

EC301\*

Electoral Act 1907

## Electoral Amendment Regulations 2007

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Electoral Amendment Regulations 2007*.

### 2. The regulations amended

The amendments in these regulations are to the *Electoral Regulations 1996\**.

[\* Reprinted as at 1 December 2000.]

### 3. Regulation 2 amended

Regulation 2 is amended in the definition of “ballot paper envelope” by inserting after “90(4)(c)(ii)” —

“ or 90(4b)(b) ”.

### 4. Regulation 8 amended

- (1) Regulation 8(2) is repealed and the following subregulation is inserted instead —

“

- (2) Despite subregulation (1), the sex and occupation of electors may be omitted when —

- (a) rolls are —

- (i) printed under section 24 of the Act; or  
(ii) made available under section 25 of the Act; or  
(iii) supplied under section 112 of the Act;

or

- (b) when information on rolls or other information relating to electors is provided or made available under section 25B or 25C of the Act.

”.

- (2) Regulation 8(3) is amended as follows:
- (a) by deleting “or information on rolls available under section 25” and inserting instead —
- “
- available under section 25 of the Act or enrolment information available under section 25B
- ”;
- (b) in paragraph (b) by deleting “or information on rolls available under section 25.” and inserting instead —
- “
- available under section 25 or enrolment information available under section 25B.
- ”.
- 5. Regulation 11 amended**
- Regulation 11(2), (3), (4) and (5) are repealed and the following subregulation is inserted instead —
- “
- (2) If a written application complies with section 90(4)(b) of the Act, the issuing officer is to ensure that there is an identifying number printed on the application.
- ”.
- 6. Regulation 14 amended**
- (1) Regulation 14(1)(b) is amended by deleting subparagraph (i) and “and” after it and inserting instead —
- “
- (i) the person in the presence of an authorised person is to complete and sign a declaration in the form of Form 31 in Schedule 3; and
- ”.
- (2) Regulation 14(2) is amended by deleting “issuing officer” and inserting instead —
- “ authorised person ”.
- (3) Regulation 14(3) is amended by deleting “issuing officer” in each place where it occurs and inserting instead —
- “ authorised person ”.
- 7. Regulation 16 amended**
- Regulation 16(1) is amended as follows:
- (a) after paragraph (a) by inserting “and”;
- (b) in paragraph (b) by deleting “at the polling; and” and inserting instead —
- “ or provisional voting at the polling. ”;
- (c) by deleting paragraph (c).

**8. Regulation 19 amended**

- (1) Regulation 19(1) is amended as follows:
- (a) by deleting paragraph (a) and inserting instead —  
“
    - (a) in the case of an early ballot paper in relation to which a declaration was issued under section 90(4)(c) or (4c)(b) of the Act, examine the declaration to ensure that the early ballot paper should not be rejected under section 92(9) of the Act; and”;
  - (b) in paragraph (b)(ii) by deleting “detach the declaration from the ballot paper envelope,”;
  - (c) in paragraph (b)(ii) by deleting “this” and inserting instead —  
“ the ”.
- (2) Regulation 19(3) is repealed.

**9. Regulation 20 amended**

- (1) Regulation 20(1)(c)(ii) is amended by deleting “this” and inserting instead —  
“ the ”.
- (2) Regulation 20(3) is amended by deleting “this” and inserting instead —  
“ the ”.

**10. Regulation 22 amended**

Regulation 22(2) is amended by deleting “this” and inserting instead —  
“ the ”.

**11. Schedule 3 amended**

- (1) Schedule 3 Form 1 is amended by deleting “, provided under section 25A of the Act or supplied under section 112 of the Act or when information on or derived from rolls is made available under section 25 or provided under section 25A.]” and inserting instead —  
“  
or supplied under section 112 of the Act or when information on rolls or other information relating to electors is provided or made available under section 25B or 25C of the Act.]”

- (2) Schedule 3 Form 10 item 9 is amended by deleting “OR INFORMATION ON THE ROLL IS MADE AVAILABLE FOR INSPECTION OR PURCHASE BY THE PUBLIC UNDER SECTION 25 OF THE ACT” and inserting instead —

“

IS MADE AVAILABLE UNDER  
SECTION 25 OR 25B OF THE ACT

”

- (3) Schedule 3 Forms 14 and 15 are deleted.
- (4) Schedule 3 Form 28 is deleted and the following form is inserted instead —

“

### Form 28

Western Australia

*Electoral Act 1907 (s. 90(4)(c) and (4c)(b))*

<b>DECLARATION FOR EARLY VOTE</b>	
Electoral District of:	
<b>Please use BLOCK LETTERS when completing this form.</b>	
<b>ELECTOR to complete.</b>	
Family name:	Given name:
Address as enrolled:	
Date of birth:	Former family name:
<i>To the Electoral Commissioner,</i>	
<i>I declare that:</i>	
<ul style="list-style-type: none"> <li>• <i>I am the elector who applied for and was issued the enclosed ballot paper(s) for the election on Saturday ...../...../.....; and</i></li> <li>• <i>I live at, or within the previous 3 months have lived at, the above enrolled address; and</i></li> <li>• <i>I have not already voted at this election.</i></li> </ul>	
Elector to sign: .....	
<b>If you need assistance you may appoint a person, other than a candidate in this election, to fill in this form and mark the ballot paper(s). The person must complete the following section.</b>	
<b>ASSISTANT to complete.</b>	
Family name:	Given name:
Address:	
<i>I have been appointed by the elector to mark the enclosed ballot paper(s) and I have marked the ballot paper(s) in the way he/she has instructed.</i>	
Assistant to sign:	Date:
<b>AUTHORISED WITNESS to complete.</b>	
<b>A witness must be more than 18 years of age and must not be a candidate in this election.</b>	
Family name:	Given name:
Address:	
Witness to sign:	Date:

”

- (5) Schedule 3 Form 30 is deleted.

- (6) Schedule 3 Form 31 is deleted and the following form is inserted instead —

“

**Form 31**

Western Australia

*Electoral Act 1907* (s. 99A, 119(4), 122(1), 122A)

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

<b>DECLARATION FOR:</b>	
<input type="checkbox"/> <b>ABSENT VOTE;</b> <input type="checkbox"/> <b>PROVISIONAL VOTE.</b>	
Electoral District of:	
<b>Please use BLOCK LETTERS when completing this form.</b>	
<b>ELECTOR to complete.</b>	
Family name:	Given name:
Address as enrolled:	
Date of birth:	Former family name:
<i>To the Electoral Commissioner,</i>	
<i>I declare that:</i>	
<ul style="list-style-type: none"> <li>• <i>I live at, or within the previous 3 months have lived at, the above enrolled address; and</i></li> <li>• <i>I enrolled to vote before close of the roll for this election; and</i></li> <li>• <i>I have not already voted at this election.</i></li> </ul>	
Elector to sign: .....	
Presiding Officer/Assistant Presiding Officer/Poll Clerk to complete.	
Polling place at which vote claimed:	
Presiding officer to sign:	Date:

”

- (7) Schedule 3 Form 33 is deleted and the following form is inserted instead —

“

**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 requires every elector to vote at a State election unless the elector has a valid and sufficient reason for not voting.

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.

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. If your reason is accepted, you will not need to pay a penalty. If your reason is not accepted, we will tell you and you will need to pay a penalty of *[insert amount of penalty]*.

If you **did not vote** at the State election and you do not have a valid and sufficient reason for not voting and you wish to finalise this matter, 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.

You must either complete and return this notice or pay the penalty before the following date. If you do not, this matter may be dealt with in court or referred to the Fines Enforcement Registry.

Due date for return of notice or payment of penalty: *[insert date]*

If you are away from home or physically incapacitated at the time this notice is delivered then you may direct another person 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]

<p><b>The address for which you are enrolled is:</b> <i>[insert address]</i>  <b>Please provide your current residential address if different from the above address:</b></p>	
<p><b>SECTION 1</b></p>	
<ul style="list-style-type: none"> <li>• 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 <i>[insert address]</i>.</li> <li>• Complete either Part A or Part B but not both.</li> <li>• Making a false or misleading statement on this notice is an offence.</li> </ul>	
<p><b>Part A</b></p>	<p>If you <b>did vote</b>, complete this Part by ticking the appropriate box and completing the required details.</p> <p>I voted:</p> <p><input type="checkbox"/> by ordinary vote</p> <p><input type="checkbox"/> by absent vote</p> <p><input type="checkbox"/> by provisional vote</p> <p><input type="checkbox"/> by early vote</p> <p>at the following polling place*.....</p> <p>(*not applicable if early vote obtained by written application).</p>

<b>Part B</b>	If you <b>did not vote</b> and you believe you have a valid and sufficient reason, complete this Part.
	I did not vote because: ..... ..... ..... .....
<b>The person completing Section 1 is to provide the following information about himself or herself:</b>	
Name: ..... Daytime contact phone number: .....	
Signature of person completing this form: .....	
<b>SECTION 2</b>	
<b>Penalty:</b> <i>[insert penalty amount]</i> <b>Due date:</b> <i>[insert date]</i>	
If you <b>did not vote</b> and you wish to finalise this matter, please pay the penalty in one of the following ways by the due date.	
Payment with Australia Post	<i>[insert information about payment]</i>
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 <i>[insert address]</i> .
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.	

(8) Schedule 3 Form 34 is deleted and the following form is inserted instead —

“

**Form 34**  
Western Australia  
*Electoral Act 1907 (s. 156(12))*  
**FAILURE TO VOTE — INFRINGEMENT NOTICE**

*[insert name and address of elector]*

Dear elector

Thank you for returning the notice we sent you regarding your apparent failure to vote at the State election held on *[insert date]*.

”

In that notice you told us that

*[insert whichever paragraph applies —*

- *you voted at [insert polling place]. 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 absent/provisional/early [insert whichever applies] 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 told us that you did not vote and you told us your reason for not doing so. The Electoral Commissioner has considered that reason but is unable to accept it as a valid and sufficient reason for not voting.]*

The Electoral Commissioner therefore considers that you have committed an offence by failing to vote without a valid and sufficient reason. The penalty for this offence is *[insert penalty amount]*.

You must pay the penalty before the following date:

Due date for payment of penalty: *[insert date]*

If you do not pay the penalty before this date, this matter may be dealt with in court or referred to the Fines Enforcement Registry.

You may pay the penalty in one of the following ways:

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 <i>[insert address]</i> .

Payment of the penalty will end this matter. However if you pay by cheque and your cheque is dishonoured, you will be treated as if you had not paid the penalty.

Thank you for your cooperation.

Electoral Commissioner

Date: *[insert date]*

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By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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