



ANNO SEXTO

GEORGII VI REGIS.

A.D. 1942.

No. 37 of 1942.

An Act to amend the Electoral Act, 1929-1941.

[Assented to 16th December, 1942.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the " Electoral Act Amendment Act, 1942 ".

(2) The Electoral Act, 1929-1941, as amended by this Act, may be cited as the " Electoral Act, 1929-1942 ".

(3) The Electoral Act, 1929-1941, is hereinafter called " the principal Act ".

Incorporation.

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

Enactment of
s. 118a of
principal Act—

3. The following section is enacted and inserted in the principal Act after section 118 thereof :—

Compulsory
voting for
House of
Assembly.

118a. (1) It shall be the duty of every Assembly elector to record his vote at every election in the Assembly district for which he is enrolled.

(2) It shall be the duty of the returning officer for each Assembly district at the close of each election in that district to prepare a list of the names, addresses and descriptions of the electors enrolled for his Assembly district who have not voted at the election, and to certify the list by statutory declaration under his hand.

(3) The list so certified shall in all proceedings be *prima facie* evidence of the contents thereof and of the fact that the electors whose names appear therein did not vote at the election.

(4) Within the prescribed period after the close of each election in an Assembly district the returning officer for that district shall send by post to each elector whose name appears on the list prepared in accordance with subsection (2) of this section, at the address mentioned in that list, a notice, in the prescribed form, notifying the elector that he appears to have failed to vote at the election, and calling upon him to give a valid, truthful and sufficient explanation of his apparent failure so to vote: Provided that the said returning officer need not send a notification in any case where he is satisfied that the elector—

(a) is dead; or

(b) was ineligible to vote at the election.

(5) Before sending any such notice, the returning officer shall insert therein a date, not being less than twenty-one days after the date of posting of the notice, on which the form attached to the notice, duly filled up and signed by the elector, is to be in the hands of the returning officer.

(6) Every elector to whom a notice under this section has been sent shall fill up the form at the foot of the notice by stating in it the true reason why he failed so to vote, sign the form, and post it so as to reach the returning officer not later than the date inserted in the notice.

(7) If any elector is unable, by reason of absence from his place of living or physical incapacity, to fill up, sign, and post the form, within the time allowed under subsection (5) of this section, any other elector who has personal knowledge of the facts may, subject to the regulations, fill up, sign and post the form, duly witnessed, within that time, and the filling up, signing, and posting of the form may be treated as compliance by the firstmentioned elector with the provisions of subsection (6) of this section.

(8) Upon receipt of a form referred to in either of the last two preceding subsections, the returning officer shall indorse on the list prepared in accordance with subsection (2) of this section, opposite the name of the elector, his opinion whether or not the reason contained in the form is a valid and sufficient reason for the failure of the elector to vote.

(9) The returning officer shall also indorse on the list, opposite the name of each elector to whom a notice under this section has been sent and from or on behalf of whom a form properly filled up and signed and witnessed has not been received by him, a note to that effect.

(10) The list prepared and indorsed by the returning officer, indicating—

- (a) the names of the Assembly electors who did not vote at the election ;
- (b) the names of the Assembly electors from whom or on whose behalf the returning officer received, within the time allowed under subsection (5) of this section, forms properly filled up and signed ; and
- (c) the names of the Assembly electors who failed to reply within that time,

and any extract therefrom, certified by the returning officer under his hand, shall in all proceedings be *prima facie* evidence of the contents of such list or extract, and of the fact that the electors whose names appear therein did not vote at the election, and that the notice specified in subsection (4) of this section was received by those electors, and that those electors did, or did not (as the case may be) comply with the requisitions contained in the notice within the time allowed under subsection (5) of this section.

(11) Every Assembly elector who—

- (a) fails to vote at an election without a valid and sufficient reason for such failure ; or
- (b) on receipt of a notice in accordance with subsection (4) of this section, fails to fill up, sign, and post within the time allowed under subsection (5) of this section the form (duly witnessed) which is attached to the notice ; or
- (c) states in such form a false reason for not having voted, or, in the case of an elector filling up or purporting to fill up a form on behalf of any other elector, in pursuance of subsection (7) of this section, states in such form a false reason why that other elector did not vote, shall be guilty of an offence.

Penalty—Not less than ten shillings and not more than two pounds.

(12) Proceedings for an offence against this section shall not be instituted except by the returning officer for the State or an officer thereto authorized in writing by the returning officer for the State.

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

C. M. BARCLAY-HARVEY, Governor.