



ANNO DECIMO

GEORGI VI REGIS.

A.D. 1946.

No. 35 of 1946.

An Act to amend the Electoral Act, 1929-1943.

[Assented to 19th December, 1946.]

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, 1946 ". Short title.
- (2) The Electoral Act, 1929-1943, as amended by this Act, may be cited as the " Electoral Act, 1929-1946 ".
- (3) The Electoral Act, 1929-1943, is hereinafter called " the principal Act ".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. The following section is enacted and inserted in the principal Act after section 110 thereof :— Enactment of s. 110a of principal Act—
 - 110a. (1) Notwithstanding anything contained in this Act, when any person who is entitled to be enrolled on the roll for a subdivision of an Assembly district claims to vote at an Assembly election at a polling place for that subdivision, and his name has been omitted from or struck out of the certified list of voters for that polling place owing to an error of an officer or a mistake of fact or when any person who is enrolled on the roll for a subdivision of an Assembly district claims to vote at an election at a polling place for that subdivision and his name cannot be found by the presiding officer on theVote of person whose name is not on certified list, or has been struck out of certified list.

certified list of voters, he may, subject to this Act and the regulations, be permitted to vote if—

(a) in the case of a person whose name has been omitted from the certified list—

(i.) he sent or delivered to the registrar for the subdivision a duly completed claim for enrolment or transfer of enrolment, as the case requires, in respect of the subdivision, and the claim was received by the registrar before the issue of the writ for the election ; and

(ii.) he did not after sending or delivering the claim and before the issue of the writ become qualified for transfer of enrolment to another subdivision ; or

(b) in the case of a person whose name has been struck out of the certified list—

(i.) his name was not, to the best of his knowledge, removed from the roll for the subdivision owing to objection, or transfer or duplication of enrolment, or disqualification ; and

(ii.) he had, from the time of his enrolment for the subdivision to the date of the issue of the writ for the election, continuously retained his right to enrolment for that subdivision ; or

(c) in the case of a person whose name is on the roll for a subdivision for which he claims to vote but cannot be found on the certified list by the presiding officer, he claims that his name appears or should appear on the roll,

and makes a declaration in the prescribed form before the presiding officer at the polling place.

(2) Where a voter claims to vote under the provisions of this section, he shall mark and fold his ballot-paper in the manner prescribed in this Act and return it so folded to the presiding officer.

(3) The presiding officer shall thereupon, in the presence of the voter and of such scrutineers as are present, and without unfolding the ballot-paper, enclose it in an

envelope bearing the declaration of the voter and addressed to the returning officer for the district for which the voter claims to be entitled to vote, and shall forthwith securely fasten the envelope and deposit it in the ballot-box.

(4) The assistant returning officer who is authorized under the provisions of this Act to open the ballot-box shall without opening the envelope forthwith transmit it to the returning officer for the district for which the voter claims that he is entitled to vote.

(5) The returning officer, on receipt of the envelope containing the ballot-paper as aforesaid, shall, before opening the envelope or allowing any other person to do so, examine the declaration of the voter, and, if it is in order and he is satisfied, after making such inquiry as may be necessary, that the voter is a person to whom paragraph (a) (b) or (c) of subsection (1) of this section applies, shall deal with the ballot-paper in the manner prescribed in connection with the scrutiny of absent voters' ballot-papers, and forthwith inform the returning officer for the State of such correction, if any, as is necessary to be made in the roll by the registrar.

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

C. W. M. NORRIE, Governor.