ELECTORAL

EL301*

Electoral Act 1907

Electoral Amendment Regulations 2012

Made by the Governor in Executive Council.

1.   Citation

These regulations are the *Electoral Amendment Regulations 2012*.

2.   Commencement

These regulations come into operation as follows —

  (a)   regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;

  (b)   the rest of the regulations — on the day on which the *Electoral Amendment Act 2012* section 3 comes into operation.

3.   Regulations amended

These regulations amend the *Electoral Regulations 1996*.

4.   Regulation 16 amended

In regulation 16(1) delete "form" and insert:

format

5.   Regulation 18 amended

In regulation 18(a) delete "form" and insert:

format

6.   Regulation 19 amended

Delete regulation 19(1)(b)(ii) and insert:

          (ii)   open the ballot paper envelope, remove the ballot paper contained in it and place

the ballot paper, without inspection, in a
ballot box or packet for the relevant
district or region to await counting in
accordance with the relevant provisions
of the Act; and

(iii)   keep the ballot box or packet secure;

7.   Regulation 20 amended

Delete regulation 20(1)(c)(ii) and insert:

(ii)   detach the declaration from the ballot
paper envelope, remove the ballot paper
contained in it and place the ballot
paper, without inspection, in a ballot
box or packet for the relevant district or
region to await counting in accordance
with the relevant provisions of the Act;
and

(iii)   keep the ballot box or packet secure;

8.   Regulation 23 amended

(1)   In regulation 23 delete "A notice" and insert:

(1)   A notice

(2)   At the end of regulation 23 insert:

(2)   For the purposes of section 156(6)(c)(iii) and (13A)(b)
of the Act, the modified penalty is —
   (a)   if the elector has previously paid a modified
penalty, or been convicted of an offence, under
section 156 of the Act — $50; or
   (b)   otherwise — $20.

9.   Regulation 29 amended

In regulation 29(1) delete "Clerk of the Council or the Clerk of
the Assembly" and insert:

Electoral Commissioner

10. Schedule 3 Form 2 replaced

Delete Schedule 3 Form 2 and insert:

Form 2
Western Australia
Electoral Act 1907 (s. 42)
CLAIM FOR ENROLMENT

1 Surname
or
family name
All Christian
or
given names

2 Address

Postcode

3 Phone numbers   Mobile   Daytime   (08)

Email address

4 Postal address

Postcode

5 Occupation   **6** Male ☐
Female ☐

7 Date of birth   Day   Month   Year   **8** Town of
birth

9 Place of birth

10 Citizenship
status
☐ Australian citizen
by birth
or
☐ I have become an   Citizenship
Australian citizen   certificate
number

Name on citizenship
certificate
or
☐ British subject who was enrolled at any time between
26 October 1983 and 25 January 1984 inclusive

Name on 25 January 1984

11 Former surname
or family name
Former Christian
or given names

12 Former address

	Postcode

13 Evidence of your identity

Confirm your identity using one of these 3 options

☐ Australian driver's licence

Number

State or Territory

or

☐ Australian passport

Number

or

☐ Have a person who is on the Commonwealth electoral roll confirm your identity below ▼

14 YOUR DECLARATION
- I am eligible to enrol for Western Australian elections.
- I declare that all the information I have given on this form is true and complete.

Signature or mark of applicant

/ /

*The declaration at question 15 **must** be completed if the applicant has made a mark because he or she is unable to sign his or her name.*

15 DECLARATION
- I am on the Commonwealth electoral roll.
- I confirm the identity of the applicant.
- I saw the applicant mark this form.*

* Only applies if the applicant has made a mark because he or she is unable to sign his or her name.
Signature of person confirming your identity

/ /

Name and address of person confirming your identity

11. Schedule 3 Form 16 amended

In Schedule 3 Form 16 delete "64(1)" and insert:

64(1) and (2)

12. Schedule 3 Form 17 amended

In Schedule 3 Form 17 delete "64(2)" and insert:

64(3)

13. Schedule 3 Form 28 amended

In Schedule 3 Form 28 delete the passage that begins with "*I declare*" and ends with "*at this election.*" and insert:

I declare that:

- *I am the elector who applied for and was issued the enclosed ballot paper(s) for the election on Saturday ...../...../.....; and*

- *I have not already voted at this election.*

14. Schedule 3 Form 31 amended

(1) In Schedule 3 Form 31 delete "[r. 14(b)(i), 15(a)(i)]" and insert:

[r. 14(1)(b)(i), 15(a)]

(2) In Schedule 3 Form 31 delete the passage that begins with "*I declare*" and ends with "*at this election.*" and insert:

I declare that:

- *I enrolled to vote before the close of the roll for this election; and*

- *I have not already voted at this election.*

15. Schedule 3 Forms 33 and 34 replaced

Delete Schedule 3 Forms 33 and 34 and insert:

Form 33

Western Australia

Electoral Act 1907 (s. 156(6))

APPARENT FAILURE TO VOTE — PENALTY NOTICE

[insert name and address of elector]

Dear elector

It appears from the Western Australian Electoral Commission's records that you did not vote at the State election held on *[insert election date]*.

The *Electoral Act 1907* section 156 makes it an offence for an elector to fail to vote at a State election unless the elector has a valid and sufficient reason for not voting.

If you do not want this apparent failure to vote dealt with by a court, you may take the action set out in A, B or C.

A.   If you **did vote** at the State election, please tell us where or how you voted. Do this by completing Part A of Section 1 on the reverse of this notice and returning it on or before the response date.

B.   If you **did not vote** at the State election and you believe you have a valid and sufficient reason for not voting, please tell us your reason. Do this by completing Part B of Section 1 on the reverse of this notice and returning it on or before the response date.

C.   If you **did not vote** at the State election and you do not have a valid and sufficient reason for not voting, please pay the penalty of *[insert amount of penalty]*. Do this in one of the ways described in Section 2 on the reverse of this notice on or before the response date.

Response date: *[insert date]*

If you do not pay the penalty and I am not satisfied that you did vote or that you had a valid and sufficient reason for not voting, you may be issued with an infringement notice or this matter may be dealt with by a court.

If you are unable to respond to this notice because you are away from home or physically incapacitated, you may direct another person who has personal knowledge of the facts to either complete and return this notice on your behalf or pay the penalty on your behalf.

This matter cannot be settled by telephone. However, if you have any questions about how to deal with this notice, please contact the Western Australian Electoral Commission by telephoning *[insert telephone numbers]*.

Thank you for your cooperation.

Electoral Commissioner   Date: *[insert date]*

[Back of Form 33]

The address for which you are enrolled is: *[insert address]*

Please provide your current residential address if different from the above address:

SECTION 1

- Unless you choose to pay the penalty amount in one of the ways described in Section 2, complete this section and return this notice to the Western Australian Electoral Commission by posting it in the reply paid envelope provided or by delivering it to *[insert address]*.

- Complete either Part A or Part B but not both.

- Making a false or misleading statement on this notice is an offence.

Part A	If you **did vote**, complete this Part by ticking the appropriate box and completing the required details.
	I voted: ☐ by ordinary vote ☐ by absent vote ☐ by provisional vote at the following polling place .... *or* ☐ by early vote (obtained by oral application) at the following location .... *or* ☐ by early vote (obtained by written application)
Part B	If you **did not vote** and you believe you have a valid and sufficient reason, complete this Part.
	I did not vote because: ....

The person completing Section 1 is to provide the following information about himself or herself:

Name: .... Daytime contact phone number: ....

Signature of person completing this form ....

SECTION 2

Penalty: *[insert penalty amount]* **Response date:** *[insert date]*

If you **did not vote** and you wish to finalise this matter, please pay the penalty in one of the following ways by the response date.

Payment with Australia Post	*[insert information about payment]*
Payment by BPAY	*[insert information about payment]*

Payment by mail	Using the reply paid envelope provided, return this notice with a cheque or money order made payable to the Western Australian Electoral Commission. Do not send cash in the mail.
Payment in person	Cash or cheque payments can be made at the Western Australian Electoral Commission *[insert address]*.
Payment of the penalty will end this matter. However, if you pay by cheque or credit card and that payment is dishonoured, you will be treated as if you had not paid the penalty.	

Form 34

Western Australia

Electoral Act 1907 (s. 156(13A))

FAILURE TO VOTE — INFRINGEMENT NOTICE

[insert name and address of elector]

Dear elector

On *[insert date]*, you were sent a notice regarding your apparent failure to vote at the State election held on *[insert date]*.

[insert the wording from whichever of sections A and B applies]

A.   You did not respond to that notice on or before the response date stated in the notice.

B.   Thank you for returning the notice we sent you regarding your apparent failure to vote at the State election referred to above. In that notice you told us that —

[insert whichever paragraph applies]

- you voted at a polling place by ordinary vote, absent vote or provisional vote. The Western Australian Electoral Commission has used that information to re-check its records but remains unable to find any record of you having voted.

- you voted by early vote. The Western Australian Electoral Commission has used that information to re-check its records but remains unable to find any record of you having voted.

- you did not vote and your reason for not doing so. I have considered that reason but am unable to accept it as a valid and sufficient reason for not voting.

I am not satisfied with your response.

I therefore allege that you have committed an offence by failing to vote without a valid and sufficient reason.

If you do not want to be prosecuted in court for this offence, pay the modified penalty of *[insert amount]* on or before the response date.

<div align="center">Response date: <i>[insert date]</i></div>

If you do not pay the modified penalty on or before the response date, you may be prosecuted or enforcement action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*.

You may pay the modified penalty in one of the following ways —

Payment with Australia Post	*[insert information about payment]*
Payment by BPAY	*[insert information about payment]*
Payment by mail	Using the reply paid envelope provided, return this notice with a cheque or money order made payable to the Western Australian Electoral Commission. Do not send cash in the mail.
Payment in person	Cash or cheque payments can be made at the Western Australian Electoral Commission *[insert address]*.

Payment of the modified penalty will end this matter. However, if you pay by cheque or credit card and that payment is dishonoured, you will be treated as if you had not paid the modified penalty.

If you are unable to respond to this notice because you are away from home or physically incapacitated, you may direct another person who has personal knowledge of the facts to respond to this notice on your behalf.

Thank you for your cooperation.

Electoral Commissioner　　　　　　　　　　　　　　Date:
[insert date]

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

————————————