



ANNO QUINTO

GEORGIUS VI REGIS.

A.D. 1941.

No. 26 of 1941.

An Act to amend the Electoral Act, 1929-1937.

[Assented to 13th November, 1941.]

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 as the " Electoral Act Amendment Act, 1941 " Short titles.

(2) The Electoral Act, 1929-1937, as amended by this Act, may be cited as the " Electoral Act, 1929-1941 ".

(3) The Electoral Act, 1929-1937, is hereinafter referred to as " the principal Act ".

2. Section 80 of the principal Act is amended—

(a) by striking out the words " while employed on a ship of war " in the fourth to last line of paragraph (a) of subsection (1) thereof ;

(b) by inserting after paragraph (a) of subsection (1) thereof the following paragraph :—

(a1) during any time when His Majesty is at war, all commissioned officers of the Military Forces of the Commonwealth engaged in war service within the meaning of the Defence Act, 1903-1941, of the Commonwealth and all commissioned officers of the Royal Australian Air Force engaged on war service within the meaning of the said Act ; and, during any other time, all commissioned officers of the

Amendment of
s. 80 of
principal Act—
Authorized
witnesses.

Permanent Military Forces of the Commonwealth, all commissioned officers of the Active Citizen Military Forces of the Commonwealth when serving as such and as a member of a body of the Military Forces of the Commonwealth undergoing a period of continuous training, all commissioned officers of the Permanent Air Force of the Commonwealth, and all commissioned officers of the Active Citizen Air Force of the Commonwealth whilst engaged on air force service :

Amendment of
s. 81 of
principal Act—
Postal voting.

3. Section 81 of the principal Act is amended by adding at the end thereof the following subsection :—

(2) Notwithstanding anything contained in this section, in any case in which a postal ballot-paper, if posted prior to the close of the poll, as provided in paragraph (e) or paragraph (f) of subsection (1) of this section, would not reach the returning officer for the district in respect of which the elector claims to vote, before the end of three days immediately succeeding the close of the poll or, if delivered as provided in paragraph (e) or paragraph (f) of the said subsection, would not reach the said returning officer before the close of the poll, the envelope in which the ballot-paper is enclosed may be addressed to, and posted or delivered to, any returning officer for any other district or to any assistant returning officer, or may be delivered on polling day to any presiding officer, and the returning officer, assistant returning officer, or presiding officer, as the case may be, shall deal with it in the prescribed manner.

Amendment of
s. 86 of
principal Act—
Preliminary
scrutiny of
postal
ballot-papers.

4. Section 86 of the principal Act is amended—

(a) by striking out the words “ received up to the close of the poll by him ” in the fourth line thereof and by inserting in lieu thereof the words “ received by him up to the end of three days immediately succeeding the close of the poll or received up to the close of the poll by any other returning officer or any assistant returning officer or presiding officer in pursuance of subsection (2) of section 81 ”;

(b) by inserting after the word “ witness ” in the fourth line of paragraph (b) thereof the words “ and that the envelope bearing the certificate was posted or delivered prior to the close of the poll ”.

5. Section 101 of the principal Act is amended—

Amendment of
s. 101 of
principal Act—
Hours of
polling.

- (a) by striking out the word “ seven ” in the third line of paragraph (b) thereof and by inserting in lieu thereof the word “ eight ” ; and
- (b) by striking out the word “ seven ” in the second line of paragraph (c) thereof and by inserting in lieu thereof the word “ eight ” .

6. Section 125 of the principal Act is amended by adding at the end thereof the following subsection :—

Amendment of
s. 125 of
principal Act—

(16) If—

Scrutiny of
votes.

- (a) any election is held in a district where there is only one vacancy to be filled ; and
- (b) it appears to the returning officer from the information given to him by assistant returning officers pursuant to paragraph (f) of subsection (1) hereof and from the result of the scrutiny of the votes counted by the returning officer that any candidate has received an absolute majority of first preference votes,

then, notwithstanding the provisions of subsection (4) hereof, the returning officer may ascertain the total number of first preference votes for each candidate by means of such information and scrutiny without conducting a fresh scrutiny of the ballot-papers to which such information relates.

7. Section 154 of the principal Act is amended by striking out the words “ within fifty yards thereof ” in the thirteenth and fourteenth lines of the column headed “ First Column—Offences ” and by inserting in lieu thereof the words “ within twenty feet of any entrance to a polling booth ” .

Amendment of
s. 154 of
principal Act—
Electoral
offences.

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

C. M. BARCLAY-HARVEY, Governor.