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ELECTORAL ACT 1907

**ELECTORAL AMENDMENT
REGULATIONS (No. 3) 2000**

Electoral Act 1907

Electoral Amendment Regulations (No. 3) 2000

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Electoral Amendment Regulations (No. 3) 2000*.

2. Commencement

These regulations come into operation on the day on which section 28 and Part 5 of the *Electoral Amendment Act 2000* come into operation or, if the regulations are published in the *Gazette* on a later day, on that later day.

3. The regulations amended

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

[* *Published in Gazette 10 October 1996, pp. 5321-92.*
For amendments to 6 November 2000 see 1999 Index to Legislation of Western Australia, Table 4, p. 64, and Gazette 18 April and 20 October 2000.]

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4. Regulation 2 amended

Regulation 2 is amended by inserting before the definition of “issuing officer” the following definition —

“

“**ballot paper envelope**” means an envelope referred to in section 90(4)(c)(ii) of the Act or in regulation 14(1)(c), 14(3)(b) or 15(b);

”;

5. Regulation 9 repealed

Regulation 9 is repealed.

6. Regulation 10 amended

(1) Regulation 10 is amended as follows:

(a) by deleting “If the Registrar” and inserting instead —

“ (1) If an enrolment officer ”;

(b) by deleting “Registrar is” and inserting instead —

“ enrolment officer is ”.

(2) At the end of regulation 10 the following subregulation is inserted —

“

(2) The notation referred to in subregulation (1) may be entered by electronic means if that is appropriate in the circumstances.

”.

7. Part 4 heading amended

The heading to Part 4 is deleted and the following heading is inserted instead —

“ **Early, absent and provisional voting** ”.

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8. Regulations 11 and 13 amended

Regulations 11 and 13 are amended as set out in the Table to this regulation.

Table

| Provision(s) amended | Amendment |
|-----------------------------|---|
| 11(1) and (2), 13 | Delete “a postal”, insert instead — “ an early ”. |
| 11(3)(a) | Delete “a postal vote”, insert instead — “ an early ballot paper ”. |
| 11(5)(b) | Delete “postal”, insert instead — “ early ”. |

9. Regulation 14 amended

(1) Regulation 14 is amended as follows:

- (a) by deleting “The” and inserting instead —
“ (1) Subject to subregulations (2) and (3), the ”;
- (b) in paragraph (a) by deleting “within” and inserting
instead —
“
that is appointed under section 100 of the Act
for
”;
- (c) in paragraphs (b)(i) and (ii), (c) and (e) by deleting
“statement” and inserting instead —
“ declaration ”.

(2) At the end of regulation 14 the following subregulations are
inserted —

“

- (2) If an elector wishes to vote as an absent voter at a
polling place at which there is a copy of the roll for the

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district for which the elector is enrolled, an issuing officer may dispense with the requirements of subregulation (1)(b) to (e).

- (3) If the issuing officer issues a ballot paper to the elector after dispensing with the requirements of subregulation (1)(b) to (e) —
- (a) the issuing officer is to make a record in respect of the elector's name on a copy of the roll referred to in subregulation (2);
 - (b) the issuing officer is to give the elector an envelope bearing the name of the region or district in respect of which the ballot paper is issued; and
 - (c) the elector is to indicate his or her vote on the ballot paper in the manner prescribed by section 128 of the Act, fold the ballot paper, put it in the envelope and deposit the fastened envelope in a sealed ballot box in use at the polling place at which the vote was cast.
- (4) The record referred to in subregulation (3)(a) may be made by electronic means if that is appropriate in the circumstances.

”.

10. Regulation 15 amended

Regulation 15 is amended as follows:

- (a) by deleting paragraph (a) and inserting instead —
- “
- (a) the declaration required to be made by a person under section 119(4), 122(1) or 122A(1) of the Act is to be in the form of Form 31 in Schedule 3 and is to be signed in the presence

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of an authorised person who is to attest the signature of the person to the declaration;

”;

(b) in paragraphs (b) and (d) by deleting “the statement” and inserting instead —

“ the declaration ”;

(c) in paragraph (d) by deleting “and attached statement”.

11. Regulations 16, 17 and 18 amended

Regulations 16(1)(a), 17(1)(a) and 18(b) are amended by deleting “postal votes” and inserting instead —

“ early ballot papers ”.

12. Regulation 19 amended

(1) Regulation 19(1)(b)(ii) is deleted and the following subparagraph is inserted instead —

“

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

”.

(2) After regulation 19(3) the following subregulation is inserted —

“

(4) If any declarations are scrutinised before the close of the poll, the officer concerned with the scrutiny is to give written notice of the time and place of the scrutiny to —

(a) each registered political party; and

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- (b) any candidate who is not a recognised candidate of a registered political party.

”.

- (3) Regulation 19 is amended as set out in the Table to this subregulation.

Table

| Provision(s) amended | Amendment |
|-----------------------------|--|
| (1), (1)(b), (1)(c), (2) | Delete “postal ballot”, insert instead — “ early ballot ”. |
| (1)(a), (2) (2 places), (3) | Delete “postal vote”, insert instead — “ early ballot paper ”. |
| (3) | Delete “postal votes”, insert instead — “ early ballot papers ”. |

13. Regulation 20 amended

- (1) Regulation 20(1) is amended as follows:

- (a) by inserting after “Act” —

“ , or regulation 14(1)(b), ”;

- (b) by deleting paragraph (c)(ii) and inserting instead —

“

- (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 sealed ballot box for the relevant district or region to await counting in accordance with the relevant provisions of this Act;

”.

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(2) After regulation 20(2) the following subregulation is inserted —

“

- (3) An Assistant Returning Officer who is counting absent voters' ballot papers in accordance with the relevant provisions of this Act is to open any ballot paper envelope referred to in regulation 14(3)(b), remove the ballot paper contained in it and count the ballot paper.

”.

14. Regulation 21 amended

- (1) Regulation 21(1) is repealed.
- (2) Regulation 21(2) is amended by deleting “an envelope” and inserting instead —

“ a ballot paper envelope ”.

15. Regulation 22 amended

Regulation 22 is amended as set out in the Table to this regulation.

Table

| Provision(s) amended | Amendment |
|-----------------------------|--|
| (1) | Delete “registrar of the district in which that person is entitled to be so enrolled”, insert instead — “ Electoral Commissioner ”. |
| (2)(a)(i) | Delete “officer indicated in the notice”, insert instead — “ Electoral Commissioner ”. |
| (2)(a)(ii) and (iv) | Delete “Registrar”, insert instead — “ Electoral Commissioner ”. |
| (2)(a)(ii) | Delete “Registrar’s”, insert instead — “ Electoral Commissioner’s ”. |

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16. Regulation 29A inserted

After regulation 29 the following regulation is inserted —

“

29A. Articles that can be used for electoral advertising

The following classes of articles are prescribed for the purposes of section 187(2)(d) of the Act —

- (a) articles of apparel;
- (b) articles in the nature of dress or personal accessories.

”.

17. Schedule 3 amended

- (1) The amendments in this regulation are to the forms in Schedule 3.
- (2) Form 3 is deleted and the following form is inserted instead —

“

FORM 3

Western Australia

Electoral Act 1907 (s. 44A(3)(a))

NOTICE OF REJECTION OF CLAIM

To

I wish to advise that your claim dated to have your name placed on the roll for the State Electoral District of and the related part of the Region does not comply with section 44 of the *Electoral Act 1907* for the following reasons:

.....
.....
.....

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Therefore, your claim is rejected.

.....
ENROLMENT OFFICER

.....
Date

”.

- (3) Forms 5 to 9 are deleted and the following forms are inserted instead —

“

FORM 5

Western Australia

Electoral Act 1907 (s. 47(3)(a))

ENROLMENT OFFICER’S OBJECTION TO CLAIM

To..... :

I refer to your claim dated to be enrolled as an elector for the State Electoral District of and advise that I believe that you are not entitled to be so enrolled for the following reasons:

.....
.....
.....

Unless the attached notice of appeal (Form 6) is completed and signed by you and returned to me within days from the date of this notice, your claim will be rejected.

.....
ENROLMENT OFFICER

.....
Date

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FORM 6
 Western Australia
Electoral Act 1907 (s. 47(3)(a))
APPEAL AGAINST OBJECTION TO CLAIM

To the Enrolment Officer:

| | | | | | |
|--|-------------------|--|--------------------|-----------------|--|
| District | | | | | |
| Surname | | | | | |
| Given names | | | | | |
| Residential Address | Street No. | | Street Name | | |
| | Suburb | | | Postcode | |
| Phone numbers | (Home) | | | (Work) | |
| Fax number | | | E-mail | | |
| <p>I wish to appeal against your objection to my claim for enrolment as an elector for the State Electoral District of for the following reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> | | | | | |
| Signature of Claimant | | | | Date | |

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FORM 7

Western Australia

Electoral Act 1907 (s. 48(2)(a))

ELECTOR'S OBJECTION TO ENROLMENT

To the Electoral Commissioner:

| | | | | | |
|---|-------------------|--|--------------------|-----------------|--|
| District | | | | | |
| Surname | | | | | |
| Given names | | | | | |
| Residential Address | Street No. | | Street Name | | |
| | Suburb | | | Postcode | |
| Phone numbers | (Home) | | (Work) | | |
| Fax number | | | E-mail | | |
| <p>I wish to object to the name of being on the roll for the State Electoral District of for the following reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> | | | | | |
| I enclose a deposit of \$2.00 | | | | | |
| Signature of Objector | | | | Date | |

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FORM 8

Western Australia

Electoral Act 1907 (s. 48(3)(a))

ENROLMENT OFFICER'S OBJECTION TO ENROLMENT

To:

You are currently enrolled on the State Electoral roll for the State Electoral District of However, your enrolment is objected to because I have the following reasons for believing that your name should not be retained on the roll:

.....
.....
.....

Unless the attached notice of appeal (Form 9) is completed and signed by you and returned to me within days of the date of this notice, your name will be removed from the State Electoral Roll.

.....
ENROLMENT OFFICER

.....
Date

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FORM 9

Western Australia

Electoral Act 1907 (s. 48(3)(a))

**NOTICE OF APPEAL AGAINST ENROLMENT OFFICER'S
OBJECTION TO ENROLMENT**

To the Enrolment Officer:

| | | | | | |
|---|-------------------|--|--------------------|-----------------|--|
| District | | | | | |
| Surname | | | | | |
| Given names | | | | | |
| Residential Address | Street No. | | Street Name | | |
| | Suburb | | | Postcode | |
| Phone numbers | (Home) | | | (Work) | |
| Fax number | | | E-mail | | |
| <p>I wish to appeal against your objection to the retention of my name on the roll for the State Electoral District of for the following reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> | | | | | |
| Signature of Elector | | | | Date | |

”

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(4) Form 10 is amended as follows:

(a) in section 8 by deleting “declaration my” and inserting instead —

“ declaration may ”;

(b) by deleting section 9 and inserting instead —

“

9 I ALSO REQUEST THAT MY NAME BE
OMITTED WHEN THE ROLL OR
INFORMATION ON THE ROLL IS
MADE AVAILABLE FOR INSPECTION
OR PURCHASE BY THE PUBLIC
UNDER SECTION 25 OF THE ACT
(Tick the box if required)

10 I ALSO APPLY TO BE REGISTERED AS
A GENERAL EARLY VOTER UNDER
SECTION 93 OF THE ACT
(Tick the box if required)

.....
Signature or mark of applicant
(Not required if applicant makes the
declaration below. Please ensure that the
declaration is made before this application
is sent to the Electoral Commissioner)

Statutory declaration as to risk

I solemnly and sincerely declare that the risk referred to in **8** above is as follows:

.....
.....
.....
.....

And I make this declaration by virtue of section 106 of the *Evidence Act 1906*.

.....
Signature of declarant

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Declared at this
 day ofbefore me

.....
 Commissioner for Declarations
 Justice of the Peace
 Police Officer
 or other person authorised by
 the *Declarations and Attestations*
Act 1913

”.

(5) Form 11 is amended in the heading by deleting “18” and inserting instead —

“ **17** ”.

(6) Form 12 is deleted.

(7) Form 24 is deleted.

(8) Form 26 is amended as follows:

(a) in the heading by deleting “A POSTAL” and inserting instead —

“ **AN EARLY** ”;

(b) by inserting after “CLEARLY” —

“ **IN BLACK INK** ”;

(c) by deleting “FULL CHRISTIAN OR”;

(d) by inserting after “ENROLLED” —

“ **OR FOR WHICH ENROLMENT IS CLAIMED** ”;

(e) by inserting above “DATE OF BIRTH” —

“

| | | |
|------------------|------|------|
| PHONE NUMBERS | Home | Work |
|------------------|------|------|

”.

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- (f) by deleting “who is entitled to apply for a postal ballot paper, and” and inserting instead —
 “ and am entitled to apply for an early ballot paper. I ”;
- (9) Forms 27, 28 and 29 are deleted and the following forms are inserted instead —

“

FORM 27
 Western Australia
Electoral Act 1907 (s. 90(7))
**REJECTION OF WRITTEN APPLICATION FOR EARLY
 BALLOT PAPER**

To :

I refer to your application for an early ballot paper for

 (nature and date of election to be inserted)

Your application has been rejected for the following reasons:

.....
 ISSUING OFFICER

.....
 DATE

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FORM 28**Front of ballot paper envelope flap:**

| Authorised witness to complete | | You MUST fill in your name, address and sign this certificate | |
|---|-------------------------|---|-------------|
| FULL NAME | | EARLY VOTE – DECLARATION OF ELECTOR <i>Electoral Act 1907</i> (s. 90(4)(c) and (4b)(a), s. 92) | |
| ADDRESS | | If you need assistance you may appoint an elector to fill in this form and mark the ballot paper. He or she must complete the section overleaf. | |
| SIGNATURE OF WITNESS: | | FULL NAME | |
| | Signed before me on / / | ADDRESS AS ENROLLED | |
| An authorised witness may be anyone over the age of 18 years and must not be a candidate in this election. The person need not be on a Western Australian electoral roll. | | DATE OF BIRTH | / / |
| | | I declare that — | |
| | | <ul style="list-style-type: none"> I am the elector on whose application this ballot paper(s) was issued for the election on Saturday / / ; I am entitled to apply for an early ballot paper(s); I have not already voted at that election; and I live at, or have, within the 3 months prior to election day, lived at the above enrolled address. | |
| | | SIGNATURE OF ELECTOR | DATE / / |

If the elector is able to sign the Declaration of Elector but is unable to vote without assistance, and no other elector is appointed as an assistant, the elector may request the authorised witness to mark the ballot paper(s) on his/her behalf.

Reverse of ballot paper envelope flap:

| | |
|--|--|
| Where an elector requires assistance (and the assistant is not the authorised witness), assistant to complete this section | |
| I have been appointed by the elector to mark the ballot paper or papers on his/her behalf. | |
| NAME OF ASSISTANT | |
| ADDRESS OF ASSISTANT | |
| SIGNATURE OF ASSISTANT | |
| An assistant must not be a candidate in this election and must be on a Western Australian electoral roll. | |

FORM 29

Western Australia

Electoral Act 1907 (s. 92(6))

DECLARATION OF AN ELECTOR WHO HAS NOT RECEIVED AN EARLY BALLOT PAPER

I,

(name in full)

of

(address)

declare that I have not received an early ballot paper for which I applied for the election being held on and I now wish to vote personally at this polling place.

.....

Signature of elector

Declared before me on

(date)

at polling place in the District.

.....

Signature of presiding officer

”

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

