue of the provisions of "The Electoral Act, 1907," I hereby authorise and require you to cause election to be held, according to law, of a member for the [here set out name of Province or District for which election is to be held] to serve in the Legislative Council [or Legislative Assembly]. And I appoint the following dates for the purposes of the said election:—

1. For nomination, \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at 12 o'clock, noon.
2. For taking the poll in case of the election being contested, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.
3. For return of writ, on or before \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Clerk of the Writs.

## Indorsements.

I, \_\_\_\_\_, Returning Officer for the [here set out the Province or District] do hereby certify that I have received the within writ on the day of \_\_\_\_\_, 19\_\_\_\_.

Returning Officer.

I, \_\_\_\_\_, Returning Officer for the [name of Province or District] do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, [fill in date of nomination if election uncontested, and date of polling-day if contested] was duly elected a member to serve in the [Legislative Council or Legislative Assembly] for the said [Province or District].

The number of votes polled by the candidates were as follows:—

[Insert names of the candidates and votes polled by each.]

Returning Officer.

The execution of this writ appears by the indorsements made by me thereon, and the same is sealed up by me and transmitted to the Clerk of Writs.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Returning Officer for the \_\_\_\_\_ Electoral Province  
[or the Electoral District of \_\_\_\_\_].

Section 77.

Form No. 20.

WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

NOMINATION PAPER.

To the Returning Officer for the Electoral Province [or for the Electoral District of ].

I, the undersigned, do hereby nominate myself as a candidate to serve in the Legislative Council [or Legislative Assembly] of the Parliament of Western Australia, for the Province [or District].

Dated the day of , 19 .

Name in full

Residence

Occupation

Received by me this day of , 19 , at o'clock in the noon.

Returning Officer.

POSTAL BALLOT PAPER.

(Front.)

Consecutive No. 325. Section 91. Form No. 21. WESTERN AUSTRALIA. The Electoral Act, 1907.

ACKNOWLEDGMENT BY ELECTOR OF HAVING RECEIVED A POSTAL BALLOT PAPER.

I [here insert names in full], hereby acknowledge having this day received from Postal Vote Officer, a Postal Ballot Paper numbered as above, for use at the election of a member for the Province [or District] on the day of 19 , and I hereby declare :-

- A. (1.) That I have reason to believe that on polling day I shall be more than seven miles from any polling place at which I am entitled to vote; my reason being (2.) That, being a woman, I shall on account of ill-health be unable, on polling day, to attend a polling place to vote; (3.) That I shall, on account of serious illness or infirmity, be unable to attend in person, on polling day, for the purpose of recording my vote at any polling place at which I am entitled to vote.

- B. (1.) I am an elector duly enrolled on the roll for this Province [or District], (2.) That I was legally qualified to be enrolled as an elector for the said Province [or District], and am still so qualified; (3.) That I have not already voted for this election.

Signature of Elector Address Occupation

Signed and declared at day of 19 before me this Postal Vote Officer.

\* In making this declaration the Elector should strike out any of the paragraphs A. (1.), (2.), (3.), which do not meet his case.

Section 91. Form No. 21. WESTERN AUSTRALIA. The Electoral Act, 1907.

COUNTERFOIL.

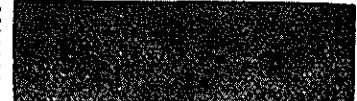
Consecutive No. 325.

A. (To be filled in by Postal Vote Officer under Section 91.)

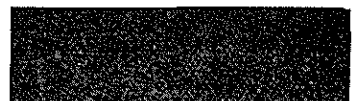
Name of Province [or District] Date of Election Full names of Elector Address of Elector Occupation of Elector Dated this day of 19 Postal Vote Officer.

Signature of Elector.

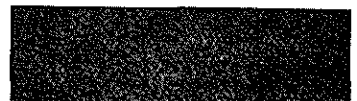
Consecutive No. 325.



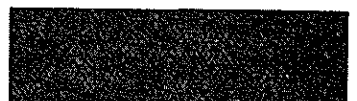
BEAUFORT. 1



CUNNINGHAM. 2



MURRAY, Edward. 3



MURRAY, John. 4



(Back.)

Section 91. Form No. 21. WESTERN AUSTRALIA. The Electoral Act, 1907.

POSTAL VOTE OFFICER'S CERTIFICATE.

In connection with the issue of the Postal Ballot Paper, numbered as above, to the elector whose name appears in the Declaration on the front page of the but, I hereby certify that the provisions of Part IV. of "The Electoral Act, 1907," have been duly complied with.

Dated this day of 19 Postal Vote Officer.

Postal Vote Officer's Signature.

Date of issue

Electoral { Province. { District.

Form No. 21. Western Australia. "The Electoral Act, 1907." Section 91.

Section 103.

Form No. 22.

WESTERN AUSTRALIA.

*The Electoral Act, 1907.*APPOINTMENT OF PRESIDING OFFICERS, POLL CLERKS, AND  
DOORKEEPERS.

I hereby appoint [here insert names in full of person appointed] to be Presiding Officer, [or Assistant Presiding Officer, Poll Clerk or Doorkeeper] on duty at the polling-place, in the Province [or District] at the election to be held on the 19 , for the above-mentioned Province [or District].

Dated the        day of        , 19 .

Returning Officer.

Section 103.

Form No. 23.

WESTERN AUSTRALIA.

*The Electoral Act, 1907.*DECLARATION BY PRESIDING OFFICERS, POLL CLERKS,  
AND DOORKEEPERS.

I,                    , of                    , do hereby declare that I accept the office of Presiding Officer [Assistant Presiding Officer, Poll Clerk, or Doorkeeper] at the                    Polling Place in the                    Province [or District], and I do hereby declare that I will faithfully perform the duties of my office to the best of my understanding and ability, and that I will not attempt to improperly ascertain or discover, or directly or indirectly aid in discovering, the person for whom any vote is given. And that I will keep secret all knowledge of the person for whom any elector has voted which I may obtain in the exercise of my office, unless in answer to any question which I am legally bound to answer.

Declared before me this        day of        , 19 .



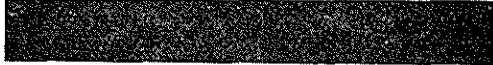
Form No. 24.

Section 112.

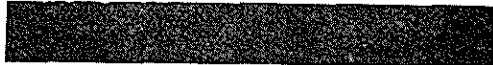
BALLOT PAPER.  
(Front.)



BEAUFORT.



CUNNINGHAM.



MURRAY, Edward.



MURRAY, John.



(Back.)

.....  
Presiding Officer's Initials.

Election: 24-11-1908. Form No. 24.  
Western Australia.  
"The Electoral Act, 1907."  
Section 112.  
.....Electoral Province [or District].

Form No. 25.

Section 113.

WESTERN AUSTRALIA.

The Electoral Act, 1907.

DECLARATION BY SCRUTINEER.

I, \_\_\_\_\_ of \_\_\_\_\_, a scrutineer appointed by a candidate for election in and for the \_\_\_\_\_ Province [or District], do hereby declare that I will faithfully assist at such election, and that I will not attempt to improperly discover or directly or indirectly aid in discovering the person for whom any vote is given; and that I will keep secret all knowledge of the person for whom any elector has voted, which I may obtain in the exercise of my office, unless in answer to any question which I am legally bound to answer.

Declared before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Returning Officer or Presiding Officer.

Section 175.

Form No. 26.

WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

RETURN OF ELECTORAL EXPENSES.

\* Insert name and address of candidate. I,\* a candidate at the election for the {District  
Province  
held on the † day of , 19 , make the following  
† Insert day of polling, or if no opposition date of nomination. return respecting my Electoral Expenses at such election :—

*Expenditure.*

	£	s.	d.
* The name and description and the nature of the work done by each person must be set out separately.	(1.) * Paid for printing, advertising, publishing, issuing, and distributing addresses by me as candidate, and notices of meetings ... ..		
† The name, occupation, and address of each person to whom any sum is paid and the reason for which it was paid to him must be set out separately.	(2.) † Paid for Committee rooms ... ..		
‡ The name, occupation, and address of each person to whom any sum is paid and the reason for which it was paid to him must be set out separately.	(3.) ‡ Paid for public meetings and halls not belonging to public bodies therefor ... ..		

Form No. 26—continued.

Section 175.

RETURN OF ELECTORAL EXPENSES—continued.

*Expenditure*—continued.

		£	s.	d.
<p>§ The name of each scrutineer, the name of the polling place at which he was employed, and the sum paid to him must be set out separately.</p>	(4) § Paid for scrutineers ... ..			
<p>¶ The name of each agent and the sum paid to him must be set out separately.</p>	(5.) ¶ Paid for election agents ... ..			
<p>¶ The name, occupation, and address of each person whose claim is disputed, the ground of the claim, and its amount must be set out separately.</p>	¶ In addition to the foregoing, I am aware of the following disputed and unpaid claims, viz. :—			
Total ...				

And I declare that this return is true in every particular, and that, except as appears by this return, I have not, and no person has with my knowledge or authority, paid any electoral expense incurred by me or on my behalf or in my interest at or in connection with the said election, or incurred any such expense or any liability for any such expense or given or promised any reward, office, employment, or valuable consideration on account or in respect of any such expense.

Signature of Candidate.

Declared before me this                      day of                      , 19

Justice of the Peace.