

WESTERN AUSTRALIA.

ANNO QUADRAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. XV.

AN ACT to amend the law relating to Procedure at the election of Members to serve in the Legislative Council.

[Assented to, 16th August, 1877.]

WHEREAS it is expedient to amend the law relating to procedure at the election of members to serve in the Legislative Council; 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:—

Preamble.

1 THIS Act may be cited for all purposes as “The Ballot Act, 1877.”

Short Title.

2 THIS Act and an Ordinance passed in the thirty-third year of the reign of Her present Majesty and intituled “An Ordinance to provide for the establishment of a Legislative Council, the division of the Colony into electoral districts, and the election of members to serve in such Council” shall be taken and read together as one Act.

Incorporation with 33rd Vict., No. 13.

41° VICTORIÆ, No. 15.

The Ballot Act, 1877.

Interpretation.

3 THE following words and expressions, when used in this Act, shall have the meanings hereby assigned to them respectively:

“Central polling-place” shall mean the polling-place at the place named in the writ as that at which the election is to be held.

“District polling-place” shall mean any place other than the central polling-place declared, fixed, and appointed by the Governor as a polling-place for any electoral district.

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

4 NO person shall be qualified to be a candidate at any election of a member to serve in the Legislative Council, unless at least ten days before the day named in the writ as the day of the election, he shall have given notice (hereinafter called a nomination paper) to the returning officer for the district of his intention to become a candidate, which notice shall be signed by such person or his agent and shall also be signed by at least six of the electors for the district in token that they support the candidature of such person; Provided however, that if a day shall be hereafter appointed for holding any election within fourteen days of any day fixed by Proclamation for holding any session of the Legislative Council, or during the time that such Council shall be in session, it shall not be incumbent on any candidate to give more than five days' notice in the manner hereinbefore provided. Provided also, 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. Every returning officer shall on the day after the day hereinbefore named as the last day for the giving of such notice as aforesaid by any candidate for election, give public notice of the names of all persons who have complied with the requirements of this section, by affixing a notice to that effect on the Court House door of his district and keeping the same there affixed until the day of the election.

Preparations to be made for taking poll at elections.

5 WHEN, prior to the day fixed for any election, the returning officer of any district 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 the district polling-places within the district, (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; provided that

41° VICTORIÆ, No. 15.

The Ballot Act, 1877.

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 list or roll of electors for the district, 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 every such ballot paper shall have a square printed or written opposite to the name of each candidate, 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 First Schedule hereto.

Schedule 1.

6 THE "Directions to Voters" contained in the Second 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. Schedule 2.

7 ON the day appointed for the election, 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, and shall declare the purpose for which such meeting is held, and shall then announce to the meeting the names and additions of the persons who have duly become candidates at such election in accordance with the provisions of the fourth section of this Act; and if it then appear that there are no more candidates than there are members to be elected, the returning officer shall forthwith declare the candidate or candidates as aforesaid duly elected; but in the event of there being more candidates than the number of members to be elected, 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.

41° VICTORIÆ, No. 15.

The Ballot Act, 1877.

- 8.** THE polling shall take place at the polling-place where the election is to be held 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.
- 9.** THE voting shall be by ballot. The presiding officer at any polling-place shall, immediately before proceeding to take the poll, exhibit the said 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 register for the district, he shall be entitled to ask him the questions hereinafter mentioned, and if such questions are answered satisfactorily, or if the presiding officer shall see fit to dispense with such questions, 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 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 intends to vote by making a cross or other mark within the square opposite the name of such candidate, and
- Poll to be taken by presiding officer.
- Hours of polling.
- Who to be allowed within polling-places.
- Procedure in taking the poll.

41° VICTORIÆ, No. 15.

The Ballot Act, 1877.

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.

10 IT shall be lawful for any person being qualified to vote for any electoral district who, prior to the day fixed for any election in such district shall be within any other district, or who shall reside more than thirty miles from a polling-place for the district for which he desires to vote, to go before a Resident or Police Magistrate, or some other Justice 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 for which he is qualified to vote, as aforesaid; and the said Resident or Police Magistrate or Justice shall then write the name of the electoral district 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 Justice shall write simply the name of the electoral district for which the voter proposes to vote, and the name of the candidate or candidates or intending candidate or candidates at such election, as far as the same are known to him or to the said voter, 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 indicate the name of any candidate or candidates for whom he desires to vote by making a cross or other mark within the square opposite the name of such candidate, and shall then fold it up, and in the presence of the said Resident or Police Magistrate or Justice as aforesaid, shall put the same into an envelope; and the said Resident or Police Magistrate or Justice 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 give the same

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

41° VICTORIÆ, No. 15.

The Ballot Act, 1877.

to the voter; and it shall then be competent for such voter to vote by sending the said envelopes by post or otherwise to the returning officer.

Duty of returning officer with respect to ballot papers received from such persons.

The returning officer, on receipt of any such envelopes, shall, without opening them, retain them in his possession until the commencement of the poll, where, in presence of the scrutineers, he shall 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 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.

The returning officer shall deal in the same way with any ballot papers and counterfoils, drawn up in accordance with this section, which he may receive prior to the closing of the poll.

Any person who shall have been to a Resident or Police Magistrate or other Justice as aforesaid, for the purpose of voting under this section, and in pursuance of the provisions of this section shall have received a ballot paper, put the same into an envelope and received the counterfoil from such Resident or Police Magistrate or Justice as aforesaid, shall be deemed to all intents and purposes to have voted at such election, although he may not have sent the said envelopes or either of them 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 the Third Schedule.

Provision with respect to ballot papers inadvertently spoilt.

11 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 Justice, 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, magis-

41° VICTORIÆ, No. 15.

The Ballot Act, 1877.

trate or justice 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.

12 NO enquiry 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:—

None but certain questions to be put to voters by presiding officer.

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.

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

Procedure at district polling-places at close of the poll.

Procedure at central polling-place at close of the poll.

14 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 Supreme Court in pursuance of the provisions of an Act passed in the thirty-ninth year of the reign of Her present Majesty and numbered ten. 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 on the electoral register as a person entitled to vote for such district or not, 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 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

41° VICTORIÆ, No. 15.

The Ballot Act, 1877.

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.

15 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 list or 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 Council, 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 of the Supreme Court, as hereinafter mentioned. And the returning officer shall at the same time forward to the Governor a certificate under his hand, showing the number of persons who appear to have voted at each polling-place for the district, 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*.

Duty of returning officer after the election.

16 IF in the course of, or with a view to, any proceeding taken or to be taken before any Judge of the Supreme Court, it shall appear to such judge that it is or may be necessary to inspect the ballot papers and counterfoils and copies of the electoral roll in the custody of the Clerk of the Legislative Council as aforesaid, it shall be lawful for the said judge, by order under his hand, to require the said clerk to attend him with the said papers and counterfoils and copies, and such clerk shall thereupon attend and deliver up the said papers and the said counterfoils and the said copies of the electoral roll to the said judge. And it shall then be lawful for the said judge to allow the said ballot papers and copies of the electoral roll to be inspected, put in evidence, or otherwise made use of, as he may see fit. But under no circumstances shall any

Power to Judge of Supreme Court to order production of ballot papers and counterfoils.

41° VICTORIÆ, No. 15.

The Ballot Act, 1877.

such judge allow the said counterfoils to go out of his possession, or to be inspected or seen by any person whatsoever. If any inspection of any such counterfoils should in the opinion of any such judge be necessary or expedient, the said judge shall make the inspection himself; and the said judge shall in making any such inspection make all endeavours and use all precautions in his power to preserve the principle of secrecy in the voting. Provided always, that if in the course of, or with a view to, any prosecution under this Act, it should be deemed by the said judge necessary for the interests of justice to do so, it shall be lawful for him to select from the said counterfoils any such as may appear to be necessary for the purposes of the said prosecution, and to entrust the same to such person or persons as he may think proper for the purpose of the said prosecution. The said judge shall return the said ballot papers and counterfoils and copies of the electoral roll in a packet under his seal to the Clerk of the Legislative Council.

Prohibition of disclosure of vote.

17 NO person who has voted at an election shall, in any legal proceeding, be required to disclose for whom he has voted.

Certain errors not to affect validity of election.

18 NO election shall be declared invalid by reason of a non-compliance with the provisions of this Act in matter of detail, or any mistake on the part of any presiding or returning officer, if it appears to the tribunal having cognizance of the question, that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake did not affect the result of the election.

Course to be followed on a scrutiny.

19 IF, on the trial of any petition presented to the Supreme Court under the provisions of an Act passed in the thirty-ninth year of the reign of Her present Majesty and numbered ten, in which it is prayed that the Court will declare duly elected as member for any electoral district some person or persons other than the person or persons returned by the returning officer for such district, it is shown,

(a). That any person was admitted to vote at such election whose name was not on the electoral list or roll in force for such district at the time of the election, or that any person voted more than once at such election, the presiding judge shall, from examination of the ballot papers and counterfoils, ascertain the ballot paper or papers given by any such person and cancel the same;

41° VICTORIÆ, No. 15.

The Ballot Act, 1877.

- (b). That any person, entitled to vote at the said election, was prevented from voting by force, menace, or fraud, it shall be competent for the said person so prevented from voting to tender his vote to the presiding judge, who shall take the same, following, in so doing, as nearly as possible, the regulations hereinbefore contained with reference to the taking of votes at elections;
- (c). That any candidate, or any person retained, employed, or authorised, with or without reward by or on behalf of such candidate, has been guilty of any bribery or other corrupt practice within the meaning of the said Act passed in the thirty-third year of the reign of Her present Majesty and numbered thirteen, in respect of any person who voted at such election, there shall, on a scrutiny, be struck off from the number of votes appearing to have been given for such candidate one vote for every person who voted at such election, and in respect of whom such bribery or corrupt practice is proved to have been committed.

And the said judge shall, at the close of the proceedings, without disclosing how any person whose vote he may have taken has voted, or how any person whose vote he may have cancelled has voted, proceed to ascertain how far the return made by the returning officer is affected by the votes so taken, cancelled, or struck off by him, and declare the result accordingly.

20 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

Offences in respect of ballot papers and ballot-boxes.

41° VICTORIÆ, No. 15.

The Ballot Act, 1877.

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 imprisonment for 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 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.

Liability of officers for misconduct.

21 EVERY returning officer, presiding officer, or clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of this Act, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act, or omission, a penal sum not exceeding One hundred pounds.

Definition and punishment of personation.

22 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 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.

Keeping of order in polling-place.

23 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

41° VICTORIÆ, No. 15.

The Ballot Act, 1877.

polling-place by any constable in or near that place, or any other person authorized 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.

24 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 authorized 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 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. Every person who acts in contravention of the provisions of this section 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.

Infringement of secrecy.

25 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

Deposit made with returning officer under Section 4, how to be dealt with.

41° VICTORIÆ, No. 15.

The Ballot Act, 1877.

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 fourth 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.

Repeal of certain sections
of 33 Vict., No. 13.

26 THE following sections of an Ordinance passed in the thirty-third year of the reign of Her present Majesty intituled "An Ordinance to provide for the establishment of a Legislative Council, the division of the Colony into electoral districts, and the election of members to serve in such Council," (that is to say) sections twenty to twenty-eight, both inclusive, sections thirty, thirty-four, and forty-three, shall be, and the same are hereby repealed.

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

WILLIAM. C. F. ROBINSON, Governor.


41° VICTORIÆ, No. 15.

The Ballot Act, 1877.

SCHEDULES.

Schedule 1.

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 2.

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 pen or pencil there provided, place a cross on the right-hand side, opposite the name of each candidate for whom he votes—thus ×

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

41° VICTORIÆ, No. 15.

The Ballot Act, 1877.

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.

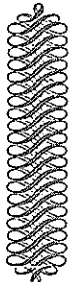
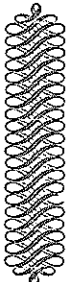
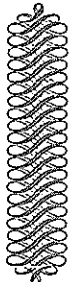
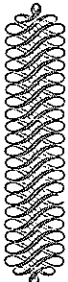
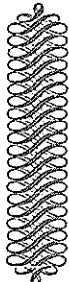
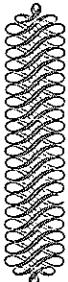
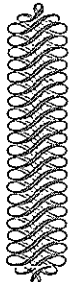
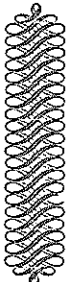
If the voter inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

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.

NOTE.—These directions may be illustrated by examples of the ballot paper.

Schedule 3.

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