

The Electoral Act, 1895.

(59 Vic., No. 31.)

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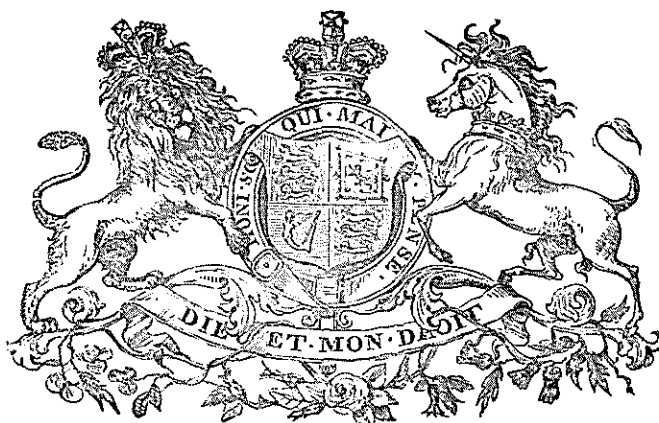
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Western Australia.

ANNO QUINQUAGESIMO NONO
VICTORIÆ REGINÆ.

No. XXXI.

AN ACT to consolidate and amend the Law
relating to Parliamentary Elections.

[Assented to, 12th October, 1895.]

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

1. THIS Act may be cited as "The Electoral Act, 1895," and is divided into Parts, as follows:— Short title.

PART I.—PRELIMINARY, ss. 2 and 3.

Division of Act.

PART II.—REGISTRATION OF VOTERS:

1. Electoral Registrars and Registration Courts,
ss. 4–7.

2. Deaths and Ratepayers' Lists, ss. 8–10.

3. Claims, ss. 11–19.

(a.) Objections by Registrars.

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4. Quarterly Rolls—Claims, ss. 20–29.
5. Annual Lists, ss. 30–39.
 - (a.) Objections by Electors.
6. Revision of Lists, ss. 40–44.
 - (a.) Compilation of Rolls.
7. Costs, ss. 45 and 46.
8. Rolls, ss. 47–50.

PART III.—CONDUCT OF ELECTIONS:

1. Appointment of Returning Officers and Duties, ss. 51–61.
2. Nomination, ss. 62–66.
3. Preparation for Poll, ss. 67–71.
4. The Polling, ss. 72–84.
5. Close of Poll and Return of Writs, ss. 85–87.
6. General Provisions, ss. 88–93.

PART IV.—OFFENCES AND PENALTIES, ss. 94–111.

PART V.—MISCELLANEOUS, ss. 112–123.

PART I.—PRELIMINARY.

Repeal.
First Schedule.

2. (1.) THE enactments described in the first Schedule to this Act are hereby repealed, to the extent mentioned in the third column of that Schedule.

(2.) The repeal effected by this Act shall not affect

- (a.) Any appointment made, or any right or liability, civil or criminal, incurred under any enactment so repealed; nor
- (b.) The validity of any claim which has been heretofore delivered or sent to an Electoral Registrar by any person.
- (c.) Any claim made, or any act commenced to be done under “The Electoral Act, 1893,” shall, and may be dealt with and completed respectively under this Act.
- (d.) Any Roll made out and completed under “The Electoral Act, 1893,” for any Electoral District or Province, shall be the Electoral Roll for that District or Province (as the case may be) until a new Roll has been completed under this Act.

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3. IN the interpretation of this Act, the following terms, unless the context otherwise indicates, have the meanings set against them respectively, that is to say:— Interpretation.

“Assembly”—The Legislative Assembly of Western Australia:

“Claim”—A notice by a person claiming to have his name inserted in an Electoral Roll:

“Council”—The Legislative Council of Western Australia:

“Court”—A Registration Court hereby constituted:

“Election”—The election of a member of the Council or Assembly:

“Elector”—A person named as such in a roll:

“Electoral District” or “District”—An Electoral District appointed by law to return a member or members to the Assembly:

“Electoral Province” or “Province”—An Electoral Province appointed by law to return a member or members to the Council:

“Electoral Registrar”—The person appointed to perform, in the Province or District, the duties imposed on Electoral Registrars by this Act:

“List”—An unrevised list of persons appearing to be entitled to vote, compiled under the provisions of this Act:

“Local Authority”—The Council of a Municipality, or the Road Board of a Road District:

“Minister”—The Colonial Secretary or other Minister charged with the execution of this Act:

“Natural-born Subject” or “British Subject”—A person born in Her Majesty’s Dominions, or whose parents or either of them were or was so born:

“Naturalised Subject” or “Naturalised”—A person who in England or Western Australia has been naturalised:

“Poll Clerk”—A person appointed by a Returning Officer or Presiding Officer to assist him in taking the poll at any polling place:

“Presiding Officer”—The Returning Officer or other person appointed by him to preside and take the poll at any polling place, or the substitute duly appointed of either:

“Returning

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“Returning Officer”—The Returning Officer or Deputy Returning Officer appointed for the Electoral Province or Electoral District by the Governor:

“Roll”—The Electoral Roll of electors entitled to vote at the election of a member of the Council or Assembly for the Province or District in question, as the case may be:

“Scrutineer”—The person appointed by a candidate to act as scrutineer on his behalf at any polling place during the election at which he is a candidate:

“Special Magistrate”—Any Justice of the Peace appointed by the Governor to perform the duties and exercise the powers of a Registration Court.

PART II.—REGISTRATION OF VOTERS.

1. *Electoral Registrars and Registration Courts.*

4. (1.) Electoral Registrars. FOR each Electoral District there shall be an Electoral Registrar, and the Electoral Registrar for a District shall also be an Electoral Registrar for the Province within which the District is comprised.

(2.) Such Registrars shall from time to time be appointed, and may be removed by the Governor.

(3.) All matters and things hereafter prescribed to be done by or in reference to an Electoral Registrar shall, in the case of an Electoral District, be done by or in reference to him as Electoral Registrar for the District, and in case of an Electoral Province shall be done by or in reference to him as Electoral Registrar for the Province in respect of the District included in such Province.

5. (1.) Registration Courts. THERE shall be a Registration Court in each Electoral District, to be holden at the Magistrates' Court House within the District, and if there be two or more such Court Houses, or if there be no such Court House in the District, then the Court House which is nearest to the office of the Electoral Registrar shall be the place at which the Court shall be held, or such other place as shall be appointed by the Governor.

(2.) The Governor may from time to time appoint any Justice of the Peace to be a Special Magistrate of any Registration Court or Courts, or any two or more persons to perform the duties and exercise the powers of any such Court. Any such appointment may at any time be cancelled by the Governor.

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6. (1.) THE Registration Court shall be constituted as follows:—

Courts—how constituted and presided over.

- (a.) The Special Magistrate; or
- (b.) Any Police or Resident Magistrate; or
- (c.) Any two or more Justices of the Peace resident in the Electoral District; or
- (d.) Any two or more persons appointed by the Governor in Council to perform the duties and exercise the powers of the Court; or
- (e.) All or any two or more of the above-mentioned Magistrates, Justices, or persons.

(2.) The Special Magistrate, if present, or if he is not present a Police or Resident Magistrate, if present, shall be Chairman of the Court. If no such officer is present the other qualified persons present shall, from time to time, elect one of their number to be Chairman.

(3.) No candidate for election, or member of the Legislative Council or Legislative Assembly, shall take any part in the proceedings at any Court under a penalty of Twenty pounds, to be recovered in a summary way before two Justices of the Peace.

7. THE decision of the majority of the members of the Registration Court shall be the decision of the Court, and in estimating the majority the Chairman shall have a vote, and when the numbers are equal, a casting vote.

Majority to decide.

2. Deaths and Ratepayers' List.

8. EVERY Registrar or District Registrar of births, deaths, and marriages, shall, during the month of February in every year, furnish to the Electoral Registrars of every Electoral District any part whereof is comprised in the registry district for which he is such Registrar, or District Registrar of births, deaths, and marriages, a correct list of all deaths of adult males of twenty-one years and upwards, which have been registered by him during the twelve months then last past.

Registrars to furnish deaths.

9. THE clerk or secretary of every local authority in Western Australia shall, during the month of December in every year, make out, separately for every Electoral District or portion of a district comprised within the jurisdiction of such local authority, a list to be called "The List of Ratepayers," containing in alphabetical order of surnames the name of every male person whose name appears in the Electoral or Voters' Lists of such local authority in respect of property situate within any Electoral District or portion of a district

List of Ratepayers.

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as aforesaid. Such lists shall be in the following form, and shall contain the information required by such form:—

LIST OF RATEPAYERS
OF THE [MUNICIPALITY OR ROADS BOARD DISTRICT] OF
FOR THE ELECTORAL DISTRICT OF

Number.	Surname.	Christian Name.	Trade or Occupation.	Place of Residence.	Description and Situation of the Land.	Portion, Sub-division, or as the case may be.	Annual Rate-able Value.
1					Shop, Hay St., Perth.	Portion Town Lot F 1.	
					Farm, Harvey River	Murray Loca- tion	

To the Electoral Registrar for the District of

I certify the above to be a correct List of Ratepayers taken from the Electoral or Voters' List of the for the purposes of

"*The Electoral Act, 1895.*"

Dated this day of , 189 .

(Signed) A.B.,

Clerk or Secretary of the

To be transmitted to Registrar.

10. IT shall be the duty of such clerk or secretary as aforesaid, on or before the thirty-first day of December in every year, to transmit the said list, for the Electoral District or portion thereof as aforesaid, certified by him under his hand, to the Electoral Registrar or Registrars of the Electoral District or Districts within the boundaries of which the Municipality or Roads Board District (as the case may be) of such local authority or any part thereof is situate.

3. *Claims.*

Mode of claiming registration.

11. A PERSON claiming to be entitled to be registered as a voter for an Electoral District, or for an Electoral Province in respect of any qualification to vote for such province situate or arising in such District, may deliver his claim, or send it by post to the Electoral Registrar for such District.

Form of claim.

The claim must be in the following form or to the like effect, and must set forth, in the form of answers to the questions contained in it, sufficient facts to show that the claimant is entitled to be registered.

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CLAIM.

To the Electoral Registrar of the Electoral District of

I claim to have my name inserted in the Electoral Roll for the Electoral ["Province" or "District," as the case may be] of ; my name and qualification being as appears by the answers to the following questions :—

1. What is your Christian name and surname ?
2. What is your age ?
3. What is your occupation ?
4. What is your place of abode ?
5. What are the particulars of your qualification ?
6. Are you by birth a British subject ?
7. If you are not by birth a British subject, how long have you been and where were you naturalised ?
8. How long have you resided in Western Australia ?
9. Are you registered in respect of the qualification of residence as an elector for any other Electoral District ?
10. If so, for what district or districts ?
11. Are you in receipt of relief from the Government or from any charitable institution ?

And I do solemnly and sincerely declare that the foregoing answers to the above questions are true.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Ordinance made and passed in the eighteenth year of the reign of Her Present Majesty, No. 12, intituled "An Ordinance for the abolition of unnecessary Oaths and to substitute Declarations in lieu thereof."

(Signed) A. B.

Signed and declared before me this day of 18 .

J.P. (or as the case may be).

12. THE claimant must, in answer to the question, "What is your place of abode," give such a description of the locality of his place of abode as will enable it to be easily and clearly identified.

Mode of filling up
Claims.

The claimant must, in answer to the question, "What are the particulars of your qualification," give a description of the particulars of his qualification in such one of the forms hereunder mentioned as is applicable, or to the like effect, that is to say:—

If the claimant claims to have his name inserted in the Electoral Roll for a Province:—

For Province.

- (a.) Ownership for the last preceding twelve months of a freehold estate in possession at [giving the situation and number of the portion, location, or allotment (if any), or otherwise describing the locality so as to identify it] of the clear value of not less than One hundred pounds above all encumbrances.
- (b.) Householder at [describing situation as above directed] for the last preceding twelve months, the dwelling house being of the clear annual value of Twenty-five pounds.

- (c.) Holder of a leasehold at [describing situation as above directed] of the clear annual value of Twenty-five pounds, the lease of which has eighteen months to run.
- (d.) Holder for the last preceding eighteen months of a leasehold at [describing situation as above directed] of the clear annual value of Twenty-five pounds.
- (e.) Holder for the last preceding twelve months of a lease or license of Crown Lands at the annual rental of not less than Ten pounds.

For District.

If the claimant claims to have his name inserted in the Electoral Roll for a District:—

- (f.) Residence for the last preceding six months at [describing situation as above directed] ;
- (g.) Ownership for the last preceding six months of a freehold estate in possession at [describing situation as above directed] of the clear value of not less than Fifty pounds above all encumbrances ;
- (h.) Householder at [describing situation as above directed] for the last preceding six months, the premises occupied being of the clear annual value of Ten pounds ;
- (i.) Holder of a leasehold at [describing situation as above directed] of the clear annual value of Ten pounds, the lease of which has eighteen months to run ;
- (j.) Holder for the last preceding eighteen months of a leasehold at [describing situation as above directed] of the clear annual value of Ten pounds ;
- (k.) Holder for the last preceding six months of a lease or license of Crown lands at [describing situation as above directed] at the annual rental of not less than Five pounds.

The situation of the property, if any, in respect of which registration is claimed must be specified in such a manner as to enable it to be easily and clearly identified.

Forms may be
provided by Gov-
ernment Printer.
Directions to
be printed.

13. FORMS of claims may be provided by the Government Printer, with the sanction of the Minister.

Every claim so provided shall have printed at the foot or on the back a note in the following form, or to the like effect, that is to say:—

Directions to be observed in answering the Questions and filling up the Claim.

- (1.) Name.—The claimant's Christian and surnames must be written in full.
- (2.) Place of Abode.—The claimant must give such a description of his place of abode as will enable it to be easily and clearly identified.
- (3.) Particulars of Qualification.—The answer to this question must set out a description of the claimant's qualification in such one of the following forms as is applicable, or to the like effect:—

For a Province.

The form shall here set out the paragraphs (a), (b), (c), (d), and (e) of the last preceding section.

For a District.

The form shall here set out the paragraphs (f), (g), (h), (i), (j), and (k) of the last preceding section.

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- (4.) A person claiming in respect of joint ownership or occupation must, in answer to question (5), state the share held by him and the value thereof and the name and address of every other owner.
- (5.) The situation of the property, if any, in respect of which registration is claimed must be specified in such a manner as to enable it to be easily and clearly identified.
- (6.) If the registration is not claimed in respect of residence, the ninth and tenth questions need not be answered.
- (7.) The claim must be signed by the claimant with his own hand, in the presence of and be declared before and attested by a Justice of the Peace or an Electoral Registrar, or the head male teacher of a Government School, or an Inspector, Sub-Inspector, or Sergeant of Police, or the Officer in charge of any Police Station, or a Postmaster.
- (8.) No person is entitled to be registered as a voter unless he has resided in Western Australia for twelve months.

14. THE claim must be signed by the claimant with his own hand, in the presence of, and be declared before, and attested by, any one of the following persons, namely:—A Justice of the Peace, a Notary Public, a Warden or Registrar of any Goldfield, a Mining Registrar, a Licensed Surveyor, a Clerk of Petty Sessions, an Electoral Registrar, the Head Male Teacher of a Government School, an Inspector, Sub-Inspector, or Sergeant of Police, or Officer in charge of any Police Station, or a Postmaster, each of whom is hereby authorised to take such declaration.

Declaration and attestation.

15. THE Justice or other person attesting the claim shall, if he is not personally acquainted with the facts, satisfy himself by inquiry from the claimant or otherwise that the answers to the questions are true, and shall sign at the foot of the claim a certificate in the following form, or to the like effect, that is to say:—

Justice to certify.

I , J.P. [or as the case may be] hereby certify that the above-named A.B. has satisfied me, after full inquiry, that he possesses the qualification above stated.

16. ANY Justice or other person who signs any such certificate, without personal knowledge or full inquiry from the claimant or otherwise, shall be liable on summary conviction to a penalty not exceeding Fifty pounds, and on such conviction shall be incapable of being or acting as a Justice, or of being registered as an elector or voting at any Parliamentary election for the period of two years from the date of the conviction.

Duty of Justices.

Penalty.

17. NO mortgagee of any lands or tenements shall be qualified to be registered as a voter in respect of any mortgage estate unless he shall be in actual possession or in receipt of the rents and profits

Mortgagees and Trustees.

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thereof; but the mortgagor in actual possession or in receipt of the rents and profits thereof shall be qualified to be registered in respect of the same, notwithstanding such mortgage. No trustee of any lands or tenements shall in any case be qualified to be registered as a voter in respect of any trust estate; but the *cestui que trust* in actual possession or in receipt of the rents and profits thereof, though he may receive the same through the hands of the trustee, shall be qualified to be so registered notwithstanding such trust.

Notice to be sent by Electoral Registrar to Returning Officer and name to be erased from roll.

18. IF it appears from the claim that the claimant is registered in respect of the qualification of residence for some other Electoral District or Districts, the Electoral Registrar shall forthwith send notice of the claim to the Electoral Registrar or Registrars and Returning Officer or Officers of the District or Districts for which the claimant is so registered, and such last mentioned Registrar or Registrars and Returning Officer or Officers shall forthwith erase the name of the claimant from the roll or rolls of such District or Districts, and such Registrar or Registrars shall send him notice that his name has been so erased.

Objections by Electoral Registrar.

Claimants may be called on to prove their claims.

19. (1.) IT shall be the duty of the Electoral Registrar to make full and careful inquiries with respect to the qualifications of all persons who claim to have their names inserted in an Electoral Roll.

Objections by Registrar.

(2.) If the Electoral Registrar, upon inquiry, has reason to believe that any claimant is not qualified to be registered as an elector, he shall send him a notice requiring him to attend and prove his qualification at the Quarterly Registration Court before which the claim will come for consideration, or at the next following Registration Court, and informing him that if he fails so to attend, either in person or by agent, and to prove his qualification, the claim may be rejected.

Claimant to appear and prove qualification.

(3.) At the Court at which the claimant is so required to attend, he must appear either in person or by agent, and must prove his qualification orally by the oath of himself or some witness competent to depose to the facts from his own knowledge. And if he fails so to appear and prove his qualification the claim shall be rejected.

4. Quarterly Rolls—Claims.

Quarterly Registration Court.

20. (1.) AT ten o'clock in the forenoon on the first Tuesday in the months of July, October, January, and April respectively in every year, the Registration Court in each District shall sit for the

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purpose of adjudicating upon claims to registration on the Electoral List of the District and the Electoral List of the Province, and every such Court shall be called a "Quarterly Registration Court."

(2.) If within two hours after the time appointed for the sitting of the Court, or after the time to which the Court is adjourned as hereinafter mentioned, the Court shall not be duly constituted, the Electoral Registrar shall from time to time adjourn the Court to a future day. Provided that the April sittings of the Court shall not be adjourned to any time later than the tenth day of that month.

21. TEN days' notice of the sitting of every Quarterly Registration Court shall be given by the Electoral Registrar of the District by advertisement in some newspaper usually circulating in the District. Notice of sitting.

22. (1.) THE Electoral Registrar shall produce every claim at the next following sitting of the Quarterly Registration Court. Claims to be produced at Court.

(2.) The declaration contained in any claim shall be taken as *prima facie* evidence of the qualification claimed.

(3.) When any claim is rejected by the Court the Chairman shall endorse on it the cause of rejection, and the Electoral Registrar shall forthwith transmit, by post or otherwise, to the person making the claim a notice specifying the cause of rejection.

23. (1.) ANY person entitled to have his name inserted in an electoral list may appear personally before a Quarterly Registration Court, and there make his claim and prove his qualification orally before the Court. Oral application.

(2.) Such person must answer the same questions as are hereinbefore prescribed to be answered by claimants who make written claims, and the same consequences shall ensue as are provided by Section eighteen of this Act. Section 18.

24. THE name of every person whose claim shows to the satisfaction of the Court that he is qualified to be registered as an elector for the Province or District, or who proves his qualification orally before the Court, shall be then and there entered and registered in the form following in a book to be kept by the Electoral Registrar in respect of electors for the Province, or in a similar book to be kept by him in respect of electors for the District [as the case may require]. Names to be entered in separate Registers for the Province and District.

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ELECTORAL REGISTER BOOK FOR THE

ELECTORAL PROVINCE

[OR DISTRICT].

List of names of persons who have claimed to be registered as electors
this day of 18 .

Christian name and Surname.	Residence.	Qualification.	Situation of Property in respect of which qualification arises.

And every name so entered shall be initialled by the Chairman of the Court.

Quarterly Electoral
List to be compiled
and exhibited.

25. (1). AFTER the holding of every Registration Court the Electoral Registrar shall forthwith make out a correct list, to be called the "Quarterly Electoral List," of all the names registered at such Court as voters for the Province, and a similar list in respect of the District, in a form similar to that of the Register Book, and shall, not later than fourteen days after the sitting of the Court, in the months of July, October, and January respectively, cause a copy of each such list to be exposed to public view at his office and at such post office or other place or places as the Minister may direct, and each such list shall remain so exposed until the holding of the next subsequent Registration Court.

(2.) Any person may peruse at all reasonable hours, except on Sundays, Christmas Day, and Good Friday, and every Bank holiday, any claim sent in by any person whose name appears in any such Quarterly List.

Objections.

26. OBJECTIONS may be made against any person whose name is inserted in a Quarterly List. Every such objection must be sent to the Electoral Registrar, and to the person objected to, at his address, as inserted in such list, fourteen days before the sitting of the next subsequent Court, and may be made by the same persons, and in the same form, and subject to the same conditions as hereinafter prescribed with respect to objections against persons whose names are inserted in the Annual Lists.

Persons objected to
must prove their
qualification.

27. WHEN an objection is duly made against the retention of the name of any person in an Electoral List, whether Quarterly or Annual, the person objected to must appear either in person or by agent at the Registration Court at which the list is revised, and must prove his qualification orally by the oath of himself or some witness competent to depose to the facts from his own know-

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ledge; and if he fails so to appear and prove his qualification, the objection may be allowed, and his name expunged from the list.

28. THE Registration Courts held in the months of October, January, and April respectively shall revise the lists of names registered at the last preceding Registration Court, and in so doing shall be governed by the provisions hereinafter contained with respect to the annual Court, so far as the same are applicable.

Quarterly Lists to be settled by Court.

Provided that no person whose name appears on any Electoral Roll already in force in a Province or District shall be retained as an elector in any revised Quarterly List for the same Province or District.

29. (1.) THE Chairman of the Court shall forthwith deliver the Quarterly List for the District so revised to the Electoral Registrar for the District, and the Quarterly List for the Province so revised to the Returning Officer of the Province.

Quarterly Electoral Rolls.

(2.) The Electoral Registrar shall, without delay, cause to be made out from the list so received by him in alphabetical order a roll of the electors for the District, whose names appear on such list in the form heretofore prescribed with respect to the Annual Roll for the District, and shall forward such roll to the Returning Officer of the District, who shall sign the same. Such roll shall be called a "Quarterly Electoral Roll" for the District.

(3.) The Returning Officer shall examine the several Quarterly Lists of the Electors for the whole Province received by him, or so many as he has received, and ascertain what names are entered more than once in such lists. Having made such examination, he shall expunge from such lists any name entered a second time, and, then without delay compile in alphabetical order a roll of the electors for the Province whose names appear on such list in the form heretofore prescribed with respect to the Annual Roll for the Province, and shall sign the same. Such roll shall be called a Quarterly Electoral Roll for the Province.

(4.) The numbering of the names in regular arithmetical order, as hereinbefore prescribed, shall be continued throughout the Quarterly Electoral Rolls, so that the number set against the first name appearing upon any Quarterly Roll shall be the number immediately succeeding that which is set against the last name appearing on the Annual Roll or last preceding Quarterly Roll, as the case may be.

(5.) A sufficient number of copies of such rolls shall be printed or written, and if a roll is printed by other than the Government Printer twenty copies thereof shall be forthwith sent to the Minister.

5. *Annual Lists.*

30. (1.) BETWEEN the first and last days of February in each year every Electoral Registrar shall examine the Electoral Rolls then in force for the Province and District respectively, and also the Quarterly Electoral Lists for January then last past, and after inquiry of the residents in the District, and the inspection of the lists of ratepayers of any local authority furnished as aforesaid, lists of lessees and licensees of Crown lands, and any other documents accessible to him, shall place the word "dead" against the name of every person named in any such roll or Quarterly List whom he has reason to believe to be dead, the word "left" against the name of every person whose qualification is residence whom he has reason to believe has left the District, and the word "disqualified" against the name of every person whom he has reason to believe has no qualification or to be disqualified.

Rolls to be marked.

Dead.

Left.

Disqualified.

Notices to be sent to persons proposed to be omitted.

(2.) He shall thereupon forthwith send by post a notice addressed to every such person at his usual or last known place of abode, informing him that it is intended to omit his name from the Electoral Roll or Rolls unless his qualification is proved on oath or otherwise made to appear to the satisfaction of the Registration Court for revising the annual lists to be still subsisting.

List of persons proposed to be omitted by Electoral Registrar to be published.

31. THE Electoral Registrar shall also make out a correct list of the names of all persons against whom he so places the word "dead," "left," or "disqualified," showing the word so placed against each name, and shall expose a copy of such list to public view at his office, and at such post office or other place or places as the Minister may direct, and such list shall remain so exposed until the holding of the Registration Court for revising the annual lists.

There shall be prefixed to such list a notice in the following form, or to the like effect:—

NOTICE.—The name of any person included in this list, whose qualification is not proved on oath or otherwise made to appear to the satisfaction of the Registration Court for revising the annual lists to be held at [the Court House or other place] at
on the day of next
at o'clock in the forenoon, to be still subsisting,
will be omitted from the Electoral Roll.

Or the statement of whose residence is to be altered.

32. WHEN the Electoral Registrar has reason to believe that any person named in a roll, whose qualification is residence, has changed his residence, but has not left the Electoral District, he shall write against the name of such person the words "changed residence," and in such case he shall send by post to such person, at his usual or last known place of abode, a notice informing him that the

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statement of his place of residence is intended to be altered in the roll, and in case the Electoral Registrar has reason to believe that such person has gone to reside in another district, he shall forthwith report the fact to the Electoral Registrar of that district.

33. (1.) THE Electoral Registrar of every Electoral District shall, on or before the last day of February in every year, from the Rolls and Quarterly Electoral Lists for January, so marked and the notices received from other Electoral Registrars and from the lists of Ratepayers received from the Local Authorities and including every name thereon, make out a list of all persons appearing to be qualified in the Electoral District to vote for a member to serve in the Legislative Council, and another list of all persons appearing to be qualified in the said District to vote for a member to serve in the Legislative Assembly, but with the word "dead," the word "left," the word "disqualified," as the case may require, against every name of a person who is believed to be dead, or to have left the district, or to have no qualification, or to be disqualified, and the words "changed residence from this District," or "changed residence within this District," as the case may be, against the name of every person who is believed, or reported as aforesaid, to have so changed his residence.

Registrar to prepare
Electoral Lists.

Lists to be marked
by Registrar.

(2.) No person's name shall appear more than once on either of the said lists to be made out by the Electoral Registrar as aforesaid.

Voter's name to
appear only once.

34. SUCH lists shall be alphabetical, and shall be in the following form:—

LEGISLATIVE [COUNCIL or ASSEMBLY].

ANNUAL ELECTORAL LIST.

List of persons appearing to be qualified to Vote at the Election of Members of the Legislative [Council or Assembly] for the Electoral District of
Dated this day of 18 .

Form of Annual List.

A.B.,
Electoral Registrar.

No.	Surname and Christian Name.	Age, if known.	Place of Abode.	Occupation.	Particulars of Qualification.
1	Adam, James ...	21	Hay St. W., Perth	Bootmaker	£10, Householder
2	Barker, John ...	32	Murray St., Perth	Gunsmith	Voter for Municipality of Perth
3	Cameron, Alex- ander	45	Blackboy Hill, Wanneroo	Farmer .	Voter for Perth Road Board
4	Drew, David ...	50	East Perth ...	Labourer	Residence
5	Eagle, Joseph ...	35	Collie River ...	Farmer...	Freehold
6	Ferguson, John	25	Guildford Road	Farmer...	Leasehold
7	Garfield, Thomas	36	Mulga ...	Grazier...	Crown Lessee (or Licensee)

And such lists shall be the Annual Electoral Lists for such District.

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Supplementary list.

35. THE Quarterly Electoral Lists compiled in the month of April in each year as hereinbefore provided shall be the Supplementary Annual Electoral Lists for the District.

Lists obtainable on payment of fee.

36. THE Electoral Registrar shall forthwith cause copies to be printed or fairly written of such lists, and shall deliver a copy to any person requiring the same on payment of a fee calculated at sixpence for every hundred names on a printed copy, and at threepence per folio of seventy-two words for every written copy.

Lists to be open for inspection.

37. THE Electoral Registrar shall, not later than the first day of March in every year, in the case of the Annual Lists, and not later than the tenth day of April in the case of the Supplementary Lists, expose for public inspection a copy of every such list at his office, and at such other place or places as the Minister may direct, and the Annual Lists shall remain so exposed for a period of not less than thirty days, and the Supplementary List for a period of not less than fifteen days.

Objections by Electors.

Objections to names on List.

38. ANY person named in any Electoral Roll for the time being in force in any Province or District objecting to any other person as not entitled to have his name retained on any Electoral List for such District, may, on or before the first day of April in every year in the case of the Annual Lists, and on or before the twenty-fifth day of April in the case of the Supplementary Lists, give or transmit by post to the Electoral Registrar a notice in writing according to the following form:—

Notice to Registrar.

To the Electoral Registrar for the District of

I hereby give you notice that I object to the name of C.D. being retained on the Legislative [Council or Assembly] Electoral List for the Electoral District of , on the following grounds, viz. :—

Dated

(Signed) A.B.

Such notice shall be accompanied by the sum of two shillings sterling for each objection, which sum shall be returned or otherwise dealt with as hereinafter provided.

The objector shall also, within the time limited as above, give or transmit by post to the person objected to, at his address as inserted in the list, a notice in writing according to the following form:—

Notice to person objected to.

To C.D.

I hereby give you notice that I object to your name being retained on the Legislative [Council or Assembly] Electoral List for the Electoral District of , on the following grounds, viz. : and that you are required to appear either in person or by agent at the Revision Court to be held at , on ,

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and prove your qualification orally by the oath of yourself or some other competent witness, and if you fail to do so your name may be expunged from the Electoral List.

Dated the day of 18 .
(Signed) A.B.

39. (1.) THE Electoral Registrar shall include the names of all persons in the above-mentioned Annual Lists who are so objected to in a paper or papers, according to the following form:—

Public notice of objections.

LEGISLATIVE [COUNCIL or ASSEMBLY].

OBJECTIONS.

The following persons have been objected to as not being entitled to have their names retained on the Legislative [Council or Assembly] Electoral List for the Electoral District of

Dated the day of 18 .
A.B.,
Electoral Registrar.

Christian Name and Surname.	Residence.	Qualification.	Situation of Property in respect of which Qualification arises.

(2.) He shall cause a copy of such paper or papers to be kept affixed on the outer door of his office, and at such other place or places as the Minister may direct, during fourteen days at the least, beginning on the fifteenth day of April then instant, and shall, on the thirtieth day of April, add thereto the name of every person on the Supplementary List who is so objected to, and such paper shall remain exposed to public view until the day appointed for holding the Registration Court, as hereinafter provided.

(3.) He shall also keep a copy of every such paper, and allow it to be perused and copied by any person without payment of any fee at all reasonable hours every day (except on Sundays, Good Friday, Christmas Day, and every Bank Holiday) while the paper remains so exposed to public view.

6. *Revision of Lists.*

40. (1.) A REGISTRATION Court for revising the Annual Lists shall be held in every year for every Electoral District at ten o'clock in the forenoon on the third Tuesday in the month of May.

Registration Court to be held.

(2.) If within two hours after the time appointed for holding the Court, or after the time to which the Court is adjourned as herein-after mentioned, the Court shall not be duly constituted, the Electoral

Adjournment by Registrar.

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Registrar may from time to time adjourn the Court to a future day. He shall forthwith give public notice of every such adjournment by advertising the same in the nearest newspaper, or otherwise

By Court.

(3.) The Court may adjourn from time to time, and an adjourned Court, whether adjourned by the Registrar or the Court itself, if held at any time within one month after the time appointed, shall be deemed to be duly held at the time appointed for holding the same.

Governor may ratify proceedings of Court.

(4.) Provided that if the Court is not held at the time appointed, the Governor may approve of and ratify the proceedings of the Court, if it is held at any time within one month after the time so appointed, and the lists revised by a Court so held shall be deemed to be as valid as if the Court had been held at the appointed time.

Proceedings thereat.

41. THE Electoral Registrar, or if he is unavoidably absent then some person appointed by him for the purpose, or acting in his behalf, shall at the opening of the Court produce all the lists compiled by him, together with the rolls marked as hereinbefore provided, and also a copy of the papers containing the names of persons objected to as aforesaid, and the lists of ratepayers so transmitted to him as aforesaid, and all communications received from persons to whom notices have been sent by him, as hereinbefore prescribed, and the Court shall proceed to settle and revise such lists, and in so doing shall be guided by this Act, and the following directions and provisions:—

- (1.) The Court shall inquire into every case in which the Electoral Registrar has placed against the name of any person the word “dead,” “left,” or “disqualified,” and the Chairman shall expunge from the list or lists the name of every such person whose qualification is not proved on oath to the satisfaction of the Court to be still subsisting, unless the Court is otherwise satisfied as to the qualification.
- (2.) The Court shall also inquire into and adjudicate upon all objections duly made under this Act; and if any such objection is substantial and proved to their satisfaction, or if the person objected to does not appear in person or by agent, and prove his qualification orally by the oath of himself or some witness competent to depose to the facts from his own knowledge, the Court unless it is otherwise satisfied as to the qualification, shall expunge from the list or lists the name of the person objected to.
- (3.) The Court may and shall correct any mistake or supply any omission which appears to have been made in the

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lists in respect of the Christian name or surname, or address or abode of any person included therein, or the nature or local description of his qualification.

- (4.) The Court may enter on the list or lists the name of any person who has duly transmitted to the Electoral Registrar a claim in the form or to the effect prescribed by this Act, if the name of such person has been omitted by the Registrar, and if the Court is satisfied that such person was at the time he made his claim entitled to have his name inserted on such list or lists.
- (5.) The Court may call for and inspect any claim made by any person whose name appears on any list, and if from such claim it appears that the person claiming was not at the time he made his claim entitled to have his name inserted on such list or lists the Court may expunge his name therefrom, although no objection has been made to such claim.
- (6.) No person's name shall be inserted by the Court in any list or lists, nor shall any name be expunged therefrom, except as hereinbefore provided.
- (7.) The Chairman shall, in open Court, write his initials against every name struck out or inserted, and against any part of any list in which any mistake is corrected, and shall sign his name to every page of the lists so revised, and no alteration in a list shall be valid unless so initialled.
- (8.) When a person whose name appears on a list or roll has ceased to hold the qualification stated in the list or roll, but has another qualification entitling him to have his name entered on the list or roll, he may attend at the Court and prove such other qualification, or make and send to the Electoral Registrar a claim in the form hereinbefore prescribed for making claims, and every such claim shall be produced to the Court. The Court shall correct the statement of the qualification of any such elector accordingly.

42. NO person shall be entitled to have his name entered more than once upon any Electoral List or lists for the same Electoral District or Electoral Province, notwithstanding that he may be possessed of more than one qualification within the district or province; and whenever it appears to the Court that any person is named more than once in an Electoral List for the same district or province he may state under which qualification he desires to remain

No person to have his name more than once on list.

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on the list, but if he fails to state his preference, then the Court shall retain that entry of his name which on a comparison of the rolls for the District or Province appears to have been last made.

43. THE Court shall have the same powers as any two Justices in Petty Sessions to summon and examine witnesses, and to compel the production of any books or documents relating to any matter necessary for revising any list, in the same manner and by like process as any Justice by any law now or hereafter to be in force is or shall be authorised or empowered to do in cases of summary convictions or orders. And every person to whom any summons is so issued shall be entitled and subject to the same rights and liabilities in all respects as if the summons had been issued on behalf of a prosecutor, complainant, or defendant in a case of summary conviction.

Power to summon witnesses.

Compilation of Rolls.

44. (1.) THE Registration Court shall complete the settlement and revision of the Electoral List for the District and of the list for that part of the Province comprised within such District, and the Chairman of the Court shall sign and deliver the first of such lists to the Electoral Registrar for the District, and the second to the Returning Officer of the Province.

Completion of Electoral Lists.

(2.) The Electoral Registrar shall cause the list for the District to be written or printed in alphabetical order, and shall, on or before the fifth day of June in each year, forward such list to the Returning Officer of the District, who shall sign the same. Such list shall be the Electoral Roll for the District.

District Roll.

(3.) The Returning Officer shall examine the several lists of the electors for the whole of the Province received by him, or so many as he has received, and ascertain what names are entered more than once in such lists. Having made such examination he shall expunge from such lists any name entered a second time, and then, on or before the Fifteenth day of June in each year, compile in alphabetical order, a roll of the electors of the Province, and shall sign the same.

Provincial Roll.

(4.) A sufficient number of copies of such rolls shall be printed or written; and, if a roll is printed by other than the Government Printer, twenty copies thereof shall be forthwith sent to the Minister.

As to both Rolls.

(5.) Such rolls shall be called the "Annual Electoral Rolls," and shall be in the following form:—

Form of Roll.

LEGISLATIVE [COUNCIL or ASSEMBLY].

THE ELECTORAL [PROVINCE OR DISTRICT] OF
Annual Electoral Roll of persons qualified to Vote for the Election of
Members of the Legislative [Council or Assembly] during the year commencing

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the first day of July, 18 , for the Electoral [Province or District] of
for which I am Returning Officer.

Dated this day of

189 .

(Signed) A.B.,
Returning Officer for

No.	Surname and Christian Name.	Age, if known.	Place of abode.	Occupation.	Particulars of Qualification.
1					
2					
3					
4					
5					
6					

7. *Costs.*

45. IF in any case it appears to a Registration Court that any person has made or attempted to sustain any groundless or frivolous and vexatious claim or objection, the Court may order the payment by such person of the costs, or of any part of the costs incurred by such person in resisting such claim or objection, but no professional costs shall be awarded by a Registration Court. And in every such case the Court shall make an order in writing, specifying the sum to be paid, and by and to whom and when and where the same shall be paid, and in any such case the sum of two shillings deposited with any objection may be ordered to be applied in payment of such costs; but if any objection made is sustained, or no order for costs is made, the sum of two shillings so deposited shall be returned to the objector.

Costs in certain
cases.

46. (1.) IF the costs ordered to be paid by any objector exceed the amount deposited by him, and if any further sum of money so ordered to be paid by any person is not paid according to the terms of the order, the same may be recovered by distress and sale of the goods and chattels of the person so making default.

Costs may be
recovered.

(2.) When a person, the retention or insertion of whose name in an Electoral List is duly objected to, does not appear either in person or by agent at the Registration Court to support his claim to have his name so retained or inserted, costs shall not be awarded against him.

8. *Rolls.*

47. (1.) THE annual Legislative Council Roll, compiled as aforesaid, shall be the Roll of Electors entitled to vote in the Electoral

Duration of Rolls.

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Province at all elections of members to the Council held between the first day of July, inclusive, in the year in which the Roll was or ought to have been compiled, and the thirtieth day of June inclusive, in the next year, and the Annual Legislative Assembly Roll, compiled as aforesaid, shall be the Roll of electors entitled to vote in the said District at all elections of members to the Assembly held between the same days; and the said Rolls respectively shall, except as by this section is provided, be during that period conclusive evidence of the title of every person therein named to vote.

(2.) Every Quarterly Electoral Roll shall be deemed an addition to the Annual Electoral Roll, and shall, in like manner and except as aforesaid, be conclusive evidence of the title of each person therein named to vote during the then current year.

Provided as follows:—

Disqualifications
from voting.

(1.) Any person whose name is on a Roll at the time of an election, and who is then subject to any of the disqualifications mentioned or enumerated in Parts I. and II. of "The Constitution Act Amendment Act, 1893," shall be disqualified from voting.

(2.) No person whose name is entered on a Legislative Assembly Roll in respect of the qualification of residence shall be entitled to vote in respect of that qualification at any election for such district, unless at some time within nine months before the election he has been actually and *bonâ fide* resident therein for a period of one month.

(3.) No Returning Officer shall be entitled to vote at any election, except to give a casting vote as Returning Officer.

Old Rolls to
continue till new
Rolls complete.

48. IF in any year the roll or rolls for an Electoral District or Electoral Province is or are not regularly made out, or is or are not perfected, the roll or rolls for the preceding year shall wholly or in part, as the case may require, be used as the roll or rolls for another year.

Returning Officer to
give copies of Rolls.

49. THE Returning Officer for every Electoral Province or District shall deliver a copy of the roll or rolls for such Province or District to all persons applying for the same, on payment of a fee calculated at sixpence for every hundred names on a printed copy, and at threepence per folio of seventy-two words for every written copy.

Provision against
formal objections.

50. NO Electoral Roll shall be invalidated by reason only that it has been compiled either wholly or in part from any list or lists

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which has or have not been exposed, posted up, printed, kept, or published in the place or manner, or for the time herein required, for such purposes respectively, nor for any defect therein in form only.

PART III.—CONDUCT OF ELECTIONS.

1. *Appointment of Returning Officers and Duties.*

51. THE Governor shall from time to time appoint and may remove a Returning Officer for each Electoral District and for each Province.

Returning Officer.

52. IT shall be lawful for the Governor to appoint Deputy Returning Officers and such other additional officers in any Electoral District or Province as may appear necessary to ensure the carrying into effect the several provisions of this part of this Act.

Governor may appoint additional officers.

53. THE same person may be appointed Returning Officer or Deputy Returning Officer for any one or more Electoral Province or Provinces, and also for any one or more Electoral District or Districts.

Same person may be Returning Officer for several Provinces and Districts.

54. ANY and every person who may, under the provisions of this Act, be appointed a Returning Officer, or Deputy Returning Officer, or be appointed to any other office under this Act, shall, before he enter on the performance of the duties of any such office, make and subscribe the following declaration before any Justice of the Peace for this Colony or its Dependencies:

Declaration to be made by officers before entering on duties.

“I, A.B., do hereby declare that I accept the office of _____, and I do hereby promise and declare that I will faithfully perform the duties of the same to the best of my understanding and ability.”

And the Justice of the Peace before whom any such declaration shall be made is hereby required to transmit the same by the first convenient opportunity to the Clerk of the Legislative Council or of the Legislative Assembly, as the case may be.

55. ELECTORAL Writs may be framed in any manner and form which shall be sufficient for carrying the provisions of this Act into effect.

Form of Writs.

56. EVERY Electoral Writ shall be directed to the Returning Officer of the District or Province in which the election is to be held, and shall name a reasonably distant day for the return to the said writ. The issue of Electoral Writs, together with the days fixed for their return, shall be notified in the *Government Gazette*.

Writs to be addressed to Returning Officer, &c.

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57. THE place and date of nomination and the date of taking the poll, if any, for each Electoral District or Province for the election of a member or members for the Legislature shall be named in the writ.

Places of nomination.

58. IT shall be sufficient to telegraph an election writ and the return thereto, copies thereof, and notices required to be given by this Act, also the result of the election and return to the writ.

Writs, &c., may be telegraphed.

(a.) If the writ for an election be telegraphed to the Returning Officer he shall, when the result of the election is known, endorse the result on such telegraphed copy and make return thereof as of the writ for the candidate's election.

(b.) Scrutineers and agents to attend at the polling-place may be appointed by telegram.

(c.) The transmission by telegraph of a writ or of the return thereto and of any other document authorised by this Act to be telegraphed shall be subject to the provisions as to documents in the first and second sub-sections of the fourth section of "The Telegraphic Messages Act, 1874."

Provided that the words "in the presence and under the inspection of some Justice of the Peace or Notary Public," occurring in the said first sub-section, and the words "and under the supervision of a Justice of the Peace or Notary Public," occurring in the said second sub-section, shall not apply to the transmission of any document authorised by this section to be telegraphed.

59. IN case telegraphic or other communication be interrupted or delayed, it shall be lawful for the Governor, or other person issuing the writ, from time to time at his discretion, to extend the time appointed for the return of an election writ. Provided that any such extension of time be duly notified in the *Government Gazette*.

Provision in case of interruption of telegraph.

60. (1.) IT shall be the duty of the Returning Officer, so soon after the receipt of the writ as possible, to publish by any available means, whether by advertisement in the *Government Gazette* or in a newspaper circulating in the district, by placards, or otherwise, the fact of the receipt by him of the writ, the day for the nomination, and the day on which the polling shall take place in the event of more candidates than the number of candidates to be returned being duly nominated on the day appointed for the nomination, and the place, or, if more than one, the places at which the poll will be taken.

Duty of Returning Officer on receipt of writ.

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(2.) The Returning Officer may thereafter appoint any other place or places at which the poll will be taken, either in addition to, or in substitution for any place or places already appointed, and may at any time cancel and annul any such appointment. Provided that every place appointed for the taking of the poll or cancelled or annulled as aforesaid shall be notified by the Returning Officer by publication, as aforesaid, three clear days prior to the day of election.

61. THE polling-place at the place named in the writ as that at which the election is to be held shall be the "Central Polling-place;" other polling-places shall be "District Polling-places."

Polling-places and District Polling places.

2. Nomination.

62. NO person shall be qualified to be a candidate at any election of a member to serve in the Legislature, unless by the time appointed for nomination as hereinafter mentioned he shall have given notice by the delivery or telegraphing of a nomination paper to the Returning Officer for the District or Province, as the case may be, of his intention to become a candidate, which notice shall be signed by such person or his agent. Provided that no such notice shall in any case be received by the Returning Officer, nor shall it be of any force or validity, unless it be accompanied by a deposit of Twenty-five pounds to be applied by the Returning Officer as hereinafter mentioned. Such deposit, if not made in current coin, may be made by a deposit receipt from a bank in favour of the Returning Officer, or by a certificate from the Colonial Treasurer that the sum aforesaid has been deposited with him for the purposes of this section, which deposit receipt or certificate may be telegraphed to the Returning Officer.

Notice to be given and deposit made by intending candidates at elections.

63. IT shall be lawful for the Returning Officer to receive any name of a person nominated as a candidate, up to the expiration of the time appointed as hereinafter mentioned on the nomination day for the purpose of receiving nominations.

Candidate may be nominated up to end of appointed time on nomination day.

64. AT noon on the day of nomination the Returning Officer for the District or Province, as the case may be, shall attend at the place of nomination, being the chief polling-place, for the space of two hours, during which time nomination papers may be received by him, and at the end of the two hours he shall publicly produce the several nomination papers he shall have then or before received in respect of the election and give notice of the names of the persons nominated.

Notice to be given of candidates for Legislative Assembly.

65. IN case there shall be no more candidates duly nominated than the number of members to be returned, the Returning Officer

If no contest, candidate to be declared elected.

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shall declare the candidate or candidates so nominated to be duly elected, and make his return to the writ accordingly.

If contest, notice to be given.

66. IN case more candidates shall be duly nominated than the number of members to be returned, the Returning Officer shall give notice thereof and of the names of the candidates so nominated.

3. Preparation for Poll.

Preparations to be made for taking poll at elections.

67. WHEN the Returning Officer for any District or Province shall have received due notice from a larger number of persons proposing to be candidates at such election than the number of members to be returned, such Returning Officer shall make preparations for taking the poll both at the central and district polling-places within the District or Province (that is to say):

1. He shall by writing under his hand appoint some fit and proper person or persons to preside at each of the District polling-places within the District or Province; provided that in no case shall he appoint as Presiding Officer any person who has been employed by any other person in or about the election.
2. He shall furnish each polling-place with a copy of the Electoral Roll for the District or Province, as the case may be, certified under his hand to be a correct copy; also with a proper ballot-box, which shall be a box of sufficient size provided with a lock and key, and with a slit in the lid capable of receiving one of the ballot papers hereinafter mentioned. The Returning Officer shall also furnish each polling-place with a sufficient number of ballot papers. Each such ballot paper shall have a number printed or written on the back, and shall have attached a counterfoil with the same number printed or written on the face. Such ballot paper shall contain on its face the Christian and surname of each candidate, arranged alphabetically according to such surnames, and if there are two candidates of the same surname, then according to the Christian names of such candidates: And no other matter or thing shall be inserted on the face of such ballot paper. And such ballot papers and counterfoils shall be in the form given in the Second Schedule hereto.

Second Schedule.

Several polling-booths at the same polling place.

68. (1.) WHEN a larger number of electors is likely to vote at a polling place than can conveniently vote in the same polling-booth, the Returning Officer may appoint two or more polling-booths at

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that polling place, and shall in such case appoint presiding officers to take the poll at the polling-booths at which he does not himself preside.

(2.) All the provisions of this Act, relating to presiding officers, shall apply to presiding officers, presiding at such polling-booths.

69. THE Returning Officer, and each Presiding Officer with the approval of the Returning Officer, may appoint one or more persons to be a poll clerk or poll clerks to assist him in taking the poll.

Poll Clerks.

70. (1.) IN case any Returning Officer or other Presiding Officer is prevented from attendance by illness or other sufficient cause, 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 this principal, but at his polling place only.

Substitute may be appointed by Returning Officer.

(2.) If by reason of the absence of the Presiding Officer the poll is not taken at any polling place, the election shall not be therefore void, but it shall be lawful for the Returning Officer to appoint another day not later than thirty days from the day named in the writ for taking the poll at such polling place, of which appointment due notice shall be publicly given, and the poll shall be taken accordingly and be deemed to have been taken on the day first appointed.

Absence of Returning Officer or Presiding Officer or substitute not to invalidate election.

71. THE "Directions to Voters" contained in the Third Schedule hereto shall be printed in conspicuous characters, and placarded outside and inside every polling place on the day of the election.

Certain directions to voters to be placarded on polling places. Third Schedule.

4. The Polling.

72. ON the day appointed for the polling, the Returning Officer shall preside at a meeting to be holden at ten o'clock of the forenoon at the central polling place of the District or Province, and shall declare the purpose for which such meeting is held, and shall then announce to the meeting the names of the persons who have duly become candidates at such election; and the Returning Officer shall announce that a poll is to take place at once to determine the said election, and the same shall commence accordingly.

Procedure at central polling place on day of election.

73. THE polling shall take place at the central polling place before the Returning Officer himself as Presiding Officer, and, at any district polling places, before the Presiding Officers appointed as hereinbefore mentioned. The polling shall commence at the

Poll to be taken by Presiding Officer.

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Hours of polling.

Who to be allowed
within polling
places.

central polling place in accordance with the provisions of the next preceding section and at the district polling places at the hour of ten in the forenoon, and shall at each place close at six o'clock in the afternoon of the same day. The only persons who shall be allowed to be within any polling place during the taking of the poll shall be the Presiding Officer with his clerk (if any), a person appointed in writing by each candidate as a scrutineer to watch his interests, the voters about to vote, and such police constable or constables as the Presiding Officer may deem necessary for enforcing order ; but no such scrutineer as aforesaid shall be allowed to communicate with the voters while in the said polling-place, nor shall the said scrutineers be allowed to sit in the said polling-place anywhere where they can see anything that is put on any voting paper either by the Presiding Officer or by any voter.

Procedure in taking
the poll.

74. THE voting shall be by ballot. The Presiding Officer at any polling-place shall, immediately before proceeding to take the poll, exhibit the ballot-box empty, and shall then lock the same and take the key out, and shall then keep the said box and the said key in his own charge until the close of the poll. Every person who shall be qualified and entitled to vote, and who shall be desirous of voting, shall present himself to the Presiding Officer at any polling-place or district polling-place, and shall state his name and address ; and if such Presiding Officer finds that the name of such person is on the Electoral Roll, he shall be entitled to ask him the questions hereinafter mentioned, and if such questions are answered satisfactorily, or if such questions are dispensed with, the Presiding Officer shall take a ballot paper (as hereinbefore mentioned) and having written his own initials on the back thereof, and having written on the counterfoil the name of the proposed voter on the Electoral Roll, and having further made a mark against the name of such person on the Electoral Roll to signify that a ballot paper has been given to such person, shall give such paper to the voter, and the voter having received the said paper shall retire to a compartment screened from observation, but within the said polling-place, to be provided for that purpose, and there alone and in private, without interruption, indicate the name of any candidate or candidates for whom he votes by drawing a line or lines through the name of each candidate for whom he does not vote, and shall then fold the said paper so as to show the initials of the Returning Officer on the back, and shall then deliver it so folded to the Presiding Officer, who, on seeing that such paper contains his own initials, shall, without opening the same, deposit it in the ballot-box aforesaid. And no voting paper deposited in such box shall on any account be taken therefrom until after the close of the polling as hereinafter mentioned. No voting paper shall be received unless it be folded so as to show the Presiding Officer's initials, and at the same time to

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render it impossible for the Presiding Officer or any other person to see for which candidate or candidates the vote is given.

75. (1.) IT shall be lawful for any person being qualified to vote for any Electoral District or Province, except in respect of a residence qualification for a District, who, prior to the day fixed for any election in such District or Province shall be within any other District or Province, or who shall reside more than thirty miles from a polling place for the District or Province for which he desires to vote, to go before a Resident or Police Magistrate, or some other person duly appointed by the Governor by notice in the *Government Gazette* as a person authorised to take votes at elections, and demand to be allowed to vote for the Electoral District or Province for which he is qualified to vote, as aforesaid; and the said Resident or Police Magistrate or appointee as aforesaid shall then write the name of the Electoral District or Province for which such person desires to vote, and also the name and address of such person, and the date, on two counterfoils, each of which shall be marked with the same number, and shall, having signed his name on the back of a ballot paper, give the same to such elector; and on the face of such ballot paper the said Resident or Police Magistrate or appointee as aforesaid shall write simply the name of the Electoral District or Province for which the voter proposes to vote, and on the back shall be a number corresponding to the number upon the aforesaid counterfoils; and the voter having received the said paper shall then write thereon the name of the candidate or candidates for whom he votes, and shall then fold it up, and in the presence of the said Resident or Police Magistrate, or appointee as aforesaid shall put the same into an envelope; and the said Resident or Police Magistrate, or appointee as aforesaid shall then put one of the corresponding counterfoils into a separate envelope, and shall seal up each such envelope, and shall write the words "Ballot Paper" on both sides of the envelope containing the ballot paper, and the word "Counterfoil" on both sides of that containing the counterfoil, and shall then himself send both envelopes, enclosed together in a second envelope, by post or otherwise to the Returning Officer.

Method of voting for persons living out of the district or beyond thirty miles of a polling place.

(2.) The Returning Officer, on receipt of any such envelopes, shall, without opening them, retain them in his possession until the commencement of the poll, and shall, at any convenient time or times, during or immediately after the taking of the poll in the presence of the scrutineers, proceed to open the envelopes containing the counterfoils, and having made a mark on the copy of the Electoral Roll in use at his polling-place against the name of each person who appears by such counterfoils to have voted, shall keep such counterfoils in the same manner as the counterfoils of the ballot papers used by him at such election. Having thus dealt with the counterfoils, the Return-

Duty of Returning Officer with respect to ballot papers received from such persons.

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ing Officer shall proceed to open the envelopes containing the ballot papers, allowing the scrutineers the opportunity (if they desire it) of seeing that the seals of the said envelopes are intact; and as he takes out any ballot paper from its envelope, he shall, without opening the same, deposit it in the ballot-box.

(3.) Any person who shall have been to a Resident or Police Magistrate or appointee as aforesaid, for the purpose of voting under this section, and shall have complied with the provisions of this section, shall be deemed to all intents and purposes to have voted at such election, although the said envelopes, or either of them, may not have been sent to the Returning Officer, or although they or either of them have miscarried.

(4.) For all subsequent purposes, the Returning Officer shall treat any counterfoils and ballot papers received in accordance with the provisions of this section in the same way that he is required to treat counterfoils of ballot papers given by himself to voters and ballot papers received by himself from voters. The ballot papers and counterfoils to be used under this section shall be in the form given in the Fourth Schedule hereto.

Fourth Schedule.

(5.) Any voting paper shall be and shall be held to be in due and proper form so far as the name of a candidate is concerned, provided the name of the candidate for whom the voter desires to vote be lawfully indicated as aforesaid.

(6.) No elector whose name is on an electoral roll for an Electoral District in respect of a residence qualification, shall be entitled to vote under the provisions of this section, and, if he does so vote, his vote shall be rejected by the Returning Officer, and the ballot paper shall not be deposited in the ballot box.

Provision with
respect to ballot
papers inadvertently
spoilt.

76. A VOTER who has inadvertently dealt with his ballot paper in such manner that it cannot conveniently or properly be used as a ballot paper, may, on delivering to the Presiding Officer, Resident or Police Magistrate, or appointee, as the case may be, the ballot paper so inadvertently dealt with, and proving the fact of the inadvertance to the satisfaction of the Presiding Officer, Magistrate, or appointee as aforesaid, obtain another ballot paper in the place of the ballot paper so delivered up; and the said ballot paper shall be immediately cancelled and destroyed, and a memorandum of such cancellation and destruction endorsed on the counterfoil thereof.

Questions to Voters.

77. THE Presiding Officer may, if he think fit, and shall, if required by any candidate or scrutineer, put to any person claiming

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to be an elector, before a ballot paper is delivered to him and not afterwards, the following questions or either of them, that is to say:—

First.—Are you the same person whose name appears as (A.B. number) in the roll in force for this Electoral [Province or District] ?

Second.—Have you already voted either here or elsewhere at the present election for this Electoral [Province or District] ?

Third.—Are you disqualified from voting ?

And if such person claims to be an elector and to vote in respect of the qualification of residence, the following additional questions, that is to say:—

Fourth.—Have you been within the last nine months *bona fide* resident for a period of one month within this Electoral District ?

Fifth.—Where was your residence ?

78. NO person required to answer the questions hereinbefore prescribed or any of them, shall be permitted to vote until he has answered the same in writing signed by him to the satisfaction of the Presiding Officer, and in such a manner as to show that he is entitled to vote, nor unless he answers the first and fourth of such questions in the affirmative.

Consequence of answers.

Any person required to answer the fifth of such questions shall do so with particularity, and in such a manner as to clearly indicate the locality of his residence.

79. THE Presiding Officer may, if he think fit, and shall, if called upon so to do by any candidate or scrutineer, require any person claiming to vote to make a solemn declaration against bribery in the form following:—

Declaration against bribery.

I [A.B.] do solemnly declare that I have not received or had by myself or any person whatsoever in trust for me, or for my use and benefit, or for the use and benefit of any member of my family or kindred, or any friend or dependent directly or indirectly, any sum or sums of money, office, place of emolument, gift, or reward, or any promise, or security, for any money, office, employment, gift or reward by way of consideration, either expressed or implied or understood, for giving my vote at this election.

And any person refusing to take the said declaration shall not be entitled to vote.

80. NO elector shall at any election be required to answer any questions or to take any oath, affirmation, or declaration, except as herein provided. And no person claiming to vote at any election

No other question of declaration necessary.

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shall be excluded from voting thereat except by reason of its appearing to the Presiding Officer upon putting the questions hereinbefore prescribed, or any of them, that he is not the person whose name appears on the roll, or that he has previously voted at the same election, or that he is otherwise not entitled to vote under this Act, or except by reason of such person refusing to answer any of such questions, or to make such declaration.

Ballot papers to be given to electors.

81. WHEN an elector has satisfied the Presiding Officer that he is entitled to vote at the election, the Presiding Officer shall deliver to him a ballot paper.

Penalty for not depositing ballot papers in ballot-box, and for taking them out of polling places.

82. (1.) IF an elector having received a ballot paper from the Presiding Officer attempts to leave the booth or polling-place without depositing the ballot paper in the ballot box in the manner herein provided, or to take the paper out of the booth or polling place, he shall be liable, on summary conviction, to imprisonment for any term not exceeding three months, or to a fine not exceeding Fifty pounds.

(2.) The Presiding Officer shall direct any person who is reasonably suspected of committing an offence against this section to be summarily apprehended and taken before a Justice to be dealt with according to law.

How elector may vote.

83. AN elector may vote for any number of candidates not exceeding the number of members then to be elected.

Procedure at District Polling places at close of the poll.

84. AT six o'clock the Presiding Officer at any District polling-place shall fasten up and seal the ballot box, so that it shall be impossible to take any paper out of the same without breaking the seals; and it shall also be lawful for the scrutineers in like manner to affix their seals on the said box; and such being done, the Presiding Officer shall at once enclose in a strong envelope the counterfoils of the ballot papers which have been used at the said District polling place, together with such ballot papers and counterfoils as were supplied to him for the purpose of the election and have not been used, and shall affix his seal thereto; and it shall be lawful for the said scrutineers likewise to affix their seals thereto. And the said Presiding Officer shall then with all possible despatch convey or send the said box to the Returning Officer, together with the copy of the Electoral Roll delivered to him as aforesaid, and the said sealed envelope containing the ballot papers and counterfoils as aforesaid.

5. Close of Poll and Return of Writ.

Procedure at Central Polling place at close of the poll.

85. AT the close of the poll at the Central polling-place, the Returning Officer shall in like manner fasten up and seal the ballot

box, and it shall be lawful also for the scrutineers as aforesaid to affix their seals to the same; he shall also put into a secure envelope the counterfoils of the ballot papers used by him at the said election, and shall seal the same, and it shall also be lawful for the candidates or their agents to affix their seals thereto. The Returning Officer shall then adjourn the proceedings until he has received the returns from all the District polling places. When he has received all such returns, he shall, having given notice to the candidates or their agents, proceed, in the presence of such candidates or their agents (if they choose to attend), to count the votes and ascertain the result of the poll. In so doing he shall open the ballot box used at any polling place, and, without examining the ballot papers, ascertain the number of ballot papers contained in such box, and make a memorandum of such number. He shall go on to do the like with respect to the ballot box used at each polling place. He shall then mix all the ballot papers up together and then proceed, from examination of the ballot papers, to ascertain the result of the poll. And in so doing it shall be lawful for the Returning Officer to reject, as null and void, any voting paper on which is written any matter or thing which is not justified by this Act to be written thereon, or by which any voter may purport to vote for more candidates than he is authorised to vote for; and he shall endorse on any ballot paper which he may reject, the word "rejected," and the Returning Officer shall be the sole judge as to whether any voting paper shall be rejected or not; Provided always, that his decision shall be subject to reversal on petition presented to the Court established under this Act for the hearing of election petitions. Any candidate or his agent may be allowed to inspect the face of any voting paper; but the Returning Officer shall not allow any such paper to go out of his hands. The Returning Officer having ascertained the result, shall then and there declare the name or names of the person or persons who shall have been duly elected at such election; and in the event of the number of votes being found to be equal for any two or more candidates, such Returning Officer may, whether his name be or be not on the Electoral Roll as a person entitled to vote for the District or Province by his casting vote or votes decide which of the said candidates shall be elected. Provided however, that no Returning Officer shall vote at any election for the Electoral District or Province of which he is the Returning Officer, except in the case of an equality of votes as aforesaid. Provided however, that it shall and may be lawful for any Presiding Officer (other than the Returning Officer), if duly qualified to vote at the election, to take his own vote in like manner, and subject to the same restrictions, as he would take the vote of any other qualified person

86. THE name or names of the person or persons declared by the Returning Officer to have been duly elected shall be inserted in

Names of persons
elected to be en-
dorsed on writ.

or endorsed on the election writ by the Returning Officer, and such writ shall be returned within the time for that purpose specified therein.

Duty of Returning Officer after the election.

87. THE Returning Officer shall forthwith after the said election make all the said ballot papers, together with the sealed envelopes containing the counterfoils as aforesaid, up into a parcel or bundle, and shall affix his seal thereto, and it shall be lawful for the candidates or their agents also to seal the same. He shall then proceed in private to examine the several certified copies of the Electoral Roll supplied to the various polling places, in order to ascertain whether any person appears to have voted more than once at the said election. He shall also proceed to compare the number of persons who appear by each copy of the Electoral Roll to have voted at the respective polling places with the number of ballot papers received from each of such polling places. The Returning Officer shall then forward the said sealed parcel of ballot papers and counterfoils, and the said copies of the Electoral Roll, to the Clerk of the Legislative Chamber to which the Election refers, who shall thenceforth have the care and custody of the same; but the said Clerk shall not inspect or allow inspection of the same or allow them to go out of his custody, except on the order of a Judge. And the Returning Officer shall at the same time also forward to the said Clerk a certificate under his hand, showing the number of persons who appeared to have voted at each polling place for the District or Province, and the number of ballot papers received from each polling-place, and the name or names of the person or persons (if any) who may appear to have voted more than once at the said election. And a copy of the said certificate shall be published in the *Government Gazette*.

6. *General Provisions.*

Adjournment of nomination or polling in case of riot.

88. WHEN the proceedings at any election shall be interrupted or obstructed by any riot or open violence, whether such proceedings shall consist of the nomination of candidates or of the taking the poll, the Returning Officer or the deputy of the Returning Officer shall not for such cause terminate the business of such nomination, nor finally close the poll, but shall adjourn the nomination or the taking the poll at the particular polling place or places at which such interruption or obstruction shall have happened, and, if necessary, shall further adjourn such nomination or poll as the case may require until such interruption or obstruction shall have ceased, when the Returning Officer or his deputy shall again proceed with the business of the nomination or with the taking the poll at the place or places at which the same respectively may have been interrupted or obstructed.

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89. If any person misconducts himself in the polling place, or fails to obey the lawful orders of the Presiding Officer, he may immediately, by order of the Presiding Officer, be removed from the polling-place by any constable in or near that place, or any other person authorised in writing by the Returning Officer to remove him; and the person so removed shall not, unless with the permission of the Presiding Officer, again be allowed to enter the polling place during the day. Any person so removed as aforesaid, if charged with the commission in such place of any offence, may be kept in custody until he can be brought before a Justice of the Peace. Provided that the powers conferred by this section shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling place from having an opportunity of voting at such place.

Keeping order in
polling place.

90. EVERY officer, clerk, policeman, or scrutineer in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting in such place; and shall not communicate, except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or number on the Electoral Roll of any elector who has or has not applied for a ballot paper or voted at that place; and no such officer, clerk, policeman, or agent, and no person whosoever, shall interfere with or attempt to interfere with a voter when making his vote, or otherwise attempt to obtain in the polling place information as to the candidate for whom any voter in such place is about to vote, or has voted, or communicate at any time to any person any information obtained in a polling place as to the candidate for whom any voter in such place is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at such place. Every officer, clerk, and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper. No person shall directly or indirectly induce any voter to display his ballot paper after he shall have marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

Infringement of
secrecy.

91. IN case that any candidate at any election shall fail to receive a number of votes equal at least to one-fifth part of the votes received by the successful candidate if only one, or by such one of the successful candidates, if there shall be more than one, as shall have received the smallest number of votes, the said sum of Twenty-five pounds deposited by such candidate in the hands of the Returning Officer, in pursuance of the provisions of the

Deposit made with
Returning Officer
under Section 60,
how to be dealt
with.

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sixty-second section of this Act, shall be forfeited by such candidate, and shall forthwith be paid by the Returning Officer to the Colonial Treasurer for the General purposes of the Colony. And after every election the Returning Officer shall pay to any successful candidate, and to any unsuccessful candidate who shall have so received a number of votes equal at least to one-fifth part as aforesaid, the sum of Twenty-five pounds deposited by him as aforesaid.

Election not to be questioned.

92. 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 the omission of any Returning, Presiding, or other Officer to make any declaration required of him under the provisions of this Act, 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.

Errors of form not to vitiate election.

93. NO election shall be held to be void in consequence solely of any delay of any of the stages of such election beyond the time appointed, or in the return of the writ, or the necessary absence of the Returning Officer, or of any Deputy, the use of written instead of printed registers, or any error on the part of any Returning Officer or Deputy, which shall not affect the result of the election, or of any error or impediment of a mere formal nature; and within the period of twenty days before or after the day appointed for the holding of any election, the Governor may extend the time allowed for the holding of such election, or, as aforesaid, the return of the writ issued for the same, and may adopt, or cause to be adopted, such measures as may be necessary to remove any obstacle by which the due course of any election may be impeded, and may supply any deficiency that may otherwise affect the same: Provided that any measures so adopted shall be duly notified in the *Government Gazette*

PART IV.—OFFENCES AND PENALTIES.

94. EVERY person who—

Intrusion into polling places.

(1.) Intrudes into any booth or polling place, other than the Presiding Officer, poll clerk, candidates, scrutineers, and electors actually voting; or

Obstructing election.

(2.) Interrupts, obstructs, or disturbs the proceedings at an election,

shall, on summary conviction, be liable to a penalty not exceeding Twenty pounds.

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95. EVERY Electoral Registrar who is guilty of any wilful misfeasance, or wilful or negligent act of commission or omission contrary to any of the provisions of this Act, shall, for every such offence, be liable, on summary conviction, to a penalty not exceeding Fifty pounds.

Penalty on electoral registrar for misfeasance or neglect.

96. EVERY Justice of the Peace, Clerk of Petty Sessions, or officer or member of the Police Force, or any Electoral Registrar, poll clerk, or scrutineer, who, during the time he continues in his office or employment, by word, message, writing, or in any other manner endeavours to persuade any elector to give, or dissuade any elector from giving, his vote for any candidate, or endeavors to persuade or induce any elector to refrain from voting at any election, shall forfeit the sum of One hundred pounds, to be recovered, with full costs of suit, by any person who shall sue in the Supreme Court for the same, without collusion, within six months after the commission of the offence.

Penalty for undue influence by public officers and others.

97. (1.) EVERY Returning Officer who, after having accepted office as such, wilfully neglects, or refuses to perform any of the duties which by the provisions of this Act he is required to perform, shall for every such offence forfeit and pay a sum not exceeding Two hundred pounds.

Penalty for neglect by Returning Officer, &c.

(2.) Every Justice, Presiding Officer, clerk or secretary of any local authority, Registrar, or District Registrar of births, deaths, and marriages, or other officer or person who wilfully neglects or refuses to perform any of the duties which by the provisions of this Act he is required to perform, shall for every such offence forfeit and pay any sum not exceeding Fifty pounds.

(3.) Such penalties may be recovered, with full cost of suit, by the first person who shall sue in any court of competent jurisdiction for the same, without collusion, within six months after the commission of the offence. Provided that the Governor may mitigate or wholly remit any such penalty or forfeiture.

Governor may mitigate or remit penalty.

98. EVERY Presiding Officer or other person who places, or is privy to the placing, in a ballot box a ballot paper which has not been lawfully handed to and marked by an elector, shall be guilty of felony, and shall be liable on conviction to be kept in penal servitude for any period not exceeding seven years and not less than two years, or to be imprisoned for any term not exceeding two years with or without hard labour. Proof that a greater number of ballot papers is found in a ballot box, or is returned by a Presiding Officer as having been received at a polling place, than the number of electors who voted at such polling place, shall be *prima facie* evidence that

Stuffing ballot-boxes.

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the Presiding Officer at such polling place was guilty of an offence against this section.

Persons wilfully misleading Electoral Registrar, &c., liable to penalty.

99. EVERY person who wilfully misleads any Electoral Registrar in the compilation or preparation of any list, or who wilfully inserts or causes to be inserted therein any false or fictitious name or qualification, shall, on summary conviction of any such offence, be liable to a penalty not exceeding Twenty pounds, or to be imprisoned for any period not exceeding three months.

False answers punishable as misdemeanour.

100. EVERY person who—

- (1.) Wilfully makes a false answer to any of the questions hereinbefore authorised, or
- (2.) Wilfully makes a false declaration when required to make a declaration under this Act, or
- (3.) Wilfully makes any false statement in any claim to be inserted in an Electoral List, or
- (4.) Wilfully makes any false statement, orally or in writing, in any Registration Court, in anywise affecting or relating to the qualification of himself or any other person,

shall be deemed guilty of a misdemeanour, and on conviction thereof shall suffer the penalties of wilful and corrupt perjury.

Penalty for attempting to discover person for whom elector votes; or disclosing knowledge of such person obtained in exercise of office.

101. (1.) EVERY Returning Officer, Presiding Officer, poll clerk, or scrutineer who attempts to ascertain or discover, or directly or indirectly aids in ascertaining or discovering, the person for whom any vote is given, or who having in the exercise of his office obtained knowledge of the person for whom any elector has voted, discloses such knowledge unless in answer to some question put in the course of proceedings before some competent Court or other tribunal; and

(2.) Every Returning Officer, Presiding Officer, poll clerk, or scrutineer who places upon any ballot paper any mark or writing not authorised by this Act, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to imprisonment for any term not exceeding two years, with or without hard labour.

Offences in respect of ballot papers and ballot boxes.

102. EVERY person who—

- (1.) Forges or fraudulently defaces, or fraudulently destroys any nomination paper, or delivers to the Returning Officer any nomination paper knowing the same to be forged; or

- (2.) Forges or counterfeits, or fraudulently defaces or fraudulently destroys any ballot paper or the initials of any Presiding Officer on any ballot paper; or
- (3.) Without due authority supplies a ballot paper to any person; or
- (4.) Fraudulently gives to the Presiding Officer for insertion into any ballot-box any paper other than the ballot paper which he is authorised by law to give for insertion as aforesaid; or
- (5.) Fraudulently takes out of the polling place any ballot paper; or
- (6.) Without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of any election;

shall be guilty of a misdemeanour, and be liable, if he be a Returning or Presiding Officer, or clerk in attendance at any polling-place, to imprisonment for any term not exceeding two years, with or without hard labour, or to be fined any sum not exceeding Two hundred pounds, and if he is any other person, to any term not exceeding six months, with or without hard labour, or to a fine not exceeding Fifty pounds. Any offence under this section, or any attempt to commit any such offence, or the aiding, abetting, counselling, or procuring the commission or attempting to commit such offence, shall be deemed a corrupt practice. Any attempt to commit any offence under this section shall be punishable in the same manner in which the offence itself is punishable. In any information or other prosecutions for an offence in relation to the ballot boxes, ballot papers, and other matters or things in use at an election, the property in such papers, boxes, or other matters or things may be stated to be in the Returning Officer at such election.

103. A PERSON shall be guilty of the offence of personation under this Act who at any election of a member to serve in the Legislative Council or Legislative Assembly applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who having voted once at any such election applies at the same election for a ballot paper in his own name. The offence of personation, or of aiding, abetting, counselling, or procuring the commission of the offence of personation by any person, shall be a felony, and any person convicted thereof shall be punished by imprisonment for a term not exceeding two years, together with hard labour; such offence, or the aiding, abetting, counselling, or procuring the commission of the same by any person shall be deemed a corrupt practice.

Definition and punishment of impersonation.

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Punishment of persons acting in contravention of sections 89 and 90.

104. EVERY person who acts in contravention of the provisions of the eighty-ninth or ninetieth section of this Act shall be liable, on summary conviction before two or more Justices of the peace, to imprisonment for any term not exceeding six months with or without hard labour.

What shall be deemed acts of bribery.

105. EACH of the following acts shall be deemed and taken to be an act of bribery and corruption on the part of any candidate at any such election, whether committed by such candidate or by any agent authorised to act for him: that is to say, the giving of money or any other article whatsoever to any elector, or the making with or giving to any elector any agreement or security for any gift or reward, or the holding out to any elector any promise or expectation of profit, advancement, or enrichment to himself or to any of his family or kindred or friends or dependents in any shape, or making use of any threat to any elector, or otherwise intimidating him in any manner, or the treating of any elector, or the supplying him with meat, drink, lodging, or horse or carriage hire, or conveyance by steam or otherwise whilst at such election, or whilst engaged in or coming to or going from such election, or the payment to any elector of any sum of money for acting or joining in any procession during such election or before or after the same, or the keeping open any public house, shop, booth, tent or place of entertainment, whether liquor or refreshment of any kind be distributed thereat or not, or the giving of any dinner, supper, breakfast, or other refreshment or entertainment at any place whatsoever to any elector with the view in any such cases as herein specified of influencing the vote of any such elector.

Punishment for commission of acts of bribery.

106. IF any of the acts aforesaid so declared to be acts of bribery and corruption shall be committed by any person, whether such person shall be a candidate at such election or not, the person so committing the same, whether by himself or by any person employed by him for that purpose, shall be deemed guilty of a misdemeanour, and may be prosecuted for such act or acts as for a misdemeanour in the Supreme Court, and be punished for such offence by a fine not exceeding Two hundred pounds, or imprisonment not exceeding six calendar months.

Personal solicitation.

107. IT shall not be lawful for any candidate for election as a member of the Legislature to solicit, personally, the vote of any elector, or to attend any meeting of electors convened or held for electoral purposes within twenty-four hours of the time appointed for the commencement of the poll at the election for the particular Electoral District or Province to represent which he is a candidate, nor (except for the purpose of recording his vote) until after

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the close of the poll at such election; and the attendance of any candidate at any such meeting, or his personal solicitation of the vote of any elector after the time mentioned as aforesaid, shall render void the election of any such candidate.

108. IF any person who shall have or claim to have any right to vote at any election of a member or members for any Electoral District or Province shall by himself or any other person directly or indirectly ask for or receive any money or other emolument or reward by way of gift, employment, or otherwise for himself or any other person whatsoever as a consideration or inducement, expressed or implied, for giving his vote or for abstaining from giving his vote at such election, such person shall for such offence forfeit and pay the penalty or sum of Fifty pounds sterling to the person who shall first sue for the same, and such penalty or sum may be recovered with full costs by action of debt in a Local Court.

Punishment for receiving reward for voting or withholding vote.

109. NO premises

- (a.) On which the sale by wholesale or retail of any intoxicating liquor is authorised by a license; or,
- (b.) Where any intoxicating liquor is sold or is supplied to members of a club, society, or association, other than a permanent political club; or,
- (c.) Whereon refreshment of any kind, whether food or drink, is ordinarily sold for consumption on the premises;

Use of committee room in house for sale of intoxicating liquor to be illegal hiring.

shall be used as a committee room for the purpose of promoting or procuring the election of a candidate; and if any person hire or use any such premises or any part thereof for a committee room he shall be guilty of illegal hiring; and the person letting such premises or part, if he knew it was intended to use the same as a committee room, shall also be guilty of illegal hiring.

110. (1.) A PERSON guilty of illegal hiring shall, on summary conviction, be liable to a fine not exceeding One hundred pounds.

Punishment of illegal hiring.

(2.) A candidate or an election agent of a candidate who is personally guilty of illegal hiring shall be guilty of an illegal practice.

111. IF it shall be proved to the satisfaction of the Court for the trial of Election Petitions under the provisions of 39th Victoria, No. 10, that any candidate or his agent as aforesaid shall have been guilty of any one of the acts of bribery and corruption aforesaid, or of an illegal practice, the Court shall so decide; and such decision of the said Court shall disqualify such candidate from sitting or voting

Commission of any such act by a candidate or his agent to disqualify candidate.

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voting in any Legislative Chamber during the whole period that may intervene between such decision of such Court and the time of the next general election for the Legislative Assembly.

PART V.—MISCELLANEOUS.

Application of 39th
Vict., No. 10, to both
Houses. **112.** THE provisions of the 39th Victoria, No. 10, as to the trial of Election Petitions shall apply to both the Legislative Council and the Legislative Assembly.

Summary Procedure. **113.** EVERY proceeding under this Act, for omissions, defaults, acts, or offences, to which any fine or pecuniary penalty is attached, shall, unless some other mode be prescribed for the recovery thereof, be had and taken and may be heard and determined in a summary way, by any special Magistrate or two Justices, under the provisions of any Ordinance or Act now in force or of any Act hereafter to be in force relating to the duties of Justices with respect to summary convictions.

On non-payment of
penalty, &c., Justice
may imprison. **114.** IN every case of the adjudication of a fine or pecuniary penalty under this Act, and of the non-payment of such fine or pecuniary penalty, any Justice may commit the offender or person making default in payment to any gaol in the said Colony for any term not exceeding twelve months. the imprisonment to cease on payment of the sum due and the costs of such proceedings as may have been taken for the recovery thereof.

Appeal. **115.** THERE shall be an appeal from any conviction or order by or of any Special Magistrate or Justices for any offence against this Act, and from any order dismissing any information or complaint under this Act, and from any other order or adjudication whatsoever by any Special Magistrate or Justices under this Act, and the proceedings in such appeal shall be conducted and regulated in manner prescribed by Part IX. of "The Police Act. 1892."

Application of
penalties. **116.** THE Special Magistrate or Justices imposing any fine or penalty under this Act may direct the whole or any part thereof to be applied in or towards payment of the costs of the proceedings, or in or towards rewarding the person upon whose information or at whose suit such penalty has been recovered; and, subject to such direction, all fines and penalties shall be paid to the Colonial Treasurer for the public uses of the Colony.

Minister may
appoint persons
to assist Registrar. **117.** THE Minister may from time to time appoint such officers or persons as may to him appear necessary for the purpose of assisting any Electoral Registrar in the performance of any duties

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imposed upon him by this Act, or for the purpose of inquiring into the qualification of any person whose name appears on any roll or list, or who claims to be registered as an elector, and also for the purpose of making objections, under the provisions of this Act, to the names of any persons appearing on such roll or list; and any person appointed by the Minister, for the purposes aforesaid, shall, notwithstanding anything contained in this Act to the contrary, be deemed duly qualified to make such objections.

118. IT shall be lawful for the Governor to delegate to any other person the performance of any act or thing which by this Act he is empowered to perform: Provided always, that any such delegation shall be made under the hand of such Governor in Council and the seal of the Colony, and be duly announced by proclamation in the *Government Gazette*.

Governor may delegate his powers.

119. ELECTORAL Registrars shall be exempt from the payment of any Court fees in respect of any proceedings under this Act, and are, together with the Clerk or Secretary of any local authority, hereby authorised to send registered letters free of charge for the purposes of this Act, in conformity with instructions to be issued by the Postmaster General.

Fees and postages.

120. THE Returning, Deputy Returning, and Presiding Officers for any Electoral Provinces or Districts, and any other persons appointed by the Minister for the purposes of this Act, may respectively be paid such salaries or allowances as the Governor may from time to time direct to be paid to each of such officers or persons.

Remuneration of Returning and Presiding Officers.

121. THE Electoral Registrars shall be respectively paid by salary only, to be from time to time fixed, in each case, by the Governor. In fixing such salaries, regard shall be had to the population of the district for which any such Registrar may be acting, but the amount of the salary of any Registrar shall not be in any wise affected by the number of persons whose names appear upon any list prepared by him. Provided that if any Electoral Registrar is in receipt of any pension, superannuation, or retiring allowance from the Crown, such pension, superannuation, or retiring allowance shall not merge in, or be affected by, the salary paid to such Electoral Registrar as such.

Remuneration of Registrars.

122. EVERY Clerk of a local authority shall be entitled to be paid in each year for the performance by him of duties imposed by this Act, such salary or allowance as may in each case be from time to time fixed by the Governor. In fixing such salary or allowance, regard shall be had to the population of the municipality or district

Remuneration of Municipal and Road Board Clerks for preparation of Rate-payers' Lists.

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of such clerk ; but such salary shall not be in any wise affected by the number of persons whose names appear upon any list prepared by him.

When things to be
done fall on Sundays
or holidays.

123. WHEN any matter or thing shall be directed by this Act to be performed on a certain day, and that day shall happen to be Sunday, Good Friday, Christmas Day, or Bank Holiday, the said matter or thing shall be performed on the day next succeeding such Sunday, Good Friday, Christmas Day, or Bank Holiday.

In the name and on behalf of the Queen I hereby assent
to this Act.

ALEX. C. ONSLOW, Administrator.

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The First Schedule.

ENACTMENTS REPEALED.


Section 2.

Session & Number.	Title.	Extent of Repeal.
53 Vict., No. 23	The Electoral Act, 1889	The whole.
57 Vict., No. 15	The Electoral Act, 1893	The whole.
57 Vict., No. 34	The Electoral Rolls Act, 1893	The whole.

The Second Schedule.

Form of Ballot Paper.

Section 67.

(Counterfoil)		1	BROWN (John Brown of Quindalup, Merchant).
No.		2	JONES (Samuel Jones of Beverley, Esq.).
-----		3	SMITH (Sir Thomas Smith, Bart., of Perth).
-----		4	THOMPSON (Jonas Thompson of York, Miller).

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The Third Schedule.

Form of Directions for the Guidance of Voters.

Section 71.

THE voter may vote for candidate .

The voter will go to the compartment indicated to him by the Presiding Officer, and with the pencil there provided will draw a line or lines through the name of each candidate for whom he does not vote.

The voter will then fold up the ballot paper so as to show the initials of the Presiding Officer on the back, and leaving the compartment, will, without showing the front of the paper to any person, hand the same to the Presiding Officer for insertion into the ballot box, and forthwith quit the polling-station.

If the voter inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

If the voter votes for more than candidates, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling-station, or gives to the Presiding Officer for insertion into the ballot box any other paper than the one given him by the officer, he will be guilty of a misdemeanour, and be subject to imprisonment for any term not exceeding six months, with or without hard labour.

The Fourth Schedule.

Section 75.

No.	No.	<i>Ballot Paper.</i>	
	Election.	(Date.)
Name of District.	Name of District.	1	
		2	
Election (date).	Election (date).	3	
		4	
Name of Voter.	Name of Voter.	5	
		6	
Address.	Address.		