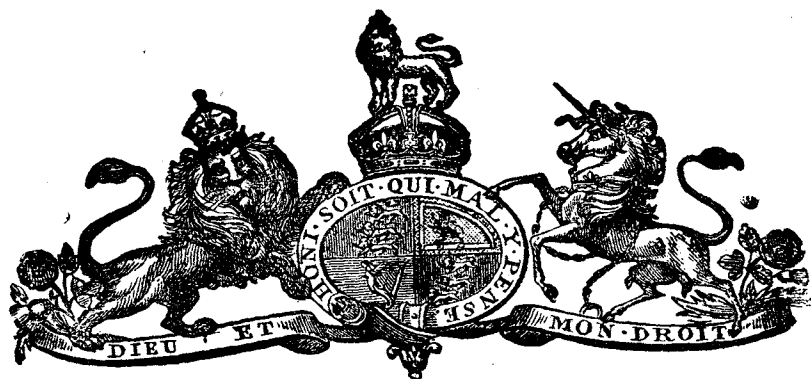


THE ELECTORAL AMENDMENT ACT, 1911.

ANALYSIS.

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| <ol style="list-style-type: none">1. Short title.
Incorporation.2. Repeal and re-enactment of Section 29 of Principal Act.
Form of claim.3. Claims for enrolment, Assembly districts.4. Amendment of Section 30 of Principal Act.5. Amendment of Section 32 of Principal Act.6. Amendment of Section 33 of Principal Act.7. Amendment of Section 34 of Principal Act.8. Amendment of Section 35 of Principal Act.9. Time for making applications to change.10. Alteration of Assembly roll by Chief Electoral Officer.11. Amendment of Section 38 of Principal Act.
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Provision to meet emergencies.17. Provision relating to scrutineers.18. Amendment of Section 106 of Principal Act.
Hours of polling.19. Repeal and re-enactment of Section 107 of Principal Act.
Elections at which electors are entitled to vote.20. Repeal and re-enactment of Section 114 of Principal Act.
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Action on objections to ballot-papers.23. Amendment of Section 127 of Principal Act.24. Amendment of Section 141 of Principal Act.25. Amendment of Section 153 of Principal Act.26. Protection of the official mark.27. Amendment of Section 194 of Principal Act.
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TASMANIA.



1911.

ANNO SECUNDO

GEORGII V. REGIS.

No. 63.

AN ACT to amend "The Electoral Act, 1907."
[12 January, 1912.]

A.D.
1911.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Electoral Amendment Act, 1911," and shall be construed as one with "The Electoral Act, 1907" (in this Act referred to as the Principal Act), and every amendment thereof.

Short title.
Incorporation.
7 Ed. VII. No. 6.

2 Section Twenty-nine of the Principal Act is hereby repealed, and the following section substituted therefor:—

"**29** A claim may be in the prescribed form, and shall be signed by the claimant and witnessed by an elector or a person qualified to be an elector, or some other prescribed person, and shall be sent to the electoral registrar keeping the subdistrict roll or polling-place roll (as the case may be) on which the claimant claims to be enrolled."

Repeal and re-enactment of
Section 29 of
Principal Act.
Form of claim.

Electoral Amendment.

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Claims for enrolment, Assembly districts.

3 After Section Twenty-nine the following section is inserted :—

“29a—(1) Where an Assembly district is divided into subdistricts, any person who would be qualified to vote if his name were upon a roll, and who lives in a subdistrict of the Assembly district, and has so lived for a period of One month, may claim to have his name placed on the subdistrict roll for the subdistrict.

“(2) Where an Assembly district is not divided into subdistricts, any person who would be qualified to vote if his name were upon an Assembly roll, and who lives in the Assembly district, and has so lived for a period of One month, may claim to have his name placed on any one polling-place roll for the district.

“(3) The validity of the enrolment shall not in any case be questioned on the ground that the person enrolled has not in fact lived in the Assembly district or subdistrict for a period of One month.”

Amendment of Section 30 of Principal Act.

4 Section Thirty of the Principal Act is hereby amended by inserting the words “where the claim relates to a Council district” after the word “and” in the Fourth line thereof.

Amendment of Section 32 of Principal Act.

5 Section Thirty-two of the Principal Act is hereby amended by omitting all the words in the Second line, and substituting therefor the words “prescribed form.”

Amendment of Section 33 of Principal Act.

6 Section Thirty-three of the Principal Act is hereby amended by inserting the words “or some other prescribed person” after the words “qualified to be an elector” in the Second line thereof.

Amendment of Section 34 of Principal Act.

7 Section Thirty-four of the Principal Act is hereby amended by inserting the words “where the application relates to a Council district” after the word “and” in the Second line thereof.

Amendment of Section 35 of Principal Act.

8 Section Thirty-five of the Principal Act is hereby amended as follows :—

I. As to Subsection (3), by inserting the words “or some other prescribed person” after the word “elector” at the end of the Second line of the subsection :

II. As to Subsection (4), by inserting the words “where the application relates to a Council district” after the word “and” in the Third line of the subsection.

9 After Section Thirty-five of the Principal Act the following section is inserted :—

Time for making applications to change.

“35a—(1) An elector shall not be entitled to make application to be changed from the roll for one Assembly subdistrict to the roll for another subdistrict of the same Assembly district until he has lived in the latter subdistrict for a period of One month.

“(2) The validity of any enrolment pursuant to any application under this section shall not in any case be questioned on the ground that the

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person enrolled has not in fact lived in the Assembly subdistrict for A.D. 1911. which he is enrolled for a period of One month."

10 After Section Thirty-six of the Principal Act the following section is inserted:—

Alteration of
Assembly roll by
Chief Electoral
Officer.

"**36a** An Assembly roll may be altered by the Chief Electoral Officer by striking out the name of any person, if he is satisfied that the person has ceased to be qualified for enrolment on that roll and has secured enrolment on another Assembly roll."

11 Section Thirty-eight of the Principal Act is hereby amended as follows:—

Amendment of
Section 38 of
Principal Act.

- I. By omitting the words "Twelve o'clock at night of the day on which":
- II. By inserting the words "except under the provisions of Section 36a" after the word "election" in the Seventh line thereof:
- III. By adding the following words at the end of the section as so amended as aforesaid, namely:—
"For the purposes of this section a writ shall be deemed to have been issued at Six o'clock in the afternoon of the day on which the writ was issued."

Time at which
writs deemed to
be issued.

12 Section Forty-three of the Principal Act is hereby amended by omitting the words "Form E, in the Schedule (3)," and substituting therefor the words "prescribed form."

Amendment of
Section 43 of
Principal Act.

13 Section Forty-five of the Principal Act is hereby amended by adding thereto the following subsections:—

Amendment of
Section 45 of
Principal Act.

"(2) Where the returning officer is satisfied that the ground of objection stated in any objection lodged by an officer is not a good ground of objection, he may dismiss the objection, in which case no notice of the objection need be given to the person objected to.

Action where
objection by
officer is bad.

"(3) An objection on the ground that a person does not live in an Assembly district for which he is enrolled shall be deemed not to be good unless—

- i. It alleges that the person objected to does not live in the district, and has not so lived for at least One month: or
- ii. It alleges that the person objected to does not live in the district and has obtained enrolment for some other district."

14 Section Sixty-six of the Principal Act is hereby amended by inserting at the end of Paragraph II. the words "for which the candidate is nominated."

Amendment of
Section 66 of
Principal Act.

15 Section Seventy of the Principal Act is hereby amended by inserting at the end thereof the words "But the returning officer

Amendment of
Section 70 of
Principal Act.

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may hand over the deposit made by or on behalf of any such candidate to some person authorised by such candidate in writing to receive it."

Amendment of
Section 93 of
Principal Act.
Provision to meet
emergencies.

16 Section Ninety-three of the Principal Act is amended by adding thereto the following subsection :—

"(2) If in an emergency on polling-day, in the absence of any assistant presiding officer, poll clerk, or doorkeeper, the presiding officer appoints any person to act as assistant presiding officer, poll clerk, or doorkeeper, the person so appointed or acting shall be deemed to have been duly appointed if the returning officer afterwards ratifies the appointment by appointing that person to be assistant presiding officer, poll clerk, or doorkeeper, as the case may be."

Provision relating
to scrutineers

17 After Section One hundred and four of the Principal Act the following section is inserted :—

"**104a**—(1) A scrutineer shall not—

- I. Interfere with or attempt to influence any elector within the polling-booth : or
- II. Communicate with any person in the polling-booth except so far as is necessary in the discharge of his functions.

"Penalty : Five Pounds.

"(2) A scrutineer shall not be prevented from entering or leaving a polling-booth during the polling, and during his absence a relieving scrutineer may act in his place ; but only One scrutineer for each candidate shall be entitled to be present in the polling-booth or subdivision of the polling-booth at any one time.

"(3) A scrutineer who commits any breach of this section, or who misconducts himself, or who fails to obey the lawful directions of the presiding officer, may be removed from the polling-booth by any constable or person authorised by the presiding officer to remove him."

Amendment of
Section 103 of
Principal Act.

18 Subsection II. of Section One hundred and six of the Principal Act is hereby repealed, and the following substituted therefor :—

Hours of polling.

"II. The poll shall open at half-past Eight o'clock in the morning, and shall not close until all electors present in the polling-booth at Seven o'clock in the evening, and desiring to vote, have voted."

Repeal and re-
enactment of
Section 107 of
Principal Act.
Elections at which
electors are
entitled to vote.

19 Section One hundred and seven of the Principal Act is hereby repealed, and the following section substituted therefor :—

"**107**—(1) An elector shall only be admitted to vote for the election of a member for the district for which he is enrolled.

"(2) For the purposes of this section the electoral rolls in force at the time of the election shall be conclusive evidence of the right of

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each person enrolled thereon to vote as an elector, unless he shows by his answers to the questions prescribed by Section One hundred and ten that he is not entitled to vote." A.D. 1911.

20 Section One hundred and fourteen of the Principal Act is hereby repealed, and the following section substituted therefor :—

"114—(1) The presiding officer or a poll clerk shall hand to each person claiming to vote a ballot-paper duly initialed by the presiding officer—

- i. If the name under which he claims to vote is on the list of voters for the polling-place and his right to vote is not challenged : or
- ii. If the name under which he claims to vote is on the list of voters for the polling-place and his right to vote is challenged, and he satisfactorily answers the prescribed questions put to him : or
- iii. If the name under which he claims to vote is on the roll for the district, and he makes the declaration in Form (L) in the schedule : or
- iv. In cases where the regulations provide facilities for voting by persons absent from the district for which they are enrolled —if he claims to vote under and complies with those regulations ; but in those cases the ballot-paper must be in accordance with the form prescribed by those regulations.

"(2) The presiding officer, at the request of a scrutineer, shall note any objection by the scrutineer to the right of any person to vote, and shall keep a record thereof.

"(3) If the presiding officer puts to any person all or any of the prescribed questions, his right to vote shall be deemed to have been challenged."

21 Section One hundred and seventeen of the Principal Act is hereby repealed, and the following section substituted therefor :—

"117 If any voter satisfies the presiding officer —

- i. That his sight is so impaired : or
- ii. That he is otherwise so physically incapacitated : or
- iii. That he is so illiterate --

that he is unable to vote without assistance, the presiding officer shall record the vote of such voter and deposit his ballot-paper for him, in the presence of such scrutineers as may be present and choose to witness such voting ; or if there is no such scrutineer, then in the presence of a poll clerk, if any ; or instead of a poll clerk, if the voter before the vote is recorded so requests, of any consenting person present (not being a candidate) appointed by the voter."

22 Section One hundred and twenty-six of the Principal Act is hereby repealed, and the following section substituted therefor :—

Repeal and re-enactment of Section 114 of Principal Act.
Right of elector to receive ballot-paper.

Repeal and re-enactment of Section 117 of Principal Act.
Provision for voters unable to vote without assistance.

Repeal and re-enactment of Section 126 of Principal Act.

prescribed form
Nº 65 of 1914 S. 6.

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Action on objections to ballot-papers.

"126—(1) If a scrutineer objects to a ballot-paper as being informal, the officer conducting the scrutiny shall mark the ballot-paper 'admitted' or 'rejected' according to his decision to admit or reject the ballot-paper.

"(2) Nothing in this section shall prevent the officer conducting the scrutiny from rejecting any ballot-paper as being informal although it is not objected to."

Amendment of Section 127 of Principal Act.

23 Section One hundred and twenty-seven of the Principal Act is hereby amended as follows:—

I. By omitting Paragraph I. of Subsection (1), and substituting the following therefor:—

"It is not authenticated by the initials of the presiding officer (or, in the case of a postal ballot-paper, of the returning officer), or by an official mark as prescribed; or":

II. By omitting Paragraph IV. of Subsection (1), and substituting the following therefor:—

"IV. It has the same number (being the number **1**, **2**, or **3**) opposite the names of more than One candidate":

III. By inserting the following proviso at the end of Paragraph VI. of Subsection (1), namely:—

"Provided that where there are Three candidates and no more, if the number **1** is placed opposite the name of one candidate, and the number **2** opposite the name of another candidate, the number **3** shall be deemed to be placed opposite the name of the remaining candidate":

IV. By adding the following subsection thereto as subsection (3) thereof—

"(3) In particular a ballot-paper shall not be informal by reason only of—

I. The use of Roman numerals instead of Arabic numerals; or

II. The ballot-paper having the same number (not being the number **1**, **2**, or **3**) opposite the names of more than One candidate; but the order of the voter's preference shall be determined as if the names of all candidates opposite to whose names the number so repeated or any higher number shall have been placed, had not been on the ballot-paper:

III. A number being omitted in the numerical sequence (commencing with the numeral **4**) of the order of the voter's preference; but the order of the voter's preference shall be determined as if the names of all candidates opposite to whose names any number higher than any number so omitted shall have been placed, had not been on the ballot-paper:

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- iv. In the case of a postal ballot-paper, the preferential numbering of the names written on such ballot-paper having been omitted; and if the names are written on the postal ballot-paper without preferential numbering, it shall be deemed that the elector's preference is indicated by the order in which the names are written on the ballot-paper." A.D. 1911.

24 Section One hundred and forty-one of the Principal Act is hereby amended— Amendment of Section 141 of Principal Act.

- i. By inserting the words "and declare" after the word "sign" in the Second line: and
- ii. By omitting from the Seventh line the words "may be in the," and substituting therefor the words "shall be in accordance with."

25 Section One hundred and fifty-three of the Principal Act is hereby amended by inserting the words "or any claim, application, or objection" after the words "forging or uttering, knowing the same to be forged, any nomination, voter's certificate, or ballot-paper," occurring in the table of electoral offences. Amendment of Section 153 of Principal Act.

26 After Section One hundred and fifty-seven of the Principal Act the following section is inserted:— Protection of the official mark.

"**157a**—(1) A person shall not, without lawful authority, proof whereof shall lie upon him—

- i. Make any official mark on or in any paper:
- ii. Have in his possession any paper bearing any official mark:
or
- iii. Make use of or have in his possession any instrument capable of making on or in any paper an official mark.

"Penalty: One hundred Pounds.

"(2) A person who, without the authority of the Minister, proof whereof shall lie upon him, makes on or in any ballot-paper, or on or in any paper purporting to be a ballot-paper, an official mark shall be deemed to have forged a ballot-paper, and shall be punishable accordingly.

"(3) All paper bearing an official mark, and all instruments capable of making on or in paper an official mark, made, used, or in the possession of any person without lawful authority shall be forfeited to the King, and may without warrant be seized by any member of the police force of the State and destroyed or dealt with as prescribed.

"(4) In this section the words 'official mark' mean any prescribed mark to be placed or made on or in any electoral paper, and include any mark so nearly resembling an official mark as to be likely to deceive."

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A D. 1911.

Amendment of
Section 194 of
Principal Act.

Combined forms.

Use of repealed
forms.

Repeal of forms.

27 Section One hundred and ninety-four of the Principal Act is hereby amended by adding thereto the following subsections :—

“(3) The regulations may prescribe combined forms containing the substance of any Two or more forms to the intent that the combined form may be used in lieu of any of those forms.

“(4) The regulations may permit the use of any repealed form for any prescribed period, notwithstanding that a new form has been prescribed in lieu of it, and without any attestation or witnessing further than is provided for in the repealed form.”

28 Forms A, B, C, D, and E in Schedule (3) to the Principal Act are hereby repealed.