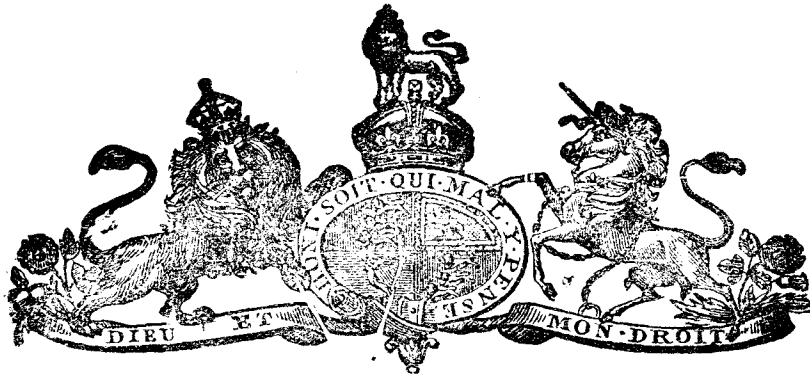


T A S M A N I A.



1928.

ANNO NONO DECIMO
GEORGII V. REGIS.

No. 55

ANALYSIS.

- 1. Short title.
- 2. Amendment of 7 Ed. VII. No. 6.
New Section 122A.
Compulsory voting.
Section 195.

AN ACT to amend the Electoral Act, 1907, and ^{A.D.} 1928.
to provide for Compulsory Voting at Parli-
mentary Elections. [15 January, 1929.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

- 1 This Act may be cited as “The Electoral Act, 1928.”
- 2 The Electoral Act, 1907, is hereby amended—
 - I. By inserting therein after Section One hundred and twenty-two, the following new Section 122a :—
 - “122a—(1) It shall be the duty of every elector to record his vote at each election.

Short title.

Amendment of
7 Ed. VII. N .6.
New Section
122A.

Compulsory
voting.

Electoral

A.D. 1928.
—

(2) It shall be the duty of each Divisional Returning Officer at the close of each election to prepare a list of the names and descriptions of the electors enrolled for his Division 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, the Divisional Returning Officer shall send by post to each elector whose name appears on the list prepared in accordance with Subsections (1) and (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 reason why he failed so to vote :

Provided that the Divisional Returning Officer need not send a notification in any case where he is satisfied that the elector—

- i. Is dead: or
- ii. Was absent from the State on polling day: or
- iii. Is known to the Divisional Returning Officer to have been ineligible to vote at the election: or
- iv. Was, during the hours of polling on polling day, distant at least five miles from a polling booth.

(5) Before sending any such notice, the Divisional 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 Divisional 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 Divisional 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 first-mentioned elector with the provisions of Subsection (6) of this section.

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(8) Upon receipt of a form referred to in either of the last two preceding subsections, the Divisional Returning Officer shall endorse 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 Divisional Returning Officer shall also endorse 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, signed, and witnessed, has not been received by him, a note to that effect.

(10) The list prepared and endorsed by the Divisional Returning Officer, indicating—

- I. The names of the electors who did not vote at the election :
- II. The names of the electors from whom or on whose behalf the Divisional Returning Officer received, within the time allowed under Subsection (5) of this section, forms properly filled-up and signed : and
- III. The names of the electors who failed to reply within that time—

and any extract therefrom, certified by the Divisional 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 elector who—

- I. Fails to vote at an election without a valid and sufficient reason for such failure : or
- II. 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
- III. 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.

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Penalty: Not less than Five Shillings and not more than Two Pounds.

(12) Proceedings for an offence against this section shall not be instituted except by the Chief Electoral Officer or an officer thereto authorised in writing by the Chief Electoral Officer."

Section 195.

II. By inserting after Subsection (3) of Section One hundred and ninety-five thereof the following new Subsection (4)—

"(4) Any such regulation as aforesaid may prescribe the procedure in relation to the imposition and recovery of penalties for offences against the compulsory voting provisions of this Act."