

23 GEO. V. No. 23, 1932. *Elections Acts Amendment Act.*

DISCHARGED SOLDIER SETTLEMENT.

See LANDS, CROWN (1).

ELECTIONS.

See also LOCAL AUTHORITIES.

An Act to Amend "The Elections Acts, 1915 to 1930," in certain particulars.

23 Geo. V.
No. 23.
THE
ELECTIONS
ACTS
AMENDMENT
ACT of 1932.

[ASSENTED TO 8TH DECEMBER, 1932.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Elections Acts Amendment Act of 1932*," and shall be read as one with *"*The Elections Acts, 1915 to 1930*," herein referred to as the Principal Act.

Short title
and
construc-
tion.

The Principal Act and this Act may collectively be cited as "*The Elections Acts, 1915 to 1932*."

Amendments of the Principal Act.

2. Section nine of the Principal Act is repealed, and a new section nine is inserted in lieu thereof, namely:—

Amendment
of s. 9.

"[9.] Subject to the disqualifications hereinafter set out, every person, whether male or female, not under twenty-one years of age—

Qualification
of electors.

(a)—

- (1) Who being a natural-born subject has lived within the Commonwealth of Australia for a continuous period of six months, and has lived in Queensland for a continuous period of three months; or

* 6 Geo. V. No. 13, *supra*, page 6779; 16 Geo. V. No. 21, *supra*, page 11294; and 21 Geo. V. No. 39, *supra*, page 12886.

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- (2) Who being a naturalised subject has lived within the Commonwealth of Australia for a continuous period of six months, and has lived in Queensland for a continuous period of three months, both such periods being after naturalisation; and
- (b) Who has lived in an electoral district of Queensland for a continuous period of one month immediately preceding the day on which he makes his claim to be enrolled as an elector for such district; and
- (c) Whose name is on the electoral roll for such district,

shall be qualified as an elector under this Act.”

Amendment
of s. 23.

3. Section twenty-three of the Principal Act is amended by omitting the words “for three months” and inserting the words “for one month” in lieu thereof.

Amendment
of s. 35.

4. Proviso (*d*) of section thirty-five of the Principal Act is repealed and the following proviso (*d*) is inserted in lieu thereof:—

“(d) An elector who has changed his place of living from the district for which he is enrolled to another district shall not on that account be disqualified from voting at an election for the district for which he is enrolled until his name has been enrolled for some other district.”

New s. 35A.

5. After section thirty-five of the Principal Act a new section is inserted, namely:—

Vote of
person whose
name
omitted
from or
erased from
roll.

“[35A.] (1.) Notwithstanding anything contained in this Act, when any person who is entitled to be enrolled on the roll for a district claims to vote at an election, and his name has been omitted or erased from the certified roll of the previous general election, or from any subsequent quarterly or supplementary roll, or from the certified roll (as referred to in section fifty of this Act) for the election in respect of which the person claims to vote under this section, owing to an error of the Principal Electoral Officer or officer of his Department or other error, or in consequence of mistaken identity

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or otherwise, and through no fault of the person himself such person may, subject to this Act and the regulations, be permitted to vote if—

- (a) He sent or delivered to the Principal Electoral Officer or electoral registrar a duly completed claim for enrolment or transfer of enrolment, as the case requires, in respect of the district, and the claim was received by the Principal Electoral Officer or electoral registrar before the issue of the writ for the election, and that he received from the Principal Electoral Officer or the electoral registrar an acknowledgment of such claim; and he did not after sending or delivering the claim and before the issue of the writ become qualified for transfer of enrolment to another district; or
- (b) His name was not, to the best of his knowledge, removed from the roll owing to objection or transfer or disqualification, and he had from the time of his enrolment for the district to the date of the issue of the writ for the election continuously retained his right to enrolment for that district,

and makes a declaration in the prescribed form before the returning officer or any presiding officer or justice of the peace.

(2.) Where a person claims to vote under the provisions of this section the presiding officer shall give to such person a ballot-paper in the prescribed form, and the voter shall mark and fold his ballot-paper in the manner prescribed and return it so folded to the presiding officer. Voting.

(3.) The presiding officer shall thereupon, in the presence of the voter and of such scrutineers as are present, and without unfolding the ballot-paper, enclose it in an envelope bearing the declaration of the voter, and after securely fastening the envelope shall place it aside for separate custody. Duty of presiding officer.

(4.) Immediately at the close of the poll, the presiding officer shall, if he is presiding officer for one district, enclose all such envelopes for such district in an outer envelope and transmit the same to the returning officer for such district, or if he is presiding officer for

more than one district he shall sort all envelopes containing such votes under this section under their proper electoral districts, and shall enclose all such envelopes for the same district in an outer envelope and transmit the same properly addressed by post or otherwise to the several returning officers of the districts for which the voter claims that he is entitled to vote.

He shall also inform each returning officer, if necessary by telegram, of the number of persons who voted under this section for the district concerned.

Duty of
returning
officer.

(5.) The returning officer, on receipt of the envelope containing the envelopes in which votes are enclosed under this section shall, before opening any envelope containing a vote, or allowing any other person to do so, examine the declaration of the voter, and if it is in order and he is satisfied, after making such inquiry as may be necessary, that the voter is a person to whom subsection one applies, shall proceed to examine and count the votes accordingly.

Application
of
provisions.

(6.) The provisions of this section shall extend and apply to any person, whether the name of such person appears on any list of erasures in an electoral roll or not."

Amendment
of s. 63.

6. The following provisoes are added to subsection six of section sixty-three as follows, namely :—

“ Provided that—

(a) Before proceedings as aforesaid in respect of the offence set forth in paragraph (a) of this subsection shall be taken in any court of summary jurisdiction, the Principal Electoral Officer may send to an elector whose reason for failure to vote at the election is decided by the returning officer in accordance with subsection four not to be a valid and sufficient excuse for such failure to vote, and in which decision the Principal Electoral Officer concurs, a notification in the prescribed form advising him to that effect and indicating that such elector has the option of having the matter dealt with by the Principal Electoral Officer or by a court of summary jurisdiction.

Such notification may also prescribe that if such elector within twenty-eight days from the date of such notification shall advise the

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Principal Electoral Officer that he consents to having the matter dealt with by the Principal Electoral Officer, and is prepared to abide by the decision of that officer, and at the same time shall remit to the Principal Electoral Officer such sum by way of penalty as may be prescribed, but not exceeding two pounds, no further proceedings shall be taken against such elector for such failure to vote.

On receipt of such notification, any elector who desires the matter to be dealt with by the Principal Electoral Officer, and who is prepared to abide by the decision of that officer, shall within the prescribed period send a notification to that effect to the Principal Electoral Officer in the prescribed form and shall at the same time remit the prescribed sum as mentioned in the notification of the Principal Electoral Officer to him; and on receipt of such notification and sum by the Principal Electoral Officer no further proceedings shall be taken against such elector.

If, however, within the prescribed period the elector does not forward the prescribed notification and prescribed sum to the Principal Electoral Officer such failure to forward same shall be an intimation that he does not consent to the matter being dealt with by the Principal Electoral Officer, and proceedings shall be had and taken against such elector in a summary way accordingly.

- (b) Notwithstanding anything in any Act to the contrary contained, proceedings for an offence under this section may be had and taken at any time within twelve months after the date of the election concerned."

7. A new subsection six is added to section seventy Amendment of s. 70. as follows:—

"(6.) For the purposes of this section, the term By-election. "By-election" shall also mean and include any adjourned election in respect of any district which it has become necessary to hold, on account of the death of any candidate which occurred after nomination day and before polling-day, at a general election pursuant to the provisions of section forty-seven of this Act."