



ANNO UNDECIMO

GEORGII V REGIS.

A.D. 1920.

No. 1446.

An Act to amend the Electoral Acts, 1908 and 1913, for the purpose of providing for a joint roll of Commonwealth and House of Assembly Electors, and to make certain consequential amendments of the Constitution Further Amendment Act, 1913, and for other purposes.

[*Assented to, December 9th, 1920.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited alone as the “Electoral Code Further Amendment Act, 1920.” Short titles.

(2) The Electoral Acts, 1908 and 1913, and this Act may be cited together as the “Electoral Acts, 1908 to 1920.”

(3) The Electoral Code, 1908, is hereinafter referred to as “the principal Act.”

2. This Act is incorporated with the principal Act and the Acts with which that Act is incorporated, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

Preliminary Matters.

3. (1) For the purpose of the making of the arrangement between the Governor and the Governor-General of the Commonwealth hereinafter provided for and for the purposes of the preparation, pursuant to that arrangement, of the first electoral rolls for Assembly elections, Coming into operation of provisions relating to arrangement for joint rolls and for preparation of rolls thereunder.

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elections, such of the provisions of this Act as relate to the matters aforesaid or to any matters necessary or incidental thereto shall come into operation immediately on the passing of this Act.

Coming into operation of other provisions.

(2) The other provisions of this Act shall come into operation on the day specified by proclamation as the day on which the said rolls are to come into effect.

Rolls.

(3) On the said day all rolls of electors for the Assembly theretofore in force shall cease to have any further force or effect, and thereafter no rolls other than the rolls provided for in this Act shall be used for the purposes of elections for the Assembly.

Application of Act.

4. This Act shall apply only to elections of members to serve in the House of Assembly and matters connected therewith, and to the rolls for such elections, and Chapters III. and IV. of the principal Act shall cease to apply to such elections and matters and to such rolls.

Interpretation.

5. (1) In this Act, unless inconsistent with the context or subject matter—

“Divisional Returning Officer” means the Commonwealth Divisional Returning Officer for the Commonwealth Electoral Division in which the particular State subdivision or District is situated:

“Registrar” means Electoral Registrar appointed under this Act:

“Subdivision” means subdivision of an Assembly District.

(2) For the purpose of enabling full effect to be given to the provisions of this Act, any reference in any Act incorporated herewith—

(a) to a subdistrict, shall be read and construed as a reference to a subdivision:

(b) to registration on a roll, shall be read and construed as a reference to enrolment on a roll:

(c) to a polling-place roll, shall be read and construed as a reference to a subdivision roll:

(d) to transfer or change of electors' names from one roll to another, shall be read and construed as a reference to transfer of enrolment:

(e) to residence in a District or subdistrict, shall be read and construed as a reference to living in the District or subdivision.

Provision for Joint Rolls for Commonwealth and Assembly Elections.

6. (1) The Governor may arrange with the Governor-General of the Commonwealth for the preparation, alteration, and revision of the Assembly rolls, in any manner consistent with the provisions of this

Arrangement with Commonwealth for keeping of Assembly rolls.

Electoral Code, 1908, s. 48.

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this Act, jointly by this State and the Commonwealth, to the intent that the rolls may be used as electoral rolls for Commonwealth elections as well as for State elections.

(2) When any such arrangement has been made, the rolls may contain for the purposes of Commonwealth elections—

(a) the names and descriptions of persons who are not entitled to be enrolled thereon as electors of the State, provided that it is clearly indicated in the prescribed manner that those persons are not enrolled thereon as State electors ;

(b) distinguishing marks against the names of persons enrolled as State electors, to show that those persons are or are not also enrolled as Commonwealth electors ; and

(c) other particulars in addition to the prescribed particulars ;

and for the purpose of this Act the names and descriptions, marks, and particulars so contained shall not be deemed part of the roll.

7. (1) As soon as practicable after the making of an arrangement First rolls. between the Governor and the Governor-General of the Commonwealth as hereinbefore provided, rolls for the Assembly shall be prepared as directed by proclamation and in the manner specified in the proclamation : Provided that for the purposes of the first rolls prepared under this Act any person who is—

(a) enrolled on a Commonwealth roll in pursuance of any claim signed by him ; and

(b) entitled to be enrolled on an Assembly roll,

shall be deemed to have made a claim under this Act.

(2) Until new rolls prepared under this Act come into operation, Cf. Code, s. 51. the rolls in existence at the time of the passing of this Act shall, as added to or altered from time to time, be the rolls of electors.

(3) If any such arrangement ceases to operate, the rolls then in existence shall, as altered from time to time, be the rolls of electors until superseded by new rolls under this Act, and for the purposes of such rolls the Rolls Supervisors or such other officers as are prescribed shall have and perform all the duties and functions of Divisional Returning Officers under this Act. If arrangement determined.

8. (1) Notwithstanding anything contained in this Act or the principal Act, any person enrolled on the Assembly roll for any polling-place on the day upon which new rolls prepared under this Act come into operation, and whose name does not appear on the signed list of voters or signed copy of the roll on polling-day, shall, at the Assembly election first held after the passing of this Act, be permitted to vote at any polling-place for the Assembly District for which he is so enrolled, if he makes and signs before the Presiding Officer a declaration in the form in the Schedule hereto. At first Assembly election person on Assembly roll, but not on joint roll, may vote on making declaration.

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Any such declaration shall have the same force and effect as a valid declaration made in the form in the Twentieth Schedule to the principal Act.

(2) Where a person claims to vote under the provisions of subsection (1) hereof he shall vote and shall fold the ballot-paper in the manner prescribed by section 144 of the principal Act, and shall forthwith securely fasten his ballot-paper and then place it in the envelope bearing his declaration under subsection (1) hereof, securely fasten the envelope, and hand the same to the Presiding Officer.

(3) The provisions of sections 37 and 38 of the Electoral Code Amendment Act, 1913 (except paragraph (b) of subsection (4) of section 38), shall, *mutatis mutandis*, apply to and in respect of all envelopes bearing voters' declarations made under subsection (1) hereof and the ballot-papers contained therein as if such envelopes were envelopes bearing voters' declarations made under paragraph (b) of section 141 of the principal Act and the ballot-papers were ballot-papers of electors voting under that paragraph.

(4) If upon examining any declaration made under subsection (1) hereof, and after making such inquiries as he thinks fit, it appears to the Returning Officer that such declaration complies with the requirements of this Act and is not invalid within the meaning of subsection (5) hereof, he shall unfasten the envelope bearing such declaration, withdraw the ballot-paper contained therein, and without inspecting or unfolding such ballot-paper, or allowing any other person to do so, forthwith insert such ballot-paper in a ballot-box.

(5) A voter's declaration made under subsection (1) hereof shall be invalid—

- (a) if it appears to the Returning Officer that the declarant is not a person who may, under subsection (1) hereof, be permitted to vote; or
- (b) if it appears to the Returning Officer, upon the examination of declarations made under subsection (1) hereof, that an envelope bearing a declaration by the same declarant has previously been dealt with by him.

Appointment and Control of Officers.

Electoral Registrars.

9. (1) The Minister may in writing under his hand appoint for any one or more subdivisions an Electoral Registrar.

(2) By arrangement with the Chief Electoral Officer for the Commonwealth, the Divisional Returning Officer shall act temporarily as Electoral Registrar for any subdivision pending the appointment of a permanent Electoral Registrar.

(3) All Electoral Registrars shall keep forms of claims for enrolment and transfer and such other forms as are prescribed, and shall without fee supply such forms to the public and assist the public in the proper use of the forms.

10. There

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10. There may be Roll Supervisors, who shall be appointed by the Minister, and who shall have such powers and perform such duties as are prescribed.

Roll Supervisors.

11. Every Registrar and every Roll Supervisor shall act under and be subject to the control of the Returning Officer for the State, and the said Returning Officer may inspect all rolls, books, and documents kept by any Registrar for the purposes of this Act and satisfy himself that the duties imposed upon the Registrar by this Act are being properly carried out.

Registrars and Roll Supervisors to be subject to Returning Officer for the State.

12. Every Registrar and every Roll Supervisor shall be paid such allowance as is fixed by the Minister.

Allowances to Registrars and Roll Supervisors.

13. Any Registrar, Roll Supervisor, or other officer who is guilty of any wilful misfeasance or wilful or grossly negligent act of commission or omission contrary to the provisions of the principal Act or this Act shall, in addition to any other penalty provided in the principal Act or this Act, be liable to a penalty of not more than Fifty Pounds or less than Five Pounds or to be imprisoned for any period not exceeding three months.

Penalty for disobedience.

14. If, in the opinion of the Minister, any Registrar, Roll Supervisor, or other officer has been guilty of any negligent act of commission or omission contrary to the provisions of the principal Act or of this Act, the Minister may by writing under his hand, after calling upon such Registrar, Supervisor, or officer to furnish any explanation he thinks fit personally or in writing, and after considering such explanation, order that the whole or any portion of the allowance payable to such Registrar, Supervisor, or other officer under the authority of this Act during the financial year then current shall be forfeited.

Summary penalties for neglect.

Assembly Subdivisions and Polling-places.

15. The Governor may, in any case in which he thinks fit so to do, by proclamation, divide any Assembly District into such subdivisions as he deems convenient, and, subject to this Act, may alter the boundaries of subdivisions.

Subdivisions.
Cf. Electoral Code, 1908, s. 40.

16. The Minister may, by *Gazette* notice—

Governor's power as to polling-places.

- (a) appoint a chief polling-place for each Assembly District ;
- (b) appoint such other polling-places for each Assembly District as he thinks necessary ;
- (c) declare polling-places to be the polling-places for any specified subdivision ; and
- (d) close any polling-place.

Ibid., s. 43, altered.

17. (1) The chief and other polling-places for the various Assembly Districts shall be for the present as set forth in the Second Schedule to the principal Act.

Existing polling-places.

Ibid., s. 42.

(2) Upon

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(2) Upon the division of an Assembly District into subdivisions the polling-places then within a subdivision shall, until altered, be the polling-places for such subdivision.

No alteration in polling-places after issue of writ.
Ibid., s. 44.

Except in case of emergency.

18. (1) After the issue of a writ for an election in any Assembly District and until such election is over no change shall be made in the polling-places for that District.

(2) If from any cause the taking of the poll at any polling-place is considered by the Minister, on a certificate from the Returning Officer for the State, to be impracticable, the Minister may, by *Gazette* notice, direct that such polling-place shall, for the purpose of such election, be closed.

(3) The closing of any polling-place as mentioned in subsection (2) of this section shall in no way affect the validity of the election.

Change of electors from one roll to another.
Cf. *ibid.*, s. 45.

19. When an Assembly District is divided into subdivisions, or the boundaries of an Assembly District or subdivision are altered, such changes in rolls as are thereby rendered necessary for the transfer of the names of electors from one roll to another shall be made in the manner prescribed.

Rolls.

District and subdivision rolls.
Cf. *ibid.*, s. 46.

20. (1) There shall be a roll of electors for each Assembly District.

(2) There shall be a separate roll for each subdivision, in this Act called a "subdivision roll."

(3) All the subdivision rolls for an Assembly District shall together form the roll for such District.

Persons entitled to have their names on roll.
Ibid., s. 49.

21. Any person entitled to vote at an election for the Assembly, or who would be entitled so to vote if his name were upon a roll, shall have his name placed upon one subdivision roll for the Assembly District in which he lives and has lived for one month last past: Provided that he may have his name placed only upon the roll for the subdivision in which he lives.

New rolls.
Ibid., s. 50.

22. New rolls generally, and new rolls for any subdivision or Assembly District, shall be prepared whenever directed by proclamation, and by the person or persons and in the manner specified in the proclamation, or prescribed by regulation.

Alterations may be made in new roll by Registrar.

23. Upon the receipt by the Registrar of a new roll for a subdivision the Registrar shall—

- (a) make additions, alterations, and corrections therein; and
- (b) remove names therefrom,

pursuant to claims or notifications received by him between the date of the proclamation directing the preparation of the new rolls and the

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the date of the notification that such rolls have been prepared, where such additions, alterations, or corrections have not already been made in, or such removals have not been made from, such rolls.

24. Where objections have been lodged or notices of objection have been issued, and action in respect of such objections or notices of objection has not been completed prior to the notification of the preparation of new rolls, such objections or notices of objection shall have effect in relation to the new rolls as if such rolls had been in existence at the time of the lodging of the objections or the issuing of the notices of objection.

Objections and notices to have effect in relation to new rolls.

25. The House of Assembly rolls may be in the prescribed form, and shall describe the surname, Christian names, place of living, occupation (or other prescribed particulars), and sex of each elector, and may contain such further particulars as are prescribed.

Form of rolls.
Cf. *ibid.*, s. 52.

26. The rolls shall be conclusive as to the right to vote of the electors enrolled thereon, and shall not be questioned except in accordance with sections 142, 143, and 149 of the principal Act, or sections 43 to 49 inclusive of this Act.

Rolls not to be questioned.
Ibid., s. 53.

27. Rolls shall be arranged in alphabetical order of surnames, and where the surnames are identical, then in alphabetical order of the Christian names.

Arrangement of rolls.
Ibid., s. 54.

28. (1) The rolls generally, or the roll for any Assembly District or subdivision, shall be printed whenever the Minister so directs.

Printing of rolls.
Ibid., s. 55.

(2) Supplemental rolls, setting out additions since the latest print of the rolls, shall be prepared and printed—

Supplemental rolls.
Cf. 1147, 1913, s. 5.

(a) whenever practicable, immediately previous to a general election;

(b) if time permits, whenever a vacancy occurs in the representation of any Assembly District; and

(c) at such other times as the Minister directs.

29. The date to which any roll or supplemental roll is made up shall appear on such roll or supplemental roll.

Rolls to be dated.
Code, s. 57.

30. All members of the Police Force and all statistical, electoral, and other officers in the service of the State, all officers in the service of any local governing body, and all electors or persons qualified to be electors, shall, upon application, furnish to the Returning Officer for the State, or to any officer acting under his direction, all such information as may be required in connection with the preparation, maintenance, or revision of the rolls.

Officers and others to furnish information.
Cf. *ibid.*, s. 58.

31. (1) Every

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Divisional Returning
Officers to furnish
copies of rolls.
Cf. *ibid.*, s. 60.

31. (1) Every Divisional Returning Officer shall, as soon as possible after the issue of the writ for an election for any Assembly District situated within the Commonwealth Electoral Division for which he acts as Divisional Returning Officer, certify, sign, and transmit to the Returning Officer for the Assembly District in which the election is to be held a copy of the electoral roll for each subdivision within such District, which copy shall, for the purposes of the election, be deemed to be the roll for the subdivision.

(2) Every Divisional Returning Officer shall, whenever required by the Returning Officer for the State so to do, certify, sign, and transmit to the Returning Officer for the State a copy of the electoral roll for any subdivision situated within the Commonwealth Electoral Division for which he acts as Divisional Returning Officer, setting forth the additions and alterations since the last print of the said roll up to such date as is specified by the Returning Officer for the State.

(3) Every Registrar shall comply with any direction of a Divisional Returning Officer given to enable such Divisional Returning Officer to comply with the requirements of this section.

Inspection of Rolls.
Cf. *ibid.*, s. 61.

32. (1) The last print of the roll for any subdivision, and of any supplemental roll, shall be open for public inspection without fee at the office of the Returning Officer for the State and at the office of the Returning Officer for the Assembly District wherein the subdivision is situated, and shall be obtainable thereat and at such post offices in the District as the Returning Officer for the State appoints, on payment of the price prescribed.

Cf. *ibid.*, s. 62.

(2) The last print of the roll for any subdivision, and of any supplemental roll, shall also be open for public inspection without fee at every post office, police station, institute within the meaning of the Public Library, Museum, and Art Gallery and Institutes Act, 1909, Municipal Corporation office, and District Council office within the Assembly District wherein the subdivision is situated.

(3) Every roll kept by a Registrar shall be open for public inspection without fee at the office of the Registrar at all convenient times during his ordinary office hours.

Rolls and documents
not to be invalidated.
Ibid., s. 64.

33. No roll shall be invalidated by reason only that it is not prepared, printed, issued, kept, or published in the place or manner or for the time required by this Act, nor by reason of any error in the copying or printing of the same.

Misnomer, &c., not to
vitate roll.
Ibid., s. 65.

34. A misnomer, or inaccurate description of any person, place, or thing named or described in any roll required to be made under this Act, or in any notice required by this Act, shall not in any way prevent or abridge the operation of this Act with respect to such person, place, or thing if such person, place, or thing is so designated as to be commonly understood.

*Electoral Code Further Amendment Act.—1920.**Claims and Transfers, and Alterations of Rolls.*

35. All enrolments shall be effected pursuant to—

Modes of enrolment.
Cf. 1147, 1913, s. 7.

- (a) claims for enrolment; or
- (b) claims for transfer of enrolment.

36. (1) Every person who is entitled to have his name placed on the roll for any subdivision, whether by way of enrolment or transfer of enrolment, and whose name is not on such roll, shall fill in and sign, in accordance with the directions printed thereon, a claim in the prescribed form, which form shall be signed by the claimant with his personal signature and attested by a prescribed person, who shall sign his name as witness in his own hand-writing, and the claimant shall send or deliver the claim to the Registrar for the subdivision in which he lives.

Enrolment and transfer.
Cf. Code, s. 68.

(2) Every person who changes his name, or changes his place of living from one address in the subdivision for which he is enrolled to another address in the same subdivision, shall, within twenty-one days of the date of making such change, notify the Registrar for the subdivision in the prescribed form of such new name or new address.

Change of address within subdivision.

37. (1) Upon receipt of a claim for enrolment or transfer of enrolment the Registrar shall—

Registration of claim.
Cf. *ibid.*, s. 70.

- (a) note on the claim the date of its receipt by him; and
- (b) if the claim is in order and he is satisfied that the claimant is entitled to be enrolled, forthwith—
 - I. enter on the subdivision roll the claimant's name and the particulars relating to him; and
 - II. notify the claimant in the prescribed form that he has been enrolled; and
 - III. in the case of a transfer of enrolment, give notice of the transfer to the Registrar keeping the subdivision roll from which the elector's name has been transferred.

(2) The Registrar keeping the subdivision roll from which an elector's name has been transferred shall, upon receiving notice of the transfer in the prescribed form, remove the elector's name from the roll kept by him.

Removal of name in case of transfer of enrolment.

38. (1) The Registrar, on receipt of a claim, shall, if he is not satisfied that the claimant is entitled to be enrolled in pursuance of the claim, forthwith—

Reference of claims to Divisional Returning Officer.
Cf. *ibid.*, s. 76.

- (a) refer the claim, with such observation as he thinks proper, to the Divisional Returning Officer for his decision; and
- (b) send to the claimant a notification in the prescribed form that the claim has been so referred. (2) The

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(2) The Divisional Returning Officer shall forthwith, after making such inquiry as may be necessary to enable him to decide the claim, return the claim to the Registrar, and notify the Registrar of his decision and, if he decides to reject the claim, the reason for such decision.

(3) If the Divisional Returning Officer decides that the claimant is entitled to enrolment pursuant to the claim, the Registrar shall forthwith enrol the claimant, and send to him a notification in the prescribed form that he has been so enrolled.

(4) If the Divisional Returning Officer decides that the claimant is not entitled to enrolment pursuant to the claim, the Registrar shall forthwith send to the claimant a notification in the prescribed form that his claim has been rejected, specify the reason for such rejection, and advise the claimant that he is entitled, at any time within one month after the receipt of the notification, to appeal to a court of summary jurisdiction for an order directing that his name may be added to the roll.

Time for altering rolls

Cf. *ibid.*, s. 77.

39. Notwithstanding anything contained in section 37 or 38—

(a) claims for enrolment or transfer of enrolment which are received by a Registrar after six o'clock in the afternoon of the day of the issue of the writ for an election shall not be enrolled until after the close of the polling at the election; and

(b) except by direction in writing of the Divisional Returning Officer, no name shall be removed from a roll pursuant to a notification of transfer of enrolment received by a Registrar after six o'clock in the afternoon of the day of the issue of the writ for an election and the close of the polling at the election.

Claim to be transferred to another subdivision.
Cf. 1147, 1913, s. 10.

40. (1) When a person whose name is on the electoral roll of any subdivision has removed therefrom and lived in another subdivision for one month last past, he shall have his name transferred to the roll for the subdivision to which he has removed, for which purpose he shall make a claim in the prescribed form, which form shall be signed by the claimant with his personal signature and attested by a prescribed person, who shall sign his name as witness in his own handwriting.

(2) The claimant shall forward the claim to the Registrar for the subdivision to which he has removed.

Alteration of rolls.
Cf. Code, s. 75.

41. (1) In addition to other powers of alteration conferred by this Act, a Registrar may alter any roll kept by him by—

(a) correcting any mistake or omission in the particulars of an elector's enrolment;

(b) altering,

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- (b) altering, on the written application of an elector, the original name, address, or occupation of the elector on the same subdivision roll ;
- (c) removing the name of any deceased elector ;
- (d) removing the name of an elector who has been convicted in the State and is under sentence for an offence punishable by imprisonment for one year or longer ;
- (e) striking out the superfluous entry where the name of the same elector appears more than once on the same subdivision roll ;
- (f) reinstating any name removed by mistake as the name of a deceased elector ;
- (g) reinstating, by direction in writing of the Divisional Returning Officer, any name removed as the result of an objection: Provided that the Divisional Returning Officer shall not direct the reinstatement of any such name unless he is satisfied that the objection was based on a mistake as to fact, and that the person objected to still retains and has continuously retained his right to the enrolment in respect of which the objection was made ;
- (h) reinstating, by direction of the Divisional Returning Officer, any other name removed by mistake ; and
- (i) removing a name from the roll by direction of the Divisional Returning Officer upon the certificate of the Returning Officer for the State ;

Provided that—

- I. the Returning Officer for the State shall not issue such a certificate unless he is satisfied that the elector has ceased to be qualified for enrolment on that roll and has secured enrolment on another roll ; and
- II. where a Registrar removes any such name he shall send by post to the elector whose name is so removed notice of the fact.

(2) Where the name of an elector has, pursuant to a claim, been incorrectly placed on the roll for a subdivision other than the subdivision in which he lived at the date of the claim and the elector was entitled on that date to have his name placed on the roll for the subdivision in which he lived, the Divisional Returning Officer may, where the two subdivisions are in the same Assembly District—

- (a) direct the Registrar keeping the roll on which the elector is entitled to be enrolled to place the name on that roll and to notify the elector of the change of enrolment ; and

(b) direct

Change to proper subdivision roll.

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(b) direct the Registrar keeping the roll on which the elector is not entitled to be enrolled to remove the name from that roll.

Time for altering rolls.

(3) No alteration pursuant to this section shall be made at any time after six o'clock in the afternoon of the day of the issue of the writ for an election and before the close of the polling at the election without the authority in writing of the Divisional Returning Officer.

Alterations to be initialed.
Cf. *ibid.*, s. 78.

42. Every alteration of a roll shall be made in such a manner that the original entry shall not be obliterated, and the reason for each alteration and the date thereof shall be set against the alteration, together with the initials of the Registrar.

List of deaths and marriages to be forwarded.
Cf. *ibid.*, ss. 79, 82.

43. (1) The Registrar-General of Births, Deaths, and Marriages shall, as soon as practicable after the beginning of each month, forward to each Divisional Returning Officer—

(a) a list of the names, addresses, occupations, ages, and sexes of all persons of the age of twenty-one years or upwards whose deaths have been registered in the State during the preceding month; and

(b) particulars of all marriages of women of the age of twenty-one years or upwards which have been registered in the State during the preceding month:

Provided that, where it is practicable for the information hereby required to be sent to each Divisional Returning Officer to be furnished forthwith after registration, arrangements may be made for such information to be so furnished.

Lists of convictions to be forwarded.

(2) The Comptroller of Prisons shall, as soon as practicable after the beginning of each month, forward to each Divisional Returning Officer a list of the names, addresses, occupations, and sexes of all persons who during the preceding month have been convicted in the State and are under sentence for any offence punishable by imprisonment for one year or longer.

(3) Each Divisional Returning Officer shall, upon receipt of information pursuant to this section, take action under this Act to effect such alterations of the rolls as are necessary.

Removal of Names from Rolls.

Name on roll may be objected to.
Cf. *ibid.*, s. 80.

44. Any name on a roll may be objected to by objection in writing lodged with or made by the Divisional Returning Officer: Provided that a sum of Five Shillings shall be deposited in respect of each objection lodged by any person other than an officer, to be forfeited to the King if the objection is held by the Divisional Returning Officer to be frivolous. Notice of any such forfeiture shall be sent to the objector.

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45. The objection shall be in the prescribed form and shall be signed by an elector enrolled on the same subdivision roll as the person objected to, or by the Divisional Returning Officer or Registrar or other prescribed officer. Objection.

46. It shall be the duty of the Divisional Returning Officer and each Registrar or other prescribed officer to lodge or make an objection, in writing, setting forth the grounds of such objection in respect of any name which he has reason to believe ought not to be retained on the roll. Duty to object.

47. (1) When an objection is made by or lodged with a Divisional Returning Officer, the Divisional Returning Officer shall forthwith give notice of the objection to the person objected to. The notice shall be in the prescribed form and may be served by posting it to the place of abode for the time being known to the Divisional Returning Officer, or if it is not known to the Divisional Returning Officer, to the place of residence as appearing on the roll. Notice of objection.
Cf. *ibid.*

(2) Where the Divisional 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 the subdivision for which he is enrolled shall be deemed not to be good unless it alleges that the person objected to does not live in the subdivision and has not so lived for at least one month last past.

48. The person objected to may, orally or in writing, in the prescribed manner, answer the objection. Answer to objection.

49. (1) The Divisional Returning Officer shall determine the objection forthwith on receipt of the answer of the person objected to, or after the expiration of twenty days from the posting of the notice if no answer has been received within that period, and, if it appears that the person objected to is not entitled to be retained on the roll in respect of which the objection has been made, shall direct the Registrar to remove the name of such person from that roll: Provided that no such name shall be removed after the issue of the writ for an election and before the close of the polling at the election. Determination of
objection.

(2) If any objection lodged by any person other than an officer is held by the Divisional Returning Officer to be frivolous, the person objected to shall be entitled to a reasonable allowance not exceeding Five Pounds, and the Divisional Returning Officer shall award such sum to be paid by the objector, and in default of payment such sum may be recovered in any court of competent jurisdiction as a debt due from the objector.

Appeals.

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Appeal to court of
summary jurisdiction.
Cf. *ibid.*, s. 83.

50. (1) Any person—

- (a) who has sent or delivered to a Registrar a claim for enrolment or transfer of enrolment and who has not been enrolled pursuant thereto; or
- (b) whose name has been removed from a roll by direction of the Divisional Returning Officer pursuant to an objection,

may at any time within one month after the receipt of the notice of the rejection of the claim or of notice of the determination of an objection (as the case may be) in the manner prescribed make application to a court of summary jurisdiction, constituted by a Special Magistrate, or by two or more Justices authorised by the Governor to hear and determine electoral appeals, for an order directing that his name may be enrolled or reinstated on the roll, as the case requires.

(2) Where an objection has been determined by the Divisional Returning Officer adversely to the person objecting, that person (not being an officer) may in the manner prescribed apply to a court of summary jurisdiction constituted as provided in subsection (1) hereof for an order sustaining the objection.

(3) Where the application has reference to the decision of the Divisional Returning Officer upon an objection, the applicant shall as prescribed serve the objector or a person objected to (as the case may be) with notice of the application, and the person so served may appear, or may in writing authorise any person to appear on his behalf to resist the application.

(4) The Court may hear and determine any application under this section, and may make such order as it thinks fit as to the costs of the application, which may be recovered in the same manner as the costs of any other proceedings before the Court.

(5) The clerk or other proper officer of the Court shall send by post to the Divisional Returning Officer a certified copy of the order of the Court, and it shall be the duty of the Divisional Returning Officer to direct the Registrar to make such entry (if any) upon the roll as is necessary to give effect to the order.

(6) A Special Magistrate, or two or more Justices authorised by the Governor to hear and determine electoral appeals, though not sitting as a court of summary jurisdiction shall for the purposes of this section be deemed to be and shall have all the powers of a court of summary jurisdiction; and the Minister may appoint a clerk to such Magistrate or Justices, and such clerk shall, for the purposes of this section, have all the powers and functions of the clerk or other public officer of a court of summary jurisdiction.

Further

*Electoral Code Further Amendment Act.—1920.**Further Consequential Amendments of Electoral Code.*

51. Section 126 of the principal Act, in its application to House of Assembly elections, shall be read as if there were substituted for the passage “roll received from the Returning Officer for the State under section 60” the following passage “rolls received from the Divisional Returning Officers”.

Amendment of section 126 of principal Act—
Lists of voters.

52. Section 235 of the principal Act shall not apply to moneys received for printed copies of House of Assembly electoral rolls.

Application of moneys received for rolls.

Consequential Amendments of Constitution Further Amendment Act, 1913.

53. The provision substituted by section 20 of the Constitution Further Amendment Act, 1913, for subsection (1) of section 4 of the Electoral Laws Amendment Act, 1904, is amended so as to read as follows:—

Amendment of *ibid.*, s. 20—
Qualification of House of Assembly electors.

(1) Subject to the disqualifications set out in subsection (2) hereof, every person who—

(a) is of the age of twenty-one years at least; and

(b) is a British subject; and

(c) has lived continuously in the Commonwealth for at least six months and in this State for at least three months and in any subdivision for at least one month immediately preceding the date of his claim for enrolment,

is entitled to vote at an election of Members of the House of Assembly: Provided that he is at the time of the election enrolled on the electoral roll for a subdivision of the Assembly District in which such election is held.

54. Part II. of the Third Schedule to the Constitution Act Further Amendment Act, 1913, is amended by striking out in the paragraph thereof commencing “Port Adelaide” the passage “a point west of the western corner of section 323; thence south-westerly by a straight line to Pelican Point” and substituting in lieu thereof the passage “a point west of the west corner of section 3502; thence west to the eastern side of Torrens Island; thence north-westerly along the north-eastern side of the said island to its northern extremity; thence in a south-westerly direction to Point Grey; thence south to Snapper Point; thence in a westerly direction along the northern side of Le Fevre’s Peninsula.”

Amendment of *ibid.*, Third Schedule—
Alteration of Port Adelaide Electoral District.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

W. E. G. A. WEIGALL, Governor.

Electoral Code Further Amendment Act.—1920.

THE SCHEDULE.

DECLARATION TO BE MADE BY A PERSON ENROLLED ON ASSEMBLY ROLL, BUT WHOSE NAME DOES NOT APPEAR ON THE SIGNED LIST OF VOTERS OR SIGNED COPY OF THE ROLL ON POLLING-DAY.

District.....

Polling-place of.....

I [*Christian and surname in full*], of [*residence and occupation*], do hereby declare as follows :—

- 1. I am enrolled on the Assembly roll for the polling-place of.....
- 2. From the date I was enrolled on the said roll up to the date of the issue of the writ for this election I have continuously retained my right to be enrolled on the said roll.
- 3. I have not voted, either here or at any other polling-place, at this election.
- 4. I am aware of the provision of the Electoral Code, 1908, which makes it an offence to vote more than once at an election.

[*Usual Signature*].....

Signed and declared before me the _____ day of

19 .

Presiding Officer.