



ANNO QUINQUAGESIMO SEPTIMO ET QUINQUAGESIMO OCTAVO

VICTORIÆ REGINÆ.

A.D. 1894.

No. 606.

An Act to amend "The Ballot Act of 1862," being Act No. 13 of 1862, and for other purposes.

[Assented to, December 21st, 1894.]

WHEREAS it is desirable to amend "The Ballot Act of 1862" Preamble.
—Be it therefore Enacted by the Governor-in-Chief of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. This Act may, for all purposes, be cited as "The Ballot Act Amendment Act of 1894," and shall be read and construed as one with "The Ballot Act of 1862." Title.

2. This Act shall only apply to elections to fill the office of mayor, alderman, councillor, or auditor, under "The Municipal Corporations Act, 1890," or any Act passed in lieu thereof or amending the same, and also councillors and auditors under "The District Councils Act, 1887." Application of Act.

3. So much of section 7 of "The Ballot Act of 1862" as relates to the corresponding number with the order of nomination inserted in the square opposite the name of the candidate, and so much of the said Act as relates to the opening of the boxes containing the voting-papers and examination of the same by the Returning Officer, and also the words "fourteen days" in section 40 of "The Municipal Corporations Act, 1890," shall be and are hereby repealed, and the words "seven days" are hereby substituted in section 40 of the Municipal Corporations Act for the words "fourteen days" hereby repealed. Repeal.

4. Any

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Re-insertion of certain names on roll.

4. Any person who shall have been enrolled as a citizen on the citizens' roll for any Municipality for at least six months, and whose name shall have been removed from the said roll through inadvertence, shall be entitled at any time, except within seven days immediately preceding an election, upon making a declaration in the form or to the effect of the First Schedule hereto, to have his name re-inserted on the citizens' roll for the said Municipality, and shall thereupon be entitled to the same rights as if his name had not been removed from the roll.

Penalty for false statement in declaration.

5. If any person shall wilfully make any false statement in any declaration made by virtue of sections 4 or 10 of this Act he shall be guilty of a misdemeanor, and be liable to imprisonment for any period not exceeding two years.

Voting-papers.

6. The voting-papers shall be in the form of the Second Schedule hereto, and shall contain all the particulars therein required to be stated.

Time up to which candidates may attend meetings.

7. It shall be lawful for any candidate to attend any meeting of citizens held for electoral purposes not later than forty-eight hours before the opening of the poll.

Offences at Elections.

Offences in respect of voting-papers and ballot boxes.

8. Every person who—

- (a) Forges or counterfeits any voting-paper, or the initials of the Returning Officer or Deputy Returning Officer thereon, or fraudulently destroys any voting-paper, or fraudulently obliterates or tampers with the initials of the Returning Officer or Deputy Returning Officer on any voting-paper, or fraudulently places any cross against the names of any candidate on any voting-paper, or fraudulently strikes out the whole or any of the names of any candidate on any voting-paper, or fraudulently writes or stamps anything on any voting-paper, or gives out to any elector or other person any voting-paper, knowing the same, or the initials of the Returning Officer or Deputy Returning Officer thereon, to have been forged or counterfeited, or the initials of the Returning Officer or Deputy Returning Officer on any such voting-paper to have been obliterated or tampered with, or a cross to have been placed against the names of any candidate on such voting-paper, or any of the names of any candidate thereon to have been struck out, or which contains any writing or stamp thereon except the initials of the Returning Officer or Deputy Returning Officer ; or
- (b) Without due authority supplies any voting-paper to any person ; or
- (c) Delivers any voting-paper to any person, knowing such person is not entitled to vote ; or
- (d) Fraudulently

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- (d) Fraudulently puts into, or causes to be placed in, any ballot box any paper other than the voting-paper which is authorised by law to be put therein; or
- (e) Fraudulently takes out of the polling-booth any voting-paper; or
- (f) Refuses to deliver to the Returning Officer or Deputy Returning Officer, or his substitute, any voting-paper in his possession, whether he shall have obtained such voting-paper for the purpose of recording his vote or not; or
- (g) Wilfully destroys, takes, opens, or otherwise interferes with any ballot box, or any voting-papers intended for use, or in use, or having been used at any election, or in course of transmission by post or otherwise to the Returning Officer or Deputy Returning Officer:

Shall be guilty of a misdemeanor, and if he is a Returning Officer, or Deputy Returning Officer, or his substitute, or an officer or clerk in attendance at a polling-booth, shall be liable to a fine of not exceeding Twenty Pounds, or to imprisonment for any term not exceeding two years, with or without hard labor; and if he is any other person, he shall be liable to a fine of Ten Pounds, or to imprisonment for any term not exceeding six months, with or without hard labor. And any attempt to commit any offence specified in this section shall be punishable in the manner in which the offence itself is punishable.

9. In any indictment or other prosecution for an offence in relation to the ballot boxes or the voting-papers at an election, the property in such boxes and voting-papers may be stated to be in the Returning Officer at such election.

Property may be stated as being in the Returning Officer.

10. The Deputy Returning Officer shall, at the close of the poll or as soon as may be practicable thereafter, in the ward where the election shall have been held, open all the ballot boxes containing the voting papers delivered in at such election, and shall examine the papers therein, and shall reject all voting-papers which shall contain crosses against the names of a larger number of persons than are required to be elected at any such election, or shall contain any matter or thing other than such names and crosses or such other descriptive matter relating to such election as set forth in the Second Schedule hereto, to ascertain the result of such poll, and shall make a declaration in the form or to the effect of the Third Schedule hereto, declaring the number of votes cast for each candidate, and for which candidate or candidates, if more than one is required to be elected, the largest number of votes shall have been cast, and sign the same, and shall replace all the voting-papers delivered in at such election in the ballot boxes respectively, and duly lock and seal such boxes, which he shall forthwith transmit to the Returning Officer at the place of nomination for such election. The said declaration, and the keys of the ballot boxes, and a statement in writing, signed by

Deputy Returning Officer to count voting-papers at close of election.

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by such Deputy Returning Officer, showing the number of voting-papers entrusted to him, and accounting for them under the heads of voting-papers in the ballot boxes, unused, informal, and returned voting-papers, shall as soon as practicable be delivered by the Deputy Returning Officer to the Returning Officer; and any Deputy Returning Officer who shall wilfully refuse or neglect to comply with the provisions of this section shall be liable to forfeit a sum not exceeding Twenty Pounds to any person who shall sue for the same, together with full costs of suit: Provided that the voting-papers shall not be destroyed or mutilated within seven days after the day of election.

Declaration of poll.

11. Upon receipt of the aforesaid declaration of the Deputy Returning Officer, and statement as aforesaid, the said Returning Officer shall, in the presence of such scrutineers as shall then be present at the place of nomination, publicly declare the candidate or candidates who is or are elected, or he may appoint a day and hour, not being longer than three days thereafter, for publicly declaring the results of such election.

Certain provisions to apply to City of Adelaide only, except on petition.

12. Clauses 10 and 11 and the words "and so much of the said Act as relates to the opening of the boxes containing the voting-papers and examination of the same by the Returning Officer" in clause 3 of this Act shall not apply to any Municipality or District Council other than the City of Adelaide until the Governor shall, on the petition of the council of any Municipality or District Council, declare, by Proclamation in the *Government Gazette*, that the said clauses 10 and 11 and the above-mentioned portion of clause 3 shall apply to such Municipality or District Council.

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

KINTORE, Governor.

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SCHEDULES.

THE FIRST SCHEDULE.

I, A. B., of [address and occupation], hereby solemnly and sincerely declare as follows:—

1. My name was enrolled as a citizen for the Municipality of _____, to vote at the polling-place in _____ Ward, and it appeared in the copy of the citizens' roll for that Municipality dated _____ 18 _____.

2. My name was omitted from the said citizens' roll on or about _____ 18 _____, through inadvertence.

3. I am now living at _____, within the said Municipality, and have been continuously resident in _____ Ward from the date when my name was removed from the roll.

4. I am now resident in _____ street, in _____ Ward of _____, and desire to be enrolled as a citizen of the said Municipality and to vote at the polling-place at _____.

5. To the best of my knowledge my name is not now on the said citizens' roll.

And I make this solemn declaration conscientiously believing the same to be true.

Signature of the declarant, A. B.

Signed and declared by the above-named A. B., at _____ this _____ day of _____ 18 _____, before me—

C. D., Justice of the Peace.

THE SECOND SCHEDULE.

CITY OF ADELAIDE (or CORPORATION OF THE TOWN OF _____ [as the case may be]).

Form of Voting Paper for Municipal Election, 18 _____, for the Election of [here state whether the election is for mayor, alderman, councillor, or auditor, and, if more than one, the number to be elected].

[Here set out names of candidates in alphabetical order, with a square opposite to each name, as provided in "The Ballot Act of 1862."]

THE THIRD SCHEDULE.

MUNICIPAL ELECTIONS—CITY OF ADELAIDE (or CORPORATION OF THE TOWN OF _____ [as the case may be]).

I the undersigned, Deputy Returning Officer for _____ Ward, within the _____, at the municipal election held on the _____ 18 _____, do hereby declare that the voting for _____ in _____ Ward was as follows—

[Here set out names of candidates and number of votes cast for each candidate].

and I further declare that [here set out names of candidate, or candidates if more than one required to be elected] is or are the candidate for whom the largest number of votes were cast at the said election in the said Ward.

Dated this _____ day of _____ 18 _____.

_____, Deputy Returning Officer.