

THE ELECTORAL ACT, 1907-1953.

(No. 27 of 1907.)

As amended by Acts Nos. 44 of 1911, 5 of 1918, 59 of 1919, 7 of 1921, 38 of 1931, 39 of 1934, 10 of 1936, 18 of 1940, 47 of 1940, 63 of 1948, 26 of 1949, 58 of 1951, 57 of 1952 and 34 of 1953 and reprinted pursuant to the Amendments Incorporation Act, 1938.

INDEX.

	Section.		Section.
<i>Abolition of Polling Places</i>	100	<i>Amalgamated or New Roll</i>	28, 29
<i>Aboriginals, disqualified as</i>		when to be printed	24
Electors	18	<i>Answers to questions—</i>	
<i>Address of Writ, see "Writs."</i>		after giving satisfactory, bal-	
<i>Absence—</i>		lot paper to be handed to	
of Presiding Officer, not to		elector	125
invalidate election	106	false statement, penalty for	190
of Returning Officer not to		<i>Application to alter qualifica-</i>	
invalidate election	106	tion	50
Voting in	90, 99A	false statement in, penalty	
<i>Absent Voting</i>	99A, 142A	for	190
<i>Absolute majority of votes—</i>		<i>Application for Postal Vote</i>	90
definition of	4	<i>Appointment of—</i>	
<i>Account of Election Expenses—</i>		Assistant Presiding Officers	104
to be rendered by candidates	177	Assistant Returning Officers	6, 141
<i>Acts—indirect, liability for</i>	200	Chief Electoral Officer	5
<i>Additions to rolls</i>	41	Clerk of Writs	63
Claims, how dealt with	43	Doorkeepers	102, 104
<i>Adjournment of Count of</i>		Officers under the Act	16
Votes	135-136	Poll Clerks	102, 104
Returning Officer to notify		Polling Places	100
Scrutineers of	134	Presiding Officers	102, 104
<i>Adjournment—</i>		Substitute for Chief Elec-	
of polling on account of riot	131	toral Officer	7
of polling from certain causes	132	Substitute for Presiding Offi-	
of poll, voting at	133	cer	105
<i>Administration of Act—Chief</i>		Substitute for Registrar	7
Electoral Officer charged		Substitute for Returning	
with	5	Officer	7
<i>Adult qualification, Assembly</i>		Registrars	6
electors	17	Returning Officers	6
<i>Advertisements—</i>		Returning Officer, declara-	
distributing unlawful, penalty		tion to be made and for-	
for	190	warded to Chief Electoral	
electoral, offences in regard		Officer	12
to	187	Scrutineers	137, 114
of nominations	86	<i>Arrangement—</i>	
of polling day and polling		of rolls	23
places	75	with Commonwealth for is-	
<i>Agricultural Halls—free use of,</i>		suing joint rolls	31
for nomination or poll	109	for taking of the Poll to be	
<i>Alteration of rolls</i>	52	made by Returning Officer	101
how to be made	54	<i>Arrest—Returning or Presiding</i>	
time for	53	Officer may order the ar-	
		rest of persons offending	
		on polling day	116

Electoral.

INDEX—continued.

	Section.		Section.
<i>Assembly—</i>		<i>Ballot paper—</i>	
definition of	4	form of	113
General Election, the same		how to record vote on	128
day shall be fixed for the		how dealt with, when name	
polling in District for	67	not on roll	122A
vacancy in, from any cause	67	informal	139
<i>Assembly Electors—</i>		preservation of	152
compulsory enrolment	45	spoilt	130
qualification of	17	to be initialised by Presiding	
to be enrolled on one As-		Officer before being handed	
sembly roll only	17	to elector	125
<i>Assembly Roll (see "Roll").</i>		to be marked in private	127
<i>Assistance—</i>		upon issue of, name to be	
temporary clerical	15	struck off the roll	126
to blind or disabled elector	129	when not informal	140
<i>Assistant Presiding Officers—</i>		<i>Ballot paper, postal—</i>	
appointment, form of	104	mode of marking	93
the Presiding Officer, if		<i>Ballot papers, etc.—</i>	
authorised, may appoint	105	how disposed of after elec-	
declaration by	104	tion	151
<i>Assistant Returning Officers—</i>		preservation of	152
appointment of	6, 142A	<i>Bankruptcy of member—</i>	
may be appointed at outlying		Registrar in Bankruptcy to	
polling places to count the		inform President or	
votes	141	Speaker	67
to count absent votes and		<i>Betting—</i>	
votes under s. 122A	142A	on result of election, penalty	
candidate may require pro-		for	190
duction of the roll used at		<i>Blind elector—</i>	
election by	153	assistance to vote	129
count of votes by	142	may make his mark	211
may decide as to informality		<i>Breaches against the Act—</i>	
of vote	138	person may be arrested com-	
Scrutineer's appointment to		mitting or attempting	116
be made in writing ad-		<i>Breach or neglect of official</i>	
dressed to	137	<i>duty—</i>	
<i>Attempt to commit offence—</i>		act prohibited and penalised	179
equal to committing	201	definition of and punishment	
<i>Authorised witnesses—</i>		for	180
duties of	193, 207	<i>Bribery—</i>	
<i>Authorised witness—</i>		act prohibited and penalised	179
required to signatures on		definition of	182
claims	42	disqualification of person	
<i>Ballot—</i>		found guilty of	186
violation of secrecy of (see		election of candidate found	
"Polling")	180	guilty of, to be declared	
<i>Ballot Box—</i>		void	164
after once sealed by the Pre-		penalty for	188
siding Officer must on no		specification of acts of	181
account be opened by him	117	<i>Buildings under control of</i>	
construction of	111	<i>Government—</i>	
for each polling place or sec-		free use of, for nomination of	
tion	111	poll	109
to be provided by Returning		<i>By-election—</i>	
Officer	102	definition of	4
		<i>Cancellation—</i>	
		of polling places	100

Electoral.

INDEX—continued.

	Section.		Section.
<i>Candidate—</i>		<i>Certificate evidence—</i>	
authorised election expenditure of	174	for prosecution under the Act	202
attendance at committee meetings on premises licensed constitutes illegal practice	187	<i>Certificate of death of member—</i>	
cannot be appointed an officer under the Act	16	to be forwarded to President or Speaker	67
can only nominate for one province or district	77	<i>Change of residence—</i>	
death or withdrawal of, after nomination day	88	effect on qualification of Assembly elector	17
definition of	4	<i>Chief Electoral Officer—</i>	
disqualification of, having committed, or attempted to commit, bribery or undue influence	186	appointment of	5
elected, who receives the largest number of votes	144	his certificate as to the date of an election and names of candidates shall be evidence	202
expenditure on behalf of, without written authority	199	interpretation of	4
gifts by the, to clubs, etc., prohibited	189	may direct removal of duplicated names	51
may be present at count of votes	134	or deputy, may enter or remain in the polling place during the polling, and count	115
may appoint scrutineers	114	may require Postal Vote Officer to submit Postal Vote Book for inspection	94
may withdraw his nomination	82	papers no longer required in connection with the election, to be destroyed at the instance of	155
must deposit £25	81	powers of directing alteration of Rolls	52
not to take part in conduct of election on polling day	115	State Officers to furnish information to	35
officer under the Act vacates his position on becoming a rolls used by Returning Officer or Assistant Returning Officer at any election shall be produced within 35 days of service of notice of	153	to cause certain names on the Rolls to be altered	61
scrutineers appointed by, at scrutiny and count of votes	137	to cause certain names to be struck off Rolls	60
the date fixed for nomination of, must not be less than seven nor more than 30 days from date of writ to nominate himself	70	to determine where copies of Roll to be exhibited for public inspection	25
	77	to file accounts of candidates' election expenses	177
<i>Candidate's expenses (see "Expenses").</i>		to file Presiding Officers', Poll Clerks', and Doorkeepers' Declarations	104
<i>Canvasser—</i>		to file Returning Officers' Declarations	12
prohibition of, in or near polling booth	192	to inspect Registrars' Offices, and Rolls	36
<i>Casting vote—</i>		to prepare and issue new Rolls	37
Returning Officer can give during count of votes	145	to receive after the poll a statistical return from the Returning Officer	150
in the event of an equality of votes at final count, the Returning Officer shall give	143	to supply Postal Vote Books to Postal Vote Officers	91
<i>Census (see "Electoral Census").</i>		to take electoral census	39

Electoral.

INDEX—continued.

	Section.		Section.
<i>Chief Electoral Officer</i> —contd.		<i>Clerk of the Council</i> —	
to recommend to Minister		to give Returning Officer re-	
appointment of necessary		ceipt for packets of docu-	
temporary assistance	15	ments received after elec-	
whenever necessary, to print		tions	151
and issue Rolls	24	to preserve all documents	
<i>Chief Polling Place</i> —		used at Council election	
to be place of nomination	85	until such election can no	
<i>Chief Polling Places</i> —		longer be questioned	152
appointment of	100	to produce ballot papers and	
<i>Christian Name</i> —		other documents required	
definition of	4	by the Court of Disputed	
<i>Claim</i> —		Returns	154
conditions under which en-		<i>Clerk of the Writs</i> —	
rolment is permissible		duties of	63
after issue of Writ	53	Governor appoints	63
to be sent to Chief Elec-		on receipt of warrant to issue	
toral Officer	46	Writs forthwith	68
enrolment of	46	Registrar to be advised by	
essential part of	44	telegram of intention to	
failure to transmit to Regis-		issue Writ	73
trar, punishment for	194	to forward to President or	
false statement in, penalty		Speaker the names of	
for	190	members elected	147
form of	42	to issue Writs for election	
how to be dealt with by		in case of extraordinary	
Registrar	43	vacancies	67
may be submitted by Regis-		Writs shall be returned to	63
trar to Public Officer for		<i>Closing of the Poll</i> —	
report	46	time for	117
objection proceedings	47	<i>Commonwealth</i> —	
open to inspection	43	arrangement with, for issu-	
powers of Magistrates re-		ing joint rolls	31
specting objections to	49	<i>Compartments for voting</i> —	
rejection of	44	to be provided at each poll-	
<i>Claims and Forms</i> —		ing place	110
persons authorised to witness		<i>Comptroller General of</i>	
signatures to, and duties		<i>Prisons</i> —	
of such persons	207	to furnish quarterly lists of	
<i>Clerical Assistance</i> —		convicts	59
provisions governing ap-		<i>Compulsory Enrolment, Legis-</i>	
pointment of	15	<i>lative Assembly</i>	45
<i>Clerk of the Assembly</i> —		<i>Compulsory voting</i>	156
to give Returning Officer re-		<i>Conduct of the Poll</i>	117
ceipt for packets of docu-		<i>Constitution Acts Amendment</i>	
ments received after elec-		<i>Act, 1899, repeal of sec-</i>	
tions	151	<i>tions 26, 27, 28, 29, and</i>	
to preserve all documents		30	214
used at Assembly election		<i>Convicts</i> —	
until such election can no		Comptroller General of	
longer be questioned	151	Prisons to furnish quar-	
to produce ballot papers and		terly returns of	59
other documents required		<i>Consequence of Answers</i> —	
by the Court of Disputed		to questions put by Presid-	
Returns	154	ing Officer to Elector	120-121

Electoral.

INDEX—continued.

	Section.		Section.
<i>Council—</i>		<i>Court of Disputed Returns—contd.</i>	
definition of	4	no proceedings on petition unless requisites complied with	161
method of filling vacancy in from any cause	67	order of Court after trial to be sent to Clerk of the House affected	168
<i>Council Rolls (see "Rolls").</i>		petition against election, addressed to	157
<i>Count of Votes—</i>		powers of, in relation to disputed election	162
adjournment of	134-136	production of ballot papers and other documents	154
by Deputy and Assistant Returning Officers	142	requisites of petition against election	158
by Returning Officers 134, 143, 144	144	return of Writ, presumption as to date	159
informal ballot papers, what are	139	rules of Court, annulment on address by either House	173
objections to ballot papers	138	rules of Court, power to make rules of Court, to be laid before Parliament	173
persons allowed to be present at	134	to report cases of illegal practices	165
recount of ballot papers at the Returning Officer must announce to the Scrutineers and Officers the adjournment and time and place for the continuation of the	146	voiding of election for bribery or undue influence	164
	135		
<i>Court of Disputed Returns—</i>		<i>Criminal Code (Chapter XIV)—</i>	
constitution of	157	not to apply to Parliamentary elections	206
copy of petition to be sent to Clerk of House affected	168	<i>Criminals—</i>	
costs, amount of, to be taxed by the Taxing Officer of the Supreme Court	169	disqualified as Electors	18
costs, deposit applicable in payment of	170	<i>Date of Polling—</i>	
costs, recovery of	171	must not be less than seven days nor more than 30 days after nomination	71
decision of, effect of	172	<i>Date of return of Writ</i>	72
decision of, to be final	167	<i>Dated Rolls for Election—</i>	
delay as regards nominations, polling, etc., not to vitiate election	166	to be supplied by Registrar to Returning Officer, and by Returning Officer to Presiding Officer	112
deposit of £50 as security for costs	160	<i>Death of Candidate—</i>	
documents as required to be produced by Clerk of the Council or Assembly to immaterial errors not to vitiate election	154	after declaration of nomination	88
	166	before the Election, deposit to be paid to legal representative of	84
if any election is declared absolutely void a new election shall be held	172	<i>Death of Member—</i>	
if person declared duly elected by, he may take his seat as a Member of the Council or Assembly	172	certificate to be forwarded to President or Speaker	67
if person declared not duly elected by, ceases to be a member of Council or Assembly	172	<i>Death of Returning Officer—</i>	
illegal practices, report of	165	after the issue of Writs	14
inquiry into votes by	163	<i>Deaths—</i>	
inquiry by, extent of	163	Registrar General to supply quarterly lists of	56

Electoral.

INDEX—continued.

	Section.		Section.
<i>Declaration—</i>		<i>Deputy Returning Officer—</i>	
allowing voter to vote	122	a copy of the Writ must be	
after making, ballot paper to		forwarded by the Return-	
be handed to elector	125	ing Officer to the	75
Assistant Presiding Officer's	104	count of votes	142
by person voting by post	92	may decide as to informality	
Doorkeeper's	104	of vote	138
false statement in, penalty		scrutineers' appointment to	
for	190	be made in writing ad-	
of nominations	86	dressed to	137
of the Poll	147	the Returning Officer for	
of unopposed election, by		each District shall be	10
withdrawal or death of			
candidate after nomina-		<i>Destroying any document</i>	
tion	88	<i>affixed by Returning Offi-</i>	
persons authorised to witness		<i>cer—</i>	
signatures to, and duties of	207	penalty for	190
Poll Clerk's	104	<i>Destroying Ballot Boxes or</i>	
Presiding Officer's	104	<i>Ballot Papers—</i>	
Returning Officer's, on his		penalty for	190
appointment	12	<i>Destroying or Defacing Ballot</i>	
Scrutineers'	114	<i>Paper—</i>	
to be filed by Chief Electoral		penalty for	190
Officer	104	<i>Directions—</i>	
to be made by elector ob-		for voting by post	92
jected to before voting	121	<i>Disabled Elector—</i>	
<i>Declaration of public policy—</i>		assistance to vote	129
not deemed bribery or undue		<i>Disobeying lawful directions in</i>	
influence	185	<i>polling place on polling</i>	
<i>Defacing any document affixed</i>		<i>day—</i>	
<i>by Returning Officer—</i>		penalty for	190
penalty for	190	<i>Disorderly person—</i>	
<i>Defamation of Candidate</i>	183	may be removed from poll-	
<i>Defect—</i>		ing place	116
in nomination paper shall		<i>Disposal of Ballot Papers and</i>	
not invalidate nomination	83	<i>Documents—</i>	
<i>Definitions</i>	4	used at elections	151
<i>Deposit—</i>		<i>Disputed Election (see "Court</i>	
forfeited on withdrawal of		<i>of Disputed Returns").</i>	
nomination	82	<i>Disputed Returns</i>	157-173
£25 to be deposited by candi-		<i>Disqualification—</i>	
date	81	for bribery or undue influ-	
on nomination, forfeited in		ence	186
certain cases	84	<i>Disqualifications—</i>	
retained pending the election	84	of electors	18
return of, in certain cases	84	of officers	16
<i>Deposit of £50 as security for</i>		<i>Distributing unlawful adver-</i>	
<i>costs (see "Court of Dis-</i>		<i>tisement, handbill, or</i>	
<i>puted Returns")</i>	160	<i>pamphlet—</i>	
<i>Deputy—</i>		penalty for	190
Chief Electoral Officer,		<i>District—</i>	
Registrar, Returning Offi-		definition of	4
cer, appointment of (see		Returning Officer to be ap-	
"Substitute").		pointed for each	9
<i>Deputy Clerk of the Writs—</i>		Returning Officer for, to be	
acts when Clerk of the Writs		Deputy Returning Officer	
is unable to act	63	for the Province	10
Governor appoints	63		

Electoral.

INDEX—continued.

	Section.		Section.
<i>District and Province—</i>		<i>Election—continued.</i>	
new rolls for	37	documents used at, to be preserved by Clerks of Council and Assembly, until elections can no longer be questioned	152
Registrar may be appointed Returning Officer for any roll of electors to be kept by the Registrar for each	11	failure of	89
same person may be appointed Registrar for	20	general, definition of	4
there must be a roll of the electors for each	8	how polling to be conducted at	117
where rolls may be publicly inspected in	19	if any election is declared void by the Court of Disputed Returns, there must be a new	172
	25	not to be questioned for defect or want of title of Officers	148
<i>District or Province—</i>		not to be invalidated by absence of Returning Officer Parliamentary, Criminal Code (Chapter XIV.) not to apply to	106
if Writ for election issued, Returning Officer must not resign without consent of Governor	13	petition against	206
<i>Districts or Provinces—</i>		production of rolls used at voiding of, by Court of Disputed Returns	157
same person may be appointed Registrar for two or more	8		153
<i>Document or Roll—</i>			164
no invalidation of, by errors in	34	<i>Election Committee or Political Organisation—</i>	
<i>Documents, etc.—</i>		the position of an Officer under the Act becomes vacant on his becoming a candidate or official of any	16
in connection with the election to be destroyed	155	<i>Election documents, etc.—</i>	
<i>Doorkeepers—</i>		how disposed of	151
appointment, form of	104	<i>Election expenses—</i>	
declaration by	104	allowed	176
may enter or remain in the polling place during the polling, and count	115	amounts allowed	174
to be appointed by the Returning Officer	102	definition of	175
<i>Duplications—</i>		<i>Election proceedings—</i>	
of names, how removed from roll	51	remedy for informalities in	149
<i>Election—</i>		<i>Elector—</i>	
ascertaining result of	143	ballot paper to be handed to before voting, to state necessary identification particulars	125
by, definition of	4	blind or illiterate, may make his mark	118
candidates elected who receive greatest number of votes	144	consequence of answers given to questions	211
count of votes by Deputy and Assistant Returning Officers	142	definition of	121
declaration of result of	147	except as provided by the Act, shall not be required to give any answers to questions	4
declaration of unopposed	87-88	how to record his vote	123
destruction of papers after, by Chief Electoral Officer, Returning Officer, or Registrar	155	may object to claim or enrolment	127
disputed (<i>see</i> "Court of Disputed Returns")	157		47-48

Electoral.

INDEX—continued.

	Section.		Section.
<i>Elector</i> —continued.		<i>Equality of votes before final count</i> —	
may obtain fresh ballot paper in lieu of spoilt ...	130	Returning Officer to decide in case of ...	145
objected to, may not vote except after declaration made	122	<i>Error</i> —	
provision for blind or disabled to record his vote ...	129	in nomination paper shall not invalidate nomination	83
questions to be put to challenged	119	<i>Essential parts of a claim</i> ...	44
reasons under which he may be debarred from voting	123	<i>Evidence of right to vote</i> —	
who has used postal voting facility may not vote again	99	Roll to be conclusive ...	119
<i>Electors for Assembly</i> —		<i>Execution of Writ</i> —	
penalty for non-enrolment	45	issued to Returning Officer unable to complete same	14
qualification of ...	17	<i>Expenditure</i> —	
to be enrolled on one Assembly Roll only ...	17	unauthorised, on behalf of candidate ...	199
<i>Electoral Act, 1904</i> —		<i>Expenses</i> —	
repeal of ...	214	candidate's account in Form No. 26 ...	177
<i>Electoral census</i> —		candidates', allowable at elections ...	176
definition of ...	4	candidates', definition of ...	175
how to be taken ...	39	candidates', limit of ...	174
penalty for refusing, or neglecting to furnish particulars for ...	195	candidate must file with Chief Electoral Officer returns of ...	177
<i>Electoral expenses</i> ...	174-178	candidates', payments to be vouched by bill ...	178
<i>Electoral matter may be sent by post</i> —		candidates', returns of ...	177
service of ...	209	election, amount allowed ...	174
<i>Electoral matter may be sent by telegraph</i> ...	210	election, offences in connection with, to constitute illegal practice ...	187
<i>Electoral offences</i> —		<i>Extension of time</i> —	
(see "Offences").		for nomination, polling day, and return of the writ ...	76
<i>Electoral Registrars</i> —		<i>Failure of election</i> ...	89
(see "Registrar.")		<i>Failure to transmit claim</i> ...	194
<i>Electoral Roll</i> —		<i>False statement</i> —	
(see "Roll.")		in claim, application, return or declaration, or in answer to question under the Act, penalty for ...	190-191
<i>Employee</i> —		in objection to claim or enrolment, penalty for ...	190-191
to be allowed sufficient time off by employer to vote ...	196	<i>Female elector</i> —	
<i>Employer</i> —		not disqualified from voting under her maiden name if such appears on roll ...	124
to allow employee sufficient time off to record his vote	196	<i>Filing of claims</i> ...	43
<i>Enrolment</i> —		<i>First preference votes</i> —	
compulsory for Assembly ...	45	how to record ...	93, 128
objection to ...	48	<i>Forging or uttering ballot paper</i> —	
objection proceedings ...	48	penalty for ...	190
powers of the magistrate respecting objections to ...	49		
<i>Equality of votes at final count</i> —			
Returning Officer to decide in case of ...	143		

Electoral.

INDEX—continued.

	Section.		Section.
<i>Form of—</i>		<i>Governor—continued.</i>	
ballot papers	113	may appoint substitute for Chief Electoral Officer, Registrars, and Returning Officers	7
<i>Form of—</i>		may make regulations	213
nomination paper	78	may, under certain circum- stances, issue warrant for new election in case of ex- traordinary vacancies	67
postal vote book	91	time may be extended for the nomination of candi- dates, the taking of the poll, or the return of the writ for any election, by the	76
Writs	69	to direct time for electoral census	39
<i>Forms—</i>		to order preparation of new rolls	39
substantial compliance with, to be sufficient	212	<i>Half-castes—</i>	
<i>Forms and Claims—</i>		disqualification as electors	18
penalty for untrue state- ments in	190-191	<i>Handbill, electoral—</i>	
persons authorised to witness signatures to, and duties of such persons	207	offences in regard to	187
<i>Fraudulently putting ballot or other paper into ballot box—</i>		<i>Handbill, distributing unlaw- ful—</i>	
penalty for	190	penalty for	190
<i>Fraudulently taking ballot paper out of polling booth—</i>		<i>Hard labour may be awarded with imprisonment</i>	203
penalty for	190	<i>Identification of voter—</i>	
<i>Free use—</i>		at polling	118
of certain buildings for nomination proceedings, and poll	109	by mark made on roll	126
<i>Furnishing—</i>		<i>Illegal practices</i>	187
of Polling Places by Re- turning Officers	102	acts prohibited and penal- ised	179
<i>General Election—</i>		election may be upset on ground of	164
definition of	4	liability for, whether directly or indirectly committed	200
Governor to issue writ for	64	penalty for	188
<i>General election for the As- sembly—</i>		report to Minister that per- son has committed	165
for the polling in each dis- trict the same day shall be fixed	66	<i>Illiterates—</i>	
<i>Gifts by candidates to clubs, etc., prohibited</i>	189	may sign their mark	211
<i>Governor—</i>		<i>Imprisonment may be awarded with or without hard lab- our</i>	203
by warrant directs the Clerk of the Writs to issue writs for general election	64	<i>Incorporation of supplemen- tary rolls</i>	27
Clerk of the Writs ap- pointed by	63	<i>Indictable offences—</i>	
Deputy Clerk of the Writs appointed by	63	offences against the Act punishable by imprison- ment exceeding one year are	204
may appoint Chief Electoral Officer	5	<i>Indirect acts, liability for</i>	200
may appoint Registrars, Re- turning Officers, and As- sistant Returning Offi- cers	6		

Electoral.

INDEX—continued.

	Section.		Section.
<i>Influence—undue—</i>		<i>Licensed premises—</i>	
act prohibited and penalised	179	committee meeting, if held	
definition of	183, 184	on, to constitute illegal	
disqualification of person		practice	187
found guilty of	186	not to be used as polling	
penalty for	188	places	108
<i>Informal ballot papers—</i>		<i>Limitation of electoral ex-</i>	
particulars as to	139	penses	174-178
<i>Informal votes—</i>		offences in connection with,	
to be marked "informal"		to constitute illegal prac-	
at count	134	tice	187
<i>Informality at election—</i>		<i>Local governing body—</i>	
remedy for	149	definition of	4
<i>Informality of vote—</i>		<i>Local governing bodies—</i>	
officer's decision may be re-		to furnish the Chief Elec-	
versed only by judge of		toral Officer with informa-	
Supreme Court	138	tion required	35
to be decided by officer con-		<i>Lunatics—</i>	
ducting count	138	disqualified as Electors	18
<i>Initiating ballot paper—</i>		<i>Magistrate—</i>	
duty of Presiding Officer be-		definition of	4
fore handing it to elec-		power of, respecting objec-	
tor	125	tions to claims and enrol-	
<i>Inquiries by Court of Disputed</i>		ment	49
<i>Returns</i>	163	to hear objections	47-48
<i>Insane—</i>		<i>Maiden name—</i>	
Inspector General of Insane		if on Roll, married woman	
to furnish quarterly lists		may vote under	124
of	57	<i>Maintenance of Order—</i>	
<i>Inspection of claims by the</i>		in polling place	116
<i>public</i>	43	<i>Majority of votes—absolute—</i>	
<i>Inspection of postal vote</i>		definition of	4
<i>books—</i>		<i>Mark—</i>	
arrangement for	94	person unable to write may	
<i>Inspection of rolls—</i>		make his	211
by the Chief Electoral Offi-		<i>Marked names—</i>	
cer	36	Electors may only vote after	
by the public	25, 33	making declaration	122
<i>Inspector General of Insane—</i>		<i>Marked Rolls—</i>	
to furnish quarterly lists of		used at election, to be for-	
persons insane	57	warded by Presiding Offi-	
<i>Invalidation—</i>		cer to Returning Officer	117
of rolls or documents not to		<i>Marking of Ballot Papers—</i>	
obtain	34	at Poll	128
<i>Leave of absence to vote—</i>		Postal	92-93
conditions under which em-		<i>Married woman—</i>	
ployee may obtain from		may vote under maiden name	
employer	196	if on Roll	124
<i>Legislative Assembly—</i>		when she may vote under	
(see "Assembly.")		maiden name	61
<i>Legislative Council—</i>		<i>Marriages—</i>	
(see "Council.")		Registrar General to supply	
<i>Liability—</i>		quarterly list of women	
for indirect acts	200	married	56

Electoral.

INDEX—continued.

	Section.		Section.
<i>Master of Supreme Court—</i>		<i>Mode of marking—</i>	
duties of in connection with		Postal Ballot Paper	93
Court of Disputed Re-		other Ballot Papers	128
turns	160, 165, 168	<i>Model of Ballot Box—</i>	
<i>Mechanics and Miners' Insti-</i>		provision for	111
tutes—		<i>Municipal Buildings—</i>	
free use of, for the purpose		free use of, for nomination or	
of any nomination or poll	109	poll	109
<i>Member of Legislative As-</i>		<i>Mutilating any document</i>	
sembly—		affixed by Returning Offi-	
right to have name, and that		cer—	
of his wife, on Roll for the		penalty for	190
District represented by him	17	<i>Name—</i>	
<i>Member of Police Force—</i>		objection to enrolled	48
(see "Police Force—members		restitution of name removed	
of.")		from Roll	62
<i>Method for—</i>		<i>Name of Elector on Roll—</i>	
claiming enrolment	42	to be struck out when ballot	
disputing elections	157	paper issued	126
objecting to claims	47	<i>Name of another elector—</i>	
objecting to enrolment	48	signing, on claim-form, pen-	
recording the vote in person	127	alty for	190
recording the vote by post	92	<i>Naturalised—</i>	
restitution of electoral enrol-		definition of	4
ment	62	<i>Naturalisation—</i>	
<i>Minister—</i>		a qualification of Electors	17
Chief Electoral Officer to		<i>Neglect of official duty—</i>	
furnish recommendations		act prohibited and penalised	
to, <i>re</i> Registrars and Rolls	36	definition of, and punish-	
definition of	4	ment for	180
may appoint Assistant Re-		<i>New names—</i>	
turning Officers for outly-		how added to rolls	41
ing polling places	141	<i>New rolls</i>	37
may appoint Polling Places	100	how prepared	38, 40
may appoint postal vote offi-		prepared from results of	
cers	90	Electoral Census	39
on recommendation of the		<i>Nomination—</i>	
Chief Electoral Officer, may		certain buildings may be	
appoint necessary tempor-		used free of charge for	
ary assistants	15	proceedings of	109
Rolls may be printed in		date for	70
amalgamated form by		date of polling must not be	
direction of	28	less than 14 days nor more	
<i>Misconduct—</i>		than 45 days after	71
at polling place, person com-		deposit of £25	81
mitting may be removed		deposit forfeited in certain	
from	197	cases upon withdrawal of	
in polling place on polling		form of	84
day, penalty for	190	if only one nomination, can-	
<i>Mis-spelling of Name—</i>		didate to be declared	
not to invalidate postal vote	97	elected	87
<i>Mis-spelling of name on Roll—</i>		of candidate	77
not to disqualify elector at		place of	85
poll	124	Returning Officer's decision	
<i>Mistakes in Roll—</i>		final as to time of	86
how corrected	52		
not to warrant disqualifica-			
tion of elector	124		

Electoral.

INDEX—continued.

	Section.		Section.
<i>Nomination</i> —continued.		<i>Offences</i> —continued.	
of candidates, time for—may		breach or neglect of official	
be extended	76	duty	180
time for receipt of	79, 86	bribery	179
to be addressed to the Re-		bribery, definition of	182
turning Officer	78	bribery, punishment for	188
withdrawal of by candidate	82	bribery, specification of acts	
<i>Nomination Day</i> —		of	181
proceedings on	87	candidate, contravention of	
<i>Nomination paper</i> —		Act by, in regard to ex-	
error or defect in, not to in-		penses, constituting	
validate nomination	83	“illegal practice”	187
<i>Nominations</i> —		canvassing at or near poll-	
to be advertised	86	ing places	192
may be telegraphed	80	defacing, mutilating, de-	
declaration of	86	stroying, or removing	
<i>Notice, electoral</i> —		any notice, etc.	190
offences in regard to	187	disqualification for bribery	
<i>Notices of objections</i> —		or undue influence	186
to be issued by Registrar	47-48	electoral	179-206
<i>Notice under the Act</i> —		evidence as to election	202
may be served by posting	208	failing to obey lawful direc-	
<i>Numbering of names on rolls</i>	23	tions of the Presiding	
<i>Objections</i> —		Officer	190
deposit to be made when		failure to transmit claim for	
lodging	47-48	enrolment	194
magistrate's powers as re-		false declaration	207
gards	49	false statement in any ob-	
persons objected to, how to		jection, claim or declara-	
vote	122	tion	190, 191
proceedings at	47-48	forging nomination or ballot	
to claims	47	paper	190
to enrolment	48	for omission by Presiding	
<i>Objections to ballot papers</i> —		Officer to initial and mark	
scrutineers'	138	ballot paper, penalty	125
<i>Offences</i> —		fraudulent acts in regard to	
acts prohibited and penal-		ballot papers, etc.	190
ised	179	gifts by candidates to clubs	189
advertisements, unlawful		illegal practice, liability for,	
electoral, constituting		whether directly or indir-	
“illegal practice”	187, 190	ectly committed	200
attempts to commit, equal		illegal practices	179, 187
to committing	201	illegal practices, election may	
attendance of candidate or		be upset on ground of	164
member of committee at		imprisonment may be	
committee meetings on		awarded with or without	
licensed premises to con-		hard labour	203
stitute “illegal practice”	187	incurring expenses on behalf	
ballot boxes or ballot		of candidate without writ-	
papers, destroying, taking,		ten authority	199
opening, or otherwise in-		indictable, if punishable by	
terfering with	190	more than a year's im-	
breach of duty by witness		prisonment	204
to documents	193	inducing any elector not to	
breach of official duty	179	vote at the election, or for	
		any particular candidate	192
		in polling booth	190
		neglect of official duty	179

Electoral.

INDEX—continued.

	Section.		Section.
<i>Offences—continued.</i>		<i>Officers—continued.</i>	
neglect or refusal to furnish particulars or furnishing incomplete particulars in connection with preparation of rolls	195	each adjournment and the time and place for the continuation of the count shall be announced by the Returning Officer to	135
pamphlets, unlawful electoral penalty for contravention of Act where no other specified	190	<i>Officer under the Act—</i>	
person re-entering polling place after removal, double penalty	190	disqualifications of	15
personation	198	<i>Officers to take postal votes—</i>	
pamphlets unlawful, electoral, to constitute "illegal practice"	187	appointment of	90
publishing advertisements, etc., without name of person authorising, constituting "illegal practice"	187	Chief Electoral Officer to supply Postal Vote Books	90
signing as the claimant, on a claim to be enrolled as an elector, the name of any other person	190	not to visit electors except those suffering from serious illness	95
soliciting the vote of any elector at or near polling place	192	to transmit vote book for inspection	94
summary conviction for, if not indictable	205	<i>Officers of State Government and Local Governing Bodies—</i>	
supplying ballot papers without authority	190	to furnish Chief Electoral Officer with information required	35
undue influence	179, 183	<i>Official Duty—</i>	
undue influence, definition of	184	breach or neglect of	180
undue influence, punishment for	188	<i>Omissions on Rolls—</i>	
untrue statement in forms	191	how rectified	52
voting more than once	190	of christian names, not to disqualify elector at poll	124
wilfully making a false statement in any objection to any claim or name on Roll	190	<i>Opening Ballot Boxes unlawfully—</i>	
<i>Offences against the Act—</i>		penalty for	190
Returning or Presiding Officer may cause arrest of persons committing or attempting	116	<i>Opening of the Poll—</i>	
<i>Offender—</i>		time for	117
at polling place may be removed by authority of Presiding Officer	197	<i>Order—</i>	
<i>Officer—</i>		maintenance of, in polling place	116
definition of	4	<i>Outlying polling places—</i>	
offences by	179	appointment of Assistant Returning Officers to count votes at	141
<i>Officer conducting count of votes—</i>		<i>Pamphlet—</i>	
to decide as to informality of vote	138	distributing unlawful—penalty for	190
<i>Officers—</i>		electoral, offences in regard to	187
breach or neglect of official duty	180	<i>Papers—</i>	
		electoral, sent by post, service of	209
		<i>Parliament—</i>	
		definition of	4
		<i>Parliamentary elections—</i>	
		Criminal Code (Chapter XIV.) not to apply to	206
		<i>Particulars—</i>	
		essential in claim	44

Electoral.

INDEX—continued.

	Section.		Section.
<i>Particulars for Electoral Census—</i>		<i>Poll Clerk—continued.</i>	
penalty for neglect or refusal to supply	195	may enter or remain in the polling place during the polling and count	115
<i>Paupers—</i>		to be appointed by the Returning Officer	102
disqualification as electors	18	<i>Polling—</i>	
Superintendent of Public Charities to furnish quarterly return of	58	adjourned, voting at	133
<i>Penalties (see under "Offences").</i>		adjournment of, on account of riot and violence	131
<i>Personation—</i>		adjournment of, from certain other causes	132
to obtain ballot paper or to vote, penalty for	190	blind voter, assistance at by elector can only be refused under certain circumstances	129
<i>Persons authorised to witness signatures, and duties of such persons</i>	207	certain buildings may be used free of charge for proceedings of	123
<i>Persons authorised to witness signatures to claims—</i>		date of	109
any statutory declaration required under the Act may be made before	207	how conducted	71
<i>Persons entitled to enrolment, and to vote at Assembly Elections</i>	17	identification of voter at	117
<i>Persons objected to—</i>		presence of certain persons in polling places allowed times for opening and closing of	118, 126
how to vote	122	<i>Polling Day—</i>	
<i>Persons officially connected with a political organisation or election committee—</i>		time for—may be extended	76
cannot be appointed officers under the Act	16	<i>Polling Places—</i>	
<i>Petitions—</i>		appointment of	100
electoral (see "Court of Disputed Returns").		candidate may appoint one scrutineer for each of the non-divided	114
Place of Nomination	85	certain buildings may be used free of cost as	109
<i>Police Force, Member of—</i>		definition of	4
may assist Returning or Presiding Officer in maintaining order in polling place	116	if not opened on polling day—polling day may be adjourned	132
when on electoral duty, may enter or remain in the polling place during the polling and count	115	maintenance of order in	116
<i>Political organisation or Election Committee—</i>		no licensed premises to be used for	108
the position of an officer under the Act becomes vacant on his becoming a candidate or an official of any	16	offenders may be removed from	197
<i>Poll Clerk—</i>		outlying, appointment of Assistant Returning Officers at	141
appointment, form of	104	prohibition of canvassing for votes in or within fifty yards of	192
declaration by	104	Returning Officer to advertise	75
		Returning Officer may subdivide	107
		to be furnished by Returning Officers	102
		to be provided with Ballot Box	111
		to have separate compartments	110

Electoral.

INDEX—continued.

	Section.		Section.
<i>Polling place, Chief, to be place of nomination</i>	85	<i>Premises, licensed—</i> committee meetings held on, constituting "illegal practice"	187
<i>Post—</i> electoral notices may be served by	208	<i>Prescribed—</i> definition of	4
service of electoral papers sent by	209	<i>Preservation of Ballot Papers</i>	152
<i>Postal Ballot Papers—</i> informality of	139	<i>President—</i> definition of	4
<i>Postal Vote Book—</i> Chief Electoral Officer to supply to postal vote officer	91	<i>President of Council—</i> to issue warrant for new election in case of extraordinary vacancy in Council	67
form of	91	<i>Presiding Officer—</i> adjournment of polling in certain cases	132
to be transmitted for inspection	94	after the Poll to forward Ballot Boxes to Returning Officer	117
<i>Postal Votes—</i> appointment of Officers to take	90	after once sealing the ballot box must on no account break the seal	117
Counting Officer's decision to be final re formality or informality of	98	appointment, form of	104
Elector so voting may not vote again	99	at Chief Polling Place	103
no informality on account of mis-spelling in	97	before allowing elector to vote may require particulars of identification	118
to be taken in Officer's ordinary place of living or business	95	can only debar elector from voting under certain circumstances	123
<i>Postal Vote Officer—</i> Chief Electoral Officer to supply postal vote book to not to visit electors except those suffering from serious illness	91	declaration by	104
to transmit vote books for inspection	94	if authorised, may appoint Assistant Presiding Officers in case of sickness, etc., may appoint his own substitute may adjourn polling on account of riot or violence	131
<i>Postal Vote Officers—</i> appointment of	90	may admit elector to poll, notwithstanding formal defects in name on roll, if satisfied of identity of voter may cause offender to be removed from polling place may enter or remain in the polling place during the polling and count	115
<i>Postal Voting</i>	99B	may put certain questions to elector	119
declaration to be made	92	may summon police to assist in maintaining order in polling place	116
directions for	92	may receive postal votes	92
mode of marking ballot paper	93	penalty for omitting to initial and mark ballot paper	125
<i>Powers of Assistants and Substitutes—</i> of substitute for Returning or Presiding Officer	106	to be appointed by Returning Officer	102
of Assistant Presiding Officer of Deputy or Substitute Officers	105	to cause electors' names to be ruled off the Roll when ballot paper issued	126
	7		
<i>Power to make Rules of Court</i> (see "Court of Disputed Returns.")			
<i>Preferential Voting</i>	128		
mode of marking postal ballot paper	93, 128		

Electoral.

INDEX—continued.

	Section.		Section.
<i>Presiding Officer</i> —continued.		<i>Province and District</i> —	
to forward, after the Poll, marked Rolls to Returning Officer	117	Returning Officer to be appointed for each	9
to initial ballot paper before handing it to elector	125	Registrar may be appointed Returning Officer for any roll of electors to be kept by the Registrar for each	11
to issue fresh ballot paper in lieu of spoilt	130	same person may be appointed Registrar for two or more	20
to receive from candidate written notice of appointment of scrutineer	114	there must be a roll of the electors for each	8
to render assistance to blind or disabled elector in recording his vote	129	where rolls may be publicly inspected in	19
<i>Price of electoral rolls</i>	33		25
<i>Printed copy of roll</i> —		<i>Province or District</i> —	
to be exhibited for inspection	25	if writ for election issued, Returning Officer must not resign without consent of Governor	13
<i>Printed or written roll</i> —		new roll for	37
to be filed in Registrar's Office	32	Registrar may be appointed Returning Officer for any	11
<i>Printing</i> —		<i>Public Service Act, 1904</i> —	
of rolls, the Chief Electoral Officer to take action	24	appointment of temporary assistants not made under	15
of supplementary rolls	26-27	<i>Qualification</i> —	
<i>Procedure</i> —		of electors to be stated in Council Rolls	22
at adjournment of count	136	substitution of, for Province	50
at count of votes by Assistant or Deputy Returning Officers	142	<i>Qualification of Assembly electors</i>	17
at count of votes by Returning Officer	143-144	<i>Questions</i> —	
at opening and closing of Poll	117	consequence of answers given to	121
at postal voting	92	under the Act — false answers to—penalty for 190, 191 to be put to voter	119
<i>Proceedings</i> —		<i>Recount of Votes</i> —	
on nomination day	87	provision for	146
<i>Proclamation</i> —		<i>Re-entering a polling place</i> —	
definition of	4	after removal, double penalty for	198
<i>Production of Rolls</i> —		<i>Refusal</i> —	
used at election	153	to answer questions put to elector by Presiding Officer	120
<i>Prohibition</i> —		<i>Registrar</i> —	
of canvassers at or near polling place	192	action of—upon receipt of claim	46
<i>Promise of public action</i> —		action to be taken when receiving applications for alteration of qualification	50
not deemed bribery or undue influence	185	appointment of	6
<i>Prosecution under Act</i> —		Chief Electoral Officer to inspect Registrar's offices and rolls	36
Certificate of Chief Electoral Officer or Returning Officer evidence of election	202		
<i>Province</i> —			
definition of	4		

Electoral.

INDEX—continued.

	Section.		Section.
<i>Registrar—continued.</i>		<i>Registrar in Bankruptcy—</i>	
definition of	4	to notify President or	
each Province and District		Speaker of act of bank-	
to have a	8	ruptcy of member of Coun-	
failure to transmit claim for		cil or Assembly	67
enrolment to	194	<i>Regulations—</i>	
may be appointed for one,		Governor may make	213
two, or more Provinces		publication of	213
and Districts	8	to be laid before Parliament	213
may be appointed Returning		<i>Re-instatement—</i>	
Officer for any Province		in roll of erroneously re-	
or District	11	moved name	52
may object to claims and		<i>Rejection of Claim</i>	44
enrolments	47-48	<i>Remedy for informalities at</i>	
may require Postal Vote		<i>election</i>	149
Officer to submit postal		<i>Removal—</i>	
vote book for inspection	94	of name from Roll, how to	
power of altering rolls	52	be made	55
removal by—of names re-		of postal vote officer	90
peated on Roll	51	of Returning Officer after	
time for altering rolls	53	issue of writ	14
to add new names to rolls,		<i>Removing any document</i>	
pursuant to claims	41	<i>affixed by Returning Offi-</i>	
to alter certain names on		<i>cer—</i>	
the rolls under direction		penalty for	190
from Chief Electoral		<i>Repeal of—</i>	
Officer	61	"Electoral Act, 1904"	214
to be advised by Clerk of		<i>Repeal of—</i>	
Writs of intention to issue		Sections 26, 27, 28, 29, and	
writ	73	30 of "The Constitution	
to enrol claims after 14 days	46	Acts Amendment Act,	
to exhibit copy of his roll		1899	214
for public inspection	25	<i>Repetition of names—</i>	
to file the latest printed or		how removed from Roll	51
written roll	32	<i>Residence, and District—</i>	
to keep roll of electors for		provision as to occasional	
each Province and District	20	absence from District by	
to keep roll open for inspec-		elector	17
tion	33	<i>Residence, change of—</i>	
to object to claims	47	Effect on qualification of	
to object to enrolments	48	Assembly electors	17
to reject claim not contain-		<i>Residence in Western Australia</i>	
ing essential particulars	44	<i>and in District—</i>	
to strike certain names off		a qualification of Assembly	
the rolls under direction of		electors	17
Chief Electoral Officer	60	<i>Residence of Member of Legis-</i>	
to supply Returning Officer		<i>lative Assembly</i>	17
with necessary rolls for		<i>Resignation of Returning Offi-</i>	
election, signed and dated		<i>cer—</i>	
by	112	after issue of Writ	13-14
with approval of Chief Elec-		<i>Restitution—</i>	
toral Officer, papers, etc.,		of name removed from Roll	62
no longer required to be		<i>Result of Election—</i>	
destroyed by	155	declaration of	147
<i>Registrar General of Births,</i>		Returning Officer to ascer-	
<i>Deaths, and Marriages—</i>		tain the	143
to supply monthly lists of			
deaths, and of women			
married	56		

Electoral.

INDEX—continued.

	Section.		Section.
<i>Return—</i>		<i>Returning Officer—continued.</i>	
false statement in—penalty		to ascertain result of poll	134
for	190	to ascertain result of elec-	
statistical, to be forwarded		tion	143
by Returning Officer to		to be appointed for each	
Chief Electoral Officer	150	Province and District	9
<i>Return of Writ (see "Writs").</i>		to decide about the candi-	
<i>Returning Officer—</i>		date who is to be declared	
adjournment to be announced		defeated if two or more	
to the officers and scruti-		have an equal number of	
neers by	135	votes at count	145
appointment of	6	to declare at the chief	
candidate may require pro-		polling place the name of	
duction of the roll used at		the candidate elected	147
election by	153	to declare candidate elected	
count of the votes by	144	after nomination day in	
definition of	4	case of death or with-	
duties after the poll and dis-		drawal of other candi-	
posal of documents	151	dates	88
duties of	102	to declare nominations	86
his Certificate to the date of		to declare unopposed can-	
election and name of candi-		date elected	87
dates to be evidence	202	to forward after the poll a	
in case of sickness, etc., may		statistical return to the	
appoint his own substitute	106	Chief Electoral Officer	150
may authorise appointment		to forward all declarations,	
of Assistant Presiding Offi-		Form 9, to the Chief	
cers	105	Electoral Officer, after	
may decide as to informality		election	122
of vote	138	to make all arrangements	
may recount votes	146	for the taking of the poll	101
may subdivide polling place		to mark informal votes "in-	
into sections	107	formal" at count of votes	134
may summon Police to assist		to notify scrutineers of ad-	
in maintaining order in		jourment of count	134
polling place	116	to preside at Chief Polling	
method for transmitting		Place if no other Presid-	
nomination paper to	80	ing Officer appointed	103
must receive deposit before		to receive from candidates	
hour of nomination	81	written notice of appoint-	
on appointment, form of de-		ment of scrutineers	114
claration to be made by	12	to seal ballot boxes before	
papers, no longer required,		adjournment of count	136
in connection with an elec-		to supply Presiding Officers	
tion, may, with approval of		with sufficient rolls for	
the Chief Electoral Officer,		election, signed and dated	
be destroyed by	155	by the Registrar and Re-	
Scrutineers' appointment to		turning Officer	112
be made in writing ad-		Writs must be addressed to	
dressed to	137	the	74
the Clerk of the Writs shall			
issue writs to	64	<i>Returning Officer appointed</i>	
time for receipt of nomina-		under Section 14—	
tions by	79	the Writ if not wholly exe-	
to adjourn count of votes		cuted may be executed	
when necessary	134	and returned by	14
to adjourn the polling in cer-			
tain cases	132	<i>Returning Officer for Dis-</i>	
to advertise nominations	86	trict—	
to advertise receipt of Writ	75	shall be Deputy Returning	
to advertise polling places		Officer for the Province	10
and day of polling	75		

Electoral.

INDEX—continued.

	Section.		Section.
<i>Returning Officer for the Province or District—</i>		<i>Roll or Rolls—continued.</i>	
a Registrar may be appointed	11	price of	33
<i>Returning Officer's death, resignation, removal or transfer, after issue of Writ—</i>		printing of	24
how Writ to be completed upon	14	printed copies, where obtainable	33
<i>Returning Officers, Deputies, and Assistants—</i>		Provincial-part-roll	4, 19
count of votes by	142	Registrars to have charge of Registrar to mark, sign, and date the copies required for election	20
<i>Returning Officer's resignation—</i>		removal of names repeated on	112
after issue of Writ	13	restitution of names removed from	51
<i>Riot—</i>		signed and marked, to be forwarded after election by Returning Officer to Chief Electoral Officer	62
Polling adjourned on account of	131	Sub-district roll	151
<i>Road Boards Buildings—</i>		supplementary, arrangement of names on	4
free use of, for the purposes of any nomination or poll	109	supplementary, when to be printed	23
<i>Roll or Rolls—</i>		time for altering	26
addition of new names	41	to be conclusive evidence of elector's right to vote	53
additions to by claims	42	to be dated	119
additions to claims, how dealt with	43	to be filed in the office of the Registrar	29
alterations in by Registrar	52	to be inspected by Chief Electoral Officer	32
alterations of—how to be made	54	to be kept for public inspection	36
amalgamation of	24, 28	to be provided by Returning Officer at elections for the use of Presiding Officers, etc.	25
arrangements with Commonwealth for issuing joint rolls	31	used at election—production of	102
Chief Electoral Officer to cause certain names to be struck off the	60	voting when name not on	153
Chief Electoral Officer to cause certain names to be altered on	61	when voting paper issued to voter his name must be struck off	122A
definition of	4		126
inspection of by public	25, 33	<i>Roll, and Supplementary Roll—</i>	
lexicographical arrangement of names on	23	the Minister's direction necessary for the printing in an amalgamated form of	28
method of removing name from printed	55		
new or amalgamated	29	<i>Roll or document—</i>	
new, how prepared	38, 40	no invalidation of—by errors in	34
new, preparation of	37		
no person entitled to be enrolled on more than one of electors, until new rolls prepared existing roll as altered from time to time to be the	17	<i>Rolls, marked—</i>	
particulars to be entered in penalty for neglect to furnish information for preparation of	21	to be forwarded, after close of the Poll, by Presiding to Returning Officer	117
	22	<i>Screens—</i>	
	195	to be provided in each voting compartment	110
		<i>Scrutineers—</i>	
		appointment of	114, 137

Electoral.

INDEX—continued.

	Section.		Section.
<i>Scrutineers</i> —continued.		<i>Signing name of another elec-</i>	
each appointment must be		<i>tor to a claim—</i>	
announced by the Return-		penalty for	190
ing Officer to	135	<i>Speaker—</i>	
form of declaration	114	definition of	4
may enter or remain in the		to issue warrant for new	
polling place, during the		election in case of extra-	
polling, and count	115	ordinary vacancy in As-	
may object to vote as in-		sembly	67
formal	138	<i>Spoilt Ballot Papers</i>	130
may request a re-count of		<i>State and Commonwealth—</i>	
ballot papers	146	issuing joint rolls, arrange-	
may seal ballot boxes at		ment between	31
adjournment of count	136	<i>State Officers—</i>	
number allowed	114	to furnish Chief Electoral	
right to challenge person		Officer with information	
claiming to vote	119	required	35
to be notified of commence-		<i>Statistical Return—</i>	
ment or adjournment of		to be forwarded after the	
count	134	Poll by the Returning Offi-	
may be present when blind		cer to Chief Electoral Offi-	
or disabled elector is as-		cer	150
sisted to vote	129	<i>Statutory Declaration—</i>	
may affix his seal to ballot		made before any person	
box	117	authorised to witness sig-	
to have right to inspect pro-		natures to claims to have	
ceedings at count of votes	134	same effect as if made be-	
<i>Scrutiny of Votes—</i>		fore Justice of the Peace	207
by Returning Officer and		<i>Sub-district—</i>	
Scrutineers	134	interpretation of	4
<i>Sections of Polling Place—</i>		Registrar for	8
candidate may appoint one		Roll	19
scrutineer for each	114	upon establishment of	19
<i>Sections of Polling Places—</i>		change of elector to roll	100
to be provided for in certain		<i>Sub-division—</i>	
cases	107	of polling places	117
to be provided with separate		<i>Substitutes—</i>	
ballot boxes	111	duties and powers of	7
<i>Service of electoral papers by</i>		<i>Substitute—</i>	
<i>post—</i>		for Chief Electoral Officer,	
proof of	209	Registrar and Returning	
<i>Service of notice—</i>		Officer, appointment of	
by posting it to the last		for Returning and Presid-	
known place of abode of		ing Officers, appointment	
person named	208	of in urgent cases	106
<i>Signatures—</i>		<i>Substitution—</i>	
blind, illiterate, or disabled		of qualification for Province	50
electors may make their		<i>Summary conviction—</i>	
marks	211	offences which are not in-	
<i>Signatures to claims and forms,</i>		dictable shall be punish-	
<i>and declarations—</i>		able on	204
persons authorised to witness,		<i>Supplying Ballot Paper without</i>	
and duties of such persons	207	<i>authority—</i>	
<i>Signed Rolls for election—</i>		penalty for	190
to be supplied by Registrar			
to Returning Officer, and			
by Returning Officer to			
Presiding Officers	112		

Electoral.

INDEX—continued.

	Section.		Section.
<i>Supplementary Election</i>	89	<i>Violence—</i>	
<i>Supplementary Roll—</i>		polling adjournment on ac-	
issue and printing of	26-27	count of	131
date to which the roll is		<i>Voidance of elections—</i>	
made up	30	remedy for	149
to be numbered	30	<i>Voter—</i>	
<i>Taking Ballot Boxes or Ballot</i>		identity of, how estab-	
<i>Papers—</i>		lished	122A, 126
penalty for	190	<i>Votes—</i>	
<i>Telegraph—</i>		absolute majority of	4
electoral matter may be		contingent, how to be	
communicated by	210	marked	93, 128
<i>Telegraph Office—</i>		count of, by Deputy and	
definition of	4	Assistant Returning Offi-	
<i>Temporary Assistants—</i>		cers	142
The Public Service Act,		count of, by Returning Offi-	
1904, does not apply to		cer	143-144
appointment of	15	count of, persons allowed to	
the Chief Electoral Officer to		be present at	115-134
recommend to the Minis-		count of, scrutineer may	
ter when necessary to ap-		object to vote as informal	138
point	15	equality of, during count,	
<i>Time—</i>		Returning Officer to de-	
for altering rolls	53	cide in case of	145
for closing the poll	117	first preference, how to be	
for depositing nomination		marked	128
deposit	81	how to record the	127
for nominations	86	informal to be marked "in-	
for opening the poll	117	formal" at count of votes	134
for receipt of nominations		informality of, officer's de-	
for withdrawal of nomina-		cision may be reversed by	
tion	82	Judge of Supreme Court	
sufficient to record his vote		only	138
to be allowed employee by		questions to persons claim-	
employer	196	ing	119
<i>Time for issue of Writ—</i>		to be marked in private	127
on commencement of day		<i>Votes by post—</i>	
during which issued	68	appointment of officer to	
<i>Undue influence—</i>		take	90
act prohibited and penalised	179	Counting Officer's decision	
definition of	183, 184	to be final re formality or	
disqualification of person		informality of	98
found guilty of	186	declaration to be made	92
election of candidate found		directions for	92
guilty of to be declared		elector blind or disabled,	
void	164	provision for voting	92
penalty for	188	elector so voting may not	
<i>Uttering or forging ballot</i>		vote again	99
<i>paper—</i>		mode of marking ballot	
penalty for	190	paper	93
<i>Vacancy, extraordinary—</i>		to be transacted in officer's	
President or Speaker to issue		ordinary place of living or	
Warrant for new election	67	business	95
<i>Vacancy in either House from</i>		no informality on account of	
<i>any cause—</i>		mis-spelling	97
procedure of filling	67	<i>Voting—</i>	
		absent	99A, 142A
		adjournment of, on account	
		of riot and violence	131

*Electoral.***INDEX—continued.**

	Section.		Section.
<i>Voting—continued.</i>		<i>Writs—</i>	
adjournment in certain cases	132	address of	74
at adjourned polling	133	advertisements of	75
at sub-divided polling places	107	date of nomination of candidates must not be less than seven nor more than 45 days from date of	70
blind or disabled elector, assistance to	129	definition of	4
by elector can only be refused under certain circumstances	122A, 123	duty of Returning Officer on receipt of	75
elector may obtain fresh ballot paper in lieu of spoilt	130	for an election for a Province or District, issued to a Returning Officer, may be executed by his successor for General Election, time of issue for	14
how to be carried out	122A, 127	form of	64
preferential	93, 128	issue of, affecting objections	69
<i>Voting Compartments—</i>		issue of, closes enrolment of claims	47-48
to be provided at each Polling place	110	issue of, notice to Registrar	53
<i>Voting facilities—</i>		issue to, Returning Officers	73
to be provided employee by employer	196	new to issue upon failure of an election	64
<i>Voting more than once—</i>		on receipt of Warrant Clerk of the Writs must forthwith issue	89
penalty for	190	presumption as to date of return of, <i>see</i> "Court of Disputed Returns."	68
<i>Wagering on result of election—</i>		return of, date for	72
penalty for	190	return of, may be extended	76
<i>Warrant for issue of Writs for a General Election—</i>		Returning Officer to forward copy of to the Deputy Returning Officer	75
Form 16 in the Schedule	64	Returning Officer to indorse the date of receipt of	75
14 days' notice of intention to issue	65	to be deemed issued at commencement on day on which issued	68
<i>Withdrawal—</i>		to be indorsed by Returning Officer and returned to the Clerk of the Writs	147
of candidate, after declaration of nomination	88		
of nomination	82		
<i>Witness—</i>			
authorised to witness signatures to claims, declarations, and forms, and duties of	207		
to claim or other documents, duties of	193		
to signatures on claims	42		

ELECTORAL.

7 Edw. VII., No. XXVII.

No. 27 of 1907.

As amended by Acts No. 44 of 1911 (a), No. 5 of 1918 (b), No. 59 of 1919 (c), No. 7 of 1921 (d), No. 38 of 1931 (e), No. 39 of 1934 (f), No. 10 of 1936 (g), No. 18 of 1940 (h), No. 47 of 1940 (i), No. 63 of 1948 (j), No. 26 of 1949 (k), No. 58 of 1951 (l), No. 57 of 1952 (m), and No. 34 of 1953 (n); and reprinted pursuant to the Amendments Incorporation Act, 1938.

[In this reprint the numbering of parts, sections, etc., as contained in the 1949 reprint* is retained.]

AN ACT to regulate Parliamentary Elections.

[Assented to 20th December, 1907.]

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

PART I.—PRELIMINARY.

1. This Act may be cited as the *Electoral Act, 1907-1953*.

2. This Act¹ shall come into operation on the first day of March, one thousand nine hundred and eight.

Short
Title.
No. 27 of
1907, s. 1;
No. 34 of
1953, s. 1 (3).
Commence-
ment.
No. 27 of
1907, s. 2.

- (a) Assented to 16th February, 1911: Came into operation on 1st, May, 1911 (see No. 44 of 1911, s. 1).
- (b) Assented to 18th March, 1918.
- (c) Assented to 17th December, 1919.
- (d) Assented to 26th October, 1921.
- (e) Assented to 3rd December, 1931.
- (f) Assented to 4th January, 1935.
- (g) Assented to 3rd December, 1936.
- (h) Assented to 29th November, 1940.
- (i) Assented to 30th December, 1940.
- (j) Assented to 21st January, 1949: Came into operation on 27th May, 1949 (see *Gazette* dated 27th May, 1949, p. 1133).
- (k) Assented to 22nd October, 1949.
- (l) Assented to 7th January, 1952.
- (m) Assented to 23rd December, 1952.
- (n) Assented to 18th December, 1953.

* i.e., the reprint of the Electoral Act, 1907-1949 as approved for reprint on the 21st October, 1949.

¹ i.e., the original Act, No. 27 of 1907.

[Note.—The section numbers of Act No. 27 of 1907 set out in the marginal notes of this reprint relate to the sections of the reprint of the Electoral Act, 1907-1921 contained in the Appendix to the Sessional Volume of the Statutes for the year 1928.]

Division.
No. 27 of
1907, s. 3;
No. 10 of
1936, s. 3.

3. This Act is divided into Parts as follows:—

PART I.—PRELIMINARY, ss. 1-4.

PART II.—ADMINISTRATION, ss. 5-16.

PART III.—ENROLMENT, ss. 17-62.

Division (1)—Qualification of Electors.

Division (2)—Electoral Rolls.

Division (3)—Additions to Rolls.

Division (4)—Objections.

(i) To Claims;

(ii) To Enrolment;

(iii) Powers of Magistrate.

Division (5)—Miscellaneous.

PART IV.—ELECTIONS, ss. 63-156.

Division (1)—Writs.

Division (2)—Nominations.

Division (3)—Voting.

(i) Postal and Absent Voting.

(ii) At the Poll.

Division (4)—Counting the Votes.

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

Division (6)—After the Poll.

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

See No. 63
of 1948, s. 16.

Cf. No. 10 of
1936, s. 3.

PART V.—DISPUTED RETURNS, ss. 157-173.

PART VI.—LIMITATION OF ELECTORAL EXPENSES, ss. 174-178.

PART VII.—ELECTORAL OFFENCES, ss. 179-206.

PART VIII.—MISCELLANEOUS, ss. 207-214.

4. In this Act, unless the contrary intention appears—

Interpre-
tation.
No. 27 of
1907, s. 4,
amended by
No. 44 of
1911, s. 2,
No. 63 of
1948, s. 3,
No. 34 of
1953, s. 2.

“absent voter” means any person who votes under the provisions of section ninety-nine A of this Act;

“absolute majority of votes” means a number of votes greater than one-half of the number of all the electors who vote at an election, exclusive of electors whose ballot papers are rejected as informal, but inclusive of the casting vote of the returning officer, when given;

“Assembly” means the Legislative Assembly;

“by-election” means any election other than a General Election;

“candidate” in Parts II, VI and VII includes any person who, within three months before the day of election, offers himself for election as a member of the Council or Assembly;

“Chief Electoral Officer” means the officer for the time being appointed to that office, and includes a substitute;

“Christian name” means the name or names prefixed to the surname of any person, whether received at Christian baptism or not;

“Council” means the Legislative Council;

“District” means an Electoral District for the election of a member of the Assembly;

“elector” means any person whose name appears on a Roll as an elector;

“electoral census” means any enumeration of persons eligible as electors for the Council or Assembly, made under the provisions of Part III. of this Act;

“General Election” means—

- (1) any election for the Assembly caused by effluxion of time or by the dissolution of the Assembly by the Governor;

- (2) any election for the Council caused by the retirement of the senior member for each Province by effluxion of time;

“local governing body” means and includes the council of a municipality, the board of a road district, and any local board of health;

“Magistrate” means a Government Resident, Police Magistrate, or resident Magistrate, and includes any Justice of the Peace authorised by the Governor to hear and determine electoral appeals;

“Minister” means the responsible Minister of the Crown charged for the time being with the administration of this Act;

“naturalised” means naturalised under a law of the United Kingdom, or of a Colony which has become a State of the Commonwealth, or of the Commonwealth, or of a State;

“officer” includes all persons appointed to any office under this Act, or exercising any power or discharging any duty thereunder, except as an honorary Government electoral agent;

“Parliament” means the Parliament of Western Australia;

“polling place” means any building or structure in which the polling at elections is appointed to take place;

“prescribed” means prescribed by this Act or by the regulations;

“President” means the President of the Legislative Council;

“proclamation” means a proclamation by the Governor published in the *Government Gazette*;

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

"Registrar" means an Electoral Registrar, and includes a substitute;

"Returning Officer" includes Deputy Returning Officer;

"roll" means the electoral roll of a Province or District and includes a Province-part-roll, a Sub-district roll, and a supplementary roll;

Amended
No. 34 of
1953, s. 2.

"Speaker" means the Speaker of the Legislative Assembly;

"Subdistrict" means a portion of a District the boundaries of which have been defined under the provisions of section one hundred;

"telegraph office" means any office appointed for the receipt and transmission of telegraph messages;

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

PART II.—ADMINISTRATION.

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

Chief
Electoral
Officer.
No. 27 of
1907, s. 5.

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

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

Registrars
and
Returning
Officers.
No. 27 of
1907, s. 6.
1911, No. 44,
s. 3.

(2) A person appointed to be a Registrar, Returning Officer, or Assistant Returning Officer shall be deemed to have been appointed as from a date specified in his appointment or, if no such date is specified, as from the date of his appointment.

Substitute.
No. 27 of
1907, s. 7
amended by
No. 63 of
1948, s. 4.

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

(2) The Governor may, for such periods and subject to such conditions, if any, as he may think fit, delegate to the Minister the power to appoint any such substitute, and may, at will, revoke any such delegation.

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

Registrars.
No. 27 of
1907, s. 8;
1911, No. 44,
s. 4.

8. (1) There shall be a Registrar for each Province and District and Sub-district.

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

Returning
Officers.
No. 27 of
1907, s. 9.

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

Deputy
Returning
Officers.
No. 27 of
1907, s. 10.

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

Registrar
may be
Returning
Officer.
No. 27 of
1907, s. 11.

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

Returning
Officer's
declaration.
No. 27 of
1907, s. 12;
1911, No. 44,
s. 43.

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

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

Resignation
of Returning
Officer after
issue of Writ.
No. 27 of
1907, s. 13.

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

Death,
resignation,
or removal
of Returning
Officer after
issue of Writ.
No. 27 of
1907, s. 14.

(2) A writ may be lawfully executed and returned by the Returning Officer notwithstanding that the writ may, in the absence of the Returning Officer, have been issued to some other person appointed to be the Returning Officer in his place.

1911, No. 44,
s. 5.

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

Temporary
assistance.
No. 27 of
1907, s. 15.

(2) The Public Service Act, 1904-1948,¹ shall not apply to temporary assistants appointed under this section.

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

Disqualifica-
tion of
Officers.
No. 27 of
1907, s. 16.

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

¹ Now Public Service Act, 1904-1955: See No. 53 of 1955, s. 1 (3).

PART III.—ENROLMENT.

Division (1)—Qualification of Electors.

Qualification
of Assembly
electors.

No. 27 of
1907, s. 17
(see 63 Vict.,
No. 19, s. 26)
amended by
No. 44 of 1911,
s. 6, No. 63 of
1948, s. 5 and
No. 26 of
1949, s. 3.

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

- (a) is a natural born or naturalised subject of
His Majesty; and
- (b) has lived in Western Australia for six
months continuously; and
- (c) has lived in the district or, when a district
is divided into sub-districts, in the sub-
districts, for which he claims to be enrolled
for a continuous period of three months
immediately preceding the date of this
claim,

shall be entitled, subject to the provisions of this
Act, to be enrolled as an elector, and when enrolled,
and so long as he continues to live in the district
for which he is enrolled, to vote at any polling place
in the district at the election of a member of the
Legislative Assembly for that district.

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

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

(3) Any member of the Legislative Assembly, and
the wife of any member of the Legislative Assembly,
may claim to be enrolled for the district represented
by such member, and when so enrolled shall be
deemed to live in such district, and if that district
is wholly or partly included, pursuant to the provi-
sions of any Act, in another district, however

named, that member and the wife of that member may claim to be enrolled for that other district, and if that member is a candidate for election in respect of that other district, while so enrolled may vote at the general election next following the inclusion and while so enrolled and while that member is such a candidate be deemed to live in that other district.

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

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

Disqualifications.
No. 27 of 1907, s. 18;
No. 39 of 1934, s. 2;
No. 58 of 1951, s. 3
(see 63 Vict., No. 19, s. 28).

- (a) is of unsound mind; or
- (b) is wholly dependent on relief from the State or from any charitable institution subsidised by the State, except as a patient under treatment for accident or disease in a hospital; or
- (c) has been attainted of treason, or has been convicted and is under sentence or subject to be sentenced for any offence punishable under the law of any part of the King's dominions by imprisonment for one year or longer; or
- (d) is an aboriginal native of Asia (except British India), Africa, or the Islands of the Pacific (except New Zealand), or a person of the half-blood, but the disqualifications created by this paragraph do not apply to any person who is a naturalised subject of His Majesty; or
- (e) is a native according to the interpretation of that expression in section two of the *Native Administration Act, 1905-1947*,¹ and is not the holder of a Certificate of Citizenship pursuant to the provisions of the *Natives (Citizenship Rights) Act, 1944-1950*.²

No. 39 of 1934, s. 2.

No. 58 of 1951, s. 3 (b).

¹ Now Native Welfare Act, 1905-1954: See No. 64 of 1954, s. 1 (3).

² Now Natives (Citizenship Rights) Act, 1944-1951: See No. 27 of 1951, s. 2.

Division (2)—Electoral Rolls.

Electoral
Rolls.
No. 27 of
1907, s. 19;
1911, No. 44,
s. 7; No. 34 of
1953, s. 3.

19. (1) There shall be a roll of electors for each Province and District.

(2) The roll for any District may be divided into separate parts for each Sub-district, the parts into which a roll is so divided being hereinafter called a "Sub-district roll."

(3) All the sub-district rolls for a District shall together form the roll for the District.

Subsec. (4)
added by
No. 34 of
1953, s. 3.

(4) The Chief Electoral Officer shall cause the roll for each Province to be divided into Province-part-rolls so that,

(a) for each District in the Province there is a Province-part-roll; and

Cf. 63 Vict.
19, s. 15.

(b) each Province-part-roll contains the names and addresses of electors who are entitled to vote at elections of candidates to serve in the Legislative Council for the Province and who reside in the District, or who, although not residing in the Province are registered as electors entitled so to vote in respect of an interest in land situated in the District.

Subsec. (5)
added by
No. 34 of
1953, s. 3.

(5) The Province-part-rolls for a Province together form the roll for the Province.

Subsec. (6)
added by
No. 34 of
1953, s. 3.

(6) The Province rolls shall be kept at the office of the Chief Electoral Officer and a copy of such rolls as the Minister directs from time to time shall be kept by the Registrar for a District.

Rolls to be
kept by
Registrars.
No. 27 of
1907, s. 20.

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

Existing rolls.
No. 27 of
1907, s. 21.

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

22. (1) Rolls may be in the prescribed form, and shall describe the surname, christian name, sex, residence, and occupation of each elector, and shall contain such other particulars as may be prescribed.

Form of rolls.
No. 27 of
1907, s. 22.
1911, No. 44,
s. 43.

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

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

Arrangement
of rolls.
No. 27 of
1907, s. 23;
1911, No. 44,
s. 3.

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

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

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

Printing of
rolls.
No. 27 of
1907, s. 24;
1918, No. 5,
s. 2.

(2) An amalgamation of each roll with its supplement shall be made, and shall be printed immediately after the issue of the writs for a general election.

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

Copies to be
kept for
public
inspection.
No. 27 of
1907, s. 25.

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

Supplemen-
tary rolls.
No. 27 of
1907, s. 26;
1918, No. 5,
s. 3.

- (a) as soon after the last day of June and the last day of December in each year as practicable, and not later than the last day of the month next following, and
- (b) immediately after the issue of the writ for any general election or by-election:

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

Incorporation of supplementary rolls.
No. 27 of 1907, s. 27; 1911, No. 44, s. 11.

27. In the printing of a second or subsequent supplementary roll, all the names in the last preceding supplementary roll shall be incorporated in lexicographical order.

Amalgamation of rolls.
No. 27 of 1907, s. 28.

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

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

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

Rolls to be dated.
No. 27 of 1907, s. 29.

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

Supplementary rolls to be numbered and dated.
No. 27 of 1907, s. 30.

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

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

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

Arrangement
with Com-
monwealth.
No. 27 of
1907, s. 31.
(See Com-
1918-1925,
s. 32.)

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

- (a) the names and descriptions of persons who are not entitled to be enrolled thereon as electors of the State, provided that it is clearly indicated in the prescribed manner that those persons are not enrolled thereon as State electors;
- (b) distinguishing marks against the names of persons enrolled as State electors, to show that those persons are, or are not also enrolled as Commonwealth electors;
- (c) other particulars in addition to the prescribed particulars;

and for the purposes of this Act the names and descriptions, marks, and particulars so contained, shall not be deemed part of the roll.

32. The latest printed or written rolls filed in the office of the Registrar as altered from time to time, as hereinafter provided, shall be deemed to constitute the rolls for the Province or District.

The rolls.
No. 27 of
1907, s. 32;
1911, No. 44,
s. 12.

33. The roll and supplementary roll for each Province or District shall be open for public inspection without fee, at the Registrar's office, on any week day during the hours the office is open, and the latest printed copies thereof shall be obtainable at the prescribed price not exceeding one shilling.

Inspection of
rolls by the
public.
No. 27 of
1907, s. 33.

Rolls and documents not to be invalidated.
No. 27 of 1907, s. 34.

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

Officers to furnish information.
No. 27 of 1907, s. 35.

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

Chief Electoral Officer to inspect District offices and rolls.
No. 27 of 1907, s. 36.

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

New rolls.
No. 27 of 1907, s. 37.

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

Method of preparation of roll.
Compulsory enrolment for Assembly.
No. 27 of 1907, s. 38; 1919, No. 59, s. 2.

38. The Governor may by regulations, either general or applicable to any particular roll, specify the method of preparation and prescribe the rules to be observed in regard thereto.

Any such regulations may provide that any person entitled to enrolment as an elector for the Assembly shall fill in, sign, and send to the officer indicated therein a claim for enrolment in accordance with this Act, and otherwise comply with the relative provisions of this Act:

Provided that any elector who has been enrolled in pursuance of any claim signed by him and is correctly enrolled shall not be required to sign and

send in any further claim for enrolment in connection with the preparation of a new roll unless he has changed his place of living so as to render a change in his enrolment necessary.

The regulations may prescribe anything necessary or convenient to be prescribed for carrying a system of compulsory enrolment into effect, and may prescribe a penalty not exceeding ten pounds for the contravention of any regulation.

Penalties.

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

Electoral
census.
No. 27 of
1907, s. 39.

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

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

40. (1) In preparing new rolls—

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

Names to be
inscribed
from existing
rolls, etc.
No. 27 of
1907, s. 40.

(b) the names of all persons—

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

(ii) who appear to be otherwise disqualified; or

(iii) in the case of Assembly rolls, who do not appear to reside in the district,

shall be omitted.

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

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

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

Division (3)—Additions to Rolls.

Addition of
names.
No. 27 of
1907, s. 41.

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

Claims.
No. 27 of
1907, s. 42.
1911, No. 44,
ss. 13 and 43,
amended by
No. 63 of 1948,
s. 6.

42. (1) Claims—

(a) may be in the prescribed form;

(b) shall be signed by the claimant in the presence of a person authorised by this Act to witness the signatures of claimants; and

(c) shall be sent to the Registrar keeping the roll on which the claimant claims to be enrolled.

(2) The prescribed form shall contain immediately above the space for the signature of the claimant, a warning, printed in red lettering, as follows:—

If you claim to have resided in the district for three months when you have not done so, or if you state that you are a natural born or naturalised British subject when you are not, you are liable to a penalty of not less than £5 nor more than £50.

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

Claims, how
dealt with.
No. 27 of
1907, s. 43.

(a) Insert therein the date of its receipt; and

(b) file the claim provisionally.

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

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

Essential
particulars.
No. 27 of
1907, s. 44;
1911, No. 44,
ss. 14 and 43,
amended by
No. 63 of 1948,
s. 7.

(a) the surname and christian names in full of the claimant;

(b) the residence of the claimant;

(c) the date of birth of the claimant;

(d) the place of birth of the claimant;

(e) the usual signature of the claimant in his own handwriting; and

(f) if the claim is for enrolment for a Province, the qualification of the claimant, with sufficient particulars to identify the qualifying property.

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

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

(4) Any claim that does not comply with this section, and paragraph (b) of section forty-two, shall be rejected, and notice thereof in the prescribed form shall be given by the Registrar to the claimant.

Compulsory
enrolment
for Assembly.
Inserted by
1919, No. 59,
s. 3, as s. 44A,
renumbered
s. 45 in
reprint
Contained in
Vol. 2 of
Reprinted
Acts.
Amended by
No. 58 of
1951, s. 4.
Subsec. (1)
repealed and
re-enacted
by No. 58 of
1951, s. 4.

45. (1) Every person who is entitled to have his name placed on the roll for any district or subdistrict and whose name is not on the roll upon the expiration of twenty-one days from the date upon which he became so entitled, or at any subsequent date while he continues to be so entitled, shall be guilty of an offence unless he proves that his non-enrolment is not in consequence of his failure to send or deliver to the Registrar of the district or subdistrict for which he is entitled to be enrolled, a claim in the prescribed form duly filled in and signed in accordance with the directions printed thereon.

(2) Every person who is enrolled on the roll of any district or sub-district, and who changes his place of living from one address in the district or sub-district to another address therein, shall make, sign, and deliver a new claim within twenty-one days after the change, to the Registrar of the district or sub-district.

Penalty: Two pounds.

(3) The fact that the name of any elector who has become entitled to have his name enrolled on any roll has not been enrolled thereon within twenty-one days after he became so entitled shall be *prima facie* evidence of a contravention on his part of the provisions of subsection (1) of this section.

(4) The registrar of the district concerned shall issue a receipt to the elector for each claim received.

Registration
of claims.
No. 27 of
1907, s. 45;
1911, No. 44,
s. 15.

46. (1) If the claim is in order, and is not objected to, the Registrar shall, at the expiration of fourteen days from its receipt—

- (a) indorse the claim as approved;
- (b) enrol the claimant by entering his name and other prescribed particulars on the roll filed in the Registrar's office under the provisions of section thirty-two;
- (c) send the claim to the Chief Electoral Officer.

(2) If the Registrar has reason to believe that the qualification of the claimant as set out in his claim is insufficient or incorrect he may, if he thinks fit, submit the claim to any officer referred to in section thirty-five, qualified in his opinion to report thereon, and such officer shall forthwith make all necessary inquiries and report to the Registrar.

(3) If such report is adverse to the claimant, the Registrar shall object to the claim, or if the claim has been enrolled, to the enrolment under the provisions of section forty-seven, subsection three (a), or section forty-eight, subsection three (a), respectively.

Division (4)—Objections.

(i) To Claims.

47. (1) The claim of any person to be enrolled may be objected to—

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

Objections to claims.
No. 27 of 1907, s. 46, amended by No. 44 of 1911, s. 43 and No. 63 of 1948, s. 8.

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

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

By Electors.
1911, No. 44, s. 43.

- (a) The objection shall be in writing lodged in duplicate with the Registrar, setting forth the grounds thereof, and may be in the prescribed form.
- (b) The sum of two shillings and sixpence shall be deposited with the Registrar, and shall be forfeited if the objection is held not to be reasonable.
- (c) The Registrar shall set down the objection for hearing before a magistrate, who shall appoint a day and place for the hearing.

- (d) The Registrar shall give notice in writing to the objector, and the person objected to, of the day and place appointed for the hearing, and a copy of the objection, setting forth the grounds thereof, shall be sent therewith to the person objected to.
- (e) The person objected to may, on the hearing of the objection, either—
 - (a) appear in person to prove his claim, or
 - (b) appear by agent appointed in writing under his hand, or
 - (c) forward by post, addressed to the Registrar, a statement made by the person objected to and signed before another elector of the same District or Province, setting forth the reasons for his remaining on the roll.
- (f) The magistrate shall hear and determine the objection, and may direct the Registrar to enrol the claimant or to reject the claim, but no grounds of objection shall be entertained except such as are specifically set forth in the objection lodged as afore-said.
- (g) No objection shall be lodged between the day on which a writ is issued for an election in the Province or District, as the case may be, and either the close of polling at such election or, if only one candidate is nominated, the close of nominations for such election; and
- (h) if any objection has not been heard and determined on the fourteenth day next preceding the day fixed for an election in the Province or District, as the case may be, and the claim was received by the Registrar not less than fourteen days before the issue of the writ, it shall be the duty of the Registrar to enrol the claimant:

Substituted
by No. 63 of
1948, s. 8.

Inserted by
No. 63 of
1948, s. 8.

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

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

By the
Registrar.
1911, No. 44,
s. 43.

- (a) The Registrar shall give notice of objection to the claimant setting forth—
 - (i) the grounds of objection; and
 - (ii) that unless notice of appeal is given within a time stated (not being less than seven days), the claim will be rejected.

The notice of objection may be in the prescribed form, and a form of notice of appeal shall be annexed thereto.

- (b) If notice of appeal is not duly given, the Registrar may reject the claim.
- (c) If notice of appeal is duly given, the Registrar shall set down the objection for hearing before a magistrate, who shall appoint a day and place for the hearing.
- (d) The Registrar shall give notice to the claimant of the day and place appointed for the hearing.
- (e) The magistrate shall hear and determine the objection, and may direct the Registrar to enrol the claimant or reject the claim, as he thinks fit, but no grounds of objection shall be entertained except such as are specifically set forth in the notice of objection.
- (f) No notice of objection shall be given by the Registrar between the day on which a writ is issued for an election in the Province or

Substituted
by No. 63 of
1948, s. 8.

District, as the case may be, and either the close of polling at such election, or if only one candidate is nominated, the close of nominations for such election, but a claim may be rejected pursuant to paragraph (b) of this subsection at any time before the fourteenth day next preceding the day fixed for an election in the Province or District, as the case may be; and

Inserted by
No. 63 of
1948, s. 8.

- (g) if any appeal has not been heard and determined on the fourteenth day next preceding the day fixed for an election in the Province or District, as the case may be, and the claim was received by the Registrar not less than fourteen days before the issue of the writ, it shall be the duty of the Registrar to enrol the claimant:

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

(ii) To Enrolment.

Objections to
Enrolment.
No. 27 of
1907, s. 47.
By Electors.
1911, No. 44,
s. 43.

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

(a) by an elector registered on the same roll;
or

(b) by the Registrar.

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

(a) The objection shall be in writing lodged in duplicate with the Registrar, setting forth the grounds thereof, and may be in the prescribed form.

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

Amended by
No. 63 of
1948, s. 9.

an election in the Province or District, as the case may be, and the name of the person so objected to shall not be removed from the roll, notwithstanding such objection, unless the objection has been so determined.

By the
Registrar,
1911, No. 44,
s. 43.

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

- (a) The Registrar shall give notice of objection to the person objected to setting forth—
 - (i) the grounds of objection; and
 - (ii) that unless notice of appeal is given within a time stated (not being less than seven days), the name of the elector will be struck off the roll.

The notice of objection may be in the prescribed form, and a form of notice of appeal shall be annexed thereto.

- (b) If notice of appeal is not duly given, the Registrar may strike the name off the roll.
- (c) If notice of appeal is duly given, the Registrar shall set down the objection for hearing before a magistrate, who shall appoint a day and place for the hearing.
- (d) The Registrar shall give notice to the person objected to of the day and place appointed for hearing.
- (e) The magistrate shall hear and determine the objection, and may direct the Registrar to retain the name on the roll, or to strike the name off the roll, or to make such amendment as may be necessary according to such determination; but no grounds of objection shall be entertained except such as are specifically set forth in the notice of objection.
- (f) If the appeal has not been heard and determined on the fourteenth day next preceding the day fixed for an election in the Province

Amended by
No. 63 of
1948, s. 9.

or District, as the case may be, the appeal shall lapse, but the name of the person objected to shall not be removed from the roll:

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

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

(iii) Powers of Magistrate.

49. (1). The magistrate shall, for the purposes of this Part of this Act, be deemed to be and shall have all the powers of a court of petty sessions, and if any objection, except an objection by the Registrar, is held not to be reasonable, may make such order as to costs as he thinks fit.

Powers of
magistrate.
No. 27 of
1907, s. 48.

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

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

Division (5)—Miscellaneous.

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

Substitution
of quali-
fication.
No. 27 of
1907, s. 49.

1911, No. 44,
secs. 16, 43.

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

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

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

Removal of
names,
repeated on
roll.
No. 27 of
1907, s. 50,
amended by
No. 63 of
1948, s. 10.

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

Change of
electors from
one roll to
another on
redistribution
of
seats.
1911, No. 44,
s. 17.

(2) Whenever under any Act for the redistribution of seats at Parliamentary elections, the State is re-divided into Provinces or Districts, or the boundaries of Provinces or Districts are altered, the Minister may, by notification in the *Government Gazette*, give such directions to the Chief Electoral Officer as are thereby rendered necessary for the change of electors from one roll to another, and effect shall be given by the Chief Electoral Officer to such directions accordingly.

Alteration of
rolls.
No. 27 of
1907, s. 51;
1911, No. 44,
secs. 18, 43,
amended by
No. 63 of
1948, s. 11.

52. (1) In addition to the other powers of alteration conferred by this Act, rolls may be altered by the Chief Electoral Officer or by the Registrar as follows:—

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

- (b) By removing the name of any person who requests in writing that his name may be removed from the roll.
- (c) By changing, upon the written application of an elector in the prescribed form, the original name or address of the elector to an altered name or address.
- (d) By changing the maiden name of a female elector to her married name.
- (e) By removing the names of persons reported as being—
 - (i) dead;
 - (ii) of unsound mind;
 - (iii) inmates of any public charitable institution who are wholly dependent on relief from the State, except as a patient under treatment for accident or disease in a hospital;
 - (iv) convicted, or subject to be sentenced, for an offence disqualifying them as electors for the time being;
 - (v) already enrolled in another district, or whose names are repeated on the same roll.
- (f) By re-instating any name struck off by mistake under the last preceding paragraph.
- (g) by changing the address of an elector from that appearing on the claim, to the addresses inserted by the electoral canvasser on the roll revised by him after an electoral canvass or census taken by order of the Governor or the Minister, if the new address is within the boundaries of the same District.

(2) No alteration under the provisions of paragraphs (d), (e) or (f) of subsection (1) of this section shall be made by the Registrar except pursuant to an order in writing under the hand of the Chief Electoral Officer.

Time for
altering
rolls.
Substituted
for
No. 27 of
1907, s. 52
by No. 63
of 1948,
s. 12.

53. No addition to or alteration of the roll shall be made between the date of the issue of the writ for an election for the Province or the District, as the case may be, and the closing of the poll at such election, or if only one candidate is nominated, the close of nominations for such election, except that—

- (a) claims received not less than fourteen days before the issue of the writ may be enrolled after the issue of the writ if no notice of objection to such claim has been lodged or given under the provisions of section forty-seven of this Act;
- (b) a claimant may be enrolled after the issue of the writ pursuant to the provisions of paragraph (g) of subsection (2), or the provisions of paragraph (f) of subsection (3) of section forty-seven of this Act;
- (c) alterations may be made after the issue of the writ pursuant to the provisions of paragraph (f) of subsection (2), or the provisions of paragraph (b) or paragraph (e) of subsection (3) of section forty-eight of this Act.
- (d) alterations may be made after the issue of the writ pursuant to applications received under section fifty of this Act before the issue of the writ; and
- (e) alterations may be made at any time not later than the fourteenth day next preceding the day fixed for the election pursuant to the provisions of sections fifty-one and fifty-two of this Act.

Alterations,
how to be
made.
No. 27 of
1907, s. 53;
1911, No. 44,
s. 19.

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

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

Method of removing names from a printed roll.

No. 27 of 1907, s. 54.

56. The Registrar General of Births, Deaths and Marriages shall, so soon as is reasonably practicable after the end of each month in every year, forward to the Chief Electoral Officer—

Registrar General to furnish monthly lists.

No. 27 of 1907, s. 55; No. 58 of 1951, s. 5.

- (a) a list, in the prescribed form, containing the names, address, occupation, and age at the time of death of every person not under twenty-one years of age, whose death has been registered in each Registry District respectively during the month;
- (b) a list, in the prescribed form, of the maiden name, residence, and occupation as disclosed by the marriage certificate of every woman not under twenty-one years of age whose marriage has been registered in each Registry District respectively during the month, as well as particulars of the name, residence, and occupation of her husband.

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

Inspector General of the Insane to furnish quarterly lists.

No. 27 of 1907, s. 56.

58. [*Repealed by No. 58 of 1951, s. 6.*]

Superintendent of Public Charities to furnish quarterly lists.

No. 27 of 1907, s. 57; 1911, No. 44, s. 20.

Comptroller
General of
Prisons to
furnish
quarterly
lists.
No. 27 of
1907, s. 58.

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

Chief
Electoral
Officer
to cause
certain
names to be
struck off
the rolls.
No. 27 of
1907, s. 59;
1911, No. 44,
s. 21.

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

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

Chief
Electoral
Officer
to cause
certain
names
to be altered.
No. 27 of
1907, s. 60.
1911, No. 44,
s. 22.

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

(2) He shall thereupon issue to every such elector a form of claim to be made out in her married name, and signed by her in the presence of a person authorised by this Act to witness the signatures of claimants, and returned to the Chief Electoral Officer.

(3) On receipt of any such claim the Chief Electoral Officer shall forward it, if in order, to the proper Electoral Registrar, who shall enrol the claimant forthwith.

(4) The Chief Electoral Officer shall direct the proper Electoral Registrar to remove the maiden name of any such elector from any roll on which it appears, and such name shall be removed accordingly.

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

Method for
restitution
of electoral
registration.
No. 27 of 1907,
s. 61.

PART IV.—ELECTIONS.

Division (1)—Writs.

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

Appointment
of Clerk of
the Writs.
No. 27 of
1907, s. 62.

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

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

Writs for
general
election
to issue
within
seven days.
No. 27 of
1907, s. 63;
1911, No. 44,
secs. 23, 43.

¹ Now Constitution Acts Amendment Act, 1899-1955: See No. 34 of 1955, s. 1 (3).

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

Notice to be published.
No. 27 of
1907, s. 64.

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

General elections to be held on same day.
No. 27 of
1907, s. 65.

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

Issue of Writs in cases of vacancy.
No. 27 of
1907, s. 65;
See 63 Vict.
No. 19, s. 30;
1911, No. 44,
secs. 24, 43.

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

(2) In the case of any such vacancy when Parliament is not in session, or when the vacancy occurs during any adjournment for a longer period than seven days of the House affected, the President or Speaker may, without such preceding resolution, by warrant under his hand in the prescribed form, direct the Clerk of the Writs to issue a writ to supply the vacancy.

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

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

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

(b) in the case of acceptance of any of the principal executive offices of the Government liable to be vacated on political grounds, as soon as the appointment of such member has been published in the *Government Gazette*, and notified by the Minister to the President or Speaker, or to the Governor, as the case may be, and such appointment and notification it shall be the duty of the Minister to publish and give forthwith:

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

(5) Whenever a vacancy occurs by reason of any of the disqualifications mentioned in section thirty-one, subsection (5), and section thirty-eight, subsection (2) of the Constitution Acts Amendment Act, 1899,¹ it shall be the duty of the Registrar in Bankruptcy forthwith to give notice thereof in writing to the President or the Speaker, as the case may be, if within the State, and otherwise to the Governor, and on receipt of such notice the President or Speaker, as the case may be, if within the State, or otherwise the Governor, shall forthwith, by warrant under his hand, direct the Clerk of the Writs to issue a writ for the election of a member to supply the vacancy.

[s. 66A inserted by 1921, No. 7, s. 2, repealed by s. 2 of No. 47 of 1940.]

¹ Now Constitution Acts Amendment Act, 1899-1955; See No. 34 of 1955, s. 1 (3).

Issue of
Writs.
No. 27 of
1907, s. 67.

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

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

Form of
writs.
No. 27 of
1907, s. 68;
1911, No. 44,
s. 43.

69. Writs may be in the prescribed form, and shall fix the dates for—

- (a) the nomination;
- (b) the polling; and
- (c) the return of the writ.

Date of
nomination.
No. 27 of
1907, s. 69,
amended by
No. 63 of
1948, s. 13;
No. 57 of
1952, s. 2.

70. The date fixed for the nomination of candidates shall not be less than seven nor more than forty-five days from the date of the writ: Provided that the date fixed for the nomination of candidates for any election in the North Province shall be not less than thirty-five days before the date fixed for the polling.

Date of
polling.
No. 27 of
1907, s. 70;
No. 38 of
1931, s. 2,
amended by
No. 63 of
1948, s. 14.

71. The date fixed for the polling shall not be less than fourteen days nor more than forty-five days after the date of nomination.

Date of
return of
writ.
No. 27 of
1907, s. 71,
amended by
No. 63 of
1948, s. 15.

72. The date fixed for the return of the writ shall not be more than ninety days after the issue of the writ.

Notice to
Registrars of
issue of
writ.
No. 27 of
1907, s. 72.

73. The Clerk of the Writs shall cause notice of his intention to issue the writ to be sent by telegraph to the Registrar of the Province or District for which the election is to be held, stating the date on which the writ will be issued.

74. Writs shall be addressed to the Returning Officer for the Province or District for which an election is to be held.

Address of writs.
No. 27 of 1907, s. 73.

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

Duty of Returning Officer on receipt of writ.
No. 27 of 1907, s. 74.

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

76. Subject to the provisions of section eight of the Constitution Acts Amendment Act, 1899,¹ the Governor may extend the time appointed for the nomination of candidates, the taking of the poll, or the return of the writ for any election.

Extension of time.
No. 27 of 1907, s. 75.

Provided that—

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

Division (2)—Nominations.

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

Candidates to nominate.
No. 27 of 1907, s. 76.
No. 18 of 1940, s. 2.

- (a) duly nominates himself; and

¹ Now Constitution Acts Amendment Act, 1899-1955: See No. 34 of 1955, s. 1 (3).

- (b) is qualified to be elected and is not disqualified from being elected as a member of the Council or Assembly, as the case may be.

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

No. 18 of
1940, s. 2.

(3) No person shall nominate himself as a candidate either in an election for the Council or in an election for the Assembly if, prior to and until the hour of nominations, as fixed in accordance with section eighty-six of this Act, he is, either by this Act or by any other Act, disqualified from being elected at such election as, or from being, a member of the Council or of the Assembly, as the case may be, for which the election is being held.

Any person who nominates himself as a candidate in contravention of this subsection shall be guilty of an offence.

Penalty—One hundred pounds, or imprisonment for six months.

Mode of
nomination.
No. 27 of
1907, s. 77;
1911, No. 44,
s. 43.

78. Nominations may be in the prescribed form, and shall—

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

Time for
receipt.
No. 27 of
1907, s. 78.

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

Nominations
may be
telegraphed.
No. 27 of
1907, s. 79.

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

81. No nomination shall be valid unless—

Requisites
for
nomination.
No. 27 of 1907,
s. 80.

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

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

Withdrawal
of
nomination.
No. 27 of
1907, s. 81.

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

Formal
defects.
No. 27 of
1907, s. 82.

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

Deposit to be
forfeited in
certain cases.
No. 27 of
1907, s. 83.

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

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

Place of
nomination.
No. 27 of
1907, s. 84.

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

Hour of
nomination.
No. 27 of
1907, s. 85.

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

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

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

Proceedings
on nomination
day.
No. 27 of
1907, s. 86;
1919, No. 59,
s. 5.

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

88. (1) If, after the nominations have been declared and before polling day, any candidate withdraws his nomination and there remains only one candidate, such lastmentioned candidate shall forthwith be declared to be elected and the writ shall be returned.

Withdrawal
or death
of candidate
after
nomination.
No. 27 of
1907, s. 37,
repealed and
new s. 37
inserted by
No. 18 of
1940, s. 3,
renumbered
s. 38.

Amended by
No. 53 of
1951, s. 7.

(2) If, after the nominations have been declared and before or on polling day before the hour of closing the poll, any candidate in an election dies, such election shall, by reason of such death, be deemed to have wholly failed and the writ issued in respect thereof shall be deemed to be vacated, and in such case the following provisions shall apply:—

(a) Where the candidate dies before polling day the returning officer shall, upon being satisfied of the fact of the death of the candidate—

- (i) countermand the notice of the poll;
- (ii) report the fact of the death to the Chief Electoral Officer;
- (iii) indorse upon the writ, which is vacated as aforesaid, the fact of the death and the date of the proof thereof and of the countermand of the notice of the poll; and
- (iv) return such writ indorsed as aforesaid to the Clerk of the Writs.

(b) Where the candidate dies on polling day, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate—

- (i) immediately close the poll for the election for which the deceased candidate had nominated but shall keep the polling place open for receiving postal and absent votes for candidates for any other elections then being held;
- (ii) report the fact of the death to the Chief Electoral Officer;

- (iii) indorse upon the writ, which is vacated as aforesaid, the fact of the death and of the time of the closing of the poll by him as aforesaid; and
 - (iv) return such writ indorsed as aforesaid to the Clerk of the Writs.
- (c) Where any poll is interrupted in consequence of the death of a candidate, all ballot papers placed in the several ballot boxes in respect of the election for which the deceased candidate had nominated shall be taken out by the several presiding officers, and, being made up into sealed packages, shall be sent by them respectively unopened to the Returning Officer or deputy returning officer, who shall forthwith, in the presence of a magistrate or justice of the peace, burn or otherwise destroy the sealed packages unopened.
- (d) Upon the return to the Clerk of the Writs of a writ which has been vacated as aforesaid, a fresh writ shall be issued forthwith for a new election in the place of the election which has failed as aforesaid, and save and except as in this subsection otherwise provided, all proceedings in connection with such new election shall be had and taken anew.
- (e) The roll which was in force and required to be used at the election which has failed shall, without any amendment thereof or addition thereto, be used at the new election.
- (f) Candidates who had duly nominated for the election which has failed and had not withdrawn their nomination prior to the failure of such election, shall be deemed to have been duly nominated for the new election and shall not be required to renominate for such new election, but, subject as hereinafter provided, may withdraw their nomination before the polling day fixed in relation to the new election:

Provided that—

- (i) if a candidate withdraws his nomination at or before the hour of nomination on the nomination day fixed in relation to the new election he shall be entitled to a refund of the deposit lodged by him with his original nomination notwithstanding anything to the contrary contained in section eighty-two of this Act; and
 - (ii) the right of a candidate to withdraw his nomination after the hour of nomination on the nomination day fixed in relation to the new election shall be subject to the provisions of section eighty-two of this Act.
- (g) The appointment of officials and of polling places as made for and in connection with the election which has failed as aforesaid, shall not merely by reason of the failure of such election, be void or in any way affected, and may continue and apply for and in connection with the new election.

Provided that nothing in this paragraph shall operate so as to prevent the cancellation of any of the appointments aforesaid or the making of new appointments of officials or of polling places for and in connection with the new election.

(3) If, after the close of the poll on polling day and before the counting of the votes in the election has been completed, a candidate dies, and on the completion of the count of the votes it is found that such candidate, if still living, would have been entitled to be declared and to be returned as elected, no candidate shall be returned as elected at the election, and section eighty-nine of this Act shall apply.

Failure of election when no candidate nominated or returned as elected.
No. 27 of 1907, s. 38, repealed and new s. 38 inserted by No. 18 of 1940, s. 4, as s. 38.

89. If no candidate is nominated for an election, or if no candidate is returned as elected at an election, the election shall be deemed to have wholly failed, and a new writ shall forthwith be issued for a supplementary election.

Division (3)—Voting.

No. 63 of 1948, s. 16.

(i) Postal and Absent Voting.

Voting by post.

No. 27 of 1907, s. 39; 1911, No. 44, s. 25, amended by No. 63 of 1948, s. 17; No. 58 of 1951, s. 8.

Added by No. 58 of 1951, s. 8.

90. (1) Any elector—

- (a) who, being enrolled for a District, has reason to believe that he will, on polling day, be more than seven miles from any polling place; or
- (aa) who, being enrolled for a Province, has reason to believe that he will on polling day be more than seven miles from any polling place in that Province;
- (b) who, being a woman, believes that she will, on account of ill health, be unable, on polling day, to attend a polling place to vote; or
- (c) who will be prevented by serious illness or infirmity from attending a polling place on polling day,

may, after the nominations have been declared, attend before a magistrate, other person appointed by the Minister in that behalf (in this Part of this Act referred to as a "postal vote officer"), and vote by post.

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

Postal vote books.

No. 27 of 1907, s. 90; 1911, No. 44, s. 43.

91. It shall be the duty of the Chief Electoral Officer to supply postal vote officers with postal vote books in the prescribed form.

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

Directions.
No. 27 of
1907, s. 91;
1911, No. 44,
s. 43. No. 58
of 1951, s. 9;
No. 57 of
1952, s. 3.

(1) The elector shall sign and declare before the postal vote officer the declaration contained in the prescribed form.

(2) The postal vote officer shall then—

(a) write on the counterfoil—

(i) the name of the Province or District for which the elector claims to vote;

(ii) the christian name, surname, and address of the elector; and

(iii) the date of issue of the postal ballot paper; and

(b) sign and require the elector to sign the counterfoil.

(3) The postal vote officer shall then—

(a) indorse on the ballot paper—

(i) the name of the Province or District as on the counterfoil; and

(ii) the date of issue; and

(b) sign the indorsement.

(4) The postal vote officer shall then hand the ballot paper and an envelope marked "Ballot paper" to the elector, and complete and sign the certificate indorsed on the declaration.

(5) The elector shall then—

(a) write on the ballot paper, in the manner prescribed by section ninety-three, the name of the candidate for whom he votes, but so that the postal vote officer shall not see the vote and where it is necessary for the names of the several candidates to be written on the ballot paper they shall be written by the elector or at the elector's direction by the postal vote officer;

- (b) fold up the ballot paper and, in the presence of the postal vote officer, put it in the envelope marked "Ballot paper"; and
- (c) fasten the envelope and hand it to the postal vote officer:

Provided that where an elector satisfies the postal vote officer that he is blind, or that his sight is so impaired, or that he is otherwise so physically incapable that he is unable to vote without assistance, or is unable to read or write, such officer at the request of such elector shall permit a person selected by the elector to mark on the ballot paper, according to the instructions of the elector, in the manner prescribed by section ninety-three of this Act, and enclose the ballot paper in the envelope.

Subsec. (6)
repealed and
re-enacted
by No. 58 of
1951, s. 9 (e);
amended by
No. 57 of 1952,
s. 3.

(6) The postal vote officer shall—

- (a) place the counterfoil in another envelope marked, "Counterfoil";
- (b) in the presence of the elector place the envelope marked, "Ballot paper" and the envelope marked, "Counterfoil" in a third envelope marked, "Postal ballot paper";
- (c) mark the name of the Province or District for which the vote is cast on the third envelope;
- (d) sign his name on the third envelope;
- (e) hand the third envelope to the elector who in the presence of the postal vote officer shall sign his name on the third envelope and seal it;
- (f) send by post or otherwise the third envelope and its contents unopened to the Chief Electoral Officer, but if the postal vote officer believes on

Para. (f)
repealed and
re-enacted
by No. 57 of
1952, s. 3 (d).

reasonable grounds that a vote so taken by him cannot in the ordinary course of post reach the Chief Electoral Officer before the close of the poll, he shall send by post or otherwise the third envelope and its contents unopened to a Returning Officer or a Presiding Officer who in turn shall, in accordance with the regulations, send the third envelope and its contents unopened to the Chief Electoral Officer.

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

Mode of
marking
ballot paper.
No. 27 of
1907, s. 92;
1911, No. 44,
s. 26.

- (1) At elections where there are only two candidates the elector shall insert in the postal ballot paper the surname of the candidate for whom he votes.
- (2) At elections where there are more than two candidates, the elector shall insert in the postal ballot paper the surname of the candidate for whom he votes as a first preference, and he shall also insert in the ballot paper the surnames of and give further contingent votes for all remaining candidates.
- (3) The voting under subsection two shall be as follows:—The voter shall first write on the ballot paper the surname of the candidate for whom he votes as a first preference, and he shall mark the numeral 1 against such name, and he shall then write on the ballot paper the surnames of all the other candidates, and he shall mark the numerals 2, 3, and so on, against each name respectively in the order of his preference.
- (4) In the case of more candidates than one having the same surname, the elector shall also insert in the ballot paper, the christian names of such candidates.

- (5) A postal vote shall not be invalid by reason only of the name appearing thereon of a candidate who, after nomination day and before polling day has withdrawn his nomination; but effect shall be given to the preference shown on the postal vote according to the arithmetical sequence of the marking after the exclusion of the number set against the name of the candidate who has withdrawn his nomination.

Inspection.
No. 27 of
1907, s. 93;
1911, No. 44,
s. 27.

94. At any time when called upon in writing by the Chief Electoral Officer, or by a Registrar, a postal vote officer shall transmit to the Chief Electoral Officer or such Registrar, for inspection, his postal vote book.

Postal vote
officer not
to visit
electors.
No. 27 of
1907, s. 94.
Amended by
No. 57 of
1952, s. 4.

95. It shall be unlawful for any postal vote officer to visit any elector for the purpose of taking his vote, or to take any elector's postal vote in any other place than such postal vote officer's ordinary place of living or business. But this section shall not apply to electors entitled to vote by post under paragraph (b) or (c) of subsection (1) of section ninety.

Duty of
Returning
Officer
in regard to
postal votes.
No. 27 of
1907, s. 95;
1911, No. 44,
s. 28.

96. [*Repealed by No. 57 of 1952, s. 5.*]

Mistakes.
No. 27 of
1907, s. 96.

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

Officer to
decide.
No. 27 of
1907, s. 97.

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

Applicant
not to vote
otherwise
at election.
No. 27 of 1907,
s. 98.
Amended by
No. 57 of
1952, s. 6.

99. Any person who has applied to a postal vote officer for the purpose of voting under this Part of the Act, and has complied with the provisions thereof, shall not be entitled to vote otherwise at the

election, although the said envelopes may not have been sent to the Chief Electoral Officer, Returning Officer or Presiding Officer, as the case may be, or although they have miscarried.

99A. (1) Where, on polling day for an election, an elector is not at any time during which the poll is open within the boundaries of the Province or District for which he is enrolled and has not applied for or obtained a ballot paper under and in accordance with the provisions of section ninety of this Act, such elector shall, subject to the regulations relating to absent voting, be permitted to vote in person in the prescribed manner as an absent voter at any polling place open outside the Province or District for which he is enrolled.

Absent
voting.
Inserted by
No. 63 of 1948,
s. 18.
Amended by
No. 58 of
1951, s. 10;
No. 57 of
1952, s. 7.

(2) For the purposes of this section, the Chief Electoral Officer may make all arrangements for the taking of absent votes at any one or more of the polling places appointed by the Minister under the provisions of section one hundred of this Act in any Province or District for which a candidate shall have been declared elected before the polling day under the provisions of sections eighty-seven or eighty-eight of this Act.

[Subsections (3), (4), (5) and (6) repealed by No. 58 of 1951, s. 10 (b).]

99B. (1) In this section, "ballot papers" means postal vote ballot papers mentioned in section ninety-two, absent vote ballot papers mentioned in section ninety-nine A and ballot papers mentioned in section one hundred and twenty-two A of this Act.

Regulations
relating to
postal and
absentee
voting
and voting
pursuant to
s. 122A.
S. 99B
added by
No. 58 of
1951, s. 11;
amended by
No. 57 of
1952, s. 8.

(2) The regulations relating to postal voting, absent voting and voting pursuant to the provisions of section one hundred and twenty-two A of this Act may prescribe all matters, not inconsistent with this Act, necessary or convenient to be prescribed for carrying the provisions of this Act relating to those methods of voting into effect, and in particular may provide for—

[Cf. ss. 99A
(3), (4), (5)
and (6)
repealed by
No. 58 of
1951, s. 10.]
[Cf. s. 99A (3)
repealed by
No. 58 of
1951, s. 10.]

- (a) the forms of ballot papers;
- (b) the manner in which votes are to be marked on ballot papers;
- (c) the method of dealing with ballot papers, including the scrutiny thereof and the counting of votes thereon;
- (d) the grounds upon which ballot papers are to be rejected as informal; and
- (e) the retention and preservation of documents likely to be required in case of a disputed election including counterfoils, envelopes, rejected votes and ballot papers until validity of the election in respect of which they are used is no longer liable to be disputed.

[Cf. s. 99A (4)
repealed by
No. 58 of
1951, s. 10.]
Amended by
No. 57 of
1952, s. 8.

(3) Ballot papers containing votes and enclosed in any prescribed envelope may, if so provided by the regulations, be placed in any ballot box in use at the polling place at which the votes were cast and in the case of postal ballot papers, in any ballot box in use at the place at which they were received but notwithstanding anything contained in this Act a prescribed envelope containing a ballot paper shall, unless the regulations provide otherwise, only be opened and the ballot paper dealt with, as regards the scrutiny thereof and the counting of the votes thereon by the Chief Electoral Officer or an Assistant Returning Officer appointed pursuant to the provisions of section one hundred and forty-two A of this Act.

[Cf. s. 99A (5)
repealed by
No. 58 of
1951, s. 10.]

(4) The Returning Officer or Assistant Returning Officer who is authorised by the provisions of this Act to open the ballot box, shall, without opening the envelope containing any ballot paper, transmit it in the manner prescribed to the Chief Electoral Officer.

[Cf. s. 99A (6)
repealed by
No. 58 of
1951, s. 10.]

(5) Nothing in this section shall authorise any elector to vote more than once at any election.

(ii) At the Poll.

100. (1) The Minister may, by notice in the *Government Gazette*—

Polling
places.
No. 27 of
1907, s. 99;
1911, No. 44,
s. 29,
amended by
No. 26 of
1949, s. 4.

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

(b) appoint such other polling place as he thinks necessary for each Province or District, which polling place may be wholly or partly within the boundaries of—

(i) the Province or District;

(ii) any Province or District adjoining that Province or District;

(c) abolish any polling place;

(d) establish Sub-districts and fix the boundaries thereof, and abolish Sub-districts.

(2) When a Sub-district is established or abolished the Minister may, by notification in the *Government Gazette*, give such directions as are thereby rendered necessary or expedient for the change of electors from one roll to another roll, and effect shall be given forthwith to such directions in the manner prescribed by such notice.

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

Polling.
No. 27 of
1907, s. 100.

102. In particular the Returning Officer shall—

Duty of
Returning
Officer.
No. 27 of
1907, s. 101.

(1) appoint a presiding officer to preside at each polling place at which he will not be continuously present;

(2) appoint all necessary poll clerks and door-keepers;

(3) furnish polling places and provide ballot boxes;

(4) provide ballot papers and copies of the roll for use at each polling place.

Presiding
Officer.
No. 27 of
1907, s. 102.

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

Appointment
of presiding
officers,
poll clerks,
and door-
keepers.
No. 27 of
1907, s. 103,
1911, No. 44,
s. 43.

104. (1) The appointment of presiding officers, assistant presiding officers, poll clerks, and doorkeepers shall be made in writing in the prescribed form.

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

Substitute.
No. 27 of
1907, s. 104.

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

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

Absence of
Returning
Officer or
presiding
officer
not to
invalidate
election.
No. 27 of
1907, s. 105.

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

(2) If, by reason of the absence of the presiding officer, the poll is not taken at any polling place, the election shall not therefore be void, but the

returning officer may appoint another day, not later than twenty-one days from the day fixed for the election, for taking the poll at such polling place, of which appointment public notice shall be given, and the poll shall be taken accordingly and be deemed to have been taken on the day previously appointed.

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

Subdivision
of polling
places.
No. 27 of
1907, s. 106.

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

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

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

No licensed
premises
to be used.
No. 27 of
1907, s. 107.

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

Certain
buildings
to be used
free.
No. 27 of
1907, s. 108.

110. Polling places shall have separate voting compartments, constructed so as to screen the electors from observation while they are marking

Separate
compartment-
ments.
No. 27 of 1907,
s. 109.

their ballot papers, and each compartment shall be furnished by the Returning Officer with a pencil for the use of electors.

Ballot boxes.
No. 27 of
1907, s. 110;
1919, No. 59,
s. 5.

111. Each polling place or section of a polling place shall be provided with a ballot box, with a lock and key, and with a cleft for receiving the ballot papers.

Registrar
to supply
signed rolls.
No. 27 of
1907, s. 111.

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

(2) The copies of the roll so supplied shall be duly marked in accordance with the proviso to subsections two and three of sections forty-seven and forty-eight respectively and signed and dated by the Registrar.

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

Ballot papers.
No. 27 of
1907, s. 112;
1911, No. 44,
s. 43.

113. (1) Ballot papers may be in the prescribed form, and shall contain the surnames of all the persons nominated as candidates, arranged alphabetically in large characters.

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

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

Scrutineers.
No. 27 of
1907, s. 113;
1911, No. 44,
s. 43.

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

(3) Every scrutineer shall, upon his appointment, make and subscribe a declaration in the presence of the Returning Officer or Presiding Officer in the prescribed form.

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

Persons
present at
polling.
No. 27 of
1907, s. 114.

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

Maintenance
of order.
No. 27 of
1907, s. 115.

- (a) preserving the public peace or preventing any breach thereof, and for removing out of such polling place any person who, in his opinion, is wilfully and unnecessarily obstructing the polling, or wilfully violating any of the provisions of this Act;
- (b) causing to be removed any person who obstructs the approaches to a polling place; or
- (c) causing to be arrested and taken before a justice of the peace, without any other

warrant than this Act, any person reasonably suspected by the Returning Officer or Presiding Officer of committing or attempting to commit at a polling place any of the offences mentioned in this Act.

(2) All members of the police force shall aid and assist the Returning Officer or Presiding Officer in the performance of his duty.

The polling.

No. 27 of
1907, s. 116;
1911, No. 44,
s. 30. 1919,
No. 59, s. 5;
No. 10 of 1936,
s. 2; No. 57 of
1952, s. 9.

117. The polling shall be conducted as follows:—

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

118. Every person claiming to vote shall—

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

Persons claiming to vote to give name, etc. No. 27 of 1907, s. 117.

119. (1) The presiding officer shall put to any person claiming to vote at any Assembly election the following question:—

- (a) Do you live in the electoral district for which you claim to vote?

Questions to be put to voters. No. 27 of 1907, s. 118; 1911, No. 44, secs. 31, 43 amended by No. 63 of 1948, s. 19, and No. 26 of 1949, s. 5.

And if such question is answered in the negative, the following additional questions:—

- (b) Have you within the last preceding six months *bona fide* lived within that district?
- (c) Where was your place of living in that electoral district?

(2) The presiding officer may, and at the request of any scrutineer shall, put to any person claiming to vote at any election all or any of the following additional questions:—

- (d) Are you the person whose name appears as.....[*here state name under which person claims to vote*] on the roll for.....[*here state Province or District*]?
- (e) Are you of the full age of 21 years?
- (f) Are you a natural born or naturalised subject of the King?
- (g) Have you lived in Western Australia for six months continuously?
- (h) Have you already voted either here or elsewhere at this election?
- (i) Are you disqualified from voting?

And at any Assembly election the following additional question:—

(j) Where is your place of living in the Electoral District for which you now claim to vote?

(3) The presiding officer shall make a note in writing of the name and number on the roll of each elector questioned under subsection two, and of each elector under whose name any person questioned claimed to vote, and of each reply or refusal to reply on the part of such elector or person.

(4) The presiding officer may and shall, when requested by a scrutineer, require any person claiming to vote to make a declaration in the prescribed form before receiving a ballot paper.

(5) Subject to the provisions of section one hundred and twenty-two A of this Act, the electoral roll in force at the time of the election shall be conclusive evidence of the right of each person enrolled thereon to vote as an elector, unless he refuses to answer fully any such question put to him by the presiding officer, or to make the declaration requested of him, or fails by his answers to satisfy the presiding officer that he is entitled to vote.

Consequence
of answers.
No. 27 of
1907, s. 119.

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

Answer
conclusive.
No. 27 of
1907, s. 120.

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

Persons
objected to—
how to vote.
No. 27 of
1907, s. 121
1911, No. 44,
s. 43.

122. (1) No person whose name on the roll has been objected to and is marked in accordance with the provisions of section forty-seven or forty-eight shall have a right to vote until he has made a declaration in the prescribed form.

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

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

122A. (1) Notwithstanding anything contained in this Act, when any person who is entitled to be enrolled on the roll for a Province or District claims to vote at an election at a polling place appointed for that Province or District, and his name has been omitted from or struck off the roll owing to an error of an officer or a mistake of fact, or when any person who is enrolled on the roll for a Province or District claims to vote at an election at a polling place appointed for that Province or District and his name cannot be found by the presiding officer on the roll, or his name has been struck out on the copy of the roll under the provisions of section one hundred and twenty-six of this Act, he may, subject to this Act and the regulations, be permitted to vote if—

Vote of person whose name is not on roll or has been struck off roll or is on roll and cannot be found or has been struck out under s. 126.
Inserted by No. 63 of 1948, s. 20.
Amended by No. 58 of 1951, s. 12.

(a) in the case of a person whose name has been omitted from the roll—

- (i) he sent or delivered to the Registrar of the Province or District as the case may be, a duly completed claim for enrolment in respect of such Province or District and the claim was received by the Registrar not less than fourteen days before the issue of the writ for the election; and
- (ii) no circumstances occurred after sending or delivering the claim as would have compelled or authorised the Registrar to reject the claim under the provisions of section forty-seven of this Act or to strike the name off the roll under the provisions of section forty-eight of this Act; or

- (b) in the case of a person whose name has been struck off the roll—
 - (i) his name was not, to the best of his knowledge, struck off the roll for the Province or District as the case may be, owing to objection, or duplication of enrolment or disqualification; and
 - (ii) he had from the time of his enrolment for the Province or District, as the case may be, to the date of the issue of the writ for the election, continuously retained his right to enrolment for that Province or District; or
- (c) in the case of a person whose name is on the roll for a Province or District as the case may be but cannot be found by the presiding officer, he claims that his name appears or should appear on the roll; or
- (d) in the case of a person whose name has been struck out of a copy of the roll under the provisions of section one hundred and twenty-six of this Act, he denies that he has been previously handed a ballot paper or has voted at that election,

and if, in every such case, such person makes a declaration in the prescribed form before the presiding officer at the polling place.

[Subsections (2), (3), (4), (5) and (6) of section 122A repealed by No. 58 of 1951, s. 12.]

No other question or declaration necessary.
No. 27 of 1907, s. 122.

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

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

- (a) it appearing to the presiding officer, upon putting the questions hereinbefore prescribed, or any of them—
 - (i) that he is not the person whose name appears on the roll, or

- (ii) that he has previously voted for the Province or District at the same election, or
- (iii) that he is otherwise not entitled to vote under this Act; or
- (b) such person refusing to answer any of such questions, or to make the declaration required under sections one hundred and nineteen and one hundred and twenty-two.

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

Errors not
to forfeit
vote.
No. 27 of
1907, s. 123.

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

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

Ballot paper
to be
handed to
elector.
No. 27 of
1907, s. 124.

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

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

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

Roll to be
marked on
voting paper
being issued.
No. 27 of
1907, s. 125.

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

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

Vote to be
marked in
private.
No. 27 of
1907, s. 126.
Amended by
No. 58 of
1951, s. 13.

127. Upon receipt of the ballot paper the elector shall, subject to the provisions of section one hundred and twenty-nine of this Act, without delay—

- (a) retire alone to some unoccupied voting compartment and there, in private, mark his vote on the ballot paper in the manner hereinafter described;
- (b) fold the ballot paper so as to conceal the names of the candidates, but to disclose the initials of the presiding officer, and exhibit it so folded to the officer, and then forthwith, without unfolding it, deposit it in the ballot box;
- (c) quit the polling place.

How votes to
be marked.
No. 27 of
1907, s. 127;
1911, No. 44,
s. 32.

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

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

129. At the request of any elector who is blind, or who satisfies the presiding officer that his sight is so impaired, or that he is otherwise so physically incapable that he is unable to vote without assistance, or is unable to read or write, the presiding officer shall permit a person selected by the elector to retire with the elector into an unoccupied voting compartment and there mark the paper according to the instruction of the elector and on behalf of the elector comply with the requirements of paragraph (b) of section one hundred and twenty-seven of this Act, after having done which the elector and the person so selected by him, if not an electoral officer, shall quit the polling place.

Provision where voter is blind or disabled or cannot write. No. 27 of 1907, s. 128. Amended by No. 58 of 1951, s. 14.

130. If any elector satisfies the presiding officer, before his ballot paper is deposited in the ballot box, that he has spoilt it by mistake or accident, he may, on giving it up, receive a new ballot paper from the presiding officer, who shall there and then destroy the spoilt ballot paper.

Spoilt ballot papers. No. 27 of 1907, s. 129; 1919, No. 59, s. 5.

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

Adjournment of polling on account of riot. No. 27 of 1907, s. 130.

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

Adjournment in other cases. No. 27 of 1907, s. 131.

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

Voting at adjourned polling. No. 27 of 1907, s. 132.

Division (4)—Counting the Votes.

Count of
the votes—
how con-
ducted.
No. 27 of
1907, s. 133.
1911, No. 44,
s. 33.

134. The result of the polling shall be ascertained by scrutiny of the ballot papers and by count of the votes, and shall be conducted in the presence of any candidate or scrutineer that may be present by the Returning Officer, with the assistance of such officers as he deems necessary in the following manner:—

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

Adjournment
to be
announced.
No. 27 of
1907, s. 134.

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

Before
adjourning,
ballot papers,
etc., to be
sealed in
boxes.
No. 27 of
1907, s. 135;
1919, No. 59,
s. 5.

136. (1) Before every adjournment of the count of the votes all ballot papers and other documents connected with such count shall be placed in one or more ballot boxes, and the Returning Officer shall

then, in the presence of such scrutineers and officers as are present, seal such ballot box or boxes with his official seal, if any, or with his private seal, and any scrutineer who shall desire so to do, shall be permitted by the Returning Officer to place his special seal upon such ballot box or boxes. The cleft shall also be closed and sealed unless the ballot box is provided with an outer cover without a cleft.

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

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

Power
to appoint
scrutineers.
No. 27 of
1907, s. 136.

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

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

Scrutineer
may object
to vote as
informal.
No. 27 of
1907, s. 137.

139. A ballot paper shall be informal—

(a) if it is not initialled by the presiding officer, or, in the case of a postal ballot paper, not signed and dated by a postal vote officer; or

Informal
ballot papers.
No. 27 of
1907, s. 138;
1911, No. 44,
s. 34.

(b) if, subject as hereinafter provided, it is marked in any other manner than in sections ninety-three and one hundred and twenty-eight provided; or

- (c) if it has upon it any mark or writing not authorised by this Act which, in the opinion of the Returning Officer, will enable any person to identify the elector; or
- (d) if it does not indicate the elector's vote, or if, when there are more than two candidates, it is not marked as prescribed by sections ninety-three and one hundred and twenty-eight, respectively, so as to indicate by numerical sequence the voter's preference as regards all the candidates:

Provided that if numerals in arithmetical sequence are placed opposite the names of all the candidates but one, the next following numeral shall be deemed to be placed opposite the name of the remaining candidate;

- (e) if no mark is indicated on it, or, in the case of a postal ballot paper, no name of any candidate written on it.

Ballot papers not informal.
No. 27 of 1907, s. 139.
Amended by No. 58 of 1951, s. 15.

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

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

- (a) the elector having indicated his vote or first preference by a cross instead of the numeral 1; or
- (b) [*Paragraph (b) repealed by No. 58 of 1951, s. 15.*]

Outlying polling places.
No. 27 of 1907, s. 140.
Amended by No. 58 of 1951, s. 16;
No. 57 of 1952, s. 10.

141. The Minister may appoint Assistant Returning Officers to count at counting places appointed by the Minister the votes cast at any one or more polling places—

- (a) in outlying portions of a Province or District; or

- (b) where the polling place is so far distant from the chief polling place that such appointment is necessary to ascertain the result of the election with expedition;
- (c) where in the opinion of the Chief Electoral Officer the appointment will expedite the ascertainment of the result of the election.

Para. (c)
added by
No. 57 of
1952, s. 10.

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

The count of
the votes by
deputy and
assistant
Returning
Officers.
No. 27 of
1907, s. 141;
1911, No. 44,
s. 35; 1919,
No. 59, s. 5;
No. 58 of
1951, s. 17.

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

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

- (3) Each Deputy Returning Officer shall certify by indorsement on the copy of the writ received by him the number of votes or first preference votes, as the case may be, given for each candidate within the district for which he acts, and transmit the copy of the writ so indorsed to the Returnig Officer.

- (4) Each Assistant Returning Officer shall certify in writing, addressed to the Returning Officer, the number of votes or first preference votes, as the case may be, given for each candidate at his counting place.
- (5) A Deputy or Assistant Returning Officer may communicate to the Returning Officer by telegraph the number of votes or first preference votes, as the case may be, recorded for each candidate within the district or at the counting place for which he is appointed, and the Returning Officer, in ascertaining the result of the poll, may act upon the information so received.
- (6) Each Deputy or Assistant Returning Officer shall—
 - (a) enclose in one packet all the used ballot papers, in another packet all unused ballot papers, and in another packet all copies of rolls, books, or other papers and documents used at the election or in connection therewith, and all telegrams, letters, or other papers received from the Returning Officer or any other electoral officer; and
 - (b) seal up the several packets and indorse the same with a description and the number of the contents thereof respectively, and the name of the district or the counting place, as the case may be, and the date of the polling, and sign the indorsement, and forthwith forward the said packets to the Returning Officer.
 - (c) The packet containing the used ballot papers shall be sealed before the scrutineers, if any, present at the count, and any scrutineer who desires so to do shall be permitted by the Deputy or Assistant Returning Officer to affix his seal upon such packet.

142A. (1) The Minister may appoint Assistant Returning Officers for the purpose of counting, under the direction of the Chief Electoral Officer, postal and absent votes and votes cast under the provisions of section one hundred and twenty-two A of this Act.

Appointment of Assistant Returning Officers for counting absent votes and votes under s. 122A.

Inserted by No. 63 of 1948, s. 21.

Amended by No. 58 of 1951, s. 13.
No. 57 of 1952, s. 11.

(2) Each such Assistant Returning Officer shall certify in writing addressed to the Returning Officer of the Province or District concerned, the number of votes or first preference votes, as the case may be, given for each candidate on the postal and absent voters' ballot papers and ballot papers used for voting under the provisions of section one hundred and twenty-two A counted by him.

(3) Any such Assistant Returning Officer may communicate by telegraph to the Returning Officer of the Province or District concerned, the number of votes or first preference votes, as the case may be, given for each candidate on the postal and absent voters' ballot papers and ballot papers used for voting under the provisions of section one hundred and twenty-two A counted by him, and the Returning Officer in ascertaining the result of the poll may act upon the information so received.

(4) Each such Assistant Returning Officer shall, as soon as possible after completing the count of the votes on such postal and absent voters' ballot papers and ballot papers used for voting under the provisions of section one hundred and twenty-two A of this Act, transmit the same in the prescribed manner to the Returning Officer of the Province or District concerned.

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

Returning Officer to ascertain result of polling.
No. 27 of 1907, s. 142.

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

Counting
of votes by
Returning
Officers.
No. 27 of
1907, s. 143.
Amended by
No. 63 of
1948, s. 22;
No. 57 of
1952, s. 12.

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

(a) The Returning Officer shall—

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

(b) The Returning Officer shall then—

- (i) ascertain from the written or telegraphic returns received from Deputy or Assistant Returning Officers the number of votes given for each candidate in districts or at polling places where the ballot boxes have been opened by Deputy or Assistant Returning Officers and by absent voters and persons voting under the provisions of section one hundred and twenty-two A of this Act and persons voting by post; and
- (ii) add the votes so given for each candidate to the votes counted by himself in favour of each such candidate, so as to ascertain, for the whole Province or District, the number of votes given for each candidate respectively.

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

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

Counting
of votes
when more
candidates
than two
1919, No. 59,
s. 5.

(a) The Returning Officer shall—

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

(b) The Returning Officer shall then—

- (i) ascertain from the written or telegraphic returns received from Deputy or Assistant Returning Officers the number of first preference votes given for each candidate in districts or at polling places where the ballot boxes have been opened by such Deputy or Assistant Returning Officers and by absent voters and persons voting under the provisions of section one hundred and twenty-two A of this Act and persons voting by post; and
- (ii) add the first preference votes so given for each candidate to the votes counted by himself in favour of each such candidate, so as to ascertain, for the whole Province or District, the number of first preference votes polled by each candidate respectively.

- (c) The candidate who has received the largest number of first preference votes shall, if such number constitutes an absolute majority of votes, be declared by the Returning Officer duly elected.
- (d) If no candidate has an absolute majority of votes the Returning Officer—
 - (i) shall open the packets of ballot papers received from the Deputy or Assistant Returning Officers, including absent voters' ballot papers and ballot papers used for voting under the provisions of section one hundred and twenty-two A of this Act and postal vote ballot papers and deal with the ballot papers contained therein as prescribed by subsection (1) of this section, adding such ballot papers to those previously counted by himself for each candidate; and
 - (ii) shall then declare the candidate who has obtained the fewest first preference votes to be a defeated candidate, and each ballot paper counted to him shall be distributed among the non-defeated candidates next in order of the elector's preference.
- (e) After such distribution the number of votes given to each non-defeated candidate shall again be ascertained.
- (f) If no candidate then has an absolute majority of votes the process of declaring the candidate who has the fewest votes to be defeated, and distributing each of his ballot papers amongst the non-defeated candidates next in order of the voter's preference shall be repeated, and the votes recounted after every such redistribution until one candidate has obtained an absolute majority of votes, and such candidate shall then be declared duly elected.

[Subsection (3) repealed by No. 57 of 1952, s. 12 (c).]

Exhausted ballot papers. See now s. 127 as amended by 1911, No. 44, s. 32.

(4) Where the Returning Officer is satisfied that the votes—

Inserted by No. 63 of 1948, s. 22. Amended by No. 57 of 1952, s. 12.

- (a) on any ballot papers issued at some remote polling place in connection with the election, which have not been received by him; and
- (b) on any absent voters' ballot papers or ballot papers used for voting under the provisions of section one hundred and twenty-two A of this Act or ballot papers used for voting by post which have not been received by him,

cannot, having regard to the number of those ballot papers, possibly affect the result of the election, he may subject to the concurrence of the Chief Electoral Officer—

- (c) if there are only two candidates, declare the candidate who has received the largest number of votes on the ballot papers then received and counted to be duly elected; or
- (d) if there are more than two candidates and one candidate has received an absolute majority of the votes on the ballot papers then received and counted, declare such candidate to be duly elected; or
- (e) if no candidate has an absolute majority of the votes, then received and counted, proceed with the scrutiny;

without awaiting the receipt of the ballot papers, which have not been received by him.

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

Casting vote No. 27 of 1907, s. 144.

Re-count.
No. 27 of
1907, s. 145;
1911, No. 44,
s. 36.

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

(2) The Returning Officer conducting the re-count shall have the same powers as if the re-count were the scrutiny, and may reverse any decision in relation to the scrutiny as to the allowance or admission or disallowance or rejection of any ballot paper.

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

Declaration
of poll and
return of
writ.
No. 27 of
1907, s. 146;
1919, No. 59,
s. 5.

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

- (a) at the chief polling place declare the result of the election and the name of the candidate elected;
- (b) by indorsement under his hand certify on the original writ the name of the candidate or candidates elected, and return the writ to the Clerk of the Writs according to its exigency.

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

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

Election
not to be
questioned.
No. 27 of
1907, s. 147.

148. No election shall be liable to be questioned by reason of any defect in the title or any want of title of any person by or before whom such election is held, if such person really acted at such election,

nor by reason of any formal error or defect in any declaration or other instrument, or in any publication made under this Act or intended to be so made, nor by reason of any such publication being out of time.

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

Remedy for
informalities
in election
proceedings.
No. 27 of
1907, s. 148.

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

Division (6)—After the Poll.

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

Returning
Officer
to forward to
Chief
Electoral
Officer
statistical
return.
No. 27 of
1907, s. 149.

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

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

Returning
Officer
to send
ballot papers
to Clerk of
Council or
Assembly.
No. 27 of
1907, s. 150;
1911, No. 44,
s. 43; No. 58
of 1951, s. 19.

- (a) enclose in one packet all the used ballot papers, including the postal ballot papers, and in another packet all books, or other papers or documents used at the election or in connection therewith (with the

exception of the signed rolls), and all telegrams, letters, or other papers received from Deputy or Assistant Returning Officers and presiding officers in connection with the poll;

- (b) seal up the said several packets and indorse the same with a description and the number of the contents thereof respectively, and the name of the Province or the District and the date of the polling, and shall sign the indorsement, and forthwith forward the said packets to the Clerk of the Council or the Clerk of the Assembly, as the case may be;
- (c) seal up, indorse, and transmit in a similar manner to the same Clerk a packet containing all ballot papers printed for the said election and not used by him or by Deputy or Assistant Returning Officers or presiding officers;
- (d) seal up, indorse, and transmit to the Chief Electoral Officer the marked rolls used at the election and all declarations in the prescribed form received by himself and the presiding officers;
- (e) The Clerk of the Council, the Clerk of the Assembly, or the Chief Electoral Officer, as the case may be, shall forthwith give or send to the Returning Officer a receipt under his hand for the said packets.

Preservation
of ballot
papers.
No. 27 of
1907, s. 151.

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

Production
of rolls
used at
election.
No. 27 of
1907, s. 152.

153. (1) Any candidate on payment of a fee of five guineas may give notice to the Returning Officer requiring production of the rolls used by him and any Assistant Returning Officers at any election,

and such Returning Officer or Assistant Returning Officers shall produce such roll or rolls in the presence of the other candidates (if they wish to be present) within thirty-five days of the date of service of the notice.

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

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

Ballot papers, etc., to be delivered to Court of Disputed Returns.
No. 27 of 1907, s. 153.

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

Papers, etc., to be destroyed.
No. 27 of 1907, s. 154.

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

156. (1) It shall be the duty of every elector for the Assembly to record his vote at any election for the district for which he is enrolled unless he is prevented from doing so by absence from the State, or by illness or infirmity, or any physical incapacity on the day of the election.

Compulsory voting for the Assembly.
Inserted by No. 10 of 1936, s. 3, as s. 154A, renumbered s. 156, amended by No. 63 of 1948, s. 23; No. 58 of 1951, s. 20.

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

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

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

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

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

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

(8) Upon receipt of a form referred to in either of the last two preceding subsections the Chief Electoral Officer shall indorse on both copies of the

list prepared in accordance with subsection (2) of this section opposite the name of the elector his opinion whether or not the reason contained in the form is a valid and sufficient reason for the failure of the elector to vote.

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

(10). [*Repealed by No. 58 of 1951, s. 20 (c).*]

(11) Each copy of the list prepared and indorsed by the Chief Electoral Officer, indicating—

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

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

(12) The Chief Electoral Officer may send to any elector whose reason for failure to vote at the election is decided by the Chief Electoral Officer in accordance

Inserted by
No. 63 of
1948, s. 23.
Amended by
No. 58 of
1951, s.
20 (d).

with subsection (8) of this section not to be a valid and sufficient reason for such failure to vote, a notification in the prescribed form advising him to that effect and indicating that such elector has the option of having the matter dealt with by the Chief Electoral Officer or by a court of summary jurisdiction and such notification may also indicate that if such elector within twenty-eight days from the date of such notification shall advise the Chief Electoral Officer that he consents to having the matter dealt with by the Chief Electoral Officer and is prepared to abide by the decision of that officer, and at the same time shall remit to the Chief Electoral Officer such sum by way of penalty not exceeding ten shillings for a first offence and not exceeding two pounds for any subsequent offence as the Chief Electoral Officer shall order, no further proceedings shall be taken against such elector for such failure to vote.

Inserted by
No. 63 of
1948, s. 23.

(13) On receipt of any such notification as is referred to in the next preceding subsection of this section, any elector who desires the matter to be dealt with by the Chief Electoral Officer, and who is prepared to abide by the decision of that officer, shall, within the period mentioned, advise the Chief Electoral Officer to that effect in the prescribed form and shall at the same time remit to the Chief Electoral Officer the sum ordered to be paid by way of penalty as mentioned in the notification of the Chief Electoral Officer to him; and on receipt of such advice and sum by the Chief Electoral Officer, no further proceedings shall be taken against such elector.

Inserted by
No. 63 of
1948, s. 23.

(14) If, within the time mentioned in subsection (12) of this section, the elector does not forward to the Chief Electoral Officer the advice referred to in subsection (13) of this section and the sum ordered to be paid by way of penalty, such elector shall be deemed to have intimated to the Chief Electoral Officer that he does not consent to the matter being dealt with by such officer, and proceedings may be had and taken against such elector before a court of summary jurisdiction accordingly.

(15) At the conclusion of an election, the Chief Electoral Officer shall remove or shall direct the Registrar to remove from the roll the names of any persons who failed or neglected to fill up and sign and post to the Chief Electoral Officer the form referred to in subsections (6) and (7) of this section, and any person whose name has been removed from the roll pursuant to this subsection shall be required to furnish a new claim for enrolment before the name of such person shall be reinstated on the roll.

Inserted by
No. 63 of
1948, s. 23.

(16) Every elector who—

- (a) fails to vote at an election without a valid and sufficient reason for such failure; or
- (b) on receipt of a notice in accordance with subsection (4) of this section fails to fill up, sign, and post within the time allowed under subsection (5) of this section the form (duly witnessed) which is attached to the notice; or
- (c) states in such form a false reason for not having voted, or, in the case of an elector filling up or purporting to fill up a form on behalf of any other elector, in pursuance of subsection (7) of this section, states in such form a false reason why that other elector did not vote,

shall be guilty of an offence.

Penalty—Two pounds.

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

PART V.—DISPUTED RETURNS.

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

Method of
disputing
elections.
No. 27 of
1907, s. 155.

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

Requisites
of petition.
No. 27 of
1907, s. 156.

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

- (1) set out the facts relied on to invalidate the election or return;
- (2) contain a prayer asking for the relief the petitioner claims to be entitled to;
- (3) be signed by a candidate at the election in dispute;
- (4) be attested by two witnesses whose occupations and addresses are stated;
- (5) be filed in the Central Office of the Supreme Court within forty days after the return of the writ; or (if the facts relied on in support of the petition are breaches by a candidate of the provisions of Part VI. of this Act) within forty days after the filing by the candidate of the return of his electoral expenses.

Presumption
as to date of
return of
writ.
No. 27 of
1907, s. 157.

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

Deposit as
security for
costs.
No. 27 of
1907, s. 158.

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

No proceed-
ings unless
requisites
complied
with.
No. 27 of
1907, s. 159.

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

Powers of
Court.
No. 27 of
1907, s. 160.
Amended by
No. 63 of
1948, s. 24.

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

- (a) To adjourn.
- (b) To compel the attendance of witnesses and the production of documents.

- (c) To examine witnesses on oath.
- (ca) To grant to any party to the petition, leave to inspect in the presence of a prescribed officer, the rolls and other documents (except ballot papers) used at or in connection with any elections and to take, in the presence of the prescribed officer, extracts from those rolls and documents.
- (cb) To permit, at any stage of the proceedings and on such terms as may be just, all such amendments to the petition or other pleadings, as shall appear to the Court to be necessary or convenient.
- (d) To declare that any person who was returned as elected was not duly elected.
- (e) To declare any candidate duly elected who was not returned as elected.
- (f) To declare any election absolutely void.
- (g) To dismiss or uphold any petition, in whole or in part.
- (h) To award costs.
- (i) To punish any contempt of its authority by fine or imprisonment.

Inserted by
No. 63 of
1948, s. 24.

Inserted by
No. 63 of
1948, s. 24.

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

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

163. (1) The Court shall inquire whether or not the requisites of section one hundred and fifty-eight have been observed, and, so far as the voting is concerned, may inquire into the identity of persons,

Inquiries by
Court.
No. 27 of
1907, s. 161.
1911, No. 44,
s. 37.

and whether their votes were improperly admitted or rejected, and whether the result of the polling was correctly ascertained, but the Court shall deem the roll conclusive evidence that the persons enrolled were, at the date of the completion of the roll, entitled to be enrolled.

(2) The qualification of any person enrolled shall not be questioned; and no election shall be declared void on the ground that any person whose name appears on the roll for a Province or District, and who has voted as an elector for such Province or District, was not qualified to be enrolled or to continue enrolled as an elector for such Province or District.

Voiding
election for
illegal
practices.
No. 27 of
1907, s. 162.

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

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

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

- (a) on the ground of any illegal practice committed by any person other than the candidate and without his knowledge or authority; or
- (b) on the ground of any illegal practice, other than bribery or corruption or attempted bribery or corruption, unless the Court is satisfied that the result of the election was intended to be and was actually affected thereby, and that it is just that the candidate should be declared not to be duly elected, or that the election should be declared void.

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

Court to report cases of illegal practices.
No. 27 of 1907, s. 163.

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

Immaterial errors not to vitiate election.
No. 27 of 1907, s. 164.

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

Decisions to be final.
No. 27 of 1907, s. 165.

168. The Master of the Supreme Court shall forthwith, after the filing of the petition, forward to the Clerk of the House of Parliament affected by the petition a copy thereof, and, after the trial of the petition, shall forthwith forward to such Clerk a copy of the order of the Court.

Copies of petition, etc., to be sent to House affected.
No. 27 of 1907, s. 166.

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

Costs.
No. 27 of 1907, s. 167.

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

Deposit applicable for costs.
No. 27 of 1907, s. 168.

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

Other costs.
No. 27 of 1907, s. 169.

Effect of
decision.
No. 27 of
1907, s. 170,
amended by
No. 63 of
1948, s. 25.

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

- (1) If any person returned is declared not to have been duly elected, he shall cease to be a Member of the Council or Assembly.
- (2) If any person not returned is declared to have been duly elected he may take his seat accordingly.
- (3) If any election is declared absolutely void a new election shall be held, and, notwithstanding any provisions elsewhere in this Act contained, except where the Court otherwise orders, the same roll as was used for the voided election, shall be used for such new election.

Power to
make rules
of Court.
No. 27 of
1907, s. 171.

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

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

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

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

PART VI.—LIMITATION OF ELECTORAL
EXPENSES.

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

Rates of
expenditure.
No. 27 of
1907, s. 172.
Amended by
No. 58 of
1951, s. 21.

- (1) in elections for the Council in excess of one thousand pounds;
- (2) in elections for the Assembly in excess of two hundred and fifty pounds.

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

Electoral
expenses.
No. 27 of
1907, s. 173.

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

Expenses
allowed.
No. 27 of
1907, s. 174.

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

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

Candidate to
file account
of electoral
expenses.
No. 27 of
1907, s. 175;
1911, No. 44,
s. 43.

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

Payments to
be vouched
by bill.
No. 27 of
1907, s. 176.

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

PART VII.—ELECTORAL OFFENCES.

Offences.
No. 27 of
1907, s. 177.

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

- (1) Breach or neglect of official duty.
- (2) Illegal practices, including—
 - (a) bribery;
 - (b) undue influence.
- (3) Electoral offences.

Breach or
neglect by
officers.
No. 27 of
1907, s. 178.

180. “Breach or neglect of official duty” includes—

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

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

Bribery.
No. 27 of
1907, s. 179.

181. Any person who—

- (a) promises, or offers, or suggests any valuable consideration, advantage, recompense,

reward, or benefit for or on account of, or to induce any candidature or withdrawal of candidature, or any vote or omission to vote, or any support of, or opposition to, any candidate, or any promise of any such vote, omission, support, or opposition;

- (b) gives or takes any valuable consideration, advantage, recompense, reward, or benefit for, or on account of, any such candidature, withdrawal, vote, omission, support, or opposition, or promise thereof;
- (c) promises, offers, or suggests any valuable consideration, a d v a n t a g e, recompense, reward or benefit for bribery, or gives or takes any valuable consideration, advantage, recompense, reward, or benefit for bribery,

shall be guilty of bribery.

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

Definition.
No. 27 of
1907, s. 180.

183. Any person who—

- (1) threatens, offers, or suggests any violence, injury, punishment, damage, loss, or disadvantage for or on account of or to induce any candidature, or withdrawal of candidature, or any vote or any omission to vote, or any support or opposition to any candidate, or any promise of any vote, omission, support, or opposition;
- (2) or uses, causes, inflicts, or procures any violence, punishment, damage, loss, or disadvantage for or on account of any such candidature, withdrawal, vote, omission, support or opposition;

Undue
influence.
No. 27 of
1907, s. 181,
amended by
No. 63 of
1948, s. 26.

- (3) or by spoken words, or by written or printed words or signs in any form whatsoever, publishes any matter intended or tending to prevent or restrain the free exercise of the franchise by any person, or which threaten, offer, or suggest any damage, loss, or disadvantage, either in the present or in the future, to any person on account of his political opinions;
- (4) or in any way interferes with any elector, either in the polling booth or within fifty yards from the entrance thereto from the nearest street or way with the intention of influencing him or advising him as to his vote;
- (5) or at any time between the issue of the writ and the close of the poll publishes or exposes or causes to be published or exposed, to public view any document or writing or printed matter containing any untrue statement defamatory of any candidate and calculated to influence the vote of any elector;
- (6) or, being a candidate, personally solicits the vote of any elector on polling day;
- (7) or, being a candidate, attends at any meeting of electors other than his committee held for electoral purposes on polling day,

shall be guilty of undue influence.

Definition.
No. 27 of
1907, s. 182.

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

Exception.
No. 27 of
1907, s. 183.

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

186. Any person who—

Disqualifica-
tion for
bribery or
undue
influence.
No. 27 of
1907, s. 184.

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

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

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

Illegal
practices.
No. 27 of
1907, s. 185.

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

- (5) The attendance by any member of a committee formed in the interests and with a view to obtain the return of any candidate at an election at a committee meeting held on any premises licensed to sell by retail spirituous liquors.

Punishment.
No. 27 of
1907, s. 186.

188. Any illegal practice shall be punishable as follows:—

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

Gifts by
candidates.
No. 27 of
1907, s. 187.

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

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

Electoral
offences.
No. 27 of
1907, s. 188;
1918, No. 5,
s. 4, amended
by No. 63 of
1948, s. 27;
No. 57 of
1952, s. 13.

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

Table of Electoral Offences and Punishments.

First Column.—Offences.	Second Column.—Punishments.
Falsely personating any person to secure a ballot-paper to which the personator is not entitled, or personating any other person for the purpose of voting.	Imprisonment not exceeding two years.

Table of Electoral Offences and Punishments.

First Column.—Offences.	Second Column.—Punishments.
Fraudulently destroying or defacing any nomination or ballot-paper.	Imprisonment not exceeding two years.
Fraudulently putting any ballot or other paper into the ballot box.	Imprisonment not exceeding six months.
Fraudulently taking any ballot-paper out of any polling place.	Imprisonment not exceeding six months.
Forging or uttering, knowing the same to be forged, any nomination or ballot-paper.	Imprisonment not exceeding two years.
In any polling place on polling day misconducting himself, or failing to obey the lawful directions of the presiding officer.	Penalty not exceeding fifty pounds, or imprisonment not exceeding one month.
Supplying ballot-papers without authority.	Imprisonment not exceeding six months.
Unlawfully destroying, taking, opening, or otherwise interfering with ballot-boxes or ballot-papers.	Imprisonment not exceeding six months.
Voting more than once at the same election.	Imprisonment not exceeding twelve months.
Wilfully making a false statement in any objection to any claim or to any name on the roll.	Imprisonment not exceeding twelve months.
Wagering on the result of any election.	Penalty not exceeding fifty pounds.
Wilfully defacing, mutilating, destroying, or removing any notice, list, or other document affixed by any Returning Officer or by his authority.	Penalty not exceeding two pounds.
Wilfully making false statement in any claim other than a false statement to the effect that the claimant has lived in a district or sub-district for a continuous period of three months immediately preceding the date of the claim, or that the claimant is a natural born or naturalised subject of His Majesty, or wilfully making false statement in any application, return, or declaration, or in answer to a question under this Act.	Imprisonment not exceeding twelve months.
Wilfully making false statement in any claim to the effect that the claimant has lived in a district for a continuous period of three months immediately preceding the date of the claim or that the claimant is a natural born or naturalised subject of His Majesty.	Penalty not less than five pounds nor more than fifty pounds.
Signing as the claimant on a claim to be enrolled as an elector the name of any other person with or without the authority of such person.	Imprisonment not exceeding twelve months.
Distributing any advertisement, handbill, or pamphlet published in contravention of section one hundred and eighty-seven.	Penalty not exceeding fifty pounds, or imprisonment not exceeding one month.
Any contravention of this Act for which no other punishment is provided.	Penalty not exceeding fifty pounds.

False statements in electoral papers.
No. 27 of 1907, s. 188A; see Com. No. 17 of 1911, s. 37; 1918, No. 5, s. 5; 1919, No. 59, s. 6.

191. (1) A person shall not knowingly or wilfully make a false statement in any electoral paper, or in answer to any question under this Act, or in any information supplied to any officer or canvasser for the purposes of the preparation of new rolls.

Penalty—Twenty pounds.

(2) Subsection (1) of this section shall not affect the liability of any person to be proceeded against in respect of any other offence, but he shall not be liable to be punished twice in respect of the same offence.

(3) In this section the words "electoral paper" include any prescribed form.

Prohibition of canvassing near polling booth.
No. 27 of 1907, s. 189, amended by No. 63 of 1948, s. 28.

192. The following acts are, on polling day, and on all days to which the polling is adjourned, prohibited in a polling booth or within fifty yards from the entrance thereto from the nearest street or way, namely:—

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

Witness to application must satisfy himself of truth of statements.
No. 27 of 1907, s. 190. 1919, No. 59, s. 5.

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

Failure to transmit claim.
No. 27 of 1907, s. 191.

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

195. (1) For the purpose of preparing any roll or ensuring the enrolment of any elector on a roll, the Chief Electoral Officer, any registrar, or any person authorised in this behalf by the Chief Electoral Officer, may require any person to answer any questions or furnish any return or fill in and sign any claim.

Collection of information for preparation of rolls.

No. 27 of 1907, s. 192; 1919, No. 59, s. 4.

(2) Every person to whom any question shall be put under this section shall answer the same truthfully and completely to the best of his knowledge, information, and belief, and shall comply to the best of his ability with any requisition made on him under this section.

Penalty—Two pounds.

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

Employers to allow employees leave of absence to vote.
No. 27 of 1907, s. 193.

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

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

197. Whoever in any polling place on polling day misconducts himself, or fails to obey the lawful directions of the presiding officer, may be removed from the polling place by any constable or by any person authorised by the presiding officer.

Offender may be removed from polling booth.
No. 27 of 1907, s. 194.

Further punishment.
No. 27 of
1907, s. 195.
Amended by
No. 57 of
1952, s. 14.

198. Any person so removed re-entering or attempting to re-enter the polling place, without the permission of the presiding officer, shall be guilty of a further electoral offence punishable, on conviction, by twice the penalties prescribed in the table for the original offence.

Expenditure on behalf of a candidate.
No. 27 of
1907, s. 196.

199. If any person purporting to act for and on behalf of a candidate incurs or authorises any electoral expense without the written authority of the candidate or of his agent authorised in writing, he shall be guilty of a contravention of this Act.

Liability for indirect acts.
No. 27 of
1907, s. 197.

200. Every person shall be liable for an illegal practice committed directly or indirectly by himself, or by any other person on his behalf, and with his knowledge and authority.

Attempts.
No. 27 of
1907, s. 198.

201. Any attempt to commit an offence against this Act shall be an offence against this Act punishable as if the offence has been committed.

Certificate evidence.
No. 27 of
1907, s. 199.

202. On any prosecution under this Act the certificate of the Chief Electoral Officer or a Returning Officer that the election mentioned in the certificate was duly held, and that the person named in the certificate was a candidate at the election, shall be evidence of the matter stated.

Hard labour may be awarded.
No. 27 of
1907, s. 200.

203. Where imprisonment may be awarded for an offence against this Act, it may be awarded with or without hard labour.

Indictable offences.
No. 27 of
1907, s. 201.

204. Offences against this Act punishable by imprisonment exceeding one year are indictable offences.

205. All offences against this Act which are not indictable offences shall be punishable on summary conviction, and for any such offence complaint may be made within twelve months from the time when the matter of complaint arose.

Summary convictions.
No. 27 of 1907, s. 202, amended by No. 63 of 1948, s. 29.

206. Nothing contained in Chapter XIV of the Criminal Code shall apply to Parliamentary elections.

Criminal Code
not to apply to Parliamentary elections.
No. 27 of 1907, s. 203.

PART VIII.—MISCELLANEOUS.

207. (1) The signatures to claims or other forms may be witnessed by an elector, or person qualified to be enrolled as an elector of the Commonwealth Parliament or of the Legislative Assembly of Western Australia.

Persons authorised to witness signatures.
No. 27 of 1907, s. 204; 1911, No. 44, s. 33.

Any person who witnesses the signature of a claimant without being personally acquainted with the facts, or satisfying himself by inquiry from the claimant or otherwise that the statements contained in the claim are true, is guilty of an offence and liable to a penalty of not exceeding fifty pounds.

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

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

Service.
No. 27 of 1907, s. 205.

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

Electoral matter to be sent by post.
No. 27 of 1907, s. 206.

Electoral
matter
may be sent
by telegraph.
No. 27 of
1907, s. 207.

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

A person
unable to
write
may make
his mark.
No. 27 of
1907, s. 208;
1911, No. 44,
s. 39.

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

Forms.
No. 27 of
1907, s. 209;
1911, No. 44,
s. 40.

212. Strict compliance with the prescribed forms shall not be required, and substantial compliance therewith shall suffice for the purposes of this Act.

Regulations.
No. 27 of
1907, s. 210;
1911, No. 44,
s. 41.

213. (1) The Governor may make regulations for carrying out this Act, and prescribing forms for use under this Act.

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

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

Repeal.
No. 27 of
1907, s. 211.
1918, No. 5,
s. 6.

214. The Electoral Act, 1904, and the Electoral Act Amendment Act, 1912, and sections twenty-six, twenty-seven, twenty-eight, twenty-nine, and thirty of the Constitution Acts Amendment Act, 1899, are hereby repealed.