



Western Australia.

ANNO QUINQUAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. XXIII.

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

Title.

[Reserved, 13th August, 1889.]

[Royal Assent Proclaimed, 26th June, 1890.]

WHEREAS it is expedient to consolidate and amend the Law
relating to Elections to the Legislature:—

Preamble.

Be it therefore enacted by His Excellency the Governor of
Western Australia and its Dependencies, by and with the advice
and consent of the Legislative Council thereof, as follows:—

1. THIS Act may be cited as “The Electoral Act, 1889,” and
shall be divided into Parts as hereinafter follows, viz.:

Short Title.

PART I.—REGISTRATION OF VOTERS;

PART II.—CONDUCT OF ELECTIONS;

PART III.—OFFENCES AND PENALTIES;

PART IV.—MISCELLANEOUS.

2. THIS Act shall apply to elections to the now subsisting
Legislative Council and to any Legislative Body or Bodies hereafter
to be constituted.

Application of Act.

Interpretation.

3. IN the construction, and for the purposes of this Act, the following terms shall, if not inconsistent with the context or subject matter, have the respective meanings hereby assigned to them, that is to say:—

“Electoral Register” shall mean the Register of Voters, compiled, revised, and settled under this Act.

“Special Magistrate” shall mean a person specially appointed as such by the Governor-in-Council.

“Legislature” shall mean and include every Elective Legislative Body now or hereafter to be constituted.

Previous appointments and lists of voters cancelled.

4. FROM and after the coming into force of this Act, all appointments of Electoral Officers and all Electoral Rolls made under any previous law shall be cancelled, and no person shall be entitled to have his name inserted on any Electoral Register by reason of his name appearing in any Electoral Roll compiled under any previous law.

PART I.—REGISTRATION OF VOTERS.

Electoral Registrar.

5. FOR each Electoral District and for each Electoral Division there shall be an Electoral Registrar, and such Electoral Registrar for a District shall also be the Deputy Electoral Registrar for the Division of which such District is part. All such persons shall from time to time be appointed and may be removed by the Governor-in-Council. All matters and things hereafter prescribed to be done by or to an Electoral Registrar shall, in the case of an Electoral District, be done by or to him as Electoral Registrar for such District, and in the case of an Electoral Division shall be done by or to him as Deputy Electoral Registrar for such Division in respect of such part of that Division as is comprised in such District.

When and how claims to vote to be made.

6. ON or before the tenth day of April in every year, any person claiming to be entitled to have his name inserted on the Electoral List of Voters for an Electoral District or for an Electoral Division, in respect of any qualification to vote for such Division arising in such District, and whose name is not upon the Electoral Register, or whose name being upon such Electoral Register does not retain the same qualification as described in such Electoral Register, must make his claim by making a declaration in writing in the form appropriate to the qualification in respect of which he claims, contained in Schedule A. to this Act, such declaration being signed with the full christian and surname of the applicant and being countersigned by a witness to his signature. In filling up the forms in the said Schedule the claimant must give such a

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description of his property as to identify the same precisely, specifying the situation of the qualifying property, the street, lane, or other like place, allotment in a township, or number of location.

7. THE Electoral Registrar shall reject any application not made in accordance with the provisions of the next preceding section. Notice of rejection must be delivered in writing to the person whose application has been rejected, or must be posted to his usual address within one week after the receipt of the application.

Electoral Registrar may reject applications.

8. A PERSON claiming to be entitled to be on the Electoral List in respect of joint ownership or occupation must claim in the form appropriate to the qualification in respect of which he claims contained in Schedule A. to this Act.

Joint owners or occupiers.

9. NO mortgagee of any lands or tenements shall be qualified to vote for or by reason of any mortgage estate unless he shall be in the actual possession or in receipt of the rents and profits thereof; but the mortgagor in actual possession or in receipt of the rents and profits thereof shall be qualified to vote for the same, notwithstanding such mortgage. No trustee of any lands or tenements shall in any case be qualified to vote for or by reason 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 vote notwithstanding such trust.

Mortgagees and Trustees.

10. THE names and qualifications of claimants whose qualification shall appear to the Electoral Registrar to be correct and sufficient shall by him be entered on a list, according to the form contained in Schedule B. to this Act.

List of Claimants.

11. THE Electoral Registrar shall, on or before the twenty-fourth day of April in each year, make up the list of claimants, and the said list shall lie open for public inspection at the office of the Electoral Registrar from the said date to the eighth day of May, inclusive. Provided always, that no person whose name shall, after the commencement of this Act, have been placed on the Electoral Register, shall be required to claim in any succeeding year in respect of the same qualification.

Closing and public inspection of List.

12. UP to and including the fifteenth day of May in each year the Electoral Registrar shall receive written notice of objection to any person appearing on the aforesaid list of claimants, or upon the Electoral Register of the District or of the Division. Such notice may be given by any qualified person, and shall be in the form contained in Schedule B. to this Act. A copy of the notice of objec-

Notice of objections.

tion shall be delivered by the Electoral Registrar to the person objected to or posted by him to his usual address within one week after the receipt of such notice.

13. ON or before the twenty-second day of May in each year, the Electoral Registrar shall make out a list, in the form contained in Schedule B., of persons objected to, and also a list of persons whose claims have been rejected by the Electoral Registrar, such list to be in the form contained in Schedule B. The said lists shall lie open for public inspection at the office of the Electoral Registrar from the said date to the sixth day of June, inclusive.

List of persons objected to to lie open for inspection.

14. COPIES of the said lists shall also, between the dates last mentioned, lie open for public inspection in the office of the Electoral Registrar and shall be posted outside such office and be published at such other places, for such time, and in such manner, as the Electoral Registrar may deem necessary, or as the Governor-in-Council may order.

Further publication and inspection of List.

15. THE Electoral Registrar shall issue a summons to any person objected to, in the form in Schedule B. to this Act, to appear before the Court of Revision hereinafter mentioned, at the specified date of meeting of the Court, and such summons may be served by posting the same addressed to the last known place of abode of the person objected to, or if that be not known then to the address appearing on the Electoral Register, and proof upon oath by the person who posted such summons, endorsed on the duplicate thereof, that the original was so posted by him shall be evidence of the summons having been received by the person objected to, at the place mentioned in such duplicate, on the day on which such notice would in the ordinary course of post have been received.

Summons to Court of Revision.

16. THE Registrar General of Births, Deaths, and Marriages shall, on or before the seventh day of June in each year, forward to every Electoral Registrar of every Electoral District and Division a list containing the names, address, and occupations of all male persons above the age of twenty-one years, whose death shall have been registered in such district during the twelve months preceding the first day of April, and shall date, sign, and certify the same to be correct.

Registrar General to send return of deaths.

17. THE Electoral Registrar shall have power:—

(a.) To change the description of the place of abode of any person on any Electoral List to another within the same Electoral District or Division, on the written application of such person.

(b.) To amend any error in the description of the qualification.

Powers of Electoral Registrar.

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- (c.) To correct any mistake in the spelling of names or places.
- (d.) To strike off from any Electoral List the names of all persons whose deaths shall have been registered and of which notification shall have been sent to him by the Registrar General of Births, Deaths, and Marriages, or if such Electoral Registrar shall be otherwise satisfied of such death having occurred.
- (e.) To remove the name of every person who shall, prior to the issue of any writ, request, in writing, that his name shall be removed. A name shall be deemed to be removed after a line of ink is drawn through the same and a note made opposite thereto stating the ground of removal and initialled by the Electoral Registrar.
- (f.) He shall write his initials against any part of any Electoral List in which any mistake shall have been corrected, or alteration made, with the date of such correction or alteration.

18. THERE shall be a Revision Court in each Electoral District, which shall settle the Register of Voters for such District and shall also settle the Register of Voters for the Division of which such District forms a part, so far as such last named Register is composed of the names of Voters having their qualification for such Division in such District; such Court shall 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 revision shall be held, or such other place as shall be appointed by the Governor-in-Council as hereinafter provided.

Revision Court.

- (a.) The Court shall be constituted of two or more of the Justices of the Peace for the Colony, or persons specially appointed by the Governor-in-Council, attending thereat, or of any Special Magistrate appointed by the Governor-in-Council. The Special Magistrate if in attendance shall be chairman, and shall be counted as two Justices.
- (b.) A Court for each district shall sit at ten o'clock in the forenoon on the first Tuesday in July of each year, unless otherwise ordered by the Governor-in-Council as hereinafter provided.
- (c.) Every such Court may from time to time be adjourned; and if for one hour after the time appointed for

holding any such Court, or after the time to which any Court has been adjourned, a Court shall not be duly constituted then the Clerk to the Magistrates (herein called the Clerk of the Revision Court) may from time to time adjourn the Court to a future day.

(d.) No Court shall be adjourned beyond eight days from the day appointed for holding the same.

(e.) A Court may be held in any outlying part of an Electoral District, at such time and place as the Governor-in-Council shall deem fit: Provided sufficient notice be given in the *Government Gazette* of the time and place so fixed.

Lists to be forwarded to Court of Revision.

19. ON or before the thirtieth day of June in each year, the Electoral Registrar shall produce or forward to the Court, both in respect of the Electoral District and of that part of the Division comprised within such District, the List of Claimants, the List of Persons objected to, the List of Persons rejected by him, and the previous Electoral Register, if any, of the District and of such part of the Division compiled under this Act.

Revision Court to make and revise the Electoral Register.

20. AT the first revision after the commencement of this Act the Revision Court shall make, and at subsequent revisions shall complete and revise the Electoral Register for the District, and for that part of the Division comprised within the District; such Register to be in the form contained in Schedule B. to this Act.

Questions to be decided by majority of Revision Court, chairman having a casting vote.

21. THE said Court shall, upon hearing in open Court, determine, by a majority, all matters submitted for their decision, as hereinafter mentioned; and the Chairman of the Court (who, in the absence of a Special Magistrate, shall be chosen at the commencement of the Court from amongst the other members present, and by the voices of the majority, or, if the other members be equally divided in opinion, then by lot) shall, besides his own vote, have a casting vote.

Electoral Registrar to attend.

22. THE Electoral Registrar, or, if he be unavoidably prevented, then some person appointed by him in that behalf, shall attend the Court and shall produce all documents connected with his office having reference to any entries in such lists, which shall be in his custody or under his control.

Revision Court may summon persons and take evidence.

23. THE Revision Court shall have authority to hear and receive evidence and examine witnesses and may by summons under the hand of the Chairman of the Court require all such persons as they may think fit to appear personally before them at a time to be

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named in such summons, and to produce to the Court all such books and papers in their possession or under their control as they may be directed by such summons to produce. Any person who shall, without just cause, neglect or refuse to obey such summons, or having appeared before the said Court shall, without just excuse, refuse to be examined on oath or affirmation, or, having taken such oath or affirmation, to answer such questions as shall be put to him, or to produce any such books or papers as aforesaid, shall and may be dealt with in all respects as he may be by any law now or hereafter to be in force relating to the examination of witnesses before Justices.

24. IF any person shall have made or attempted to sustain any frivolous or vexatious objection, the Court in its discretion may order the payment by such person of all the costs, or any part of the costs, of any person incurred in resisting such objection, such order being in writing, and specifying the sum (such sum not to exceed Three pounds, in addition to all travelling expenses reasonably incurred) and by and to whom, and when, and where to be paid; failing which, such order may be sued upon by the person in whose favor it is made, in a Local Court, and the production of such order shall be conclusive evidence in favor of the person in whose name it is made.

Court may give costs in certain cases.

25. AT the holding of such Court no person shall appear or be attended by Counsel or Solicitor, and every such Court shall, upon the hearing in open Court, finally determine upon the validity of the claims and objections.

No Counsel or Solicitor may appear.

26. THE Revision Court shall retain on the list the names of all persons to whom no objection shall have been duly made, unless the qualification entered against the name of the elector be obviously insufficient in law to confer the right to claim :

Powers of Court of Revision.

(a.) The Court shall retain on the list the name of every person who has been objected to by any other person, unless the person so objecting shall appear in person in support of such objection and prove the due delivery to the Registrar of his notice of objection and shall sustain such objection to the satisfaction of the Court.

(b.) When the name of any person on the list shall have been duly objected to, and the person objecting shall appear in person in support of such objection and make proof of the matters aforesaid, the Court shall require proof of so much of the qualification of the person so objected to as shall be embraced in the grounds of objection so stated, and no more.

- (c.) If the qualification of such person shall not be proved, the Court shall expunge the name of every such person from the list.
- (d.) The Court shall also expunge the name of every person of whose death the Court shall be satisfied by evidence or otherwise.
- (e.) The Court shall correct any mistake, and supply any omission which shall have been proved to have been made in the list in respect of the name or place of abode of any person, or the local description of his residence or qualification.
- (f.) If any person shall prove to the satisfaction of the Court that the Electoral Registrar has rejected his application or has failed to enter his claim in the list after notice of such claim has been duly forwarded or posted, and that such person possessed, at the time of so forwarding or posting his notice, a qualification sufficient in law to entitle him to be registered, then the Court being satisfied of the premises may enter the name of such person on the list, and enter in the column headed "Date of Registration" the date when the Electoral Registrar should have entered such claim.
- (g.) If the Electoral Registrar shall have made any mistake or omission in any alterations on the list that he is empowered to make, the Court shall have power to rectify the same, either on the application of the person concerned, or at the instance of the Electoral Registrar, if satisfied of the premises.
- (h.) No list or other document shall be invalidated by reason only that it shall not have been printed, kept, or published in the place, or manner, or for the time herein required for such purposes.
- (i.) The Chairman shall write his initials against the names respectively expunged or inserted, mistakes corrected, or omissions supplied.

Completion of
Electoral List.

27. THE Revision Court shall complete the settlement and revision of the Electoral List for the District, and of the List for that part of the Division comprised within such District, in the form contained in Schedule B., on or before the first day of August in each year, and the Chairman of the Court shall sign and deliver both such lists to the Electoral Registrar for the District, who shall cause the same to be written or printed in alphabetical order, and shall forward a copy of each such list to the Returning Officer of the District

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and to the Electoral Registrar for the Division on or before the first day of September following. On the receipt by the Electoral Registrar for the Division of the several lists for the several Districts contained in such Division, it shall be his duty to compile the Electoral Register for the Division from such lists, and shall forward a copy of such Electoral Register to the Returning Officer of the Division within seven days from such receipt.

28. SUCH Electoral Lists signed and forwarded as aforesaid shall respectively become and be the Electoral Register of Voters for the Electoral District or Division for the twelve months succeeding the first day of October following. Provided that, if, by reason of any error, omission, or informality, any Electoral List shall not be properly completed and forwarded to the Returning Officer by the tenth day of September, then the Electoral Register for the previous year shall remain in force another year.

Electoral Register for year.

29. ANY person desirous of inspecting the Electoral Register of Voters for any Electoral District or Division shall be entitled to do so, without payment, at the office of the Electoral Registrar, on any business day, during office hours; and any person may obtain a copy of such Register from the Electoral Registrar, on payment of five shillings therefor.

Inspection of Register.

30. IT shall be lawful, in order to the convenient holding of the first general election under this Act, for the Governor-in-Council to make such arrangements, appoint such persons, and fix such dates and periods, as may to him seem under the circumstances to be required for the doing of any matter or thing necessary to be done under any Electoral Act, notifying the same in the *Government Gazette*. The provisions of any Electoral Act affected by such notice shall be deemed to be varied accordingly, for the purpose of the said election.

First General Election under this Act.

31. REGISTERS of Voters may, at any time after this Act shall come into force, be prepared hereunder as though the Reserved Bill intituled "The Constitution Act, 1889," were in force; and the said Registers, provided they shall have been duly completed in accordance with this Act, shall be, and be deemed to be immediately available for elections to the Legislative Assembly under the said Bill, if and when such Bill shall have become an Act and shall have come into force.

Registers prepared under this Act to be available under the Constitution Act.

PART II.—CONDUCT OF ELECTIONS.

32. THE Governor-in-Council shall from time to time appoint and may remove a Returning Officer for each Electoral District

Returning Officer.

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and for each Division. A Returning Officer may be appointed and hold office for more than one Electoral District.

Governor may appoint additional officers.

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

Declaration to be made by officers before entering on duties.

34. 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:

“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.

Form of Writs.

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

Writs to be addressed to Returning Officer, &c.

36. EVERY Electoral Writ shall be directed to the Returning Officer of the District or Division 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*.

Places of nomination.

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

Writs, &c., may be telegraphed.

38. 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.

(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

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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 subsections of the fourth section of "The Telegraphic Messages Act, 1874."

39. 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.

40. 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 Division, 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 favor 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.

41. 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.

42. 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.

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

43. 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.

Notice to be given of candidates for Legislative Assembly.

44. AT noon on the day of nomination the Returning Officer for the District or Division, 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.

If no contest, candidate to be declared elected.

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

46. 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.

Preparations to be made for taking poll at elections.

47. WHEN the Returning Officer for any District or Division 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 Division (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 Division; 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 Register for the District or Division, 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

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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 Schedule C. hereto.

48. THE "Directions to Voters" contained in Schedule D. 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.

49. 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 Division, 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.

50. 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 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.

Poll to be taken by Presiding Officer.

Hours of polling.

Who to be allowed within polling-places.

51. 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

Procedure in taking the poll.

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 Register, 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 Register, and having further made a mark against the name of such person on the Electoral Register 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 render it impossible for the Presiding Officer or any other person to see for which candidate or candidates the vote is given.

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

52. IT shall be lawful for any person being qualified to vote for any Electoral District or Division who, prior to the day fixed for any election in such District or Division shall be within any other District or Division, or who shall reside more than thirty miles from a polling-place for the District or Division 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 Division 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 Division 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

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appointee as aforesaid shall write simply the name of the Electoral District or Division 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 by post or otherwise to the Returning Officer.

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 during the taking of the poll at any convenient time or times 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 Register 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 Returning 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.

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

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.

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 Schedule E. hereto.

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.

Provision with respect to ballot papers inadvertently spoilt.

53. 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 inadvertence 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.

None but certain questions to be put to voters by Presiding Officer.

54. NO inquiry shall be permitted at any election as to the right of any person to vote, except only as follows. (that is to say),— The presiding officer may (or, if required to do so by either of the scrutineers aforesaid, shall) put to any person at the time of his applying for a ballot paper as aforesaid, and not afterwards, the following questions, or either of them, and no other:—

First—Are you the person whose name appears as [*here specify the name contained in the electoral register*] in the electoral register now in force for this electoral district, being registered therein for property described to be situated in [*here specify the place described in the electoral register*]?

Second—Have you already voted at the present election for this district?

And no person required to answer any of the said questions shall be permitted or qualified to vote, nor shall any ballot paper be given to such person, until and unless he shall have answered the same in such manner as to show that he is qualified and entitled to vote.

Procedure at District Polling-places at close of the poll.

55. 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

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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 Register delivered to him as aforesaid, and the said sealed envelope containing the ballot papers and counterfoils as aforesaid.

56. 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 Register as a person entitled to vote for the District or Division by his casting vote or votes decide which of the said candidates shall be elected. Provided however, that no Returning Officer

Procedure at Central
Polling-place at close
of the poll.

shall vote at any election for the Electoral District 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.

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

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

58. 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 Register 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 Register 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 Register, 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 appear to have voted at each polling-place for the District or Division, 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*.

Adjournment of
nomination or polling
in case of riot.

59. 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.

60. 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.

61. 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 Register of Voters 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 marking 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

Infringement of
secrecy.

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.

Deposit made with Returning Officer under Section 40, how to be dealt with.

62. 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 fortieth 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 so have 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.

Errors of form not to vitiate election.

63. 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-in-Council 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 III.—OFFENCES AND PENALTIES.

Penalties on persons making false claims.

64. ANY person wilfully making any false claim shall, on conviction thereof before two Justices, be liable to a penalty of not less than Five nor more than Twenty pounds. A claim shall be deemed to be false if untrue in any material particular to the knowledge of the claimant.

Misconduct by officers.

65. IF any Returning Officer, or Deputy Returning Officer, after having accepted office as such, or any other person appointed or enjoined to perform any duty, matter, or thing under this part of this Act shall wilfully neglect or refuse to perform any of the duties,

matters, or things which by the provisions of this Act he is so appointed, enjoined, or required to perform, every such Returning Officer, Deputy Returning Officer, or other person shall for every such offence forfeit and pay a penalty or sum not exceeding One hundred pounds; and any such penalty or sum shall be recoverable in any Court of competent jurisdiction with full costs of suit by any person who shall sue for the same within three calendar months after such neglect or refusal as aforesaid, and such penalty or sum when recovered shall be paid and apportioned as follows: that is to say, one moiety thereof to the person so suing for the same, and the other moiety thereof to Her Majesty, her heirs and successors, for the public uses of this Colony.

66. IF any Electoral Registrar shall be guilty of any wilful or grossly negligent act of commission or omission contrary to the provisions of this Act, he shall be liable, on being summarily convicted before any two Justices of the Peace, to forfeit and pay a sum of not less than Five nor more than Fifty pounds.

Penalty on Electoral Registrar for negligence.

67. 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;

Offences in respect of ballot papers and ballot-boxes.

shall be guilty of a misdemeanor, 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 labor, 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 labor, 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 attempt 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.

68. A PERSON shall be guilty of the offence of personation under this Act who at any election of a member to serve in the Legislature 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 labor; 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 personation.

69. EVERY person who acts in contravention of the provisions of the sixtieth or sixty-first 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 labor.

Punishment of persons acting in contravention of sections 60 and 61.

70. 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,

What shall be deemed acts of bribery.

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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 case as herein specified of influencing the vote of any such elector.

71. 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 misdemeanor, and may be prosecuted for such act or acts as for a misdemeanor 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.

Punishment for commission of acts of bribery.

72. AFTER the day named in the writ for the nomination of candidates for election 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 if such meeting be held within twelve hours of the time appointed for the nomination of candidates for the particular Electoral District or Division to represent which he is a candidate, nor (except for the purpose of recording his vote) until after 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 day mentioned as aforesaid, shall render void the election of any such candidate.

Personal solicitation.

73. 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 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.

74. NO premises on which the sale by wholesale or retail of any intoxicating liquor is authorised by a license: or,

(a.) No premises where any intoxicating liquor is sold or is supplied to members of a club, society, or association, other than a permanent political club: or,

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

(b.) No premises whereon refreshment of any kind, whether food or drink, is ordinarily sold for consumption on the premises:

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.

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

75. 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, the Court shall so decide; and such decision of the said Court shall disqualify such candidate from sitting or 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.

PART IV.—MISCELLANEOUS.

Application of 39th Vict., No. 10, to all Elective Legislative Bodies.

76. THE provisions of the 39th Victoria, No. 10, as to the trial of Election Petitions shall apply not only to the subsisting Legislative Council but also to elections to any Elective Legislative Body that may hereafter be constituted.

Summary procedure.

77. EVERY proceeding under this Act, for omissions, defaults, acts or offences, to which any 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.

Appeal to Supreme Court.

78. THERE shall be an appeal to the Supreme Court from any conviction by any Special Magistrate or Justices for any offence against this Act, or from any order dismissing any information or complaint, or from any order for payment of money for costs or otherwise.

Fees and postages.

79. ELECTORAL Registrars shall be exempt from the payment of any Court fees in respect of any proceedings under this Act; and are 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.

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80. IT shall be lawful for the Governor-in-Council 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.

81. IF any action shall be brought against any person for any matter or thing done under the authority or in pursuance of this Act, such person may plead the general issue, and give this Act and the special matter in evidence.

General issue.

82. 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.

When things to be done fall on Sundays or holidays.

83. THE following Acts and parts of Acts are hereby repealed:

Repeal.

The Act 33 Victoria, No. 13:—

Sections 5 to 13, both included.

Sections 15 to 19, both included.

Sections 29 and 33.

Sections 37 to 42, both included.

Sections 45 to 51, both included.

The Act 37 Victoria, No. 22, section 6.

The Act 41 Victoria, No. 15.

The Act 51 Victoria, No. 26.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

F, NAPIER BROOME, Governor.

SCHEDULE A.

Schedule A.

Forms of Claim to be used in respect of Elections to the now subsisting Legislative Council.

FORM 1.

Notice of Claim.

To the Electoral Registrar for the _____ Electoral District.

I hereby give you notice that I claim to have my name inserted in the Electoral List for the _____ Electoral District, on the following grounds:—

That I am of full age; and not, so far as I know, subject to any legal incapacity.

That I possess, and did for the last six calendar months before the last Registration of Voters for the said Electoral District possess, a freehold estate within the said District, of the clear value of One hundred pounds sterling, above all incumbrances affecting the same, such freehold estate being situate at _____ and consisting of _____

Dated the _____ day of _____ 18 .

(Signed: *Christian and Surname*) A.B.

(Place of abode.)

Witness C.D.,
of _____

FORM 2.

Notice of Claim.

To the Electoral Registrar for the _____ Electoral District.

I hereby give you notice that I claim to have my name inserted in the Electoral List for the _____ Electoral District, on the following grounds:—

That I am of full age; and not, so far as I know, subject to any legal incapacity.

That I occupy as a householder, and did for the last six months before the date of the last Registration of Voters for the said Electoral District, occupy as a householder a dwelling-house within the said district, of the clear value of Ten pounds sterling per annum, such house being situate at _____

Dated the _____ day of _____ 18 .

(Signed: *Christian and Surname*) A.B.

(Place of abode.)

Witness C.D.,
of _____

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FORM 3.

Notice of Claim.

To the Electoral Registrar for the _____ Electoral District.
I hereby give you notice that I claim to have my name inserted in the Electoral List for the _____ Electoral District, on the following grounds:—
That I am of full age; and not, so far as I know, subject to any legal incapacity.

That I hold a license from the Government to depasture lands within the said District, of the value of Ten pounds per annum, such lands being situate at _____ and consisting of _____

Dated the _____ day of _____ 18 .
(Signed: *Christian and Surname*) A.B.
being written in full
(Place of abode.)

Witness C.D.,
of _____

FORM 4.

Notice of Claim.

To the Electoral Registrar for the _____ Electoral District.
I hereby give you notice that I claim to have my name inserted in the Electoral List for the _____ Electoral District, on the following grounds:—

That I am of full age; and not, so far as I know, subject to any legal incapacity.

That I hold within the said District a leasehold estate in possession of the value of Ten pounds per annum for an unexpired term, such leasehold estate being situate at _____ and consisting of _____

Dated the _____ day of _____ 18 .
(Signed: *Christian and Surname*) A.B.
being written in full
(Place of abode.)

Witness C.D.,
of _____

Forms of Claim to be used in respect of Elections to the Legislative Assembly if and when "The Constitution Act, 1889," shall come into force.

FORM 5.

Notice of Claim.

To the Electoral Registrar for the _____ Electoral District.
I hereby give you notice that I claim to have my name inserted in the Electoral List for the _____ Electoral District, on the following grounds:—

That I am of full age; and not, so far as I know, subject to any legal incapacity.

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That I possess and have for the last twelve calendar months possessed within the said District a freehold estate of the clear value of One hundred pounds sterling above all incumbrances affecting the same, such freehold estate being situate at _____ and consisting of _____

Dated the _____ day of _____ 18 ____ .
(Signed: *Christian and Surname*
being written in full) A.B.
(Place of abode)

Witness C.D.,
of _____

FORM 6.

Notice of Claim.

To the Electoral Registrar for the _____ Electoral District.

I hereby give you notice that I claim to have my name inserted in the Electoral List for the _____ Electoral District, on the following grounds:—

That I am of full age; and not, so far as I know, subject to any legal incapacity.

That I possess and have for the last twelve calendar months possessed a leasehold estate in possession within the said district of the clear value of Ten pounds sterling per annum, such leasehold estate being situate at _____ and consisting of _____

Dated the _____ day of _____ 18 ____ .
(Signed: *Christian and Surname*
being written in full) A.B.
(Place of abode)

Witness C.D.,
of _____

FORM 7.

Notice of Claim.

To the Electoral Registrar for the _____ Electoral District.

I hereby give you notice that I claim to have my name inserted in the Electoral List for the _____ Electoral District, on the following grounds:—

That I am of full age; and not, so far as I know, subject to any legal incapacity.

That I hold and have for the last twelve calendar months held a lease [or license] from the Crown, subject to the payment of Ten pounds sterling per annum, empowering me to [state the nature of the lease or license] upon Crown lands, such Crown lands being within the said District, and situate at _____

Dated the _____ day of _____ 18 ____ .
(Signed: *Christian and Surname*
being written in full) A.B.
(Place of abode)

Witness C.D.,
of _____

Form 8.

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FORM 8.

Notice of Claim.

To the Electoral Registrar for the _____ Electoral District.

I hereby give you notice that I claim to have my name inserted in the Electoral List for the _____ Electoral District, on the following grounds:—

That I am of full age; and not, so far as I know, subject to any legal incapacity.

That I occupy as a householder and have for the last twelve calendar months so occupied a dwelling house within the said district of the clear value of Ten pounds sterling per annum, such house being situate at

[If the claimant has successively occupied two dwelling houses of the requisite value within the said period he shall so state, giving the situation of both houses.]

Dated the _____ day of _____ 18 .

(Signed: *Christian and Surname*) A.B.

(Place of abode)

Witness C.D.,
of _____

FORM 9.

Notice of Claim.

To the Electoral Registrar for the _____ Electoral District.

I hereby give you notice that I claim to have my name inserted in the Electoral List for the _____ Electoral District, on the following grounds:—

That I am of full age; and not, so far as I know, subject to any legal incapacity.

That I occupy as a lodger, and have for the last twelve calendar months so occupied within the said district, lodgings in the house of one [state name of landlord or landlady] of [state locality of house], such lodgings consisting of one unfurnished room [or two unfurnished rooms, as the case may be] and pay for such room [or rooms] not less than ten pounds sterling per annum [or four shillings a week, as the case may be] solely for the use of such unfurnished room [or rooms] and not for board or lodging, nor as a consideration for work done.

Dated the _____ day of _____ 18 .

(Signed: *Christian and Surname*) A.B.

(Place of abode)

Witness C.D.,
of _____

FORM 10.

Notice of Claim.

To the Electoral Registrar for the _____ Electoral District.

I hereby give you notice that I claim to have my name inserted in the Electoral List for the _____ Electoral District, on the following grounds:—

That I am of full age; and not, so far as I know, subject to any legal incapacity.

The Electoral Act, 1889.

That I am and have been for the last twelve calendar months a joint owner of a freehold estate in possession within the said District, of the value of _____ pounds sterling per annum, above all charges or incumbrances affecting the same, situate at _____ and consisting of _____

That my share in the said estate is one half [or one third or as the case may be] the other joint owner [or owners] being [state names and residences.]

That my claim is *bonâ fide* and not colorable or collusive.

Dated the _____ day of _____ 18 .

Witness C.D.,
of _____

(Signed: *Christian and Surname*
being written in full) A.B.
(Place of abode)

FORM 11.

Notice of Claim.

To the Electoral Registrar for the _____ Electoral District.

I hereby give you notice that I claim to have my name inserted in the Electoral List for the _____ Electoral District, on the following grounds:—

That I am of full age; and not, so far as I know, subject to any legal incapacity.

That I am and have been for the last twelve calendar months a joint holder of a leasehold estate in possession within the said district of the clear value of _____ pounds sterling per annum, such estate being situate at _____ and consisting of _____

That my share in the said estate is one-half [or one-third, or as the case may be], the other joint holder (or holders) being [state names and residences.]

That my claim is *bonâ fide* and not colorable or collusive.

Dated the _____ day of _____ 18 .

Witness C.D.,
of _____

(Signed: *Christian and Surname*
being written in full) A.B.
(Place of abode)

FORM 12.

Notice of Claim.

To the Electoral Registrar for the _____ Electoral District.

I hereby give you notice that I claim to have my name inserted in the Electoral List for the _____ Electoral District, on the following grounds:—

That I am of full age; and not, so far as I know, subject to any legal incapacity.

That I am and have been for the last twelve calendar months a joint holder of a lease [or license] from the Crown subject to the payment of _____ pounds sterling per annum, empowering the lessees [or licensees] to [state the nature of the lease or license] upon Crown lands, such Crown lands being within the said District, and situate at _____

53° VICTORIÆ, No. 23.

The Electoral Act, 1889.

That I possess and have for the last twelve calendar months possessed within the said Division a freehold estate of the clear value of Two hundred pounds sterling above all charges and incumbrances affecting the same, such freehold estate being wholly [or chiefly] within the said District, being situate at _____ and consisting of _____
Dated the _____ day of _____ 18 .

(Signed: *Christian and Surname*
being written in full) A.B.
(Place of abode)

Witness C.D.,
of _____

FORM 15.

Notice of Claim.

To the Electoral Registrar for the _____ Electoral District, as Deputy
Electoral Registrar for the _____ Electoral Division.

I hereby give you notice that I claim to have my name inserted in the Electoral List for the _____ Electoral Division, on the following grounds:—

That I am of full age; and not, so far as I know, subject to any legal incapacity.

That I possess and have for the last twelve calendar months possessed within the said Division a leasehold estate in possession of the clear value of Thirty pounds sterling per annum, such leasehold estate being wholly [or chiefly] within the said District, being situate at _____ and consisting of _____

Dated the _____ day of _____ 18 .

(Signed: *Christian and Surname*
being written in full) A.B.
(Place of abode)

Witness C.D.,
of _____

FORM 16.

Notice of Claim.

To the Electoral Registrar for the _____ Electoral District, as Deputy
Electoral Registrar for the _____ Electoral Division.

I hereby give you notice that I claim to have my name inserted in the Electoral List for the _____ Electoral Division, on the following grounds:—

That I am of full age; and not, so far as I know, subject to any legal incapacity.

That I hold and have for the last twelve calendar months held a lease [or license] from the Crown subject to the payment of Thirty pounds sterling per annum empowering me to [state the nature of the lease or license] upon Crown lands, such Crown lands being within the said Division and wholly [or chiefly] within the said District, and being situate at _____ and consisting of _____

Dated the _____ day of _____ 18 .

(Signed: *Christian and Surname*
being written in full) A.B.
(Place of abode)

Witness C.D.,
of _____

Form 17.

53° VICTORIÆ, No. 23.

The Electoral Act, 1889.

FORM 17.

Notice of Claim.

To the Electoral Registrar for the Electoral District, as Deputy
Electoral Registrar for the Electoral Division.

I hereby give you notice that I claim to have my name inserted in the
Electoral List for the Electoral Division, on the following
grounds:—

That I am of full age; and not, so far as I know, subject to any legal
incapacity.

That I occupy as a householder and have for the last twelve calendar
months so occupied a dwelling house within the said Division of the clear
value of Thirty pounds sterling per annum, such house being situate
at

[If the claimant has successively occupied two dwelling houses within
the said period, he shall so state, giving the situation of both houses.]

Dated the day of 18 .
(Signed: *Christian and Surname*) A.B.
being written in full
(Place of abode)

Witness C.D.,
of

Schedule B.

FORM 1.

List of Claimants.

The following persons claim to have their names inserted in the Electoral
List for the Electoral District* :—

Christian name and surname of each claimant at full length.	Nature of the Qualification in respect of which he claims.	Locality of property or premises whence his claim arises.

* If and when Part III.
of "The Constitution
Act, 1889," shall come
in force the word "Di-
vision" must be sub-
stituted for "District"
in this place when the
claim is made for a vote
for a Division.

Dated the day of , 18 .
(Signed) A.B.,
Electoral Registrar for the Electoral District.

FORM 2.

Notice of Objection.

To the Electoral Registrar for the Electoral District*
And to (*the person objected to*).

* See Note in margin to
form 1 of this Schedule.

I hereby give you and each of you notice that I object to the name of
(*describe the person objected to as described as claiming to be*
entered on the Electoral List or as appearing thereon, as the case may be) being
[entered

53° VICTORIÆ, No. 23.

The Electoral Act, 1889.

should not be erased from the Electoral Register for the Electoral District,* on the ground that

(Signed) *A.B.*
Electoral Registrar.

* See Note in margin to form 1 of this Schedule.

N.B.—In case you do not attend, you will be liable to have your name erased without further notice.

FORM 6.

*List of Electors for the Electoral District.**

* See Note in margin to form 1 of this Schedule.

Christian Name and Surname of each elector in full.	Nature of his Qualification.	Locality of the Property or Premises whence his Qualification arises.

Dated the day of 18 .
(Signed) *A.B.*
Chairman of Revision Court
for the Electoral District.

Schedule C.

Form of Ballot Paper.

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

Schedule D.

Schedule D.

Form of Directions for the Guidance of Voters.

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 misdemeanor, and be subject to imprisonment for any term not exceeding six months, with or without hard labor.

Schedule E.

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