

NOTE: original document 4 pages.

BEGIN TRANSCRIPTION

No. [10] of 1924.

A N A C T

To amend the Commonwealth Electoral Act 1918-1922  
for the purpose of making provision for Compulsory Voting.  
. Assented to [31<sup>st</sup> July, 1924.]

THIS Bill originated in the Senate, and has finally passed both Houses.

Signed  
[Geo. H. Monahan]  
Clerk of the Senate

Signed  
[Thos. Givens]  
President.

## A N A C T

To amend the Commonwealth Electoral Act 1918-1922 for the purpose of making provision for Compulsory Voting.

Be it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the Commonwealth Electoral Act 1924.

(2.) The Commonwealth Electoral Act 1918-1922 is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the Commonwealth Electoral Act 1918-1924.

2. After section one hundred and twenty-eight of the Principal Act the following section is inserted:—

128A. (1.) It shall be the duty of every elector to record his vote at each election.

(2.) It shall be the duty of each Divisional Returning Officer at the close of each election to prepare a list (in duplicate) 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

Short title and citation.

No. 27, 1918.

No. 31, 1919.

No. 14, 1921.

No. 14, 1922.

Compulsory voting.

Cf. No. 36 of 1915

and the Q'land

Elections Act of

1885, s. 88.

("Q'land Acts

of Parliament

1914-15.")

(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 sub-sections (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.

(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 sub-section (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 sub-section (6.) of this section.

(8.) Upon receipt of a form referred to in either of the last two preceding sub-sections, the Divisional Returning Officer shall indorse on both copies of the list prepared in accordance with sub-section (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 indorse on both copies of 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.) Within two months after the expiration of the period prescribed under sub-section (4.) of this section, the Divisional Returning Officer shall send to the Commonwealth Electoral Officer for the State one copy of the list, with his indorsements thereon, certified by statutory declaration under his hand.

Each copy of the list prepared and indorsed by the Divisional Returning Officer, indicating—

(a) the names of the electors who did not vote at the election;

the

- (b) the names of the electors from whom or on whose behalf the Divisional Returning Officer received, within the time allowed under sub-section (5.) of this section, forms properly filled up and signed; and
- (c) 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 sub-section (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 sub-section (5.) of this section.

(12.) Every 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 sub-section (4.) of this section, fails to fill up, sign, and post within the time allowed under sub-section (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 sub-section (7.) of this section, states in such a form a false reason why that other elector did not vote,

shall be guilty of an offence.

Penalty : Two pounds.

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

3. Section two hundred and nineteen of the Principal Act is amended by inserting in sub-paragraph (b) after the words “compulsory enrolment” the words “or compulsory voting”.

Regulations  
No. 27, 1918,  
s. 219.

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

[Signature: Forster]  
Governor-General  
[31<sup>st</sup> July,] 1924.

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