



ANNO VICESIMO SECUNDO ET VICESIMO TERTIO

VICTORIÆ REGINÆ.

A.D. 1859.

No. 22.

An Act to amend the Electoral Act.

[Assented to, 1st September, 1859.]

WHEREAS it is expedient to amend the Electoral Act: Be it therefore Enacted, by the Governor-in-Chief of the Province 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—

Preamble.

x No. 12 - 21. 1857-8

1. Sections 7, 8, 9 and 10 of the said Act are hereby repealed.

Repeal of clauses 7, 8, 9, and 10, of No. 12, 1857-8.

2. Some day in the month of February, in the year one thousand eight hundred and sixty-four, and in every fifth year thereafter, the Town Clerks of Corporations, and Clerks of District Councils, in such part of any electoral district or division as may be within the respective limits of any Corporation or District Council, and in such part of any such district or division as may be without such limits, the police shall cause to be left at the residence of every person within the district, a notice according to the form of Schedule C, to the said Act annexed, requiring all persons entitled to vote in the election of Members of the Legislative Council and House of Assembly, to fill in and sign the notice of their claim to be placed on the electoral roll for either or both Houses of Parliament, as they may be entitled; and the occupier is hereby required to give notice to all male persons, of the age of twenty-one years or upwards, resident at such dwelling-house, of the receipt by him of such form of claim, and that they are required to fill up and sign the same; and every such Clerk shall receive for such service the sum mentioned in Schedule I to the said Act annexed.

Forms of notices of claim to be left with electors.

3. Between

Notice to voters to be given by Returning Officer of the Province of time of sending in notice of claim.

3. Between the first day of February, and the seventh day of February in every such year as aforesaid, the Returning Officer for the said Province shall cause to be published a notice, in the *South Australian Government Gazette*, and in two newspapers published in Adelaide, notifying to all persons, entitled to vote in the election of Members to serve in the Legislative Council and House of Assembly respectively, that the notice aforesaid is about forthwith to be delivered to the occupier of every dwelling-house, and that all persons claiming to be inserted in any electoral list, must insert their names in the Schedules of such notices as thereby and therein required, or they will not be entitled to vote at any election during the ensuing year; and every person to whom the said notice shall be addressed shall forward the same, within seven days from the receipt thereof, either personally or through the Post Office, as stated in the said notice under a penalty of not more than Twenty Shillings, to be recovered in a summary way before two Justices of the Peace for the said Province.

Claims when to be made.

4. Any person claiming to be inserted in any electoral roll may at any time give notice of such claim to the Returning Officer for the electoral district or division, for which he may so claim, in the form in Schedule B, to this Act annexed, or to the like effect.

Lists to be made out and left at certain places for inspection.

5. The Returning Officer of every electoral district or division shall, on or before the first day of April and the first day of October in every year, make out a list to be called the electoral list, having the names in such list arranged in alphabetical order, under the headings of the subdivisions of the district into voting places, according to the form of the Schedule hereto annexed, marked A, of all persons resident within his division who may have forwarded their claims to him in the manner aforesaid, as claiming to be entitled to vote in elections for Members of the Legislative Council, and a like list of all persons claiming to be entitled to vote in elections for Members of the House of Assembly for such district; and shall sign, date, and certify such list to be correct, and shall cause the same to be either printed or fairly and legibly transcribed and forwarded (by post) to the place of meeting of every Corporation or District Council within the electoral district to which the said list refers, and also to any police station in any such district beyond the limits of a Corporation or District Council; and the said lists shall be kept open to public inspection at all reasonable hours at such places respectively until the twenty-first day of the same months of April and October.

Claim of persons to have their names inserted on electoral lists.

6. Any person, having made or being entitled to make such claim as aforesaid, whose name shall not have been inserted in any such electoral list, and who shall claim to have his name inserted therein, shall, on or before the twenty-first day of April or the twenty-first day of October, as the case may be, give notice thereof to the Returning Officer, in the form of the Schedule to this Act annexed, marked B, or to the like effect; and any person whose name shall have been inserted, or who shall claim to have his name inserted,

inserted, in any such electoral list, may object to any other person as not entitled to have his name retained therein; and any person so objecting shall, on or before the twenty-fifth day of April or October as the case may be, give, or cause to be given, to the Returning Officer, and also to the person objected to, or leave at his place of abode notice thereof, in writing, according to the form in the Schedule to this Act annexed, marked C, or to the like effect; and the said Returning Officer shall include the names of all persons so claiming to be inserted on each electoral list, in separate lists, according to the form in the Schedule to this Act annexed, marked D; and the names of all persons objected to in separate lists, according to the form of the Schedule to this Act annexed, marked E, within four days from the receipt of such lastmentioned claims; and shall cause copies of such several lists to be forwarded to the places aforesaid four days prior to the holding of the Half Yearly Court of Revision, as hereinafter provided; and the said Returning Officer shall likewise keep separate lists of the names of all persons so claiming as aforesaid, and also separate lists of the names of all persons so objected to as aforesaid, to be perused by any person without payment of any fee, at all reasonable hours during such four days (Sunday excepted), and shall allow any person desiring the same to take a copy of each of such lists, on payment of a sum of One Shilling for each copy so taken.

List of claimants.

List of persons objected to.

7. The provisions of the said Act, with regard to the delivering of claims and objections by the post shall be applicable to the claims and objections by this Act authorized to be made or given.

Claims and objections how delivered.

8. The Revising Officer appointed by authority of the said Act, shall hold an open Court for the revision of electoral lists on some day in the month of May, and on some day in the month of November in each year, instead of the time for that purpose fixed by the said Act; and the provisions of the said Act relating to the Courts of Revision thereby directed to be held, shall apply to the Courts of Revision by this Act directed to be held.

Half-yearly Courts of Revision.

9. The Returning Officers of electoral districts or divisions shall cause every electoral list so revised and signed as aforesaid, to be fairly and truly copied into the electoral roll alphabetically, under the several headings of the subdivisions of such district and divisions, into polling places, and shall insert opposite to every name in the column, showing the date of registration, the true date of the holding of the Court of Revision at which the claim was allowed, and shall cause such rolls, together with the electoral lists, to be preserved among the records of his office, and shall from time to time produce such electoral roll, and shall transmit a copy of the revised list, containing the names of persons entitled to vote at elections of Members to serve in the Legislative Council, within fourteen days after each Court of Revision, to the Returning Officer of the Province, forming one electoral district.

The electoral roll.

10. The

Electoral roll register of voters.

10. The electoral roll so corrected at any Court of Revision held in the month of May in any year, shall be the register of persons entitled to vote at any election of Members to serve in the Legislative Council or House of Assembly respectively, which may be held between the last day of December and the first day of July, then next following; and the electoral roll so corrected at any Court of Revision held in the month of November in any year shall be the register of persons entitled to vote at any such election which may be held between the last day of June and the first day of January then next following.

Electors may be transferred to another roll.

11. Any person whose name may, for the time being, be upon any electoral roll, and who may desire and be entitled to have his name inserted upon any other electoral roll, may, upon payment of a fee of Two Shillings and Sixpence, obtain from the Returning Officer for the district or division in the electoral roll whereon his name may have been inserted, a certificate of transfer, in the form in Schedule F to this Act annexed, addressed to the Returning Officer of the district or division to which he shall desire to be transferred.

Is not this an alteration of the Constitution Act? If so, it is void under S. 34 of the Constitution Act, and having passed the 2nd Reading by absolute majority of the House, it is not necessary to be reserved for the next day's debate. I don't think it is a transfer of voters.

List of transfers to be kept.

12. Every Returning Officer shall keep separate lists of certificates of transfers issued and received, and shall insert in such lists all such certificates as may have been given by or received by him since the date of the last Court of Revision, and shall produce such lists to the Revising Officer at every half-yearly Court of Revision; and such Revising Officer shall erase from the electoral roll mentioned in such certificate of transfer the names of all persons included in the lists of certificates of transfers issued, and shall insert on the electoral roll of the date corresponding with that from which such transfer has been made the names of all persons who may be included in the list of certificates of transfers received.

Copies of electoral roll not to be sent.

13. It shall not be necessary for the Returning Officer, upon the receipt of any writ for the election of Members to serve in the Legislative Council or House of Assembly, to forward any copy of the electoral roll, together with the notices by the said Act required to be given by such Returning Officer.

Meetings of electors.

14. Anything in the said Act notwithstanding, it shall be lawful for any candidate to attend any meeting of electors, held for electoral purposes, more than twenty-four hours before the day appointed for nomination of candidate, or after the result of the election is officially declared.

Letters of nomination.

15. Letters proposing a candidate to represent any district, signed as in the said Act directed, may be delivered to the Returning Officer at any time before the hour of noon of the day fixed for nomination.

Polling places.

16. In addition to the polling-places in Schedule B to the said Act specified there shall be the polling-places specified in Schedule G to this Act annexed.

17. This

17. This Act and the said Act shall be construed as one Act.

Construction of Act.

18. This Act may be cited as the "Electoral Amendment Act."

Short title.

19. This Act shall take effect from the passing thereof.

Commencement of Act.

*As per B
this the first
of 17th Dec 1857
29 April 59?
27 Effect?*

*one effect would be that
Sect 7 - S. 9070 of the
"Electoral Act" would be
repealed as from the 29th
April 1859.*

*If this act is passed?
See note to Sect. 19 -*

*If it is not valid then the "Electoral Act" is in
force unaltered by this Act. If this act should have
been acted upon a vice regency would be created!*

*S. 3 Amendment of the Electoral Act to be an emergency? ...
Can a transfer be made upon a vice regency? ...
Revision under this Act? This would apply only to an election
prior to July 1860 as there has not been such a count held for revising the
Electoral Role for such elections -*

SCHEDULES REFERRED TO.

A

LIST OF ELECTORS.

LIST OF ELECTORS FOR THE ELECTORAL DIVISION OF _____, AND ENTITLED TO VOTE AT _____

No.	Christian name and surname of each person at full length.	Place of abode.	Nature of Qualification.	Where the property affording the qualification is situated.	Date of registration.

Dated at _____ this _____ day of _____ (Signed) A. B., Deputy Returning Officer.

LIST OF ELECTORS FOR THE ELECTORAL DISTRICT OF _____, AND ENTITLED TO VOTE AT _____

No.	Christian name and surname of each person, at full length.	Place of abode.	Profession or occupation.	Date of registration.

Dated at _____ day of _____ (Signed) A. B., Returning Officer.

B

NOTICES OF CLAIM.

LEGISLATIVE COUNCIL.

To the Deputy Returning Officer for the Division of

I hereby give you notice, that I, A.B., being a (natural born or naturalized) subject of Her Majesty, claim to have my name inserted in the electoral list (or electoral roll) for the division of _____ in virtue of the property which I possess at _____ (or of the dwelling-house which I occupy at _____, or as the case may be), and to vote at _____ in the said division.

Dated _____ day of _____ in the year 18 _____ (Signed) JOHN STILES, (place of abode).

HOUSE OF ASSEMBLY.

To the Returning Officer of the District of

I hereby give you notice, that I, A.B., being a (natural born or naturalized) subject of Her Majesty, claim to have my name inserted in the electoral list (or electoral roll) in the district of _____, and to vote at _____ in the said district.

Dated at _____ day of _____ 18 _____ (Signed) JOHN STILES, (place of abode).

C

NOTICE OF OBJECTION.

To the Returning Officer of _____ (and to the person objected to).

I hereby give you notice, that I object to the name of _____ of _____ (name and describe the person objected to as in the electoral list or roll), being retained on the electoral list (or roll) of the electoral district (or division) of _____

Dated this _____

(Signed) JOHN STILES, of (here state the place of abode or property for which he is, or claims to be, included in the electoral list or roll).

D

LIST OF CLAIMANTS.

The following persons claim to have their names inserted in the electoral list (or roll) of the electoral division of _____ and to vote at _____

No.	Christian name and surname of each claimant.	Place of abode.	Nature of the property or qualification in respect of which he prefers his claim.	Place where the property or qualification is situated.

Dated _____ this _____ day of _____ (Signed) A. B., Deputy Returning Officer.

The following persons claim to have their names inserted in the electoral list (or roll) for the district of _____ and to vote at _____

Christian name and surname of each person at full length.	Place of abode.	Profession or occupation.

Dated at _____ day of _____ (Signed) A. B., Returning Officer.

E

LIST OF PERSONS OBJECTED TO.

The following persons have been objected to, as not being entitled to have their names retained on the electoral list (or roll) for the electoral division of _____

No.	Christian name and surname of each person objected to.	Place of abode.	Nature of the property or qualification for which his name is on the electoral list.	Place where the property or qualification is situated.

Dated at _____ this _____ day of _____ (Signed) A. B., Deputy Returning Officer.

The

The following persons have been objected to as not entitled to have their names retained on the electoral list (or roll) for the electoral district of

No.	Christian name and surname of each person, at full length.	Place of abode.	Profession or occupation.

Dated at _____ day of _____ (Signed) A. B., Returning Officer.

F

I, A. B. [*Returning Officer, or Deputy Returning Officer, for the District or Division of* _____, [*as the case may be*] do hereby certify that C.D., of _____ is duly registered as a voter for the said district (or division) in the electoral roll settled at the Court of Revision held at _____ on the _____ day of _____ last, and that the said C.D., claiming to be entitled to vote for the district (or division) of _____ hath applied to be transferred thereto. Whereupon I, the said A.B., have given this certificate of transfer to the said C.D., to the intent that his name may be transferred from the electoral roll of the said district (or division) of _____ to the electoral roll of the district (or division) of _____

See note in margin of S. 11

Dated the _____ day of _____ 18 _____ (Signed) A. B.

To E.F., Returning Officer, (or Deputy Returning Officer) for the Electoral District (or Division) of _____

G

District or Division.	Other Voting Places than the chief Voting Places.
East Torrens Flinders Burra and Clare Mount Barker	Glen Osmond and Glynde. Port Augusta and Oratunga. In the Hundred of Alma. Meadows Township.