



*Repealed
971/1908*

ANNO QUINQUAGESIMO TERTIO ET QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

A.D. 1890.

No. 498.

An Act for the purpose of giving Greater Facilities to Absent Voters to Record their Votes at Elections of Members of the Legislature of South Australia.

[Assented to, December 23rd, 1890.]

WHEREAS it is expedient to give greater facilities to absent voters to record their votes at elections of members of the Legislature of South Australia—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly, in this present Parliament assembled, as follows: Preamble.

1. This Act may be cited as “The Absent Voters Electoral Act, 1890,” and shall apply only in the case of an election of members to serve in the Parliament of South Australia. Short title.

2. In the interpretation of this Act the words “voter” or “voters” shall include every person registered as a voter in any electoral district. Interpretation.

3. Any voter who shall have reason to believe that he will be absent from the electoral district in which he is registered as a voter on the day of voting, shall be entitled any time after the issuing of the writ to obtain a certificate in one of the forms, as the case may be, of the Schedule hereto annexed, marked A, from the Returning Officer, that he is registered as a voter upon the electoral roll and entitled to vote at the forthcoming elections. Certificate to be granted.

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Declaration on application for certificate.

4. The applicant for such certificate shall make a declaration before the Returning Officer—

i. That he is the person named on the register of voters :

ii. That he makes the said application believing that he will be absent from the district on the forthcoming day of voting.

Questions may be put to the applicant.

5. The Returning Officer shall, if he think fit, put to the applicant proposing to vote the questions authorised to be put to voters on the day of voting before the delivery of any voting-paper.

Returning Officer may refuse to grant certificate.

6. If the applicant shall refuse to answer any questions, or shall answer the same in such a manner as to show that he is not qualified to vote, the Returning Officer shall refuse to grant the certificate.

Certificate and voting-paper.

7. The certificate shall be made on the back of an envelope, to be used as hereinafter directed, and handed by the Returning Officer to the elector, together with a voting-paper, with instructions on the back of the voting-paper how to vote.

(a) The voting-paper shall be in the form given in the Schedule hereto annexed marked C, with a counterfoil attached thereto, for the signature of the voter, and also for that of the postmaster or his deputy witnessing the same:

(b) The Returning Officer shall also supply the elector with another envelope, duly addressed to the Returning Officer at the chief voting-place of the district, in which the elector shall post the certificate and voting-paper, witnessed and stamped:

(c) The elector applying to vote through the post office shall sign his name in a book, acknowledging the receipt of the certificate and voting-paper:

(d) The Returning Officer shall initial all voting-papers issued, and shall place in the receipt-book numbers in consecutive order against the names of all persons to whom certificates are granted, writing the corresponding number on the counterfoil of the voting-paper, and such receipt-book shall contain the particulars set out in Schedule B.

Names of candidates to be written.

8. The elector shall indicate the name or names of the candidates for whom he intends to vote, by writing the names of each such candidate on the inside of the voting-paper.

Elector to sign his name in presence of postmaster.

9. The elector intending to vote through the post office shall, in the presence only of any postmaster in the province of South Australia, sign his name on the counterfoil on the back of the voting-paper, and present the voting-paper, folded up, to be witnessed and stamped with the letter stamp of the day and date then being used at the post office.

(a) The

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(a) The voter shall then and there, in the presence only of the postmaster, insert the voting-paper in the envelope, on the back of which his certificate for voting has been signed by the Returning Officer, and fasten up the same; and shall forthwith duly enclose his voting-paper and certificate in the envelope supplied to him, addressed to the Returning Officer of the District or Division, and having sealed up the same shall at once hand the same to the postmaster for delivery.

10. Having issued the certificate, the Returning Officer shall notify the fact on the lists of voters to be used at the booths on the day of voting; and no elector who has received any such certificate shall be entitled to vote at any polling-booth unless he shall have delivered up the same to the Returning Officer to be cancelled two days before the day of election.

Returning officer to notify issue of certificate.

11. The Returning Officer shall produce all letters so addressed to him and received up to the time of commencing the scrutiny of the votes, and at such scrutiny the letters shall be opened in the presence of the agents for the candidates who may attend, and shall be dealt with in the following manner:—

Letters to be produced at scrutiny.

- (a) The Returning Officer shall produce the list of persons to whom certificates have been granted, with the signatures of the voters receiving them:
- (b) The Returning Officer, without unfolding the voting-paper or allowing it to be inspected, shall compare the signature on the back with the signature in the receipt-book, and allow the scrutineers to inspect the same, and shall determine whether the signature is that of the person entitled to vote:
- (c) If the vote is allowed the Returning Officer shall tear off the counterfoil bearing the signature of the voter and insert, unfolded, the voting-paper in the ballot-box:
- (d) If the Returning Officer shall reject the voting-paper, then the certificate and ballot-paper shall be preserved by the Returning Officer for production at any Court of Disputed Returns that may be held on or about such election, the voting-paper being at once sealed up without being unfolded or inspected:
- (e) Voting-papers so allowed shall be placed in a ballot-box by themselves, and, when they have all been inserted, the casting up of the votes shall commence:
- (f) No voting-paper shall be counted at the scrutiny which shall not bear the name of the postmaster or his deputy as witnessing the signature of the voter on the counterfoil attached, and which is not stamped with the said letter stamp.

12. When

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Returning Officer to decide.

12. When any difference of opinion may arise between the Returning Officer and the scrutineers as to the signatures, the Returning Officer shall finally decide, subject to reversal by the Court for the Trial of Disputed Returns.

It shall be sufficient, where no two candidates have the same surname, for the voter to write the surname only of the candidate in voting, and any mistake in spelling of the surname, where it sounds the same, or the intention is clear, shall not prevent the vote being counted.

Forms to be supplied.

13. The Returning Officer for the Province shall supply to Returning Officers, on requisition, the necessary number of voting-papers, envelopes, and forms to carry the provisions of this Act into effect.

Minister to give necessary directions.

14. The Minister controlling the Post Office Department shall give the necessary directions for duly carrying into effect the provisions of this Act as to the duty of postmasters and their deputies, and for seeing that all letters to the Returning Officer so lodged with the postmaster shall be sent to the Returning Officer as registered letters free of charge, on being marked "Electoral Returns."

Incorporation.

15. Except so far as the same are inconsistent with the provisions of this Act, "The Electoral Act, 1879," and any Acts amending that Act shall be incorporated and read herewith as forming one Act.

Duration of Act.

16. This Act shall cease to be in force on the first day of January, one thousand eight hundred and ninety-four.

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

KINTORE, Governor.

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SCHEDULES.

SCHEDULE A.

Certificate entitling an Elector to Vote through the Post Office for House of Assembly Election.

I hereby certify that _____ of _____ is entitled to vote at the present election for the House of Assembly.

Dated this _____ day of _____, 18 .

(Signed) _____
Returning Officer, Electoral District of _____

Certificate entitling an Elector to Vote through the Post Office for Legislative Council Election.

I hereby certify that _____ of _____ is entitled to vote at the present election for the Legislative Council.

Dated this _____ day of _____, 18 .

(Signed) _____
Deputy Returning Officer, Division of _____

SCHEDULE B.

Form of Book to be kept by Returning Officers, in which to enter the names of electors to whom certificates and voting-papers have been granted.

HOUSE OF ASSEMBLY or LEGISLATIVE COUNCIL.

Election _____ day of _____ 18

Corresponding Number in Certificate and Voting-Paper issued.	Date of Issue.	Christian and Surname of Voter at full length.	SIGNATURE OF ELECTORS. We, the undersigned, hereby acknowledge to have received of Returning Officer for the necessary certificates and voting-papers (the corresponding number of which is set opposite our respective names) to enable us to vote through the Post Office.

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SCHEDULE C.

Form of Voting Paper.

VOTING PAPER.

INSTRUCTIONS.—In the presence of the Postmaster the voter must sign his name in the place shown thereon. The Postmaster will witness the signature and stamp the voting-paper, without unfolding the same, with the Post Office letter stamp for the day and date, and return the voting-paper to the voter. The Elector will then insert this voting-paper in the envelope on which the certificate is signed and marked "For voting-paper," and fasten. Then, after sealing up or fastening the letter in the envelope addressed to the Returning Officer, will hand it at once to the Postmaster for delivery through the post.

COUNTERFOIL.

No.

Signature of Voter

Witness—

Postmaster.

[To be stamped with Post Office stamp.]

INDORSEMENT.

Below write the names of the Candidates you vote for:—

ENVELOPE.

No. of Certificate

HOUSE OF ASSEMBLY ELECTION.

Day of Election

Envelope for inserting Voting-paper.

Certificate entitling Elector to vote through the Post Office.

I hereby certify that _____ of _____ is
entitled to vote at the above Election.

(Signed) _____ Returning Officer,
Electoral District of _____

N.B.—When you have fastened up the voting-paper, as directed herein, place this in the other envelope addressed to the Returning Officer, and give it to Postmaster.