

**PARLIAMENTARY ELECTORATES AND ELECTIONS
(AMENDMENT) ACT.**

Act No. 23, 1949.

**George VI.
No. 23, 1949.**

An Act to amend the Parliamentary Electorates and Elections Act, 1912-1946, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 11th July, 1949.]

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

**Short title
citation and
commence-
ment.**

1. (1) This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1949."

(2) The Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act, may be cited as the Parliamentary Electorates and Elections Act, 1912-1949.

(4) This Act, with the exception of section five, shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(5) Section five of this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette. Such day may be the day appointed under subsection four of this section or may be a day later than the day appointed under that subsection.

Distribution

**Parliamentary Electorates and Elections
(Amendment) Act.**

177

Distribution of Electoral Districts.

No. 23, 1949.

2. The Principal Act is amended—

Amendment
of Act No.
41, 1912.

- (a) by omitting from section four the word “ninety” and by inserting in lieu thereof the word “ninety-four”;
- (b) by omitting from section five the word “ninety” and by inserting in lieu thereof the word “ninety-four”;
- (c) by omitting section six and by inserting in lieu thereof the following section:—
6. When any distribution of electoral districts becomes necessary under the provisions of this Act, such distribution shall be carried out by the Electoral Commissioner in accordance with this Part.
- (d) by omitting from section 6A the words “Electoral Districts Commissioners by this or any other Act, the Electoral Districts Commissioners” and by inserting in lieu thereof the words “Electoral Commissioner by this Part of this Act, the Electoral Commissioner”;
- (e) by omitting sections seven, eight, nine, ten, eleven and twelve;
- (f) by omitting from section thirteen the words “commissioners, and they are” and by inserting in lieu thereof the words “Electoral Commissioner, and he is”;
- (g) by omitting from section fourteen the word “commissioners” wherever occurring and by inserting in lieu thereof the words “Electoral Commissioner”;
- (h) (i) by omitting from subsection one of section fifteen the word “commissioners” and by inserting in lieu thereof the words “Electoral Commissioner”;

Sec. 4.

(Number of
members of
Assembly.)

Sec. 5.

(Number of
electorates.)

Subst. sec. 6.

Electoral
Commis-
sioner
to carry out
distribution.

Sec. 6A.

(Commis-
sioner may
use services
of officers
of the Public
Service.)

Repeal of
secs. 7, 8, 9,
10, 11, 12.

Sec. 13.

(Redistribu-
tion of
electoral
districts by
Commis-
sioner, &c.)

Sec. 14.

(Notice of
proposed
alteration of
existing
boundaries
to be given.)

Sec. 15.

(Report of
Commis-
sioner to be
proclaimed,
&c.)

(ii)

**Parliamentary Electorates and Elections
(Amendment) Act.**

No. 23, 1949.

Sec. 17A.
(Method of
distribu-
tion.)

- (ii) by omitting from the same subsection the word "them" and by inserting in lieu thereof the word "him";
- (i) (i) by omitting from subsection one of section 17A the word "ninety" wherever occurring and by inserting in lieu thereof the word "ninety-four";
- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection:—
 - (2) In carrying out a distribution of electoral districts, the following provisions shall be observed:—
 - (a) New South Wales shall be divided into two parts which are respectively referred to in this section as "the Sydney area," and "the country area."
 - (b) The Sydney area shall comprise that portion of New South Wales which is included within the boundaries set out in Division A of Schedule Twenty-one to this Act.
 - (c) The country area shall comprise that portion of New South Wales which is not included within the Sydney area.
 - (d) The Sydney area shall be divided into forty-eight electoral districts.
 - (e) The country area shall be divided into forty-six electoral districts.
- (iii) by omitting from subsection three of the same section the word "forty-three" wherever occurring and by inserting in lieu thereof the word "forty-eight";
- (iv) by omitting from paragraph (c) of the same subsection the words "twelve hundred" and by inserting in lieu thereof the words "twenty per centum of the resulting quotient";

.(v)

**Parliamentary Electorates and Elections
(Amendment) Act.**

179

- (v) by omitting subsection four of the same No. 23, 1949. section;
- (vi) by omitting from subsection five of the same section the word "forty-two" wherever occurring and by inserting in lieu thereof the word "forty-six";
- (vii) by omitting from paragraph (c) of the same subsection the words "twelve hundred" and by inserting in lieu thereof the words "twenty per centum of the resulting quotient";
- (viii) by omitting from subsections three and five of the same section the word "commissioners" wherever occurring, and by inserting in lieu thereof the words "Electoral Commissioner";
- (j) by omitting section nineteen and by inserting in lieu thereof the following section:— Subst. sec. 19.
19. The Electoral Commissioner shall have the powers and immunities of a sole commissioner within the meaning of the Royal Commissions Act, 1923, and the provisions of that Act, with the exception of section thirteen and Division 2 of Part II shall, mutatis mutandis, apply to any witness or person summoned by or appearing before such Commissioner. Application to Commissioner of Royal Commissions Act.
- (k) by omitting Division B of Schedule Twenty-one. Schedule Twenty-one.

The Electoral Commissioner.

3. The Principal Act is further amended by omitting subsection four of section 21A and by inserting in lieu thereof the following subsection:— Further amendment of Act No. 41, 1912.

(4) The Electoral Commissioner shall subject to this Act hold office until he attains the age of sixty-five years, and shall be deemed to have vacated his office upon the day upon which he attains that age. Sec. 21A. (Term of office of Electoral Commissioner.)

No person who is of or above the age of sixty-five years shall be appointed as Electoral Commissioner.

voting

**Parliamentary Electorates and Elections
(Amendment) Act.**

No. 23, 1949.

Voting by post.

Further amendment of Act No. 41, 1912. Sec. 114A. (Application for a postal vote certificate and postal ballot-paper.)

4. The Principal Act is further amended—

- (a) (i) by omitting subsection one of section 114A and by inserting in lieu thereof the following subsection :—

(1) An elector whose place of living as appearing on the electoral roll for a district is situated more than five miles by the nearest practicable route from each and every polling place which will be open on polling day in that district for the purposes of an election, may, if he has not already made an application under this section in respect of the same election, make application to the returning officer for the district for which the elector is enrolled for a postal vote certificate and postal ballot-paper.

- (ii) by omitting from subsection two of the same section the words “the grounds upon which he applies for the postal vote certificate and postal ballot-paper” and by inserting in lieu thereof the words “that his place of living as appearing on the electoral roll for the district for which he is enrolled is situated more than five miles by the nearest practicable route from each and every polling place which will be open in that district on polling day for the purposes of the election”;

- (iii) by omitting from the same subsection all words following the words “the issue of the writ for the election” and by inserting in lieu thereof the words “to which it relates, to the returning officer for the district for which the elector is enrolled, and shall be made and sent so as to reach such returning officer not less than seven days before the polling day for the election”;

(iv)

**Parliamentary Electorates and Elections
(Amendment) Act.**

181

- (iv) by omitting from subsection (2A) of the same section the words “unless his application is received by the returning officer to whom it is addressed, before six o'clock in the afternoon of the day immediately preceding” and by inserting in lieu thereof the words “if his application is received by the returning officer for the district to which it relates less than seven days before”;

No. 23, 1949.

- (v) by inserting next after subsection (2A) of the same section the following new subsection:—

(2B) A person shall not persuade or induce or associate himself with any person in persuading or inducing any person to make application for a postal vote certificate and postal ballot-paper.

Any person contravening any provision of this subsection shall be liable to a penalty not exceeding fifty pounds or to be imprisoned for a term not exceeding one month.

- (b) by omitting subsection three of section 114c; Sec. 114c.
(Duty of witnesses to applications.)
- (c) by omitting from subsection one of section 114d the words “before six o'clock in the afternoon of the day immediately preceding” and by inserting in lieu thereof the words “not less than seven days before”; Sec. 114d.
(Issue of certificate and ballot-paper.)
- (d) (i) by omitting from subsection one of section 114e all words following the words “a returning officer shall” and by inserting in lieu thereof the words “be kept by him”; Sec. 114e.
(Inspection of applications.)
- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection:—

(2) All applications for postal vote certificates and postal ballot-papers shall be open to public inspection at all convenient

**Parliamentary Electorates and Elections
(Amendment) Act.**

No. 23, 1949.

convenient times during office hours, from and including the third day after polling day until the election can be no longer questioned.

Sec. 114H.
(Directions
for postal
voting.)

(e) (i) by omitting paragraph (d) of subsection one of section 114H;

(ii) by omitting paragraph (e) of the same subsection and by inserting in lieu thereof the following paragraph:—

(e) The elector shall then and there in the presence of the authorised witness, but so that the authorised witness cannot see the vote—

(i) mark his vote on the ballot-paper in the manner directed on the ballot-paper;

(ii) fold the ballot-paper so that the vote cannot be seen;

(iii) place the ballot-paper in the envelope addressed to the returning officer and fasten the envelope.

After the envelope has been fastened the elector shall forthwith post or deliver it or cause it to be posted or delivered to the returning officer.

Sec. 114I.
(Duty of
authorised
witness.)

(f) by inserting in section 114I after the words “voting by post before him” where thirdly occurring the words—

“An authorised witness who has discharged the functions prescribed by section 114H of this Act in relation to an elector, shall not persuade or induce the elector

**Parliamentary Electorates and Elections
(Amendment) Act.**

183

elector to hand to him for posting or delivery the envelope containing the postal ballot-paper; but nothing contained in this paragraph shall be construed to prohibit an authorised witness from posting or delivering any such envelope at the request of the elector”;

No. 23, 1949.

- (g) by omitting from subsection two of section 114J all words following the words “has been placed” down to and including the words “applicable to the case” and by inserting in lieu thereof the words “and which has been fastened in accordance with section 114H of this Act”.
- (h) by omitting Schedule Thirteen and by inserting in lieu thereof the following Schedule:—

Sec. 114J.
(Unlawfully opening postal ballot-paper.)

SCHEDULE THIRTEEN.

Sec. 114A.

This application should be made and sent, after the tenth day prior to the issue of the Writ for the election to which it relates to the Returning Officer for the District for which the elector is enrolled, and shall be made and sent so as to reach such Returning Officer not less than seven days before the polling day for the election, and where any such application reaches the Returning Officer less than seven days before the polling day for the election, a Postal Vote Certificate or Postal Ballot-paper shall not be issued in respect of it.

In order that a Postal Ballot-paper may be admitted to the scrutiny it should be posted prior to the close of the poll to the Returning Officer for the District in respect of which the elector claims to vote, so as to reach him before the end of the period of seven days immediately succeeding the close of the poll, or delivered to that officer prior to the close of the poll. If, however, time does not permit of that course, it may be posted or delivered to any other Returning Officer, or delivered on polling day to any Deputy Returning Officer, but in any such case it must reach such officer before the close of the poll.

STATE

**Parliamentary Electorates and Elections
(Amendment) Act.**

No. 23, 1949.

STATE ELECTIONS.

Number.....	
Postal Vote Certificate and Postal Ballot-paper issued...../...../19...	
Initials of Returning Officer.	}.....

APPLICATION FOR A POSTAL VOTE CERTIFICATE
AND POSTAL BALLOT-PAPER.

To the Returning Officer for the Electoral District of

(1) Here insert name of District for which applicant is enrolled.

(1).....

(2) Here insert Surname, Christian names, place of living, and occupation as appearing on the Roll.

Surname.	Christian Names (in full).	Place of Living as appearing on Roll.	Occupation.
I, (2)			

hereby apply for a Postal Vote Certificate and a Postal Ballot-paper to enable me to vote by post at the forthcoming Election of Members of the Legislative Assembly.

I declare—

(1) That I am an elector enrolled on the Electoral Roll for the

(3) Here insert name of Sub-division for which enrolled.

(3).....Subdivision of the Electoral

(4) Here insert name of Electoral District for which enrolled.

District of (4).....

(2) That my answers to the following questions are true and correct in every particular:—

Question.	Applicant's answer.
(A) Is your place of living as appearing on the electoral roll situated more than five miles by the nearest practicable route from each and every polling place which will be open on polling day in the Electoral District for which you are enrolled?	

(B)

**Parliamentary Electorates and Elections
(Amendment) Act.**

No. 23, 1949.

(B) Is your place of living within the Electoral District in respect of which you claim to vote?

NOTE—If answer to question (B) is "yes," the applicant is not required to answer this question.

(C) Was your place of living, at any time within the three months immediately preceding the date fixed for the polling at the election, within the Electoral District in respect of which you claim to vote?

(3) That my place of living at the time when the postal vote certificate and the postal ballot-paper would be delivered in the ordinary course of post will be as follows:.....

.....

An elector shall not make, and a person shall not induce an elector to make, any false statement in an application for a Postal Vote Certificate and a Postal Ballot-paper, or in the declaration contained in such application.

PENALTY: Fifty pounds, or imprisonment for one month.

Signed by the elector in his own handwriting in my presence—

Signature of }
Witness } (in own handwriting)
(A person whose name appears on the roll of electors for an Electoral District.)

Address of Witness.....

Enrolled for Electoral District of
or enrolled on the roll for the.....
subdivision of the Commonwealth
Electoral Division of.....

Signature of }
Applicant. } (in own handwriting)

(NOTE.—A marksman cannot vote by post.)

NOTE.—Where the elector making the application is outside the State, this application must be signed in the presence of a person whose name appears on the electoral roll for an electoral division of the Commonwealth.

Dated at..... the..... day of..... 19 .

OBLIGATIONS OF ELECTOR WITNESSING AN APPLICATION FOR A POSTAL VOTE CERTIFICATE AND POSTAL BALLOT-PAPER.

An elector shall not witness the signature of any elector to an application for a Postal Vote Certificate and Postal Ballot-paper unless—

- (a) he has satisfied himself as to the identity of the applicant;
- (b)

**Parliamentary Electorates and Elections
(Amendment) Act.**

No. 23, 1949.

- (b) he has seen the applicant sign the application in his (the applicant's) own handwriting; and
- (c) he knows that the statements contained in the application are true, or has satisfied himself by inquiry from the applicant or otherwise that the statements contained in the application are true.

PENALTY: Fifty pounds, or imprisonment for one month.

NOTE.—Where the elector making the application is outside the State this application must be signed in the presence of a person whose name appears on the electoral roll for an electoral division of the Commonwealth.

The elector witnessing the application shall sign his name in his own handwriting on the application in the space provided for the purpose, and shall add the date and the name of the Electoral District for which he is enrolled.

A person shall not persuade or induce, or associate himself with any person in persuading or inducing, any person to make application for a Postal Vote Certificate and Postal Ballot-paper.

PENALTY: Fifty pounds, or imprisonment for one month.

PENALTY FOR FAILURE TO POST OR DELIVER APPLICATION FOR POSTAL VOTE CERTIFICATE AND POSTAL BALLOT-PAPER.

Any person to whom an application for a Postal Vote Certificate and Postal Ballot-paper is entrusted by an elector for the purpose of posting or delivery to a Returning Officer, and who fails to post or deliver the application forthwith shall be guilty of an offence.

PENALTY: Fifty pounds, or imprisonment for one month.

Voting by persons who are ill, infirm, etc.

Further amendment of Act No. 41, 1912.

5. The Principal Act is further amended by inserting next after section 114N the following new section and short heading:—

New sec. 114o.

Illness, infirmity, approaching maternity.

Voting by persons who are ill, infirm, etc.

114o. (1) An elector who is seriously ill or infirm, and by reason of such illness or infirmity will be precluded from attending at any polling place to vote, or, in the case of a woman, will by approaching maternity be precluded from attending at any polling place to vote, may, if he has not already made an application under this section, in respect of the same election and if he is not eligible under section 114A of this Act to apply for a postal vote certificate and postal

**Parliamentary Electorates and Elections
(Amendment) Act.**

187

postal ballot-paper in respect of the same election, No. 23, 1945.
make application to record his vote under this
section before an electoral visitor.

(2) (a) The returning officer for each district shall, by writing under his hand, appoint in respect of each subdivision into which his district is divided, one and not more than one person to be the electoral visitor for that subdivision for the purpose of taking votes under this section:

Provided that if circumstances so require, the returning officer may, with the written consent of the Electoral Commissioner, appoint two or more persons to be electoral visitors in respect of any such subdivision.

(b) Without prejudice to the generality of the foregoing provisions of this subsection the returning officer may, and shall if so directed by the Electoral Commissioner, appoint as an electoral visitor a member of the police force.

(c) The provisions of section eighty-eight of this Act shall apply, mutatis mutandis, to an electoral visitor in like manner in all respects as those provisions apply to a deputy returning officer or a poll clerk, and such alteration as may be necessary to give effect to this paragraph may be made in the form of declaration prescribed in subsection one of that section.

(3) The returning officer or his deputy shall provide each electoral visitor with a locked ballot box with a cleft or opening therein capable of receiving the ballot-papers.

Before providing an electoral visitor with a ballot box, the returning officer or his deputy shall take such steps as may be reasonably practicable to exhibit for the inspection of the candidates or their representatives, the ballot box open and empty, and shall immediately afterwards close and lock the same, and deliver or cause it to be delivered to the electoral visitor.

Where

**Parliamentary Electorates and Elections
(Amendment) Act.**

No. 23, 1949.

Where such ballot box has been locked by the returning officer, the returning officer shall keep the key of the said box, and where the same has been locked by a deputy returning officer he shall cause the key to be transmitted forthwith to the returning officer.

(4) An application to record a vote under this section (in this section referred to as an "application") shall contain a declaration setting out the grounds on which the applicant applies and shall be in or to the effect of the form prescribed and must be signed by the elector in his own handwriting in the presence of an elector, and must be made and sent after the tenth day prior to the issue of the writ for the election to which it relates to the returning officer for the district in respect of which the applicant is enrolled, and shall be made and sent so as to reach such returning officer not less than seven days before the polling day for the election.

(5) If any application reaches the returning officer less than seven days before the polling day for the election, the application shall be deemed to be invalid and the applicant shall not be entitled to vote under this section.

(6) The provisions of subsections (2B) and three of section 114A of this Act and the provisions of section 114C of this Act shall, mutatis mutandis, apply to an application under this section in like manner as they apply to an application for a postal vote certificate and postal ballot-paper.

(7) The returning officer who receives the application, if he is satisfied that it is properly signed by the applicant elector, is properly witnessed and is otherwise completed, shall, if he has received the application not less than seven days before the polling day for the election, take steps as early as practicable to direct an electoral visitor for the subdivision in respect of which the applicant is enrolled to visit the applicant for the purpose of taking the vote of the applicant.

(8)

**Parliamentary Electorates and Elections
(Amendment) Act.**

189

No. 23, 1949.

(8) (a) As soon as practicable after an electoral visitor has received in relation to any election the first direction from the returning officer to visit any applicant or applicants under this section, the electoral visitor shall send by post a written notification of the fact to each candidate for the district at that election; and thereafter, at the request of any such candidate or of any scrutineer referred to in this section the electoral visitor shall as far as is reasonably practicable furnish such candidate or scrutineer with information as to the electors whom the electoral visitor proposes to visit, and the times and places at which he proposes to make such visits.

(b) (i) Each candidate shall be entitled to appoint by writing under his hand scrutineers on his behalf at the taking of votes by electoral visitors under this section. Save as otherwise provided in this section such scrutineers shall be entitled to be present in the room or place in which a vote is to be taken under this section.

(ii) The provisions of subsections two, three and four of section ninety of this Act shall apply to and in respect of scrutineers appointed under subparagraph (i) of this paragraph. For the purposes of such application—

- (a) a reference to a “polling booth” shall be construed as a reference to the room or place in which the vote is being taken under this section;
- (b) a reference to “polling” shall be construed as a reference to the period during which the vote of an elector is being taken under this section;
- (c) a reference to “the presiding officer” shall be construed as a reference to the electoral visitor;
- (d) all words following the words “five pounds” shall be deemed to be omitted from subsection four of section ninety and the words
“and

**Parliamentary Electorates and Elections
(Amendment) Act.**

No. 23, 1949.

“and the electoral visitor, with such assistance as may be necessary for the purpose may remove a scrutineer so offending from the room or place in which the vote is being taken” shall be deemed to be inserted in lieu thereof.

(c) (i) Every scrutineer before acting as such under this section shall make and sign before the electoral visitor a declaration to the effect of the declaration set out in section ninety-one of this Act.

(ii) Every such declaration shall be transmitted by the electoral visitor to the returning officer by whom the same shall be transmitted to the Electoral Commissioner.

(iii) Every electoral visitor is authorised to receive any such declaration. Part IV of the Oaths Act, 1900-1936, shall apply to such declaration as if it were made under that Act.

(d) Regulations made under this Act may prescribe the questions which an electoral visitor may put to an elector or which a scrutineer may request an electoral visitor to put to an elector when the vote of such elector is being taken under this section.

The voter's answer to any such question shall be conclusive.

(9) (a) All applications under this section received by a returning officer shall be kept by him.

(b) All applications under this section shall be open to public inspection at all convenient times during office hours, from and including the third day after polling day until the election can be no longer questioned.

(c) The returning officer shall in consecutive order number all applications received by him under this section.

(10) Every electoral visitor shall sign his name on the back of each ballot-paper issued by him under

**Parliamentary Electorates and Elections
(Amendment) Act.**

under this section. The signature shall be placed in such a position as to be easily seen when the ballot-paper is folded so as to conceal the vote. No. 23, 1949

(11) The returning officer shall note or cause to be noted on the certified copies of the roll, the name of every elector for the taking of whose vote a direction has been issued to an electoral visitor by the returning officer.

(12) Every visit by an electoral visitor under this section shall be made at a reasonable hour during the daytime, and if the applicant is for any reason unable or unprepared to record his vote within one half hour after the electoral visitor has indicated to the applicant or to any person in charge or apparently in charge of the applicant that he is available for the purpose of taking the applicant's vote, the electoral visitor may terminate his visit, and shall not be required to make a further visit under this section to such applicant in respect of the same election.

(13) An electoral visitor shall not visit any elector for the purpose of taking his vote under this section unless directed so to do by the returning officer, and it shall not be lawful for an electoral visitor to visit an elector for the purpose of taking the vote of such elector under this section at any place which is outside the subdivision for which the electoral visitor is appointed.

(14) The following directions for regulating the taking of votes by an electoral visitor are to be substantially observed:—

(a) The electoral visitor shall issue to the elector a certificate printed on an envelope addressed to the returning officer for the district and one ballot-paper.

(b) The certificate shall be in or to the effect of the following form:—

I of (here
insert place of living of voter as appearing
on

**Parliamentary Electorates and Elections
(Amendment) Act.**

No. 23, 1949.

on the roll) hereby certify that the signature of voter hereunder is my personal signature, written with my own hand.

Signature of voter
(in his or her own handwriting).

Signature of electoral
visitor
(in his or her own handwriting).

The ballot-paper shall be in or to the effect of the form prescribed.

- (c) The elector shall then and there, in the presence of the electoral visitor, sign his name in his own handwriting on the certificate in the place provided for the signature of the voter. The electoral visitor shall countersign the said certificate as a witness in the place provided therefor, and shall add the date.
- (d) The elector shall then and there in the presence of the electoral visitor, but so that the electoral visitor cannot see the vote—
- (i) mark his vote on the ballot-paper in the manner directed on the ballot-paper;
 - (ii) fold the ballot-paper so that the vote cannot be seen;
 - (iii) place the ballot-paper in the envelope addressed to the returning officer and fasten the envelope.

After the envelope has been fastened the elector shall forthwith place it or cause it to be placed in the ballot box provided by the electoral visitor.

- (e) If the elector's sight is so impaired that he cannot vote without assistance, a person appointed by the elector shall mark the elector's

**Parliamentary Electorates and Elections
(Amendment) Act.**

193

elector's vote on the ballot-paper in the presence of the electoral visitor, and shall then and there fold the ballot-paper so that the vote cannot be seen, place it in the envelope addressed to the returning officer, fasten the envelope, and place it in the ballot box: No. 23, 1949.

Provided that if no person is appointed by the elector, the electoral visitor, if so requested by the elector, shall take the action required by this paragraph to be taken by a person appointed by the elector, and in taking such action shall mark the ballot-paper according to the instruction of the elector.

(f) The electoral visitor shall not, unless the elector's sight is so impaired that he cannot vote without assistance and no person is appointed by the elector to mark his vote for him, look at or make himself acquainted with the vote given by the elector, and, except as provided in paragraph (e) of this subsection, shall not suffer or permit any person (other than the elector) to see or become acquainted with the elector's vote or to assist the elector to vote or to interfere in any way with the elector in relation to his vote.

(g) A vote may be taken under this section by an electoral visitor, at any time before eight o'clock in the evening of polling day.

(15) Every electoral visitor shall—

(a) comply with this section in so far as it is to be complied with on his part;

(b) see that the directions in this section are complied with by every elector voting before him, and by every person present when the elector votes; and

(c)

**Parliamentary Electorates and Elections
(Amendment) Act.**

No. 23, 1949.

- (c) refrain from disclosing any knowledge of the vote of any elector voting before him.

An electoral visitor shall not influence or attempt to influence, in any way, the vote of an elector voting before him.

(16) No person other than—

- (a) the elector to whom a ballot-paper has been issued under this section; or
- (b) a person appointed by the elector or an electoral visitor acting in pursuance of paragraph (e) or paragraph (f) of subsection fourteen of this section assisting an elector whose sight is so impaired that he cannot vote without assistance,

shall mark a vote upon the ballot-paper.

(17) Each electoral visitor shall immediately after he has carried out the directions of the returning officer and the provisions of this section in relation to the taking of votes under this section deliver the ballot box or cause the same to be sent or transmitted to the returning officer.

(18) (a) No person other than the returning officer for the district in respect of which a vote under this section has been taken or an officer acting under his directions shall open any ballot box delivered or sent to the returning officer under this section or any envelope contained in any such ballot box.

(b) Any person to whom an application for a vote under this section is entrusted by an elector for the purpose of posting or delivery to a returning officer and who fails to post or deliver forthwith the application, shall be guilty of a contravention of this section.

(19) Any person present when an elector is before an electoral visitor for the purpose of voting under this section shall—

- (a) obey all directions of the electoral visitor;
and

(b)

- (b) except as provided in paragraph (e) of No. 23, 1949.
subsection fourteen of this section in the
case of persons whose sight is impaired—
- (i) refrain from making any communication whatever to the elector in relation to his vote;
 - (ii) refrain from assisting the elector or in any manner interfering with him in relation to his vote; and
 - (iii) refrain from looking at the elector's vote or from doing anything whereby he may become acquainted with the elector's vote.

(20) At the scrutiny the returning officer or the officer assisting him shall produce all applications for votes under this section and shall produce unopened all envelopes containing votes taken under this section received by him up to the end of the period of seven days immediately succeeding the close of the poll and shall—

- (a) compare the signature of the elector on each certificate signed by such elector under subsection fourteen of this section with the signature of the same elector on the application, and allow the scrutineers to inspect both signatures;
- (b) if satisfied that the signature on the certificate is that of the elector who signed the application and that the signature purports to be witnessed by an electoral visitor and that the elector is enrolled for the district, accept the ballot-paper for further scrutiny, but, if he is not so satisfied, disallow the ballot-paper without opening the envelope in which it is contained;
- (c) withdraw from the envelopes the ballot-papers contained therein and accepted for further scrutiny, and without inspecting or unfolding the ballot-papers or allowing any other

**Parliamentary Electorates and Elections
(Amendment) Act.**

No. 23, 1949.

other person to do so, place them in a locked and sealed ballot box by themselves for further scrutiny;

- (d) seal up in separate parcels and preserve—
- (i) all envelopes bearing certificates relating to ballot-papers accepted for further scrutiny, and
 - (ii) all unopened envelopes containing ballot-papers disallowed; and
- (e) proceed with the scrutiny of the ballot-papers which have been accepted for further scrutiny.

(21) A ballot-paper issued under this section shall not be informal because of any mistake in spelling, if the elector has made clear his intention.

(22) If an elector to whom a ballot-paper has been issued under this section satisfies the electoral visitor who issued the same that he has spoilt his ballot-paper by mistake or accident, he may on giving it up, receive a new ballot-paper from the electoral visitor who shall cancel and preserve the spoilt ballot-paper.

(23) Any person contravening any of the provisions of this section shall be liable to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding six months.

Miscellaneous amendments.

6. The Principal Act is further amended—

- (a) by inserting next after section eighty-seven the following new section:—

87A. (1) Where a polling place has been appointed in any convalescent home, hospital or similar institution, the returning officer shall provide at least two polling booths therein.

(2)

Further amendment of Act No. 41, 1912.

New sec. 87A.

Mobile booths in hospitals, etc.

**Parliamentary Electorates and Elections
(Amendment) Act.**

197

(2) One or more of such booths designated by the returning officer shall be used as a mobile booth for the purpose of affording an opportunity to vote to every elector who—

No. 23, 1949.

- (a) is for the time being resident in the home, hospital or institution in which the booth is situated; and
- (b) by reason of illness or infirmity, or, in the case of a woman, by reason of approaching maternity, is unable to attend at the polling place to record his vote; and
- (c) has, by message to the deputy returning officer in charge of the polling place, requested him to afford the elector an opportunity to record his vote at such mobile booth.

Every person to whom any such message is given for delivery to the deputy returning officer, shall, unless otherwise ordered by a legally qualified medical practitioner, deliver such message forthwith to the deputy returning officer in charge of the polling place.

Any person contravening this subsection shall be liable to a penalty not exceeding twenty pounds.

(3) Where any such message has been received by the deputy returning officer in charge of the polling place he shall direct the deputy returning officer in charge of a mobile booth to afford the elector an opportunity to record his vote by visiting the elector at some time before the close of the poll. On any such visit the deputy returning officer shall take with him the ballot box provided for the booth and shall be accompanied by his poll clerk and such of the scrutineers appointed in respect of the booth as choose to accompany him.

On

**Parliamentary Electorates and Elections
(Amendment) Act.**

No. 23, 1949.

On any such visit to an elector the elector's vote shall so far as is reasonably practicable be taken in all respects as if the vote were recorded in a polling booth under usual conditions.

No visit shall be made under this section if such visit is forbidden by a legally qualified medical practitioner.

Sec. 120c.
**(Compulsory
voting.)**

- (b) by inserting in subparagraph (i) of paragraph (b) of subsection one of section 120c after the word "roll" where firstly occurring the words and symbols "(or his surname together with the initials of his Christian names)";

Sec. 151B.
(Posters.)

- (c) by inserting in subsection six of section 151B at the end of the definition of "electoral matter" the following words—

"Electoral matter" also includes the name of a candidate at any election, the name of the party of any such candidate, the name or address of the committee rooms of any such candidate or party, the photograph of any such candidate, and any drawing or printed matter which purports to depict any such candidate or to be a likeness or representation of any such candidate.

New secs.
151c, 151d.

- (d) by inserting next after section 151B the following new sections:—

**Prohibition
of publica-
tion, etc.
of electoral
matter
during
certain
period.**

151c. (1) Any person who during the period of seventy hours immediately preceding the hour fixed for the closing of the poll on polling day at an election—

- (a) exhibits, prints, publishes or distributes, or causes or permits to be exhibited, printed, published or distributed any newspaper, handbill, placard, card, poster, leaflet, writing, sign or advertisement of any kind or description which contains any electoral matter; or

(b)

**Parliamentary Electorates and Elections
(Amendment) Act.**

199

- (b) makes use of any amplifying or loud No. 23, 1949.
speaker apparatus, or public address
apparatus for the purpose of conveying
orally to the public or any section of
the public any electoral matter,

shall be liable to a penalty not exceeding one
hundred pounds, or to imprisonment for a term
not exceeding six months.

(2) In this section "electoral matter"
has the meaning ascribed to that expression in
subsection six of section 151B of this Act.

(3) This section shall not apply to any
"how to vote" card, the printing, publishing or
distribution of which is not prohibited under
section 151A or 151B of this Act and which con-
tains no matter other than the day and date of
the election, the names of the candidates for
election for any district, a simple instruction how
to vote for any particular candidate (not being
an instruction which is inconsistent with the
directions contained in this Act as to the manner
in which an elector shall record his vote at the
election), a photograph of such candidate, the
name of a political party and any matter
required to be included on the card under the
Printing Act, 1899-1934.

(4) This section shall not be construed
to prohibit the printing, publication or distri-
bution of a bona fide newspaper by reason only
of the fact that in a news-paragraph, article,
advertisement or notice in that newspaper
mention is made of the name of any person who
is a candidate at an election, or of the name of
a political party, or of the name or address of
committee rooms of any such person or party
provided that the subject matter of such news-
paragraph, article, advertisement or notice—

- (a) is not intended or calculated or likely
to affect or capable of affecting the
result of the election; and

(b)

**Parliamentary Electorates and Elections
(Amendment) Act.**No. 23, 1949.

(b) is not intended or calculated or likely to influence or capable of influencing an elector in relation to the casting of his vote at the election.

(5) During the period referred to in subsection one of this section the provisions of subsection three of section 151B shall be deemed to be suspended.

Removal of
illegal
posters.

151b. The returning officer, any deputy returning officer or any member of the police force may remove or cause to be removed any poster exhibited or posted up in contravention of this Act, and such poster when so removed shall be confiscated and shall be forthwith destroyed.

Any expense incurred in the removal of any poster under this section may be recovered by the Electoral Commissioner in any court of competent jurisdiction as a debt due to him by the candidate in whose interests or for whose benefit the poster purports to have been posted up or exhibited.