



Western Australia.

ANNO SEXAGESIMO TERTIO
VICTORIÆ REGINÆ.

No. XX.

A BILL INTITLED

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

[*Reserved, 16th December, 1899.*]

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

1. THIS Act may be cited as the Electoral Act, 1899.
2. THE enactments mentioned in Schedule I. are hereby repealed.
3. THIS Act only applies to Parliamentary elections.
4. THIS Act is divided into the following parts:—

Short title.

Repeal.

Application of Act.

Division of Act.

PART I.—ADMINISTRATION:

PART II.—ELECTORAL REGISTRATION—

1. *The Rolls:*

2. *Revision Courts:*

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PART III.—ELECTIONS—

1. *The Writs :*
2. *The Nominations :*
3. *Absent Voters :*
4. *The Polling :*
5. *The Scrutiny :*
6. *The Return of the Writs :*

PART IV.—OFFENCES AND PENALTIES :

PART V.—DISPUTED RETURNS :

PART VI.—SUPPLEMENTARY :

Interpretation.

5. IN this Act the terms in quotation marks have the meanings stated, except where some other meaning is clearly intended—

“Parliament”—The Parliament of Western Australia :

“Council”—The Legislative Council :

“Assembly”—The Legislative Assembly :

“Houses”—The two Houses constituting the Parliament :

“House”—Either of the two Houses :

“Minister”—The Minister charged with the execution of this Act :

“Candidate”—Any person who, within three months before the day of election, directly or indirectly offers himself for election by any constituency, or who directly or indirectly, within such time, seeks to influence any constituency or electors with a view to so offering himself :

“Elector”—Any person of either sex whose name is on the electoral roll of a Province or District :

“Officer” includes all officers appointed under this Act, or exercising any power or discharging any duty thereunder :

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

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

“Returning Officer” includes Deputy Returning Officer.

“Registrar”—Electoral Registrar :

“District” includes Division :

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“Presiding Officer” includes the substitute for any Presiding Officer :

“Resident Magistrate” includes Government Resident and Police Magistrate :

“British Subjects” includes naturalised as well as natural born British subjects :

“Proclamation”—Proclamation by the Governor published in the *Government Gazette* :

“*Gazette* notice”—Notice published in the *Government Gazette*.

6. THE forms in the schedules, and none other, shall suffice. The schedule references at the foot of sections indicate the schedules relating to the matters dealt with by the sections.

Forms.

7. EVERY summons, notice, or other document required by this Act to be served on, sent, delivered, or given to any person, may be so served, sent, delivered, or given—

Service.

(a.) By delivering the document to him personally ; or

(b.) By leaving it for him or posting it to him at his usual or last known place of abode, or if that be not known, then to the address appearing on the electoral roll.

PART I.—ADMINISTRATION.

8. A RETURNING Officer shall be appointed by the Governor for each Province and each District, responsible under the Minister for the execution of this Act, and shall have the power and be charged with the duty to give effect to the Act within his Province or District, each District being a division of the Province in which it is situated.

Returning Officers.

9. EACH District Returning Officer shall, as regards his District, be a Deputy Returning Officer for the Province of which his District is a division.

Deputy Returning Officers.

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

Returning Officer may act for several Provinces and Districts.

11. FOR each District there shall be an Electoral Registrar, to be appointed by the Governor, and the Electoral Registrar for a District shall also be an Electoral Registrar for the Province of which his District is a division.

Registrars.

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- Notice. **12.** A *GAZETTE* notice shall immediately be given of every appointment of a Returning Officer and of a Registrar.
- Keeping of forms. **13.** THE Registrars shall keep forms of claims and applications for transfer, and shall, without fee, supply the same, fill them up, and assist the public in their proper use.
- Candidates. **14.** NO candidate for either House shall be or be appointed an officer, and if any officer becomes a candidate he shall thereby vacate his office.
- Continuation of present officers. **15.** ALL officers administering the electoral laws at the commencement of this Act are continued in their offices as if appointed under this Act.
- Acceptance of office. **16.** EVERY Returning Officer hereafter appointed shall, before entering on his duties, subscribe before a Justice of the Peace, and forward to the Minister, the following declaration :—

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I, A.B., accept the office of Returning Officer for the Province
[or District] of _____, and I promise to perform
the duties faithfully and impartially, and in particular I
pledge myself not to disclose any knowledge that I may
acquire touching the vote of any elector.

PART II.—ELECTORAL REGISTRATION.

1. The Rolls.

- Rolls to be kept. **17.** EVERY Electoral Registrar shall, under the supervision of the Returning Officer, keep the rolls wherein all electors for the Province or District for which such officers are appointed shall be registered.
- Registration of electors and transfers. **18.** THE officers keeping any rolls shall receive claims and applications for transfer, and give receipts therefor in form given in Schedule II., and shall register electors pursuant thereto and to the provisions of this Act, and may make alterations as herein provided.
- Books. **19.** THE rolls kept by each officer shall be kept separately in convenient books, and, on the commencement of this Act, the existing rolls shall be used in making up such books.

There shall be separate Council rolls for each Province and Assembly rolls for each District.

(Schedules III. and IV.)

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20. THE rolls for each Province shall state the division of the Province in respect of which each voter is registered.

Divisions.

21. SAVE so far as it appears by the rolls that the names of any electors have been registered for the first time within six months, 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 mentioned in section one hundred and seven, and then only as hereinafter expressly provided.

Rolls not to be questioned.

22. REGISTRATION shall be effected by entry of the particulars in respect of each elector indicated in the forms of rolls.

Mode of registration.

(Schedules III. and IV.)

23. THE date of registration of electors whose names are, at the commencement of this Act, on any roll or electoral list need not be inserted; and no date of registration need be retained after six months from the original registration.

Dates.

24. IN keeping the rolls the surnames of electors shall be arranged alphabetically 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.

Arrangement.

25. IT shall be the duty of Electoral Registrars to make up the new rolls required by this Act within three months after the commencement thereof.

Existing rolls and lists.

The rolls and electoral lists existing at the commencement of this Act shall be transcribed into the new rolls.

26. NEW rolls shall be prepared in connection with every census to be taken pursuant to the Census Act. 1891.

New rolls.

27. THE rolls shall be printed whenever directed by the Minister.

Prints.

28. SUPPLEMENTAL rolls, setting out additions and alterations since the last print, shall be printed immediately after the holding of each Revision Court, and immediately previous to a general election or, should time permit, whenever a vacancy occurs in the representation of any Province or District.

Supplemental roll.

29. THE original of the electoral rolls may be inspected by any person desirous of doing so, without any payment, between the hours of ten in the morning and two in the afternoon on at least

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two days in every week ; notice of the days shall be painted or affixed in a conspicuous place outside the office where such rolls are kept.

Inspection.

30. THE last printed copies of the rolls for the Province or District shall also be open for public inspection at every Registrar's Office for such Province or District, and shall be obtainable for One shilling for each copy.

Lists of Municipal
or Road Board
Electors.

31. THE clerk or secretary of every municipality or road board shall, in the month of December in every year, make out separately for every District or portion of a District within the jurisdiction of such local authority, a list containing, in alphabetical order of surnames, the names of every person whose name appears on the electoral list of such municipality or road board in respect of property situate within the District or portion of a District as aforesaid, and of every person whose name would appear thereon but for non-payment of the rates ; and shall transmit the said list, in the form and containing particulars required in the Fifth Schedule, certified under his hand, to the Registrar or Registrars of the District or Districts within the boundaries of the municipality or road board district (as the case may be), on or before the 31st day of December in every year.

(Schedule V.)

New Registrations.

32. ALL new registrations shall be effected pursuant to—
(a.) Claims ; or to
(b.) Applications to transfer ; or by
(c.) The registration of the persons whose names appear in the list made out pursuant to section thirty-one.
(Schedules VI., VII., VIII.)

Claims.

33. CLAIMS may be delivered to the Registrars by post or otherwise at any time, and shall be signed by the claimant in the presence of an adult witness, and attested.

(Schedules VI. and VII.)

Any person wilfully making any false statement in any claim shall be liable, on conviction, to imprisonment not exceeding two years ; and any person attesting a claim without satisfying himself by inquiry of the claimant or otherwise that the particulars stated in the claim are true, shall be liable on summary conviction to a penalty not exceeding Fifty pounds.

Receipt of claims.

34. ALL claims shall be filed and the date of receipt noted thereon, and the claimant shall immediately be registered pursuant thereto. Municipal and Road Board electors shall be registered forthwith after the receipt of the list made out pursuant to section thirty-one.

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35. THE date of receipt of the claim by the proper officer shall be the date of registration, except when a new roll is being formed and the claimant's name appeared on the latest old roll. Date.

In such case the date on the old roll shall be carried forward to the new roll as the date of the registration thereon.

36. DURING the six months following the registration of any claim, it shall be the duty of the Electoral Registrar to make inquiries as to the correctness of the particulars stated in the claim. Registrar to inquire into claim.

37. EVERY person may apply to have his name transferred from the electoral roll of a District to the electoral roll of another District, and such application shall be signed by the applicant and attested by an adult witness. Applications for transfer.

The application for transfer shall not be made until the applicant has resided for one month in the District for which he applies to be enrolled, nor at any time, during the period beginning with the day of the issue of the writ for an election in the District to which a transfer is to be made and ending on the polling day, both inclusive; and shall not be complied with until the Registrar is satisfied that the applicant is registered on the roll from which he desires to be transferred. Month's residence necessary.

(Schedule VIII.)

38. ALL applications for transfer shall be filed, and the date of receipt noted thereon, and the applicant shall be registered pursuant thereto immediately on the Registrar being satisfied as in the last preceding section mentioned. Registration.

39. THE date of the registration on the roll to which the applicant is transferred shall be the date of the registration on the roll from which the applicant is transferred. Date.

40. WHEN any registration shall be effected pursuant to application for transfer, notice shall immediately be given by the officer in charge of the roll to which the name is transferred to the officer in charge of the roll from which the name is transferred, and the name of the applicant shall thereupon be struck off the roll from which he has applied to be transferred. Notice of transfer.

41. EVERY person whose name is on the electoral roll for any Province or District who possesses a qualification for the same Province or District other than the qualification in respect of which he is registered, may apply to the Registrar to add the qualification. Application to add or change qualification.

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which is not registered, or to substitute the same for the qualification which is registered, and it shall be the duty of the Registrar to effect the addition or substitution in accordance therewith.

Every such application shall be signed by the applicant and attested by an adult witness.

Such application shall not be made during the period beginning with the day of the issue of the writ for an election in the Province or District, and ending on the polling day, both inclusive.

(Schedule IX.)

Alteration of boundaries.

42. THE Electoral Registrars shall alter the rolls as may be necessary on any change of electoral boundaries, the dates of the original registration being preserved.

Alteration of rolls.

43. THE Electoral Registrars may alter rolls as follows:—

- (1.) By correcting any mistake in spelling, or in the description of qualification, or in the date of registration:
- (2.) By changing, on the written application of the elector—
 - (a.) The residence to another within the same district:
 - (b.) The original name to any altered name:
- (3.) By striking out the names of dead persons:
- (4.) By removing the name, on the written request of the elector, or on receipt of notice of transfer to any other roll:
- (5.) By reinstating, under date of the original registration, any name struck out by mistake as the name of a dead person, and whether struck out by a Court of Revision or otherwise.

Time for altering rolls.

44. NO alteration of any roll shall be made on any polling day for which such roll is in use, nor during the four days preceding such polling day.

Alterations to be initialled.

45. 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 same.

Lists of deaths to be furnished.

46. EVERY Registrar or District Registrar of births, deaths, and marriages, shall, in the months of March, June, September, and December, in every year, forward to the Electoral Registrars of every Electoral Province or District any part whereof is comprised within the registry District of such Registrar or District Registrar of births, deaths, and marriages a correct list of the names, addresses,

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and occupations of all persons of the age of twenty-one years and upwards whose deaths have been registered by him during the three months then last past, and the rolls shall be altered accordingly.

2. Revision Courts.

47. REVISION Courts shall be held in each District on the third Tuesday in the month of May in every year, at such places as may be fixed by Proclamation, for the purpose of revising the Provincial and District rolls.

Revision Courts.

48. EACH Revision Court shall consist of—

Constitution of Court.

(a.) A Resident Magistrate; or

(b.) Any two or more Justices of the Peace resident in the Electoral District; or

(c.) All or any two or more of the above-mentioned.

49. A RESIDENT Magistrate, if present, shall be the Chairman of the Court. If a Resident Magistrate is not present, the Justices present shall elect one of their number to be Chairman.

Chairman.

50. WHERE the members of the Revision Court differ in opinion, the decision of the majority shall be the decision of the Court, and in estimating the majority the chairman shall have a vote, and, when the numbers are equal, a casting vote.

Decision of majority.

51. NO candidate for election, or member of the Council or Assembly, shall be a member of the Court.

No candidate for election or member shall be a member of Court.

52. THE Clerk of the nearest Local Court, or a deputy appointed by the Minister, shall be the Clerk of the Revision Court.

Clerk.

53. THE Court may adjourn from time to time, and an adjourned Court, if held at any time within one month from the time appointed for the holding thereof, shall be deemed to be duly held.

Adjournment.

54. IF within two hours after the time appointed for the holding of the Court, or after the time to which the Court is adjourned, the Court shall not be duly constituted, any one Justice, or, if there shall be no Justice present, the Clerk of the Court may, from time to time, adjourn the Court to a future day.

Adjournment when Court not duly constituted.

The Clerk of the Court shall forthwith, after every adjournment, give public notice thereof by advertisement in a newspaper circulating in the district, or in some other effective way.

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- 55.** ANY name on a roll may be objected to by notice of objection lodged with the Electoral Registrar.
(Schedule X.)
- 56.** THE notice of objection shall be signed by an elector registered on the same roll, or by the Returning Officer or a Registrar for the same District.
- 57.** 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 to be held next after fourteen days from the service of the summons.
(Schedule XI.)
- 58.** IT shall also be the duty of the Registrar to summon any person whose name he shall have reason to believe ought not to be retained on the roll.
(Schedule XI.)
- 59.** THE Registrar shall, at least fourteen days before the sitting of the Court, exhibit in his office within the district a list of all objections to be dealt with by the Court at its next sitting.
(Schedule XII.)
- 60.** AT the sitting of each Revision Court, the rolls, and all claims and objections received since its last annual sitting, and in respect of which it has jurisdiction, shall be produced.
- 61.** EACH Revision Court shall, in open Court, finally revise the rolls, by hearing and determining all objections, and by striking out the names of persons proved to be dead, and dealing with any claims which have not been registered.
- 62.** EXCEPT as to the names of dead persons, the names of all persons not objected to shall be retained on the rolls, unless the registered qualification is insufficient.
- 63.** THE Court shall also, except as aforesaid, retain on the rolls all names—
(a.) Against which no objection has been duly lodged; or
(b.) Against which, objection having been duly lodged, the objector shall not have appeared in person, or, having appeared in person, shall not have established his objection.

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- 64.** NO proof of service of the summons shall be required where the person objected to appears. Proof of service.
- 65.** ANY person authorised in writing may appear to resist an objection on behalf of the person objected to. Resistance of objection.
- 66.** IF a qualification appears to be insufficient or an objection is established, the Court, in either case, if satisfied that the person objected to has another sufficient qualification, shall retain the name on the roll, correcting only the entry by inserting the other sufficient qualification; but if no other sufficient qualification is proved, the name shall be struck out. Substitution of qualification.
- 67.** IF the Court finds that the name of any person is entered more than once as an elector for the same Province or District, and that the entries relate to the same person, the Court shall retain one entry only. Duplicate entries.
- 68.** THE Court may exercise all powers of alteration in correcting mistakes and supplying omissions which are exercisable by any person. Alterations.
- 69.** IF the Court is satisfied that there has been a failure to register any person pursuant to a claim duly made, and that, at the time the claim was made, there was a qualification sufficient, the Court shall register the claimant, stating as the date of registration the date when the claim should have been registered. Registration of claimant.
- If the Court is satisfied that any transfer, or change, substitution, or addition of qualification, which ought to have been registered has not been duly registered, or, by reason of any neglect or omission by the Electoral Registrar, the Register needs amendment, the Court shall amend the same accordingly.
- 70.** IF an objection is not established, the Court may award the person objected to a reasonable sum, to be paid by the objector, for costs and expenses in resisting the application, but no costs shall be awarded against an officer if the Court is satisfied that, in objecting, the officer acted in good faith and on reasonable grounds. Costs.
- 71.** IF an objection is found to be frivolous, the person objected to shall be entitled to a reasonable allowance for his costs and expenses in resisting such application, and the Court shall award a sufficient sum for the purpose, to be paid by the objector. Frivolous objection.
- 72.** EXECUTION, as on a judgment of a Local Court, may issue for any sum awarded, pursuant to either of the two preceding Execution.

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sections, and the award shall be entered and enforced as a judgment of the Local Court, but no such sum shall exceed Five pounds.

Inspection of books **73.** ALL books of any local body may be inspected for the purposes of any proceedings in any Court of Revision, and copies taken of such books, and such copies shall be *prima facie* evidence of the recorded entries.

PART III.—ELECTIONS.

1. The Writs.

Dates, etc. **74.** ALL writs for elections shall fix the dates for—
 (a.) The nomination:
 (b.) The polling:
 (c.) And the return of the writ.
 (Schedule XIII.)

Date of nomination. **75.** NO date for the nomination shall be less than seven nor more than thirty days after the date of the writ.

Date of polling. **76.** NO date for the polling shall be less than two nor more than thirty days after the date of nomination.

Issue and return of writs. **77.** ALL writs for any periodical or general election shall be issued and returned within fifty days after the occurrence of the period or dissolution necessitating the election or, as to the return, within such further time as the Governor, by Proclamation, may allow.

Writs, how directed. **78.** WRITS shall be directed to the Returning Officer for the Province or District for which an election is to be held.

Duty of Returning Officer on receipt of writ. **79.** ON the receipt of a writ the Returning Officer to whom it is directed shall—

- (1.) Indorse thereon the date of its receipt, and, in the case of a Council election, forward a copy of the writ to each Deputy Returning Officer.
- (2.) Advertise its receipt and particulars in a newspaper circulating in the district, or by placards or otherwise.

2. The Nominations.

Nominations. **80.** NO one shall be capable of election unless duly nominated. The place of nomination for each Province and District shall be fixed by Proclamation.

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81. ALL nominations shall—

Mode of Nomination.

- (a.) Name the candidate and his place of residence, and shall—
- (b.) Be signed by not less than two persons entitled to vote at the election:

And no nomination shall be valid unless—

- (c.) The person nominated consents, by writing or by telegram communicated to the Returning Officer, to act if elected.

Nor unless—

- (d.) The nomination paper complying with the preceding requisites be received by the Returning Officer after the issue of the writ and before the hour for nomination; and
- (e.) Is accompanied by a deposit of Twenty-five pounds to be applied by the Returning Officer as hereinafter provided. Such deposit, if not made in current coin or bank notes, may be made by a deposit receipt from a bank in favour of the Returning Officer, or by a certificate from the Colonial Treasurer that the sum has been deposited with him and such deposit receipt or certificate may be telegraphed to the Returning Officer.

(Schedules XIV. and XV.)

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

Time and place for nomination.

83. 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.

Proceedings on nomination day.

3. *Absent Voters.*

84. (1.) EVERY elector whose qualification is not residential only, and who resides more than thirty miles from the nearest polling place of the Province or District for which he desires to vote, or who, after the issue of the writ and before the day fixed for any election, is within any other Province or District, may apply to a Resident Magistrate, or some other person appointed by the Governor in that behalf, for leave to vote in absence.

Method of voting in absence.

W.A. Electoral Act, 1896, s. 75.

(2.) The Resident Magistrate, or appointee as aforesaid, shall then write on each of two counterfoils numbered alike the name of

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the Province or District for which the applicant desires to vote, and, in the latter case, the division for which he is registered to vote, together with the names in full and address of the applicant, and shall sign the back of a ballot paper bearing the same number as the counterfoils, and on the face thereof shall write the name of the District or of the Province and the division thereof as on the counterfoils and shall give the ballot paper to the elector.

(3.) The elector shall then write on the ballot paper the names of the candidate or candidates for whom he votes, and shall fold it up and, in the presence of the Resident Magistrate, or appointee as aforesaid, put it into an envelope.

(4.) The Resident Magistrate, or appointee as aforesaid, shall then seal up the envelope, and write "Ballot paper" on both sides thereof, and shall put one of the counterfoils into an envelope, and seal it up and write "Counterfoil" on both sides thereof, and shall then send both envelopes enclosed in another envelope, by post or otherwise, to the Returning Officer.

Duty of Returning
Officer with regard
to the ballot papers
of absent voters.

(5.) The Returning Officer, on receipt of any such envelopes, shall, without opening them, retain them in his possession until the commencement of the poll, and shall, at any convenient time or times, during or immediately after the taking of the poll in the presence of the scrutineers, proceed to open the envelopes containing the counterfoils, and, having made a mark on the copy of the Electoral Roll in use at his polling place against the name of each person who appears by such counterfoils to have voted, shall keep such counterfoils in the same manner as the counterfoils of the ballot papers used by him at such election. Having thus dealt with the counterfoils, the Returning Officer shall proceed to open the envelopes containing the ballot papers received up to the close of the poll, allowing the scrutineers the opportunity (if they desire it) of seeing that the seals of the said envelopes are intact; and as he takes out any ballot paper from its envelope, he shall, without opening the same, deposit it in the ballot box.

(6.) Any person who has applied to a Resident Magistrate, or appointee as aforesaid, for the purpose of voting under this section, and has complied with the provisions of this section, shall not be entitled to vote otherwise at the election, although the said envelopes, or either of them, may not have been sent to the Returning Officer, or although they or either of them have miscarried.

(7.) For all subsequent purposes the Returning Officer shall treat any counterfoils and ballot papers received in accordance with the provisions of this section in the same way in which he is required to treat counterfoils of ballot papers given by himself to voters and

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ballot papers received by himself from voters. The ballot papers and counterfoils to be used under this section shall be in the form given in the Sixteenth Schedule hereto.

(8.) Any voting paper shall be and shall be held to be in due and proper form so far as the name of a candidate is concerned, provided the name of the candidate for whom the voter desires to vote be indicated as aforesaid, notwithstanding misspelling, or the omission of any name other than the surname, if the intention is clear.

(Schedule XVI.)

4. The Polling.

85. 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.

86. IN particular the Returning Officer shall—

- (1.) Appoint a presiding officer to preside at each polling place at which he does not himself preside.
- (2.) Provide and furnish proper polling booths and ballot boxes.
- (3.) Provide and issue voting papers and lists of voters.

Duty of Returning Officer.

The presiding officer may appoint all necessary poll clerks and doorkeepers.

87. THE lists of voters shall be lists of the electors on the roll who have been registered for six months, or whose names have been transcribed from the rolls and electoral lists existing at the commencement of this Act, or from the electoral list of a municipality or road board as hereinbefore provided; and such lists shall be signed by the Returning Officer and delivered to the presiding officers before the hour for commencing the poll, for their guidance during the polling.

List of voters for guidance of presiding officers.

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

Presiding Officer.

The chief polling place for each District shall be fixed by Proclamation, and the other polling places shall be fixed by the Returning Officer.

Polling places to be fixed.

89. ANY presiding officer may appoint a substitute to perform his duties during his temporary absence.

Substitute.

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No licensed premises to be used. **90.** NO part of any premises licensed for the sale of liquor shall be used for the purposes of any polling booth.

Certain buildings to be used free. **91.** GOVERNMENT school-houses, and all buildings under the control of the Government, and buildings the property of Municipal Corporations and Road Boards, and Agricultural Halls, Miners' Institutes, or any 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 poll.

Separate compartments. **92.** POLLING booths shall have separate compartments constructed so as to screen their occupants from outside observation, and furnished with pencils for the use of voters.

Ballot boxes. **93.** EACH 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 voting papers.

Voting papers. **94.** IN printing the voting 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 surnames shall be printed according to the alphabetical order of their other names, or if their other names shall also be alike, then according to the alphabetical order of their residences, arranged and stated in the voting paper.

Form of voting paper. **95.** EACH voting paper shall be headed with the name of the Province or District and the number of candidates required to be elected.

No voting paper shall contain anything beyond the heading above provided for and the surnames and other names of the candidates, and, in the case provided for by paragraph two of the last preceding section, the residences.

(Schedule XVII.)

Sufficient voting papers to be provided. **96.** SUFFICIENT voting papers for the use of the electors at each polling place shall be provided before the commencement of the poll.

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97. NO voting paper shall be delivered to any voter without being first initialled on the back thereof by the presiding officer and folded, and an exact account shall be kept of all initialled voting papers.

Voting papers
initialled.

98. SCRUTINEERS may be appointed by candidates to represent them at each polling place during the polling.

Scrutineers.

99. ONE scrutineer only shall be allowed to each candidate at each polling place, except where more than one thousand electors are on the roll, when one extra scrutineer may be allowed.

Number.

100. APPOINTMENTS of scrutineers shall be made by written notice to the Returning Officer, giving the name and address of the scrutineer, or without such notice by permission of the Returning Officer.

Appointment, how
made.

101. 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.

Persons present at
polling.

102. NO Council elector's vote at any election shall be received except in the division for which he is registered to vote.

Council electors to
vote in their divi-
sions.

103. THE polling shall be conducted as follows :—

The polling.

- (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 nine o'clock in the morning, and shall not close till all electors present in the polling booth at seven o'clock in the evening, and desiring to vote, shall have voted :
- (3.) At the close of the poll at any place other than the central polling place, the presiding officer shall publicly close, fasten, and seal and allow the scrutineers to seal the outer cover, and shall take charge of the ballot box, and with the least possible delay forward it, together with the list of voters issued to him as aforesaid, to the Returning Officer at the central polling place for the purposes of scrutiny ; and it shall on no account be opened except at the scrutiny.

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Mode of voting.

104. ALL votes shall be cast as follows:—

- (1.) The voter shall state his surname and other names, and, if so desired by the presiding officer, 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:
- (2.) If the name under which the voter claims to vote is upon the list of voters, a voting paper, duly initialled on the back, shall be delivered to the voter by the presiding officer or poll clerk, who shall thereupon place a mark against the voter's name on the list of voters:
- (3.) Upon receipt of the voting paper, the voter shall, without delay,—
 - (a.) Retire alone to some unoccupied compartment of the booth, and there, in private, vote by drawing a line or lines through the name of each candidate for whom the elector does not vote:
 - (b.) Fold the voting paper and deliver it so folded to the presiding officer, who shall forthwith openly, and without unfolding it, deposit it in the ballot box:
 - (c.) Quit the booth:
- (4.) If any voter satisfies the presiding officer that he is so blind as to be unable to vote without assistance, as required by the last paragraph, the presiding officer shall permit any person named and described by the voter to accompany him into the voting compartment, and to mark, fold, and deliver his paper for him:
- (5.) If any voter satisfies the presiding officer, before his voting 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 paper from the presiding officer, who shall there and then destroy the spoilt paper.

Challenges.

105. A PERSON may be challenged during the polling as to his right to vote by the presiding officer, and he shall so challenge him on the request of a scrutineer, but in any case only by the following questions, or some or one of them:—

- (1.) Are you the person whose name appears as A. B. on the roll in force at this election?
- (2.) Have you already voted, either here or elsewhere, at this election for this Electoral Province (or District)?

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(3.) Are you of the full age of twenty-one years?

(4.) Have you the qualification for which your name now appears on the Electoral Roll in force at this Election?

Provided that in the case of a residential qualification if the officer is satisfied that the person has not ceased to have such qualification for more than six weeks, the person shall be entitled to vote.

106. THE presiding officer, at the request of any scrutineer, shall put all or any of the above questions applicable to the election to any voter, but no such questions shall be put after the voting paper shall have been deposited in the ballot box. Questions.

107. IF any person refuses to fully answer any question put to him by the presiding officer pursuant to the preceding section, or by his answer shows that he is not entitled to vote, his claim to vote shall be rejected, and no voting paper shall be afterwards delivered to him, and any voting paper previously delivered to him shall be immediately destroyed by the presiding officer. Answers.

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

109. NO omission of any name other than the surname, nor entry of wrong name other than the surname, nor mistake where it sounds the same in the spelling of any surname, nor misdescription of the locality of the qualification, shall warrant the rejection at any polling of any claim to vote if the voter or locality are sufficiently identified in the opinion of the presiding officer. Errors not to forfeit vote.

5. The Scrutiny.

110. THE result of the polling shall be ascertained by scrutiny. Scrutiny.

111. THE scrutiny shall be conducted as to a Council election by the Returning Officer and the Deputy Returning Officers, and as to an Assembly election by the Returning Officer, as follows:— How conducted.

- (1.) It shall commence as soon as practicable after the closing of the poll:
- (2.) Not more than two scrutineers may be appointed by each candidate to represent him at the scrutiny at each place where the scrutiny is conducted:
- (3.) The scrutineers of the candidates may be present, and also any persons approved by the Returning Officer, but none other:

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- (4.) All the proceedings of the scrutiny shall be subject to the inspection of the scrutineers:
- (5.) The ballot boxes shall be opened, the voting papers examined, and the votes counted so that the votes received by each candidate may be ascertained:
- (6.) The ballot boxes shall be opened in such order as shall be determined by the Returning Officer, one after the other, counted, and the number of ballot papers contained in each box ascertained without their being examined, and a memorandum of such number made before another box is opened:
- (7.) When all the ballot boxes have been opened and the ballot papers therein counted and noted as aforesaid, the Returning Officer shall mix all the ballot papers up together, and then proceed by the examination of the ballot papers to ascertain the result of the poll:
- (8.) All votes, except those tendered in absence, shall be counted as informal if the voting paper is not duly initialled, or if it contains anything contrary to the prescribed form by which votes are required to be cast:
- (9.) The scrutiny may be adjourned as may be necessary until all the votes are counted; and, on any adjournment, the ballot papers shall be deposited in some secure place, and any scrutineer so desiring may seal them up:
- (10.) Any scrutineer may object that any voting paper is informal, and thereupon the Returning Officer shall mark the voting paper "Admitted" or "Rejected," according to his decision on the objection; and such decision shall be final, subject only to reversal by the Court of Disputed Returns:
- (11.) If an equal number of votes are cast for any candidates, and an additional vote would decide the election, the Returning Officer for the district shall give such vote, but otherwise no such Returning Officer shall vote at any election for which he is Returning Officer.

112. IN any Council elections—

Council elections.

- (1.) The duties of the Returning Officer in relation to the polling and scrutiny shall be discharged by each Deputy Returning Officer as regards his division:
- (2.) Each Deputy Returning Officer, so soon as the result of the polling within his division has been ascertained,

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shall, by indorsement under his hand, certify on the copy of the writ the number of votes polled for each candidate within the division, and send back to the Returning Officer for the Province the copy of the writ so indorsed, and shall, before so doing, if practicable, telegraph to him the certificate of the result: Provided that the transmission of any result by telegraph shall be in accordance with the provisions hereinafter contained relating to the transmission by telegraph of the return to an election writ.

- (3.) The Returning Officer for the Province shall, from the copies of writs so received, or the result so telegraphed, ascertain the total number of votes polled for each candidate in the Province to which the election relates.

113. IT shall be sufficient to telegraph an election writ, copies thereof, and notices required to be given by this Act, also the result of the election and return to the writ. Writs, etc., may be telegraphed.

- (a.) If the writ for an election be telegraphed to the Returning Officer, he shall, when the result of the election is known, indorse the result on such telegraphed copy, and make return thereof as of the writ for the candidate's election. 59 Vict., 31 s., 58.
- (b.) Scrutineers and agents to attend at the polling place may be appointed by telegraph.

6. The return of the Writs.

114. SO soon as conveniently may be after the result of the polling at any election has been finally ascertained, the Returning Officer shall— Return of writ.

- (1.) Publicly declare the result, and the names of the candidates elected:
- (2.) By indorsement under his hand certify on the original writ the names of the persons elected, and the number of votes given for each, and return the writ so indorsed according to its exigency.

115. IMMEDIATELY after the declaration of the poll, all unused voting papers, and all voting papers (except papers for voting in absence) which have been used for voting and not objected to or held to be informal, shall be destroyed, and all other voting papers shall be retained until the election can be no longer questioned, when they shall be destroyed. Certain voting papers retained.

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Returns to be sent in.

116. EVERY Returning Officer shall, after any election within his Province or District (as the case may be) send to the Minister a return in a tabular form showing—

- (1.) The number of electors on the roll:
- (1*a*.) The number of electors who voted:
- (1*b*.) The number of voting papers issued to electors:
- (2.) The number of voting papers found in the ballot boxes:
- (3.) The number of voting papers rejected, distinguishing the numbers—
 - (*a*.) Not initialled:
 - (*b*.) Voting for more candidates than were entitled to be elected:
 - (*c*.) Containing any clue to the identity of the voter:
 - (*d*.) Unmarked or informally marked, specifying the nature of the informality:

And such return shall be accompanied by the list of voters issued under section eighty-seven.

Correction of errors.

117. ANY delay, error, or omission in the printing, preparation, issue, transmission, or return of any roll, writ, voting 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 suffice.

Extension of time.

118. WITHIN twenty days before or after the day appointed for any election, the person issuing the writ 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—

- (1.) The provision made shall be immediately notified in the *Government Gazette*:
- (2.) No postponement of any polling day shall be made at any time later than seven days before the time originally appointed.

Riot.

119. IF any election is interrupted by riot or violence, the proceedings at the polling place affected may be adjourned until the following day, and so on from day to day until the poll is properly

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taken ; and, for the purpose of the election, all days to which the poll is adjourned shall be deemed continuations of the original polling day, and the scrutiny shall not close until the votes polled on all such days have been counted.

120. IF any candidate shall fail to receive a number of votes equal at least to one-fifth part of the votes received by the successful candidate if only one, or, if there shall be more than one, by such one of the successful candidates as shall receive the smallest number of votes, the deposit of Twenty-five pounds made by such candidate so failing shall be forfeited, and shall be forthwith paid by the Returning Officer to the Colonial Treasurer for the general purposes of the Colony, and after every election the Returning Officer shall pay to any successful candidate, and to any unsuccessful candidate who shall have received a number of votes equal at least to one-fifth part as aforesaid, the sum of Twenty-five pounds deposited by him as aforesaid.

Deposit made under sec. 81, how dealt with.

7. Transmission by Telegraph.

121. THE transmission by telegraph of a writ, or of the return thereto, and of any other document authorised by this Act to be telegraphed, shall be in accordance with the following provisions:—

Mode of transmission by telegraph.

- (a.) The original document shall be delivered at the telegraph station to the operator, who shall compare the same with the written message.
- (b.) The person to whom the contents of such document shall be so sent shall forthwith cause to be sent back by telegraph a copy of the message received by him, and, in the event of any error appearing therein, the process shall be repeated until it appears that a true copy of such document has been received by the person to whom it was sent.
- (c.) When it appears that a true copy has been received as aforesaid, the original document shall be delivered to the person by whom or on whose behalf it was delivered.

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

Provision in case of interruption of telegraph.

Ibid., s. 59.

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PART IV.—OFFENCES AND PENALTIES.

Offences.

123. 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.

124. “BREACH or neglect of official duty” includes—

- (1.) Any attempt by any officer to influence the vote of any elector, or, except by recprding 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.

Breach or neglect of official duty shall be punishable by a fine not exceeding Two hundred pounds, or by imprisonment not exceeding one year.

Bribery.

125. WHOEVER—

- (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.

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126. 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 the view to influence the vote of an elector.

Definition

127. WHOEVER threatens, offers, or suggests any—

Undue influence.

- (1.) 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 such 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:

shall be guilty of undue influence.

128. 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.

Definition.

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

Exception.

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

Illegal practices.

- (a.) Any personal solicitation by a candidate of the vote of any elector within forty-eight hours before noon on polling day:
- (b.) Any attendance by a candidate at any meeting of electors held for electoral purposes within forty-eight hours before noon on polling day:

131. NO premises—

- (a.) On which the sale by wholesale or retail of any intoxicating liquor is authorised by a license; or
- (b.) Where any intoxicating liquor is sold, or is supplied to members of a club, society, or association, other than a permanent political club; or

No committee room to be in house licensed for sale of liquors. Penalty as for illegal practice.

59 Viet., 31, s. 109.

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(c.) Whereon refreshment of any kind, whether food or drink, is ordinarily sold for consumption on the premises;

shall be used as a committee room for the purpose of promoting or procuring the election of a candidate; and every person who hires or uses any such premises or any part thereof for a committee room, and every person who knowingly lets or allows the same to be used for that purpose, shall be guilty of an illegal practice.

Punishment.

132. ANY illegal practice shall be punishable as follows:—

(a.) Bribery or undue influence by a fine not exceeding Two hundred pounds, or by imprisonment not exceeding one year.

(b.) Any other illegal practice by a fine not exceeding One hundred pounds, or by imprisonment not exceeding six months.

Disqualification.

133. IF any candidate shall be convicted by the Court of Disputed Returns of any illegal practice he shall be disqualified from election to Parliament for two years, and his election (if he is a successful candidate) shall be declared void.

Electoral offences.

134. THE matters mentioned in the first column of the following table shall be 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 voting paper to which the personator is not entitled, or personating any other person for the purpose of voting.	Imprisonment not exceeding two years.
Fraudulently destroying or defacing any nomination or voting paper.	Imprisonment not exceeding two years.
Fraudulently putting any voting or other paper into ballot box.	Imprisonment not exceeding six months.
Fraudulently taking any voting paper out of any polling booth.	Imprisonment not exceeding six months.
Forging or uttering, knowing the same to be forged, any nomination or voting paper.	Imprisonment not exceeding two years.

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Table of Electoral Offences and Punishments—continued.

First Column—Offences.	Second Column—Punishments.
In any polling booth on polling day misconducting himself, or failing to obey the lawful directions of the presiding officer.	Fine of not exceeding Five pounds, or imprisonment not exceeding one month.
Supplying voting papers without authority.	Imprisonment not exceeding six months.
Unlawfully destroying, taking, opening, or otherwise interfering with ballot boxes or voting papers.	Imprisonment not exceeding six months.
Voting more than once for the same Province or District at same election.	Fine of not exceeding One hundred pounds, or imprisonment not exceeding six months.
Wilfully defacing, mutilating, destroying, or removing any notice, list, or other document affixed by any Returning Officer or by his authority.	Fine of not exceeding Two pounds.
Wilfully making any false statement in claim, application, return, or declaration, or in answer to a question under this Act.	Imprisonment not exceeding two years.
Attesting a claim, application for transfer, change of qualification, or other document required to be attested as witness without satisfying himself by inquiry of the claimant or applicant or otherwise that the particulars stated are true.	Fine not exceeding Fifty pounds.

135. WHOEVER in any polling booth on polling day misconducts himself, or fails to obey the lawful directions of the presiding officer, may be removed from the polling booth by any constable or by any person authorised by the presiding officer.

Offender may be removed from polling booth.

136. 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.

Further punishment.

137. WITNESSES called on the part of the prosecutor in any prosecution for an offence under this Act may, unless the Court shall order the contrary, be cross-examined by the prosecutor or his counsel.

Cross-examination of witnesses.

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- Hostile witnesses. **138.** THE Court may, without argument, order that the prosecutor or his counsel be not allowed to cross-examine any witness called on his part if such witness appears to the Court to be hostile to the defendant.
- Acts of agents. **139.** THE acts of authorised agents of candidates shall, in matters connected with elections, be deemed to be the acts of their principals, unless it be proved that such acts were committed without their knowledge or consent, and that they had neither directly nor indirectly sanctioned, countenanced, nor approved of the same in any way.
- Liability for indirect acts. **140.** EVERY person shall be liable for an illegal practice committed directly or indirectly by himself, or by any other person on his behalf, except as mentioned in the last preceding section.
- Certificate of Returning Officer, evidence. **141.** ON any prosecution under this Act the certificate of the Returning Officer that the election mentioned in the certificate was duly held, and that the person named in the certificate was a candidate at such election, shall be conclusive evidence of the matter stated.

PART V.—DISPUTED RETURNS.

- The Court. **142.** THERE shall be a “Court of Disputed Returns.”
- Constitution. **143.** IT shall be constituted of two Judges of the Supreme Court.
- Jurisdiction. **144.** THE Court shall have jurisdiction to hear and determine all questions of disputed returns.
- Powers. **145.** THE Court will be an open Court, and shall have the following powers:—
- (1.) To adjourn, but so that no interval of adjournment shall exceed four days:
 - (2.) To compel the attendance of witnesses and the production of documents:
 - (3.) To examine witnesses upon oath or affirmation:
 - (4.) To regulate the form and mode of its proceedings in each case:
 - (5.) To declare that any person who was returned as elected was not duly elected:
 - (6.) To declare any person duly elected who was not returned as elected:

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- (7.) To direct any new election :
- (8.) To dismiss or uphold any petition, in whole or in part :
- (9.) To award any costs.

(Schedule XVIII.)

146. NO return shall be disputed except by petition, and no petition shall be noticed nor shall any proceedings be had thereon unless the petition— Petitions

- (1.) Is addressed to the House affected, and presented by a member, or left with the clerk within forty days after the day of return.
- (2.) Is signed by a candidate at the election in dispute or by a person who was qualified to vote thereat, and has each signature attested by two witnesses, whose occupations and addresses are stated :
- (3.) Is, in case of a petition against a return, accompanied by a certificate of the clerk that Fifty pounds has been lodged with him as security for costs.

147. ALL petitions shall, within ten days after the same have been received, be referred to the Court. Time.

148. THE Court shall inquire whether or not the petition is duly signed, but the Court shall not inquire into the correctness of any electoral roll, or into the qualifications of any proposer, or into the sufficiency of any nomination, or into the qualifications of persons whose votes may have been either admitted or rejected, but only so far as rolls and voting are concerned, into the identity of the persons, and whether their votes were improperly admitted or rejected, assuming the roll to be correct. Inquiries by Court.

149. THE Court shall be guided by the substantial merits and good conscience of each case without regard to legal forms or technicalities, or to whether the evidence before it is offered in strict accordance with the laws of evidence or not. Substantial merits to be observed.

150. NO election shall be voided on account of any delay in the nomination, polling, or 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.

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

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Minutes.

152. THE Court shall be attended by an officer of the House affected, who shall minute the proceedings as directed by the Court, and a copy of the minutes shall be furnished to the House.

Difference between Judges to be certified to the House.

153. IF the Judges who hear a petition differ as to whether the member whose return or election is complained of was duly returned or elected, they shall certify that difference, and the member shall be deemed to be duly elected or returned.

Deposit applicable for costs.

154. IF costs are awarded to any party against the petitioner, the deposit, on the order of the President or Speaker, shall be applicable in payment of the sum ordered, but otherwise the deposit shall be repaid to the petitioner.

Other costs.

155. 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 Judge, shall be entered as a judgment of the Supreme Court, and shall be enforced accordingly.

Effect of decision.

156. 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:
- (2.) If any person not returned shall be declared to have been duly elected, he shall take his seat accordingly;
- (3.) If any election is declared absolutely void, a new election shall be held.

PART VII.—SUPPLEMENTARY.

Governor may delegate his powers.

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

Supernumerary officers.

158. THE Minister may appoint such officers or persons as may to him appear necessary for the purpose of assisting any Returning Officer or Registrar in the performance of his duties, or otherwise for carrying this Act into effect.

Remuneration of officers.

159. RETURNING Officers, Registrars, and other officers and persons appointed for the purposes of this Act may respectively be paid such salaries or allowances as the Governor may direct.

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160. THE clerk or secretary of a municipality or road board shall be entitled to be paid for the list of persons whose names appear on the electoral list of such municipality or road board, at the rate of fourpence for every folio of seventy-two words, every figure being counted as a word.

Remuneration for preparation of list of municipal electors.

161. ALL electoral papers provided for by this Act, if marked "Electoral" over the address thereof, may be transmitted through the post free of charge, and all papers so transmitted, if duly addressed, shall, on proof of posting, unless the contrary be shown, be deemed to have been duly served on and received by the person to whom the same were addressed on the day when, in the ordinary course of post, they should have been received at his address.

Postal.

162. ALL prosecutions for offences, other than indictable offences, under this Act shall be heard and determined by a Court of summary jurisdiction subject to appeal, as provided by the Police Act, 1892.

Summary procedure.

163. THE Governor may make any regulations to carry out the objects and purposes of this Act, or as may be necessary for the administration thereof, and any such regulation may impose a penalty not exceeding Twenty pounds for any breach thereof.

Regulations.

Penalty.

164. FOR the more convenient holding of the first general election, and of the first election of members of the Legislative Council after the passing of this Act, the Governor may, by notice in the *Government Gazette*, make such arrangements, appoint such persons, and fix such dates and periods as may appear to him to be desirable under the circumstances to enable anything required by this Act to be done in the preparation of the rolls under Part II. of this Act; and on the publication of such notice, this Act shall, for the purposes of such first elections, be deemed to be altered accordingly.

For the holding of first elections Governor may, by *Gazette* notice, alter this Act.

52 Vict., 23.

165. THIS Act shall be proclaimed in Western Australia by the Governor so soon as he has received notification, by telegraph or otherwise, of the Royal assent thereto; and shall commence and take effect from the date of the publication of such proclamation.

Proclamation of Royal assent, and commencement of Act.

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

GERARD SMITH, Governor.

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SCHEDULES.

Section 2.

Schedule I.

ENACTMENTS REPEALED.

Session and Number.	Title.	Extent of Repeal.
39 Vict., No. 10 ...	An Act to amend the Law relating to Election Petitions	The whole.
59 Vict., No. 31 ...	The Electoral Act, 1895	The whole.

Section 18.

Schedule II.

The Electoral Act, 1899.

Received this day from A.B., of , a Claim
for registration on (*or* an application for transfer to) the Legislative Council Roll,
for the Province division [*or* the Legislative
Assembly Roll for the District].
Dated the day of , 1 .
Electoral Registrar of
.....District.

Sections 19, 22.

Schedule III.

The Electoral Act, 1899.

LEGISLATIVE COUNCIL ELECTORAL ROLL.

[] Province, [] Division.

No.	Surname and other names of each Elector in full.	Place of Residence and Occupation.	Nature of Qualification.	Where property affording Qualification is situate.	Division of Province in respect of which Elector is to be Registered.	Date of Registration.	Column for remarks and initials to alterations.

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Schedule IV.

Section 22.

The Electoral Act, 1899.

LEGISLATIVE ASSEMBLY ELECTORAL ROLL.

District of []

No.	Surname and other names of each Elector in full.	Place of Residence.	Profession or Occupation.	Nature of Qualification.	Where property (if any) affording Qualification is situate.	Date of Registration.	Column for remarks and initials to alterations.

Schedule V.

Section 31.

The Electoral Act, 1899.

MUNICIPAL [or ROAD BOARD] ELECTORAL LIST.

No.	Names of each Elector in full.	Residence.	Profession or Occupation.	Description and situation of Property giving Title to Vote.	Whether Freeholder, Leaseholder, or Occupier.	Annual Rateable Value.

To the Electoral Registrar for the District of

I CERTIFY the above to be a correct list of electors taken from the Electoral List of the Municipality of [or Road Board District] for the purposes of the Electoral Act, 1899.

Dated the day of , 1 .

(Signed) A.B.,

Clerk [or Secretary]

of the.....

63° VICTORIÆ, No. 20.

Electoral Act, 1899.

Section 32.

Schedule VI.

The Electoral Act, 1899.

LEGISLATIVE COUNCIL ELECTORAL CLAIM.

[] Province, [] Division.

To the Electoral Registrar of the Electoral District of

I claim to be registered on the Roll for the [] Province [] Division.

1. I am a natural born (*or naturalised) subject of Her Majesty.
2. I have resided in Western Australia for six months.
3. I am not, within my knowledge, registered on the Roll of any other Division of the Province.
- † 4. I possess the following qualifications, viz:—

.....

.....

‡ Situate at.....

Dated the day of , 1 .

Name in full.....

Place of residence.....

Occupation.....

I certify that the above-named A.B. signed this claim in my presence, and that he has satisfied me that he possesses the qualification stated.

Witness—

Name.....

Address.....

* Strike out, as the case may be.

QUALIFICATION.

- † 1. Freehold estate in possession in Province of clear value of £100. 2. Householder, occupying dwelling house of clear annual value of £25. 3. Leasehold estate in possession in Province of clear annual value of £25. 4. Holder of lease or license of Crown lands in Province at rental of not less than £10 per annum.

‡ N.B.— State fully where the qualifying property is situated.

63° VICTORIÆ, No. 20.

Electoral Act, 1899.

Schedule VII.

Section 32.

Electoral Act, 1899.

LEGISLATIVE ASSEMBLY ELECTORAL CLAIM.

District of []

To the Electoral Registrar of the Electoral District of

I claim to be registered on the Roll for the above district.

1. I am a natural born (*or naturalised) subject of Her Majesty.
2. I have resided in Western Australia for six months.
- † 3. I possess the following qualifications, viz. :—

.....
.....
.....
‡ Situate at.....

Dated the day of , 1 .
Name in full.....
Residence.....
Occupation.....

I certify that the above named A.B. signed this claim in my presence, and that he has satisfied me that he possesses the qualifications stated.

Witness—

(Name)

(Address).....

* Strike out, as the case may be.

QUALIFICATION.

† 1. Resident in District. 2. Freehold estate in possession in District of clear value of £50. 3. Householder occupying house, warehouse, counting house, office, shop, or other building of clear annual value of £10. 4. Leasehold estate in possession in District of clear annual value of £10. 5. Holder of lease or license of Crown Lands in District at rental of not less than £5 per annum.

‡ If a property qualification, state fully where situated.

Schedule VIII.

Sections 32, 37.

The Electoral Act, 1899.

APPLICATION TO TRANSFER.

To the Electoral Registrar of the Electoral District of

I [name in full and occupation], formerly residing at , and registered to vote for the District of , having changed my residence to , and having now resided there for the past month, claim to have my name inserted on the Electoral Roll for the Legislative Assembly for the District of .

Dated this day of , 1 .
(Signed)

Witness—

Name.....

Address.....

Occupation.....

63° VICTORIÆ, No. 20.

Electoral Act, 1899.

Section 41.

Schedule IX.

The Electoral Act, 1899.

APPLICATION TO ADD OR CHANGE QUALIFICATION.

To the Electoral Registrar of the District of

I [*name in full*], residing at _____, and registered to vote at elections for the Legislative Council [*or Assembly*] in respect of the following qualification [*here set out qualification as registered*] :—

Nature of Qualification.	Where property affording qualification is situate.	Division of Province in respect of which registered.

and being possessed of another qualification for the same province [*or District*] *to wit* [*here set out qualification to be added or substituted*]

Nature of Qualification.	Where property affording qualification is situate.	Division of Province in respect of which to be registered.

apply to have the last-named qualification added to [*or substituted for*] the registered qualification.

Dated the _____ day of _____, 1 ____.

(Signed)

Witness—

Name.....

Address.....

Occupation

63° VICTORIÆ, No. 20.

Electoral Act, 1899.

Schedule X.

Section 55.

The Electoral Act, 1899.

NOTICE OF OBJECTION.

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

Dated this day of , 1
(Signed) A.B., of [*here state residence and occupation of objector*].

Schedule XI.

Sections 57, 58.

The Electoral Act, 1899.

SUMMONS.

Mr. , of

You are required to appear at the sitting of the Revision Court to be held
at , on the day of 1 ,
at the hour of o'clock in the to answer an objection to
your name being on the roll for the Province [*or District*]
the grounds of objection being that [*here state grounds*].

Electoral Registrar.

N.B.—If you do not attend your name may be struck off in your absence.

Schedule XII.

Section 59.

The Electoral Act, 1899.

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 Province :—

LEGISLATIVE COUNCIL.

Names of each Elector in full.	Place of Residence.	Nature of Registered Qualification.	Date of Registration.	Ground of Objection.

(Signed)

Electoral Registrar for District of

63° VICTORIÆ, No. 20.

Electoral Act, 1899.

The following persons have been objected to as to not being entitled to have their names retained on the Electoral Roll for the District of :—

LEGISLATIVE ASSEMBLY.

Names of each Elector in full.	Place of Residence.	Nature of Registered Qualification.	Date of Registration.	Ground of Objection.

(Signed)
Electoral Registrar for District of

Section 74.

Schedule XIII.

WESTERN  AUSTRALIA.

The Electoral Act, 1899.

WRIT.

To Returning Officer for the Province [or District] of

GREETING.

By virtue of The Electoral Act, 1899, I [name and title of Governor, or I, The Honourable the President of the Legislative Council, or I, 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 Province or District] to serve in the Legislative Council [or Assembly], and I appoint the following dates for the purposes of the said election:—

1. For nomination, day, the day of , 1 .
2. For taking the poll, in the event of the election being contested, day, the day of , 1 .
3. For return of writ, on or before day, the day of , 1 .

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 , 1 .

[Indorsements.]

RECEIPT.

I, , Returning Officer for the Province [or District], hereby certify that I have received the within writ on the day of , 1 .

Returning Officer.

63° VICTORIÆ, No. 20.

Electoral Act, 1899.

RETURN.

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

[*If election uncontested, fill in name or names of members returned.*]

Dated the _____ day of _____, 1 _____.

[*If election uncontested, fill in date of nomination day; and if contested, date of polling day.*]

Returning Officer.

The execution of this writ appears by the indorsement made by me hereon, and sealed up by me and transmitted herewith to _____ [His Excellency the Governor, *or* the Hon. the President of the Legislative Council, *or* the Hon. the Speaker of the Legislative Assembly, *as the case may be*].

Dated this _____ day of _____, 1 _____.

Returning Officer for the _____ Province [*or District*].

Schedule XIV.

Section 81.

The Electoral Act.

LEGISLATIVE COUNCIL NOMINATION PAPER.

To the Returning Officer for the _____ Province.

SIR,

We, the undersigned, electors of the _____ Electoral Province, do hereby nominate [*names in full, residence, and occupation of person nominated*] as a candidate to serve in Parliament as a Member of the Legislative Council for the Province.

Dated the _____ day of _____, 19 _____.

Signatures and Residences of Nominators.

.....
.....

63° VICTORIÆ, No. 20.

Electoral Act, 1899.

Section 81.

Schedule XV.

The Electoral Act, 1899.

LEGISLATIVE ASSEMBLY NOMINATION PAPER.

To the Returning Officer for the District of .

SIR,

We, the undersigned, electors of the Electoral District of , do hereby nominate [*name in full, residence, and occupation of person nominated*] of as a candidate to serve in Parliament as a member of the Legislative Assembly for the District of .

Dated the day of 19 .

Signatures and Residences of Nominators.

.....
.....

Section 84.

Schedule XVI.

The Electoral Act, 1899.

ABSENT VOTER'S BALLOT PAPER

No.	No.	BALLOT PAPER.	
Name of Province or District.	Name of Province or District. Election Date.
.....		
Election (Date).	Election (Date).		
.....		
Name of Voter.	Name of Voter.		
.....		
Address.	Address.		
.....		

63° VICTORIÆ, No. 20.

Electoral Act, 1899.

Schedule XVII.

The Electoral Act, 1899.

Section 95.

COUNTERFOIL.	VOTING PAPER.
No.	Legislative Council,
Province,
	or
	Legislative Assembly,
District.
	Number of Members to be Elected. []
	CANDIDATES:—
 <input type="checkbox"/>
 <input type="checkbox"/>
 <input type="checkbox"/>
 <input type="checkbox"/>

Schedule XVIII.

The Electoral Act, 1899.

Section 145.

SUMMONS TO WITNESS.

IN THE REVISION COURT.

You are required to attend at the Revision Court for , to be held at , on the day of , 19 , at o'clock in the to give evidence on the revision of the electoral rolls of the Province and Division, and to continue in attendance until the said revision shall be complete, or until you are released from attendance by the Court, and there to have and produce to the Court and any other books and papers relating to the said roll or rolls which may be in your possession or under your control.

Dated the day of , 19 .