



ANNO QUARTO

# GEORGII V REGIS.

A.D. 1913.

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## No. 1147.

An Act to amend "The Electoral Code, 1908."

[*Assented to, December 24th, 1913.*]

**B**E 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 Amendment Act, 1913." Short titles.

(2) "The Electoral Code, 1908," and this Act may be cited together as "The Electoral Acts, 1908 and 1913." No. 971 of 1908.

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

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

3. In this Act, and in the principal Act as amended by this Act— Interpretation.

"Assembly elector" means a person whose name appears as an elector on the electoral roll for an Assembly District:

"Council elector" means a person whose name appears as an elector on the electoral roll for a Division.

4. Section 5 of the principal Act is amended by adding to the definition of "postmaster" therein, after the words "post office", the words "within the State". Amendment of section 5 of principal Act. Interpretation.

5. Section

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Amendment of section 56.

**5.** Section 56 of the principal Act is amended so as to read as follows:—

Supplemental rolls.

56. Supplemental rolls setting out additions and alterations since the last print shall also be prepared and printed annually, and also—

- (a) whenever practicable, immediately previous to a general election,
- (b) if time permits, whenever a vacancy occurs in the representation of any District, and
- (c) at such other times as the Minister directs.

Repeal of section 63.  
Lists of alterations.

**6.** Section 63 of the principal Act is hereby repealed.

Amendment of section 66.

**7.** Section 66 of the principal Act is hereby amended so as to read as follows:—

Modes of registration.

66. All registrations shall be effected pursuant to—

- (a) claims to be registered, or
- (b) claims to be transferred, or
- (c) claims to be changed.

Amendment of section 67.  
Witness to Council claim.

**8.** Subsection (2) of section 67 of the principal Act is amended by inserting therein, after the word “either” in the first line thereof, the words “a Council elector or”.

Amendment of section 68.

Witness to Assembly claim.

**9.** Subsection (2) of section 68 of the principal Act is amended by substituting for the words “an elector or a person qualified to be an elector,” in the first and second lines thereof, the words “an Assembly elector, or a Justice of the Peace, Returning Officer, postmaster, or member of the Police Force, or the Returning Officer for the State.”

New provisions substituted for section 71.

Claim to be transferred to another Division or District.

**10.** Section 71 of the principal Act is hereby repealed and the following provision is hereby enacted and substituted therefor:—

71. (1) (a) When a person whose name is on the electoral roll of any Division has removed therefrom and resided in another Division for one month, he shall have his name transferred to the roll for the Division to which he has removed, for which purpose he shall make a claim and declaration in the form in the Fifth Schedule, and shall sign and declare the same in the presence of a witness, who shall sign his name and add his address and occupation or description to the claim and declaration:

(b) Such witness shall be either a Council elector, or a Justice of the Peace, Returning Officer, postmaster, or member of the Police Force, or the Returning Officer for the State:

(c) The

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- (c) The claimant shall forward the claim and declaration to the Returning Officer for the State.
- (2) (a) When a person whose name is on the electoral roll of any Assembly District has removed therefrom and resided in another Assembly District for one month, he shall have his name transferred to the roll for the Assembly District to which he has removed, for which purpose he shall make a claim in the form in the Sixth Schedule, and shall sign the same in the presence of a witness, who shall sign his name and add his address and occupation or description to the claim:
- (b) Such witness shall be an Assembly elector, or a Justice of the Peace, Returning Officer, postmaster, or member of the Police Force, or the Returning Officer for the State:
- (c) The claimant shall forward the claim to the Returning Officer for the State.

11. Section 72 of the principal Act is hereby amended so as to read as follows:— Amendment of section 72.

72. Upon receipt of a claim to be transferred, the Returning Officer for the State shall note thereon the date of its receipt by him; and if the claim is in order and it appears to him that the claimant is entitled to be transferred as claimed, he shall, subject to section 77, register the claimant on the roll to which he claims to be transferred, and shall thereupon remove the claimant's name from the roll upon which he was previously registered. Registration of transfer.

12. Section 73 of the principal Act is hereby repealed and the following provision is hereby enacted and substituted in lieu thereof:— New provisions substituted for section 73.

73. (1) (a) Any person whose name is on the electoral roll for a polling-place for a Division may make a claim and declaration in the form in the Fifth Schedule to be changed from such roll to the roll for another polling-place for the same Division, and shall sign and declare the same in the presence of a witness, who shall sign his name and add his address and occupation or description to the claim and declaration: Change to another polling-place.
- (b) Such witness shall be either a Council elector, or a Justice of the Peace, Returning Officer, postmaster, or member of the Police Force, or the Returning Officer for the State:
- (c) The

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(c) The claimant shall forward the claim and declaration to the Returning Officer for the State.

(2) (a) Any person whose name is on the electoral roll for a polling-place for an Assembly District may make a claim in the form in the Sixth Schedule to be changed from such roll to the roll for another polling-place for the same Assembly District, and shall sign the same in the presence of a witness, who shall sign his name and add his address and occupation or description to the claim:

(b) Such witness shall be an Assembly elector, or a Justice of the Peace, Returning Officer, post-master, or member of the Police Force, or the Returning Officer of the State:

(c) The claimant shall forward the claim to the Returning Officer for the State.

(3) Upon the receipt of a claim to be changed the Returning Officer for the State shall note on the claim the date of its receipt by him; and if the claim is in order and it appears to him that the claimant is entitled to be changed, he shall, subject to section 77, register such claimant on the roll to which he claims to be changed, and shall thereupon remove the claimant's name from the roll upon which he was previously registered.

Amendment of section 74.

Receipts for claims.

**13.** Section 74 of the principal Act is amended by substituting for the words "applications to transfer, applications to change" in the second line thereof the words "transferred, or changed."

Amendment of section 76.

Returning Officer to make inquiries as to claim or application.

**14.** Section 76 of the principal Act is amended—

(a) by inserting the words "transferred, or changed" after the word "registered" in the first line;

(b) by striking out the words "transfer, change, or" in the second line; and

(c) by substituting for the words "as claimed or to the transfer, change, or" in the fourth and fifth lines, the words "transferred, or changed as claimed or to the".

Amendment of section 77.

Time for altering rolls.

**15.** Section 77 of the principal Act is amended—

(a) by substituting for the word "between" in the second line thereof, the words "of one month immediately before the day of"; and inserting before the word "and" in the fourth line thereof the words "nor during the period between the last day of such month"; and

(b) by

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(b) by striking out in the fifth and sixth lines thereof, the words “registrations pursuant to claims to register and applications to transfer, change, or make”.

**16.** Subsection (2) of section 80 of the principal Act is amended by substituting the words “one month” for the words “forty-two days” in the first line thereof.

Amendment of section 80.  
Time for reply to objection to name on roll.

**17.** Section 111 of the principal Act is amended—

(a) by inserting the words “or a legally qualified medical practitioner” after the word “postmaster” in the fifteenth line thereof; and

Amendment of section 111.  
Absent voters and authorised witnesses.

(b) by inserting the words “if made before a postmaster” after the word “that” in the sixteenth line thereof.

**18.** Section 113 of the principal Act is amended—

(a) by inserting the words “or legally qualified medical practitioner” after the word “postmaster” in the third, fourth, and sixth lines thereof respectively;

Amendment of section 113.  
Directions for absent voting.

(b) by inserting the words “Deputy Returning Officer for the Division or to the” before the words “Returning Officer” in the eleventh line thereof; and

(c) by striking out the word “Division or” in the twelfth line thereof.

**19.** Section 115 of the principal Act is amended by inserting the words “or legally qualified medical practitioner” after the word “postmaster” in the first and second lines thereof respectively.

Amendment of section 115.  
Duty of authorised witness.

**20.** Sections 119 and 120 of the principal Act are amended so as to read as follows:—

Amendment of sections 119 and 120.

119. At the scrutiny the Returning Officer shall produce unopened all ballot-boxes containing absent voters' declarations and ballot-papers received as aforesaid, and the signed lists of voters used at the polling. Such ballot-boxes shall be opened by the Returning Officer in the presence of such (if any) of the scrutineers as desire to be present, and the declarations and ballot papers found therein shall be dealt with as follows:—

Conduct of scrutiny of absent votes.

(a) The Returning Officer shall open each declaration without unfastening the ballot-paper or allowing it to be detached from the declaration, and shall sort the declarations (with the ballot-papers attached) according to the polling-places or sub-districts mentioned in the declarations respectively, and shall record the total number received:

(b) If

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- (b) If upon examining any such declaration, and upon comparison with the signed list of voters for the polling-place or sub-district mentioned in such declaration, it appears to the Returning Officer that such declaration complies with the requirements of this Act, and is not invalid within the meaning of section 120, he shall cause the letters "A.V." to be placed opposite the name of the absent voter appearing on such list, and shall then detach the ballot-paper from such declaration and insert the ballot-paper in a ballot-box.
- (c) If upon examining any such declaration it appears to the Returning Officer that the same is invalid he shall reject such declaration and the ballot-paper attached thereto, and shall mark the declaration "rejected":
- (d) Any scrutineer may object that any declaration is informal, and thereupon the Returning Officer shall mark the declaration "admitted" or "rejected," according to his decision on the objection:
- (e) When the declarations have been thus dealt with the scrutiny of the ballot-papers shall be conducted, and unless conducted forthwith the Returning Officer shall close, fasten, and seal the outer cover of the ballot-box or ballot-boxes in which such ballot-papers have been inserted, and any scrutineer so desiring may also seal the same.

Invalidity of absent voter's declaration.

120. An absent voter's declaration shall be invalid—

- (a) If it appears to the Returning Officer—
- (I.) not to have been made within the prescribed time, or
  - (II.) if made before a postmaster, not to be stamped with the post office letter stamp as required by section 111, or
  - (III.) that the name of the declarant is not on the signed list of voters for the polling-place or sub-district mentioned in such declaration:
- (b) If a mark as provided by section 143, or the letter "D" as provided by subsection (4) (b) of section 37 of "The Electoral Code Amendment Act, 1913," appears against the declarant's name on such signed list of voters.

Amendment of section 125.

21. (1) Section 125 of the principal Act is amended by inserting therein after subdivision 1. thereof the following new subdivision:—

Duties of Returning Officer.

- 1a. Appoint such (if any) Assistant Presiding Officers as he considers necessary to assist the Presiding Officer presiding at any polling-booth.
- (2) Any

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(2) Any Assistant Presiding Officer may, subject to the direction of the Presiding Officer, exercise all or any of the powers and functions of the Presiding Officer, and shall, so far as may be necessary to enable him to exercise such powers and functions, be deemed to be the Presiding Officer.

Functions of Assistant Presiding Officer.

**22.** Section 128 of the principal Act is amended so as to read as follows:—

Amendment of section 128.

128. (1) In case any Presiding Officer, Assistant Presiding Officer, poll clerk, or doorkeeper is prevented by illness or other sufficient cause from attending at the poll, and there is not time to obtain the appointment by the Returning Officer of a substitute, the Presiding Officer may appoint, by writing signed by him, any person to act as Presiding Officer, Assistant Presiding Officer, poll clerk, or doorkeeper, as the case may require, for the purposes of the poll; and the person so appointed shall have full power and authority to do all things required by this Act to be done by the person in whose place he is appointed.

Presiding Officer may appoint substitutes in emergency.

(2) Any Presiding Officer may appoint a substitute to perform his duties during his temporary absence, or the duties of any of the officers mentioned in subsection (1) hereof during the temporary absence of such officer.

**23.** Section 132 of the principal Act is amended by inserting the words "or ballot-boxes" after the word "box" in the first line thereof.

Amendment of section 132.

Ballot boxes.

**24.** Subsections (1) and (2) of section 143 of the principal Act are amended so as to read as follows:—

Amendment of section 143.

(1) Subject to subsection (2) hereof, if the name under which the person claims to vote is upon the signed list of voters, the Presiding Officer or the poll clerk shall put the following question to such person:—"Have you already voted here or elsewhere at this election?"; and if such person answers such question in the negative, and his right to vote is not challenged, or, if challenged, he answers the prescribed questions satisfactorily, the Presiding Officer or the poll clerk shall thereupon place a mark against the name of such person on the signed list of voters, and shall hand to him a ballot-paper duly initialed: Provided that the Presiding Officer shall, at the request of any scrutineer, take a note of any objection and keep a record thereof.

Ballot-paper to be handed to voter.

(2) In the case of a person seeking to vote as permitted by paragraph (b) of section 141, if the name under which such person claims to vote is upon the signed copy of the roll, the Presiding Officer shall put the following question to such person:—"Have you already voted here or elsewhere at this election?"; and if such person answers such question in the negative

Ballot-paper and declaration to be handed to voter under section 141, paragraph (b).

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negative, and his right to vote is not challenged, or, if challenged, he answers the prescribed questions satisfactorily, the Presiding Officer shall thereupon place a mark against the name of such person on the signed copy of the roll, and shall hand to him a ballot-paper duly initialed together with the envelope bearing his declaration under paragraph (b) of section 141: Provided that the Presiding Officer shall, at the request of any scrutineer, take a note of any objection and keep a record thereof.

Amendment of section 144.

Mode of voting.

**25.** Section 144 of the principal Act is amended—

(a) by inserting after the word “ box ” in the last line of subdivision (b) thereof the words “ subject, however, to subsection (2) hereof ”; and

(b) by adding thereto the following subsection:—

(2) An elector voting under paragraph (b) of section 141 shall, instead of depositing his ballot-paper in the ballot box, forthwith securely fasten his ballot-paper and then place it in the envelope bearing his declaration under section 141, securely fasten the envelope, and hand the same to the Presiding Officer.

Amendment of section 148.

Spoilt ballot-papers.

**26.** Section 148 of the principal Act is amended by inserting the words “ or in the envelope bearing his declaration, as the case may require,” after the word “ box ” in the second line thereof.

Amendment of section 149.

Voting under section 141, paragraph (b).

**27.** Section 149 of the principal Act is amended by inserting the words “ or in the envelope bearing his declaration, as the case may be,” at the end of subsection (1) thereof.

Amendment of section 149.

**28.** Section 149 of the principal Act is amended by striking out in the first line of paragraph v. the words “ In the case of a general election”.

Amendment of section 157.

Papers to be forwarded by Presiding Officer.

**29.** Section 157 of the principal Act is amended by striking out the words “ and all declarations made by electors under section 141 ” in the fifth and sixth lines thereof.

Amendment of section 166.

Returns to be sent in.

**30.** Section 166 of the principal Act is amended by substituting for subdivision xi. thereof the following new subdivisions:—

xi. The number of electors' declarations made in pursuance of paragraph (b) of section 141 received :

xii. The number of electors' declarations made in pursuance of paragraph (b) of section 141 rejected :

Amendment of section 180.

Breach or neglect by officers.

**31.** Section 180 of the principal Act is amended by inserting the words “ or legally qualified medical practitioner ” after the word “ postmaster ” in subdivision iv. thereof.

**32.** Section



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**32.** Section 189 of the principal Act is amended—

Amendment of section 189.  
Electoral offences.

(a) by substituting for the statement of offence commencing with the words “ Signing as the claimant ” in the Table of Electoral Offences and Punishments therein, and the statement of punishment set forth opposite thereto, the following statement of offence and punishment:—

Offence.	Punishment.
Signing the name of any other person, whether with or without the authority of such person, or the name of any fictitious person— (a) on a claim to be registered, transferred, or changed; or (b) on an application for alteration or correction; or (c) on an absent voters' declaration, or a declaration made under paragraph (b) of section 141.	Imprisonment not exceeding one year.

(b) by adding before the final statements of offence and punishment at the end of the said Table the following new statements:—

Offence.	Punishment.
Signing, as a witness, a claim to be registered, transferred, or changed, or an application for alteration or correction, or signing, as the person before whom the declaration is made, an absent voter's declaration, or a declaration made under paragraph (b) of section 141, if the same was not signed or declared, as the case may be, before him.	Imprisonment not exceeding six months.

**33.** Section 190 of the principal Act is hereby repealed.

Repeal of section 190.  
Witness to claim.

**34.** Section 191 of the principal Act is amended by substituting for the words “ an application to transfer or change ” in the second line thereof the words “ a claim to be transferred or changed or an application for alteration or correction. ”

Amendment of section 191.  
Failure to transmit claim.

**35.** Any person whose name appears as claimant on a form of claim to be registered on, or to be transferred or changed to, an electoral roll shall in any legal proceedings be deemed, in the absence of satisfactory evidence to the contrary, to have signed his name thereto, and, if there is a declaration therein, to have also declared to the truth of the statements contained in such form.

Presumption as to signature on claim.

**36.** (1) When an election for the Council and an election for the Assembly are held on the same day the same polling-booth and the same ballot-boxes may be used for both elections.

Same booths and boxes may be used for Council and Assembly elections and referenda.

(2) When

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(2) When a referendum, referred to the electors of either House, is to be taken on the same day as an election for a member or members of either House, the same polling-booth and the same ballot-boxes as are used for the purpose of such election may be used for the purpose of such referendum.

Procedure of  
Presiding Officer  
with regard to votes  
under section 141,  
paragraph (b).

**37.** The Presiding Officer shall, immediately after the close of the poll,—

- (a) count and make up into a parcel or parcels all envelopes bearing voters' declarations made under paragraph (b) of section 141, without unfastening the envelopes ;
- (b) tie up and seal each parcel ;
- (c) permit any scrutineer who so desires to affix his seal thereto ;
- (d) endorse on each parcel a description of the contents thereof, the name of the Council Division or Assembly District (as the case may require), the name of the polling-place, and the date of the poll ;
- (e) sign such endorsement on each parcel ;
- (f) in the case of a Council election, forward all such parcels to the Deputy Returning Officer for the Division, or in the case of an Assembly election to the Returning Officer for the District, by registered post, or by some other reliable and expeditious means ; and
- (g) advise the Deputy Returning Officer for the Division or the Returning Officer for the District (as the case may be) by telegraph, or some other expeditious means, of the number of envelopes bearing voters' declarations so forwarded.

Procedure of  
Returning Officer  
as to votes under  
section 141, para-  
graph (b).

**38.** (1) The Returning Officer shall receive every such parcel as mentioned in section 37 of this Act, and shall immediately deposit the same in a ballot-box or ballot-boxes provided for the purpose.

(2) The Returning Officer shall keep such ballot-box or ballot-boxes securely locked, and shall retain the keys in his possession.

(3) At the scrutiny the Returning Officer shall produce—

- (a) such ballot-box or boxes unopened ; and
- (b) the signed list of voters used at the poll.

(4) Such ballot-box or boxes shall be opened by the Returning Officer in the presence of such (if any) of the scrutineers as desire to be present, and the declarations and ballot-papers found therein shall be dealt with as follows:—

- (a) The Returning Officer shall sort the declarations according to the polling-places or sub-districts mentioned therein by the declarants respectively, and shall record the number received :

(b) If

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- (b) If upon examining any such declaration and upon comparison with the signed list of voters for the polling-place or sub-district mentioned by the declarant, it appears to the Returning Officer that such declaration complies with the requirements of this Act, and is not invalid within the meaning of section 39 of this Act, he shall cause the letter "D" to be placed opposite the name of the voter appearing on such list, and shall then 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 :
- (c) If upon examining any such declaration it appears to the Returning Officer that the same is invalid, he shall reject such declaration, together with the ballot-paper contained in the envelope bearing such declaration, and shall mark the declaration "rejected" :
- (d) Any scrutineer may object that any declaration is informal, and thereupon the Returning Officer shall mark the declaration "admitted" or "rejected," according to his decision on the objection :
- (e) When the declarations have been thus dealt with, the scrutiny of the ballot-papers shall be conducted ; and, unless conducted forthwith, the Returning Officer shall close, fasten, and seal the outer cover of the ballot-box or ballot-boxes in which such ballot-papers have been inserted, and any scrutineer so desiring may also seal the same :
- (f) If the Returning Officer rejects any declaration, then the envelope bearing such declaration shall not be unfastened, but such envelope (with ballot-paper contained therein) shall be preserved by the Returning Officer, for production before any Court of Disputed Returns that may be held concerning the election :
- (g) The decision of the Returning Officer in admitting or rejecting any declaration shall, subject to the decision of any such Court, be final.

**39.** A voter's declaration under paragraph (b) of section 141 of the principal Act shall be invalid—

Invalidity of declaration under section 141, paragraph (b).

- (a) if it appears to the Returning Officer that the name of the declarant is not on the signed list of voters for the polling-place or sub-district mentioned by the declarant in such declaration ; or

(b) if

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(b) if a mark, as provided by section 143 of the principal Act, or letters, as provided by paragraph (b) of section 119 of the principal Act (as amended by this Act), appear against the declarant's name on such signed list of voters.

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

DAY H. BOSANQUET, Governor.