

WESTERN AUSTRALIA

ELECTORAL AMENDMENT ACT

No. 20 of 1988

AN ACT to amend the *Electoral Act 1907*.

[Assented to 9 September 1988]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Electoral Amendment Act 1988*.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Principal Act

3. In this Act the *Electoral Act 1907** is referred to as the principal Act.

[*Reprinted as at 16 June 1986 and amended by Acts Nos. 104 of 1985 and 40 and 79 of 1987.]

Section 113A amended

4. Section 113A of the principal Act is amended—

- (a) in subsection (1) by inserting after “election” the following—
“ in a region ”;
- (b) in subsection (4) (b) (i) by deleting “in an election in a district or a candidate in an election in a region”; and
- (c) in subsection (5) (b) by deleting “or an election in a district”.

Section 113BA amended

5. Section 113BA of the principal Act is amended—

- (a) by inserting after paragraph (a) the following—
“ and ”;
- (b) after paragraph (b), by deleting “; and” and substituting a full-stop; and
- (c) by deleting paragraph (c).

Section 128 amended

6. Section 128 of the principal Act is amended—

- (a) in subsection (2) by inserting after “election” the following—
“ in a region ”; and
- (b) by inserting after subsection (2) the following subsection—
“ (3) In an election in a district where there are more than 2 candidates on the ballot paper an elector shall mark his vote on the ballot paper by placing the numeral “1” in the square

opposite the name of the candidate for whom he votes as his first preference and consecutive numerals beginning with the numeral "2" in the squares opposite the names of the remaining candidates so as to indicate the order of his preference for all candidates. ”.

Section 140 amended

7. Section 140 of the principal Act is amended in subsection (3) (b) by deleting “authorized by section 128 (2) (a)” and substituting the following—

“ required by section 128 (3) ”.

Sections 140A and 140B repealed

8. Sections 140A and 140B of the principal Act are repealed.

Section 146E repealed and a section substituted

9. Section 146E of the principal Act is repealed and the following section is substituted—

Informal and formal ballot papers

“ 146E. (1) Section 139 applies to and in relation to ballot papers used in an election in a region.

(2) Subsections (1) and (2) of section 140 apply to and in relation to ballot papers used in an election in a region and in subsection (2) of that section, as applied by this section, “prescribed manner” means—

- (a) where there are only 2 candidates on the ballot paper, the manner required by section 128 (1);
- (b) where there are more than 2 candidates on the ballot paper, the manner authorized by section 128 (2) (a).

(3) A ballot paper shall not be informal under section 139 (d) if the elector has marked his vote on the ballot paper under section 128 (2) (b).

(4) If a ballot paper—

(a) has been marked under section 128 (2) (b); but

(b) has also been marked so as to indicate the order of the elector's preference in such a manner that it would not be informal under section 139 (d) even if it were not marked under section 128 (2) (b),

the elector shall, for the purposes of subsection (5) and section 146F, be deemed not to have marked his vote on the ballot paper under section 128 (2) (b).

(5) If a ballot paper has been marked under section 128 (2) (b) any indication of preferences on the ballot paper otherwise than under section 128 (2) (b) shall be disregarded for the purposes of this Division.

(6) For the purposes of this section and section 146F an elector shall not be taken to have marked his vote under section 128 (2) (b) if the elector has placed a preference mark in 2 or more voting ticket squares printed on the ballot paper.

(7) In subsection (6) "preference mark" means the numeral "1", a tick or a cross. "

Schedule 3 amended

10. Schedule 3 to the principal Act is amended—

(a) in Form A—

(i) by deleting the following—

"Ballot paper for

—an election in a district,

—an election in a region if there are no groups,

if there are 3 or more candidates and one or more voting tickets are registered." and substituting the following—

" Ballot paper for an election in a region if there are 3 or more candidates and no groups, and one or more voting tickets are registered; "

(ii) by deleting “Legislative (b)” and substituting the following—

“ Legislative Council ”;

(iii) by deleting footnote (b); and

(iv) in footnote (c) by deleting “district or”; and

(b) in Form B by deleting the following—

“Ballot paper for

—an election in a district,

—an election in a region if there are no groups,

if there are 3 or more candidates and no voting tickets are registered.” and substituting the following—

“ Ballot paper for

—an election in a district,

—an election in a region if there are no groups and no voting tickets are registered,

if there are 3 or more candidates. ”.
