

The Electoral Act.

(No. 20 of 1904).

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SCHEDULES.

WESTERN AUSTRALIA.



ANNO TERTIO

EDWARDI SEPTIMI REGIS,

XXXV.

No. 20 of 1904.

AN ACT to regulate Parliamentary Elections.

[Reserved 16th January, 1904.]

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*, and shall come into operation on a day to be fixed by proclamation.

Short title, commencement, and division.

It is divided into Parts, as follows:—

PART I.—PRELIMINARY, ss. 1-4.

PART II.—ADMINISTRATION, ss. 5-13.

PART III.—ELECTORS, ss. 14-16.

PART IV.—ELECTORAL ROLLS, ss. 17-30.

PART V.—ADDITIONS TO ROLLS, TRANSFERS,
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- PART VI.—REVISION COURTS, ss. 43–61.
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- PART IX.—VOTING BY POST, ss. 79–89.
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- PART XIII.—LIMITATION OF ELECTORAL EXPENSES,
ss. 135–138.
- PART XIV.—ELECTORAL OFFENCES, ss. 139–158.
- PART XV.—DISPUTED RETURNS, ss. 159–173.
- PART XVI.—MISCELLANEOUS, ss. 174–178.

Repeal.

2. THE Electoral Act, 1899, is hereby repealed.

Interpretation.

3. IN this Act, unless the contrary intention appears,—
- “Assembly” means the Legislative Assembly.
- “Candidate” in Parts II., VI., XIII., and XIV. includes any person who, within three months before the day of election, offers himself for election as a member of the Council or Assembly.
- “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 ;
- “Minister” means the responsible Minister of the Crown charged 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 officers appointed under this Act, or exercising any power or discharging any duty thereunder ;
- “Parliament” means the Parliament of Western Australia ;
- “Prescribed” means prescribed by this Act or by the regulations.
- “Proclamation” means a proclamation by the Governor published in the *Government Gazette*.
- “Province” means an Electoral Province for the election of a member of the Council.

“Registrar” means Electoral Registrar, and includes Deputy and Assistant Registrar.

“Resident Magistrate” includes Government Resident and Police Magistrate.

“Returning Officer” includes Deputy Returning Officer.

“Roll” means an electoral roll.

“Special Magistrate” means a Justice of the Peace or other person specially authorised by the Governor to hold a Revision Court.

4. FOR the purposes of this Act each District is a division of the Province in which it is situated.

Division of Provinces.

PART II.—ADMINISTRATION.

5. THERE shall be a Chief Electoral Officer who shall, under the Minister, be responsible for the execution of this Act.

Chief Electoral Officer.

6. THERE shall be an Inspector of Parliamentary Rolls.

Inspector of Parliamentary Rolls.

The same person may be appointed Chief Electoral Officer and Inspector of Parliamentary Rolls.

7. THERE shall be an Electoral Registrar, and may be Assistant Registrars, for each Province and District.

Electoral Registrars.

The same person may be appointed Registrar for a Province and for any District within the Province, and for two or more Districts.

The Registrar for a District shall be a deputy Registrar for the Province of which his District is a division.

8. THERE shall be a Returning Officer for each Province and District.

Returning Officers.

9. THE Returning Officer for each District shall be a Deputy Returning Officer for the Province of which his District is a division.

Deputy Returning Officers.

10. NOTICE of every appointment shall be published in the *Government Gazette*.

Appointments to be gazetted.

11. NO candidate shall be appointed an officer, and if any officer becomes a candidate he shall thereby vacate his office.

Candidates not to be officers.

12. REGISTRARS shall keep forms and, without fee, supply them and assist the public in their use.

Registrars to keep forms.

13. ALL officers administering the electoral laws at the commencement of this Act are continued in office as if appointed under this Act.

Existing officers.

PART III.—ELECTORS.

Amendment of
63 Vict., 19, ss. 15
and 26.

14. SECTIONS fifteen and twenty-six of the Constitution Acts Amendment Act, 1899, are amended by substituting the words “when registered” for the words “when registered for six months.”

One vote only for
Assembly.

15. NO person may, at the same time, be registered on more than one Assembly roll.

No person to be
registered more
than once for any
one Province.

16. NO person possessing more than one qualification within a Province is thereby entitled to be registered more than once for that Province.

PART IV.—ELECTORAL ROLLS.

Preparation thereof.

17. ELECTORAL rolls shall be prepared and kept under the direction of the Chief Electoral Officer by the Registrar of each division of a Province, and of each District.

Separate rolls for
each Province and
District.

18. THERE shall be a separate roll for each Province and District.

Form of rolls.

19. THE rolls may be in the Forms A and B respectively in the Schedule, and shall contain the particulars indicated therein.

Arrangement.

20. THE rolls shall be arranged in alphabetical order of the surnames of electors according to the first letter of each surname, and blank spaces shall be left for additions after each series of names beginning with the same letter.

Divisions.

21. THE roll for each Province shall be divided according to the divisions of the Province.

Registration of
electors for
Provinces.

22. EVERY person qualified as an elector for a Province shall be registered in the division of the Province in which his qualifying property is situated.

If any person holds qualifying property in more divisions than one, he shall be registered in such division as by his electoral claim he may choose.

Printing of rolls.

23. ROLLS shall be printed whenever the Minister so directs.

Supplemental rolls.

24. SUPPLEMENTAL rolls, setting out additions and alterations since the last print, shall also be printed in the same manner as the roll immediately after the holding of each Revision Court, and immediately previous to a general election.

Inspection.

25. THE roll and supplemental rolls for each Province and District shall be open for public inspection, without fee, at the Registrar's office, within the prescribed hours, on at least two days in every week, and shall be obtainable at the prescribed price.

26. THE rolls shall be conclusive evidence that the persons registered thereon have a right to vote ; and the rolls shall not be questioned, except in Courts of Revision and as hereinafter expressly provided.

Rolls not to be questioned.

New Rolls.

27. A NEW roll for any Province or District, and new rolls generally, shall be prepared by the Registrars whenever directed by proclamation, and in the manner therein specified, and shall come into force at the date stated in the same or any subsequent proclamation.

New rolls.

28. NEW rolls may be made up from the existing rolls, the Commonwealth rolls, the lists of municipal and road board electors, made out pursuant to section thirty-four, and the latest census returns, and any other available source.

How made up.

29. IN preparing new rolls—

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

(2.) The names of all persons—

(a.) Who, from information supplied by the Registrar General of Deaths, appear to be dead ; or

(b.) Who appear to be disqualified ; or

(c.) In the case of Assembly rolls, who do not appear to reside in the District,

shall be omitted.

Names to be inserted and omitted.

30. (1.) NOTICE in the Form C in the Schedule shall be given by the Inspector of Parliamentary Rolls to every elector whose name appears on two or more divisions of the roll of any Province, requiring the elector to choose the division for which he is to be registered.

Council electors to be registered on one division of roll only.

(2.) In default of a choice being made by the elector and communicated to the Inspector of Parliamentary Rolls within the time stated in the notice, the Inspector of Parliamentary Rolls shall strike out the name of the elector from every division of the roll except one, to be stated in the notice.

PART V — ADDITIONS TO ROLLS, TRANSFERS, AND
ALTERATION OF ROLLS.

31. NEW names may be added to rolls pursuant to—

(1.) Claims ; or

(2.) The lists of municipal and road board electors transmitted to the Registrar in accordance with section thirty-four.

(3.) Applications to transfer.

Additions of new names.

Forms of claims.

32. CLAIMS may be in the Form D or E in the Schedule, and shall be signed by the claimant, and shall be sent to the Registrar of the Province or District in which the claimant desires to vote.

Registration of claims.

33. IF the claim is in order the Registrar shall, pursuant to the claim, immediately enter the claimant's name and the particulars relating to him on the roll, and shall file the claim.

List of municipal or road board electors.

34. (1.) THE clerk or secretary of every municipality and road board shall, in the month of December in every year,—

(a.) Make out separately for every District or portion of a District within the boundaries of the municipality or road district, a list containing, in alphabetical order of surnames, the names of every person on the electoral list of such municipality or road district in respect of property situated within the electoral district and of every person whose name would appear thereon but for non-payment of rates; and

(b.) Transmit such list in the form and containing the particulars required in Form F in the Schedule, certified under his hand, to the Registrar or Registrars of the electoral district or districts within or partly within the boundaries of the municipality or road district, as the case may be.

(2.) The Registrar shall enter on the proper roll for the Province the name and particulars of the qualification of every person who appears by such lists to be entitled to be registered.

Right to transfer.

35. (1.) ANY elector whose name is on the roll for any Province, and who possesses another sufficient qualification in another division of the same Province, may transfer his name to the division of the roll to which such other qualification relates.

(2.) Any elector whose name is on the roll for any District, and who has resided in any other District for one month, may transfer his name to the roll for the District in which he resides.

Form of transfer.

36. EVERY transfer shall be made by application to transfer in the Form G or H in the Schedule.

Method of transfer.

The application shall be signed by the elector in the presence of a witness, and shall be sent to the Registrar for the division of the Province or for the District to which the elector's name is to be transferred.

Registration of transfer.

37. THE Registrar shall—

(1.) Note on the application to transfer the date of its receipt, and file it in his office.

- (2.) Register the application by placing the elector's name on the roll for the division of the Province or for the District.
- (3.) Give notice of the transfer to the Registrar for the division of the Province or for the District from which the elector's name has been transferred, who shall thereupon remove the elector's name from the roll.

38. ROLLS may be altered by the Registrar, as follows:—

Alteration of rolls.

- (1.) By correcting any obvious mistake or omission;
- (2.) By changing, on the written application of the elector,—
 - (a.) The residence to another within the same District;
 - (b.) The original name of the elector to an altered name;
- (3.) By substituting for the qualification of an elector on the roll for a Province another sufficient qualification within the same division on the application of the elector in Form G in the Schedule;
- (4.) By striking out the names of dead persons;
- (5.) By reinstating any name struck out by mistake as the name of a dead person, and whether struck out by a Revision Court or otherwise.

39. ON any change in the boundaries of a Province or District, the Registrar for the Province or District shall make all alterations thereby rendered necessary in the roll.

Adjustment of rolls on change in boundaries.

40. CLAIMS and applications to transfer received by a Registrar not later than fourteen days before the issue of the writ may be registered after the issue of the writ, but otherwise no addition to or alteration of the roll for any Province or District shall be made during the period between the issue of the writ for an election in the Province or District and the close of the polling at the election.

Time for altering rolls.

41. ALL alterations shall be made in such a manner that the original entry shall not be obliterated, and the reason for the alteration, and the date thereof, shall be set against the alteration, together with the initials of the officer making the alteration.

Alterations to be initialed.

42. (1.) THE Registrar General of Deaths shall, in the months of March, June, September, and December in each year, forward to the Inspector of Parliamentary Rolls a list of the names, addresses, and occupations of all persons of the age of twenty-one years or upwards whose deaths have been registered during the preceding three months.

Lists of deaths to be forwarded.

(2.) The Registrar of each Province and District shall, on information communicated to him by the Inspector of Parliamentary

Rolls, cause the names of the persons specified in the list to be struck off the rolls kept by him, or the Inspector may himself strike off such names.

PART VI.—REVISION COURTS.

Revision Courts.

43. REVISION Courts shall be held at such times and places as may be fixed by proclamation, and notice thereof shall be given by the Clerk of the Court seven days at least before the holding thereof, by advertisement in a newspaper circulating in the district.

Jurisdiction.

44. THE rolls in respect of which any Revision Court shall have jurisdiction shall also be fixed by proclamation.

Constitution of Court.

45. REVISION Courts shall be constituted by,—

(a.) A Resident or Special Magistrate ; or

(b.) Two or more Justices of the Peace having jurisdiction at the place where the Court is held.

No member or candidate to be member of Court.

46. NO candidate or member of the Council or Assembly shall be a member of the Court.

Clerk.

47. THE clerk of the nearest Local Court or some other person to be appointed by the Minister shall be the clerk of the Revision Court.

Adjournment.

48. THE Court may adjourn from time to time.

Adjournment when Court not duly constituted.

49. (1.) IF, within half an hour after the time appointed for the holding of the Court or after the time to which the Court is adjourned, the Court is not duly constituted, any one Justice, or, if no Justice is present, the clerk of the Court, may from time to time adjourn the Court to a future day.

Notice of adjournment.

(2.) The clerk of the Court shall, after every adjournment, give public notice thereof by advertisement in a newspaper, or in some other effective way.

Names on roll may be objected to.

50. ANY name on a roll may be objected to by notice of objection lodged with the Registrar.

Notice of objection.

51. THE notice of objection may be in the Form I in the Schedule, and shall be signed by an elector registered on the same roll.

Summons.

52. ON receipt of the notice of objection, the Registrar shall summon the person objected to to appear to answer the objection at the Revision Court.

The summons may be in the Form J in the Schedule, and shall be served or posted ten days at least before the holding of the Revision Court, and may be served personally or by leaving it at or posting it to the address of the person objected to, appearing on the roll. Form.

53. THE Registrar may, and it is his duty to summon in like manner any person whose name he has reason to believe ought not to be retained on the roll. Duty to object.

54. THE Registrar shall, at least ten days before the sitting or adjourned sitting of the Court, exhibit at the place where the Court is to be held and at any other prescribed places a list, in the Forms K or L respectively in the Schedule, of all objections to be dealt with by the Court. List to be published.

55. AT the sitting of each Revision Court, the rolls, and all claims and objections received and affecting the rolls in respect of which it has jurisdiction, shall be produced. Rolls to be produced.

56. EACH Revision Court shall, in open Court, revise the rolls— Mode of revision.

- (1.) By hearing and determining all objections;
- (2.) By striking out the names of persons shown—
 - (a.) To be dead;
 - (b.) Not to be qualified to have their names on the roll;
 - (c.) To be disqualified; or,
 - (d.) In the case of an Assembly roll, not to reside within the District;
- (3.) By striking out the name of any person entered more than once as an elector;
- (4.) By adding to the roll the names of all persons who have claimed to have their names placed on the roll and who are shown to be qualified, but whose names have not been registered; and
- (5.) Generally by correcting mistakes and supplying omissions.

57. THE Court shall certify, by indorsement on the roll, that it has been revised. Certificate of revision.

58. (1.) SERVICE of any summons may be proved by an indorsement on a copy of the summons, signed by the person by whom it was served, setting forth the day, place, and mode of service. Proof of service.

The signature to an indorsement of service shall be *prima facie* evidence that the indorsement was signed by the person whose signature it purports to be.

Any false statement in an indorsement of service shall render the person making the same liable, on summary conviction, to imprisonment, with or without hard labour, not exceeding six months.

(2.) No proof of service of the summons shall be required where the person objected to appears.

Appearance.

59. ANY person authorised, in writing or by telegraph, may appear to resist an objection on behalf of the person objected to, or to support a claim on behalf of a person whose name has not been registered.

Costs.

60. IF any objection is not established, the Court may award to the person objected to a reasonable sum, not exceeding five pounds, to be paid by the objector for costs; but no costs shall be awarded against an officer.

Execution.

61. ANY costs awarded shall be recoverable as if the award were a judgment of the Local Court at which or nearest to the place where the Revision Court was held, and the award may be entered as a judgment of the Local Court and enforced accordingly.

PART VII.—WRITS FOR ELECTIONS.

The Writs.

Form of writs.

62. WRITS for the election of members of the Council or Assembly may be in the Form M in the Schedule, and shall fix the dates for—

- (1.) The nomination ;
- (2.) The polling ; and
- (3.) The return of the writ.

Date of nomination.

63. THE date fixed for the nomination of candidates shall not be less than seven nor more than thirty days from the date of the writ, but the time may be extended by the person issuing the writ.

Date of polling.

64. THE date fixed for the polling shall not be less than seven days nor more than thirty days after the date of nomination.

Date of return of writ.

65. THE date fixed for the return of the writ shall be not more than sixty days after the issue of the writ, but the time may be extended by the person issuing the writ.

66. WRITS shall be addressed to the Returning Officer for the Province or District for which an election is to be held. Address of writs.

67. ON the receipt of a writ, the Returning Officer to whom it is directed shall— Duty of Returning Officer on receipt of writ.

- (1.) Indorse thereon the date of its receipt;
- (2.) 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, and the places at which the poll will be taken; and
- (3.) In the case of a Council election, forward a copy of the writ to each Deputy Returning Officer.

PART VIII.—THE NOMINATIONS.

68. NO person shall be capable of being elected as a member of the Council or Assembly unless duly nominated. Candidates must be nominated.

69. NOMINATIONS may be in the Form N in the Schedule, and shall be addressed to the Returning Officer, and be signed by and set forth the place of residence and occupation of the candidate. Mode of nomination.

70. IT shall suffice if the nomination paper is lodged at any telegraph office, and the contents are communicated to the Returning Officer by telegraph. Nominations may be telegraphed.

71. NO nomination shall be valid unless— Requisites for nomination.

- (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.

72. 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.

73. THE deposit made by or on behalf of a person nominated shall be retained pending the election, and, after the election, shall be Deposit to be forfeited in certain cases.

returned, unless the person on whose behalf it was made fails to obtain at the election more than one-fifth of the number of votes polled by the successful candidate, or if more than one, by the successful candidate who obtained the smallest number of votes at the election, in which case it shall be forfeited to the King. On the death of a candidate before the election, the deposit made by or on behalf of such candidate shall be paid to his legal representative.

Place of nomination. **74.** THE chief polling place for the Province or District, as the case may be, shall be the place of nomination.

Hour of nomination. **75.** TWELVE o'clock noon on the day of nomination shall be the hour of nomination, and the Returning Officer shall then attend at the place of nomination and publicly produce all nomination papers received by him, and declare the names and residences of all candidates nominated.

Proceedings on nomination day. **76.** THE Returning Officer shall declare the candidates nominated duly elected if no greater number are nominated than are required to be elected; but otherwise the proceedings shall stand adjourned to polling day.

Death of candidate after nomination. **77.** IF after the nominations have been declared, and before polling day, any candidate dies, and the candidates remaining are not greater in number than the candidates required to be elected, they shall forthwith be declared to be elected and the writ returned.

Failure of election. **78.** WHENEVER an election wholly or partially fails, a new writ shall forthwith be issued for a supplementary election.

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

An election shall be deemed to have partially failed whenever one or more candidates is or are returned as elected, but not the full number required to be elected.

PART IX.—VOTING BY POST.

Voting by post.

79. ANY elector—

- (1.) Who intends to be absent from the State on polling day; or
- (2.) Who has reason to believe that he will, on polling day, be more than five miles from a polling place at which he is entitled to vote; or
- (3.) 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

- (4.) Who will be prevented by serious illness or infirmity from attending a polling place on polling day

may, after the issue of the writ, attend before a Resident Magistrate or other person appointed by the Minister in that behalf (in the seven next following sections referred to by the term "officer") and vote by post.

80. THE officer shall—

Procedure.

- (1.) Write on a counterfoil the name of the Province and division thereof, or the District for which the applicant claims to vote, together with the name and address of the applicant; and
- (2.) Sign the back of a postal ballot-paper bearing the same number as the counterfoil, and, on the face thereof, write the name of the Province and division thereof or the District as on the counterfoil; and
- (3.) Give the ballot-paper and an envelope to the elector.

81. BEFORE giving a ballot-paper to the elector, the officer may put to the elector any question which a presiding officer might put to him. *Questions may be put to elector.*

82. THE elector shall then—

Mode of voting.

- (1.) Write on the ballot-paper the name of the candidate, or if more than one candidate is to be elected, the names of the candidates for whom he votes, but so that the officer shall not see the vote; and
- (2.) Fold up the ballot-paper and, in the presence of the officer, put it into an envelope, seal up the envelope and hand it to the officer.

83. THE officer shall then write "Ballot-paper" on the envelope, and shall put the counterfoil into another envelope, and seal it up and write "Counterfoil" thereon, and shall forthwith send both envelopes, enclosed in an envelope, by post or otherwise, to the Returning Officer of the division of the Province or of the District in which the elector is entitled to vote. *Ballot paper to be sent to Returning Officer.*

84. WHERE any elector who has received a ballot-paper satisfies the officer that his sight is so impaired that he is unable to vote without assistance, such officer may, and at the request of such elector shall, write on the ballot-paper the name of the candidate as such elector may designate, and enclose the ballot-paper in the envelope. *Voter whose sight is impaired.*

Duty of Returning Officer with regard to such ballot-papers.

85. THE Returning Officer, on receipt of any such envelopes, shall retain them in his possession and—

- (1.) During or immediately after the close of the poll, in the presence of the scrutineers, proceed to open them ; and
- (2.) If satisfied, by comparing each counterfoil with the roll, that the person named is entitled to vote, shall, as he takes out each ballot-paper from its envelope, without unfolding it, deposit it in the ballot-box.

Applicant not to vote otherwise at election.

86. ANY person who has applied to an officer for the purpose of voting under the seven last preceding sections, and has complied with the provisions thereof, shall not be entitled to vote otherwise at the election, although the said envelopes may not have been sent to the Returning Officer, or although they may have miscarried.

Officer to decide.

87. THE decision of the officer conducting the scrutiny as to the allowance or disallowance of any postal vote shall be subject only to review by the Supreme Court under Part XV.

Mistakes.

88. NO postal vote shall be rejected because the surname only of a candidate has been written thereon, if no other candidate has the same surname ; nor by reason of any mistake in spelling where the elector's intention is clear.

Forms.

89. THE ballot-paper and counterfoil shall be in the Form O in the Schedule.

PART X.—THE POLLING.

Chief polling place.

90. THE Governor may, by proclamation—

- (1.) Appoint a chief polling place for each Province and District ;
- (2.) Declare that any such polling place shall cease to be a polling place :

But no polling place shall be so closed after the issue of the writ and before the time appointed for its return.

Other polling places.

91. THE Returning Officer may appoint such other polling places for each Province and District as he thinks necessary.

Polling.

92. 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.

Each Deputy Returning Officer may perform the duties of a Returning Officer in the division of the Province to which he is appointed.

93. IN particular the Returning Officer shall—

Duty of Returning Officer.

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

94. THE Returning Officer shall be the presiding officer at the chief polling place.

Presiding officer.

95. ANY presiding officer may appoint a substitute to perform his duties during his temporary absence, and may appoint one or more assistant presiding officers to assist him in presiding at any polling booth, and any assistant presiding officer may, subject to the direction of the presiding officer, exercise all or any of his powers.

Substitute.

96. NO part of any premises licensed for the sale of intoxicating liquor shall be used for the purposes of any polling booth.

No licensed premises to be used.

97. ALL buildings under the control of the Government, or the property of Municipal Corporations or Road Boards, and all Agricultural Halls, 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.

98. POLLING booths shall have separate voting compartments, constructed so as to screen the voters from observation while they are marking their ballot-papers, and each compartment shall be furnished with a pencil for the use of voters.

Separate compartments.

99. EACH polling booth and sub-division of a polling booth shall be provided with a ballot-box having both an inner and an outer cover, with a lock and key to each, and with a cleft in the inner cover for receiving the ballot-papers.

Ballot-boxes.

100. COPIES of the roll shall, before the hour for commencing the poll, be signed by the Returning Officer and delivered to the presiding officers for their guidance during the poll.

Copies of roll.

101. BALLOT-PAPERS may be in the Form P in the Schedule.

Ballot-paper.

102. IN printing the ballot-papers—

Ballot-papers.

- (1.) The names of all candidates duly nominated shall be printed in alphabetical order according to their surnames ;

- (2.) If there are two or more candidates of the same surname their names shall be printed according to the alphabetical order of their other names, or if their other names are the same, then according to the alphabetical order of their residences, arranged and stated on the ballot-paper ;

- (3.) A square shall be printed opposite the name of each candidate.

Ballot-papers
initialed.

103. NO ballot-paper shall be delivered to any voter without being first initialed by the presiding officer, and an exact account shall be kept of all initialed ballot-papers.

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, so as to conceal the names of the candidates.

Scrutineers.

104. SCRUTINEERS may be appointed by candidates to represent them at polling places during the polling, but so that not more than one scrutineer shall be allowed to each candidate at each polling booth or subdivision of a polling booth.

Appointments of scrutineers shall be made by written notice to the Returning Officer, signed by the candidate, giving the names and addresses of the scrutineers, or without such notice by permission of the Returning Officer.

Persons present at
polling.

105. NO candidate shall in any way take part in the conduct of an election ; and no one, other than the presiding officer, the poll clerks, doorkeepers, and scrutineers, and the electors voting and about to vote, shall be permitted to enter or remain in the polling booth during the polling except by permission of the presiding officer.

The polling.

106. THE polling shall be conducted as follows:—

- (1.) Before any vote is taken, the presiding officer shall exhibit the ballot-box empty, and shall then securely fasten and seal its inner cover so that nothing can be removed without breaking the seal:
- (2.) The poll shall open at eight o'clock in the morning, and shall not close until all electors present in the polling booth at seven o'clock in the evening, and desiring to vote, have voted:
- (3.) At the close of the poll the presiding officer shall publicly close, fasten, and seal the outer cover of the ballot-box, and with the least possible delay forward it for the purposes of scrutiny; and it shall on no account be opened except as allowed by this Act.

107. AN elector shall only be entitled to vote in elections for the Assembly for the District in which he resides, and for which he is registered :

Assembly electors to vote in district in which they reside.

Provided that an elector who has changed his place of residence to another District may, until his name is transferred to another roll, vote for the District in which his name continues registered for three months after he has ceased to reside in the District.

108. EVERY person claiming to vote at any polling booth shall—

Persons claiming to vote to give name, etc.

- (1.) State his surname and other names ; and
- (2.) 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.

109. THE presiding officer may, and at the request of any scrutineer shall, put to any person claiming to vote all or any of the following questions:—

Challenge of voter.

- (1.) Are you the person whose name appears as [*here state name under which the person claims to vote*] on the roll for this Province [*or District*]?
- (2.) Are you of the full age of twenty-one years?
- (3.) Have you already voted, either here or elsewhere, at this election? [*In elections for the Council add "for this Province."*]
- (4.) Are you disqualified from voting?

110. IF any person refuses to answer fully any such question put to him by the presiding officer, or fails by his answer to satisfy the presiding officer that he is entitled to vote, his claim to vote shall be rejected.

Consequence of answers.

111. THE voter's answer to the questions shall be conclusive, and the matter shall not be further inquired into during the polling.

Answer conclusive.

112. NO omission of any name other than the surname, or entry of a wrong name other than the surname, or address or occupation, and no mistake in the spelling of any surname, shall warrant the rejection at any polling of any claim to vote if the voter is sufficiently identified in the opinion of the presiding officer; and no female elector shall be disqualified from voting under the name appearing on the roll because her surname has been changed by marriage.

Errors not to forfeit vote.

113. IF the name under which the person claims to vote is upon the copy of the roll, and his right to vote is not challenged, or, if challenged, he answers the prescribed questions satisfactorily, the presiding officer or a poll clerk shall hand to him a ballot-paper duly initialed, but the presiding officer shall, at the request of any scrutineer, take a note of any objection and keep a record thereof.

Ballot-paper to be handed to elector.

Roll to be marked
on voting-paper
being issued.

114. IMMEDIATELY upon handing the ballot-paper to the person claiming to vote, the officer shall place a mark against the person's name on the copy of the roll.

Vote to be marked
in private.

115. UPON receipt of the ballot-paper the voter shall, without delay,—

- (1.) Retire alone to some unoccupied compartment of the booth, and there, in private, mark his vote on the ballot-paper in the manner hereinafter described;
- (2.) 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 openly, and without unfolding it, deposit it in the ballot-box;
- (3.) Quit the booth.

Assistance to blind
voters.

116. IF any voter satisfies the presiding officer that he is unable to read, or that his sight is so impaired that he is unable to vote without assistance, the presiding officer shall mark, fold, and deposit his ballot-paper for him.

Spoilt ballot-papers.

117. IF any voter 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.

How votes to be
marked.

118. THE voter shall indicate his vote by making a cross on his ballot-paper in the square opposite the name of the candidate for whom he votes.

If two or more candidates are to be elected, the voter shall vote for the full number of candidates to be elected, and shall make a cross in the square opposite the name of each candidate for whom he votes.

Council elector may
vote in any division.

119. ANY elector on the roll for a division of a Province may vote in any division of the Province.

Adjournment of
polling on account
of riot.

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

Adjournment in
other cases.

121. IF from any cause any polling place is not opened on polling day, the Returning Officer or the presiding officer may adjourn the polling for a period not to exceed seven days, and shall forthwith give public notice of the adjournment.

PART XI.—THE SCRUTINY.

Scrutiny.

122. THE result of the polling shall be ascertained by scrutiny.

123. THE scrutiny shall be conducted as follows:—

How conducted.

- (1.) It shall commence as soon as practicable after the closing of the poll:
- (2.) The scrutineers and any persons approved by the officer conducting the scrutiny may be present:
- (3.) All the proceedings at the scrutiny shall be subject to the inspection of the scrutineers:
- (4.) All informal votes shall be rejected, and the number recorded:
- (5.) The scrutiny may be adjourned as may be necessary until the counting of the votes is complete.

124. EACH candidate may appoint one scrutineer to represent him at the scrutiny, at each place where the scrutiny is conducted.

Power to appoint scrutineers.

125. ANY scrutineer may object that any ballot-paper is informal, and thereupon the officer conducting the scrutiny shall mark the ballot-paper "admitted" or "rejected," according to his decision on the objection; and such decision shall be final, subject only to reversal by a Judge under the provisions of Part XV.

Scrutineer may object to vote as informal.

126. A BALLOT-PAPER shall be informal if—

Informal ballot papers.

- (1.) It is not initialed by the presiding officer, or, in the case of a postal ballot-paper, signed by the officer authorised to take the vote; or
- (2.) In elections for the Council it has (not being a postal ballot-paper) crosses in squares opposite the names of a greater or less number of candidates than the number required to be elected, or being a postal ballot-paper it has a greater or less number of names written on it than there are candidates required to be elected; or
- (3.) In elections for the Assembly it has (not being a postal ballot-paper) crosses in squares opposite the name of more than one candidate, or being a postal ballot-paper it has the name of more than one candidate written on it; or
- (4.) It has upon it any mark or writing not authorised by this Act to be put upon it which, in the opinion of the Returning Officer, will enable any person to identify the voter.

A ballot-paper shall not be informal by reason only—

- (5.) That the names of the candidates for whom the voter does not vote are struck out; or
- (6.) That a cross placed opposite the name of a candidate is not within the square, if in the opinion of the officer conducting the scrutiny the intention of the voter is clearly indicated; or

- (7.) Of the omission of the voter to make a cross in the square opposite the name of the candidate, or, in elections for the Council, when two or more candidates are to be elected, the names of the candidates for whom he votes, if the names of the candidates for whom he does not vote are struck out.

Preservation of
ballot-papers.

127. ALL ballot-papers used for voting shall be preserved as and in such custody as shall be prescribed until the election can be no longer questioned, when they shall be destroyed.

Scrutiny in Council
elections.

128. (1.) IN elections for the Council the scrutiny shall be conducted by the Returning Officer and Deputy Returning Officers, as follows:—

Procedure at
scrutiny.

- (a.) The Returning Officer shall open all ballot-boxes except those opened by Deputy Returning Officers.
- (b.) Each Deputy Returning Officer shall open all ballot-boxes from the polling places within his division.
- (c.) The Returning Officer and Deputy Returning Officers shall count all the votes found in the boxes opened by them respectively, rejecting all informal ballot-papers, and shall make and keep a record of the number of votes counted by them from such boxes respectively.

Deputy Return-
ing Officers forward
writ and ballot-
papers to Returning
Officer.

(2.) Each Deputy Returning Officer shall seal up all ballot-papers counted by him, and shall certify by indorsement on the copy of the writ received by him the number of votes given for each candidate within the division for which he acts, and shall transmit the ballot-papers so sealed and the copy writ so indorsed to the Returning Officer.

Results of polling
may be telegraphed
to Returning Officer.

(3.) A Deputy Returning Officer may communicate to the Returning Officer by telegraph the number of votes recorded for each candidate within the division for which he is appointed; and the Returning Officer, in ascertaining the result of the poll, may act upon the information so received.

Scrutiny in
Assembly elections.

129. IN elections for the Assembly, the scrutiny shall be conducted by the Returning Officer.

Outlying polling
places.

130. (1.) THE Governor may appoint Assistant Returning Officers to ascertain the result of the polling at any one or more polling places—

- (a.) In outlying portions of a division or District; or
- (b.) Where the polling place is so far distant from the chief polling place that it is necessary so to do to ascertain the result of the election with expedition.

(2.) Assistant Returning Officers shall—

- (a.) Ascertain the result of the polling at the polling place or places to which they are appointed ;
- (b.) Transmit by telegraph or other expeditious means to the Returning Officer for the division or District, as the case may be, the number of votes received for each candidate ;
- (c.) Seal up all ballot-papers counted and transmit them to the Returning Officer.

131. (1.) THE Returning Officer for the Province or the District, as the case may be, shall, in manner hereinbefore provided, ascertain the total number of votes polled for each candidate. Returning Officer to ascertain result of polling.

(2.) In the event of an equality of votes, the Returning Officer shall give a casting vote for the purpose of deciding the election, but otherwise shall not vote.

(3.) The candidate who receives the greatest number of votes, or the candidates to the number required to be elected who receive the greatest number of votes, shall be elected.

PART XII.—THE RETURN OF THE WRITS.

132. AS soon as conveniently may be after the result of the election has been ascertained, the Returning Officer shall,— Return of writs.

- (1.) At the chief polling place, declare the result of the election and the name of the candidate or the names of the candidates elected ;
- (2.) By indorsement under his hand certify on the original writ the name of the candidate or the names of the candidates elected, and return the writ according to its exigency.

133. ANY delay, error, or omission in the printing, preparation, issue, transmission, or return of any roll, writ, ballot-papers, or list of voters, may be remedied, removed, rectified, and supplied by proclamation specifying the matter dealt with, and providing for the course to be followed, and such course shall be valid and sufficient. Correction of errors.

134. WITHIN twenty days before or after the day appointed for any election, the person causing the writ to be issued may provide for extending the time for holding the election or for returning the writ, or meeting any difficulty which might otherwise interfere with the due course of the election ; and any provision so made shall be valid and sufficient ; Provided that— Extension of time.

- (1.) Public notice shall be immediately given in the Province or District in which the election is to be held of any extension of the time for holding the election :

- (2.) No polling day shall be postponed under this section at any time later than seven days before the time originally appointed.

PART XIII.—LIMITATION OF ELECTORAL EXPENSES.

Rates of expenditure.

135. NO electoral expense shall be incurred or authorised by a candidate in respect of any candidature—

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

Expenses allowed.

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

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

Electoral expenses.

137. “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, postages, rent of halls belonging to any public body, and the personal and reasonable living and travelling expenses of the candidate.

Returns.

138. WITHIN three months after the result of any election has been declared, every candidate at the election shall sign before a Justice of the Peace and file with the Chief Electoral Officer a true return of his electoral expenses, showing—

- (1.) All electoral expenses paid ;
- (2.) All disputed or unpaid claims for electoral expenses.

The return may be in the Form Q in the Schedule, and shall be accompanied by a receipted bill of particulars vouching each payment of two pounds or more.

PART XIV.—ELECTORAL OFFENCES.

Offences.

139. 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.

140. "BREACH or neglect of official duty" includes—Breach or neglect
by officers.

- (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 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 disclosure by any person authorised to mark the vote of an elector on a postal ballot-paper touching 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.

141. WHOEVER—

Bribery.

- (1.) 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 ;
- (2.) 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 ;
- (3.) Promises, offers, or suggests any valuable consideration, advantage, recompense, reward, or benefit for bribery, or gives or takes any valuable consideration, advantage, recompense, reward, or benefit for bribery,

shall be guilty of bribery.

142. WITHOUT limiting the effect of the general words in the preceding section, "bribery" particularly includes the supply of meat, 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 influence the vote of an elector.

Definition.

143. WHOEVER—

Undue influence.

- (1.) Threatens, offers, or suggests any violence, injury, punishment, damage, loss, or disadvantage for or on account of, or to induce any candidature, or withdrawal of candidature, or any vote, or any omission to vote, or any support or opposition to any candidate, or any promise of any vote, omission, support, or opposition ;

- (2.) Or uses, causes, inflicts, or procures any violence, punishment, damage, loss, or disadvantage for or on account of any such candidature, withdrawal, vote, omission, support, or opposition ;
 - (3.) Or contravenes the provisions of Part XIII. of this Act relating to the limitation of electoral expenses ;
 - (4.) Or, being a candidate, personally solicits the vote of any elector on polling day ;
 - (5.) Or, being a candidate, attends at any meeting of electors held for electoral purposes on polling day,
- shall be guilty of undue influence.

Definition.

144. 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.

145. NO declaration of public policy or promise of public action shall be deemed bribery or undue influence.

Illegal practices.

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

- (1.) Any publication of any electoral advertisement, hand-bill, or pamphlet, or any issue of any electoral notice without at the end thereof the name and address of the person authorising the same, and on the face of the notice the name and address of the person authorising the notice ;
- (2.) Printing or publishing any printed electoral advertisement, hand-bill, or pamphlet (other than an advertisement in the 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 XIII. of this Act relating to the limitation of electoral expenses.

Punishment.

147. (1.) ANY illegal practice shall be punishable as follows:—

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

(2.) If any candidate is convicted of bribery or undue influence, or if it is found by the Supreme Court, on a disputed return, that any candidate has been guilty of bribery or undue

influence, he shall be disqualified from election to Parliament for one year, and his election (if a successful candidate) shall be void.

148. THE matters mentioned in the first column of the table Electoral offences. 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.
Forging, or uttering knowing the same to be forged, any nomination or ballot-paper	Imprisonment not exceeding two years.
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 one year.
Fraudulently destroying or defacing any nomination or ballot paper	Imprisonment not exceeding one year.
Fraudulently putting any ballot or other paper into the ballot-box	Imprisonment not exceeding six months.
Fraudulently taking any ballot-paper out of any polling booth	Imprisonment not exceeding six months.
In any polling booth on polling day misconducting himself, or failing to obey the lawful directions of the presiding officer	Penalty not exceeding fifty pounds, or imprisonment not exceeding one month.
Supplying ballot-papers without authority ...	Imprisonment not exceeding six months.
Unlawfully destroying, taking, opening, or otherwise interfering with ballot-boxes or ballot-papers	Imprisonment not exceeding six months.
Voting more than once at the same election	Penalty not exceeding fifty pounds, or imprisonment not exceeding three 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 any false statement in any claim, application, return, or declaration, or in answer to a question under this Act	Imprisonment not exceeding two years.

Table of Electoral Offences and Punishments--continued.

First Column.—Offences.	Second Column.—Punishments.
Distributing any advertisement, handbill, or pamphlet published in contravention of section one hundred and forty-six	Penalty not exceeding fifty pounds, or imprisonment not exceeding one month.
Being the clerk or secretary of a municipality or road board neglecting to transmit to the Registrar a true list of electors as required by section thirty-four.	Penalty not exceeding twenty pounds.
Any contravention of this Act for which no other punishment is provided	Penalty not exceeding fifty pounds.

Offender may be removed from polling booth.

149. 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.

Further punishment.

150. ANY person so removed re-entering or attempting to re-enter the polling booth, without the permission of the presiding officer, shall be guilty of a further electoral offence punishable, on conviction, by twice the penalties prescribed in the table for the original offence.

Expenditure on behalf of a candidate.

151. 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.

152. 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.

153. ANY attempt to commit an offence against this Act shall be an offence against this Act punishable as if the offence had been committed.

Certificate evidence.

154. 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.

155. WHERE imprisonment may be awarded for an offence against this Act, it may be awarded with or without hard labour.

Indictable offences.

156. OFFENCES against this Act punishable by imprisonment exceeding one year are indictable offences.

157. ALL offences against this Act which are not indictable offences shall be punishable on summary conviction. Summary conviction.

158. ON and after the commencement of this Act, nothing contained in Chapter XIV. of the Criminal Code shall apply to Parliamentary elections. Criminal Code not to apply to Parliamentary elections.

PART XV.—DISPUTED RETURNS.

159. THE validity of any election or return may be disputed by petition addressed to the Supreme Court, and not otherwise, and the Supreme Court shall have jurisdiction to hear and determine the same. Method of disputing elections.

160. EVERY petition disputing an election or return, in this Part of this Act called the petition, shall— Requisites of petition.

- (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.

161. 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. Deposit as security for costs.

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

163. THE Court shall be constituted by a Judge sitting in open Court, and its powers shall include the following:— Constitution of Court.

- (1.) To declare that any person who was returned as elected was not duly elected ;
- (2.) To declare any candidate duly elected who was not returned as elected ;
- (3.) To declare any election absolutely void ;
- (4.) To dismiss or uphold any petition, in whole or in part ;
- (5.) To award costs. Powers.

164. THE Court shall inquire whether or not the requisites of section one hundred and sixty have been observed, and, so far as rolls and voting are concerned, may inquire into the identity of persons, and whether their votes were improperly admitted or rejected, assuming the roll to be correct ; but the Court shall not inquire into the correctness of any roll. Inquiries by Court.

Procedure.

165. THE Court shall be guided by the substantial merits and good conscience of each case without regard to legal forms or technicalities.

Immaterial errors
not to vitiate
election.

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

Decisions to be
final.

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

Copies of petition,
etc., to be sent to
House affected.

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.

Deposit applicable
for costs.

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

Other costs.

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

Effect of decision.

171. EFFECT shall be given to any decision of the Court as follows:—

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

Power to make rules
of Court.

172. 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.

To be laid before
the Parliament.

173. EVERY 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.

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.

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 XVI.—MISCELLANEOUS.

174. 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.

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

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

177. THE forms in the Schedule may be varied as the circumstances of the case may require. Forms may be varied.

178. THE Governor may make regulations for carrying out this Act. Regulations.

All such regulations shall be notified in the *Government Gazette*, and shall thereupon have the force of law.

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.

Section 19.

The Schedule.

Form A.

The Electoral Act.

LEGISLATIVE COUNCIL ELECTORAL ROLL.

[] Electoral Province, [] Division.

Surname of each Elector.	Other names of each Elector at full length.	Sex.	Residence.	Occupation.	Qualification and where property situated.	Remarks and initials to alterations.

Section 19.

Form B.

The Electoral Act.

LEGISLATIVE ASSEMBLY ELECTORAL ROLL.

[] Electoral District.

Surname of each Elector.	Other names of each Elector at full length.	Sex.	Residence.	Occupation.	Remarks and initials to alterations.

Form C.

Section 30.

The Electoral Act.

To..... (Name and address of Elector).

(1.) Take notice that your name appears on the several Divisions of the Electoral Roll stated below in respect of the qualifications mentioned :—

Roll.		Qualification.
PROVINCE []		
1. []	Division
2. []	Division
3. []	Division

(2.) You are only entitled to be registered on one Division of the Roll, and you are therefore required to choose for which Division you wish to continue registered.

(3.) In default of a claim being made by you and communicated to me by letter or telegraph within.....days from this date, your name will be struck off every division except the [] Division.

Dated the day of , 190 .

.....
Inspector of Parliamentary Rolls.

Form D.

Section 32.

The Electoral Act.

LEGISLATIVE COUNCIL.

ELECTORAL CLAIM.

[] Province, [] Division.

To the Electoral Registrar,

1. I claim to have my name placed on the Electoral Roll for the [] Province, [] Division.
2. I am of the age of twenty-one years.
3. I am a natural born [*or* naturalised] subject of His Majesty.
4. I am an inhabitant of Western Australia and have continuously resided therein for six months.

Section 36.

Form H.*The Electoral Act.*

APPLICATION TO TRANSFER.

(ASSEMBLY ROLL).

Surname.....

Other names at full length

Sex.....

Present Residence.....

Occupation

formerly residing at [*here insert place*] in the Electoral District of
 having *bona fide* changed my residence, and resided at within the Electoral
 District of for not less than one month, do hereby apply to have
 my name transferred to the Electoral Roll for the last-mentioned Electoral District.

Dated this day of , 19 .

.....
 (Signature.)

Witness.....

Section 51.

Form I.*The Electoral Act.*

NOTICE OF OBJECTION.

To the Electoral Registrar.

I object to the name of [*here insert the name, residence, and occupation of person
 objected to, as in the roll*] being retained on the Electoral Roll for the []
 Electoral Province [*or the Electoral District of* ()] on the ground
 that [*here state grounds of objection*].

Dated this day of , 19 .

(Signed) A.B., of [*here state residence and occupation of objector.*]

Section 52.

Form J.*The Electoral Act.*

SUMMONS.

Mr.

You are required to appear at the sittings of the Revision Court to be held
 at [*here insert name of place where Court is to be held*] on the
 day of , 19 , at the hour of o'clock in the ,
 to show cause why your name should not be struck off the Electoral Roll for the
 [], on the ground that [*here state grounds from notice of objection*].

Electoral Registrar.

N.B.—In case you do not attend, you will be liable to have your name struck off without
 further notice. You may attend in person, or you may, by writing, authorise any person to
 appear for you.

Form K.

Section 54.

The Electoral Act.

[] Province Electoral Roll.

LIST OF PERSONS OBJECTED TO.

The following persons have been objected to as not being entitled to have their names retained on the Electoral Roll for the [] Electoral Province, and the objections will be heard at a Revision Court to be held at [] on the day of [], 19 [], at [] o'clock in the [] noon.

Surname of each Elector.	Other Names of each Elector at full length.	Sex.	Residence.	Qualification.	Ground of Objection.

(Signed)

Electoral Registrar.

Form L.

Section 54.

The Electoral Act.

District of [] Electoral Roll.

LIST OF PERSONS OBJECTED TO.

The following persons have been objected to as not being entitled to have their names retained on the Electoral Roll for the Electoral District of [], and the objections will be heard at a Revision Court to be held at [], on the [] day of [], 19 [], at [] o'clock in the [] noon.

Surname of each Elector.	Other names of each Elector at full length.	Sex.	Residence.	Occupation.	Ground of Objection.

(Signed)

Electoral Registrar.

Form M.

Section 62

*The Electoral Act.*

WRIT.

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

By virtue of the provisions of the Electoral Act,—I (His Excellency the Governor, or the Honourable the President of the Legislative Council, or the Honourable the Speaker of the Legislative Assembly) hereby

command you that you cause election to be made according to law of member for the [here set out name of the Province or District for which election is to be held] to serve in the [Legislative Council or Legislative Assembly]. And I appoint the following dates for the purposes of the said election :—

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

Given [if issued by the Governor, "under my hand and the public seal of Western Australia"; if issued by the President or Speaker, "under my hand and seal"], at Perth, this day of , 19

INDORSEMENTS.

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

, Returning Officer.

I, , Returning Officer for the [name of Province or District] do hereby certify that on the day of was [or were] duly elected member to serve in the [Legislative Council or Legislative Assembly] for the said [Province or District].

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

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

[Fill in date of nomination if election uncontested, and date of polling-day if contested.]

, Returning Officer.

The execution of this writ appears by the indorsements made by me thereon, and sealed up by me and transmitted herewith to the [His Excellency the Governor, or the Honourable the President of the Legislative Council, or the Honourable the Speaker of the Legislative Assembly].

Dated this day of , 19 .

, Returning Officer for the [() Electoral Province or the Electoral District of ()].

Section 69.

Form N.

The Electoral Act.

NOMINATION PAPER.

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

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

Dated the day of , 19 .

Name in full.....

Residence.....

Occupation.....

Form O.

Section 89.

POSTAL BALLOT PAPER.

COUNTERFOIL.

No.	[] Electoral Province [] Division or Electoral District of (.....)].
[] Province [] Division [or District of (.....)].	
Election [insert polling day.]
Name of Voter.
Address.

Form P.

Section 101.

BALLOT PAPER.

[] Electoral Province.
[or Electoral District of ()].

CANDIDATES.

BEAUFORT, John	
FRANCIS, George	
HAY, William	
MURRAY, Edward (Bunbury).	
MURRAY, Edward (York).	

Place a cross in the square opposite the name of the candidate for whom you vote.

Form Q.

Section 138.

The Electoral Act.

RETURN OF ELECTORAL EXPENSES.

I, A.B., candidate at the election for [here insert purpose of election] on the day of make the following return respecting my electoral expenses at the election:—

EXPENDITURE.	£	s.	d.
Paid G.H., my election agent
Paid to I.J., clerk, for ... days' services
Paid to , scrutineer at

[The names of the agent and every clerk and scrutineer, and the sum paid to each must be set out separately.]

Paid to the following persons in respect of goods supplied or work and labour done

[The name and description, and the nature of the goods supplied, or the work and labour done by each must be set out separately.]

Paid hire of rooms for holding public meetings

Paid hire of rooms for holding committee meetings

Paid for miscellaneous matters

[The name and description of each person to whom any sum is paid, and the reason for which it was paid to him, must be set out separately.]

In addition to the above, I am aware of the following disputed and unpaid claims, viz.:—

By T.U., for

[Here set out the name and description of each person whose claim is disputed, the amount of the claim, and the goods, work, or other matter on the ground of which the claim is based.]

Except as appears from the above, I have not, and to the best of my knowledge and belief no person has, made or incurred, on my behalf, any electoral expense in respect of the conduct or management of the said election.

I have paid the sum of pounds altogether, and no more, for electoral expenses in connection with the said election, and, except as specified above, no money security, or equivalent for money, has, to my knowledge or belief, been paid, advanced, given, or deposited by anyone to any other person for the purpose of defraying any electoral expenses incurred on my behalf on account of or in respect of the conduct or management of the said election.

[Signature of candidate, C.D.]

Signed this day of in the presence of

E.F., Justice of the Peace.