
COMMONWEALTH ELECTORAL
(WAR-TIME).

No. 8 of 1917.

An Act to make certain further provision, for the duration of the War and six months thereafter, in relation to Parliamentary Elections.

[Assented to 19th March, 1917.]

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

PART I.—PRELIMINARY.

1. This Act may be cited as the *Commonwealth Electoral (War-time) Act 1917*. Short title.

- Application of Act.** 2. This Act shall apply in relation to elections for the Senate and general elections for the House of Representatives, held during the present war or within six months thereafter.
- Incorporation.** 3. The *Commonwealth Electoral Act 1902-1911* shall be incorporated and read as one with this Act.
- Parts.** 4. This Act is divided into Parts, as follows :—
 PART I.—Preliminary.
 PART II.—Voting by Members of the Forces.
 PART III.—Disqualification of certain persons.
 PART IV.—Supplementary.
- Definitions.** 5. In this Act, unless the contrary intention appears—
 “Member of the Forces” means a person who is or has been a member of the Commonwealth Naval or Military Forces enlisted or appointed for active service outside Australia or on a ship of war, and a person engaged as a munition or other worker under agreement with the Commonwealth Government for service outside Australia, and includes a person who is or has been a member of the Army Medical Corps Nursing Service who is accepted or appointed by the Director-General of Medical Services for service outside Australia ;
 “An Election” means an election for the Senate or a general election for the House of Representatives.
- PART II.—VOTING BY MEMBERS OF THE FORCES.
- Commencement of Part II.** 6. This Part shall not commence until a day to be fixed by Proclamation.^(a)
- Right of members of the Forces to vote.** 7. Subject to this Act, every member of the Forces who is not under the age of twenty-one years and—
 (a) is enrolled as an elector of the Commonwealth or is eligible to be so enrolled and is serving outside Australia, or
 (b) is not enrolled as an elector but is eligible to be so enrolled and has returned from serving outside Australia and produces to the presiding officer the prescribed certificate, shall be entitled to vote at the election as an elector of the Division and State in which his place of residence, as shown on the prescribed list, is situate, or, if his place of residence is not so shown, as an elector of the Division and State in which his next of kin as shown on that list resides.
- Provisions to apply in respect of the votes of members of the Forces.** 8. With respect to the votes of members of the Forces under this Act, the following provisions shall apply :—
 (a) The voting papers for the election shall, except in the case of members of the Forces who have returned from service outside Australia, be in accordance with the form in the Schedule ;

(a) Proclaimed to commence on 23rd March, 1917. See *Gazette*, 23rd March, 1917, p. 541.

- (b) Every vote given by a member of the Forces in accordance with the form in the Schedule shall be counted as follows:—
- (i) in the case of a Senate election, a vote for a party shall be counted as a vote for each of the three candidates who have been recognised in the manner hereinafter prescribed as the three candidates representing that party in the State in respect of which the member is entitled under this Act to vote:
- Provided that where the member votes by writing on the ballot-paper the names of three candidates for the State in respect of which he is entitled under this Act to vote, his vote shall be counted as a vote for each of those three candidates;
- (ii) in the case of a general election for the House of Representatives, a vote for a party shall be counted as a vote for the candidate who has been recognised in the manner hereinafter prescribed as the candidate representing that party in the Division in respect of which the member is entitled under this Act to vote:
- Provided that where the member votes by writing on the ballot-paper the name of any candidate for the Division in respect of which he is entitled under this Act to vote his vote shall be counted as a vote for that candidate;
- (c) Such recognition shall be made—
- (i) in the case of the Ministerial Party, by the Prime Minister; and
- (ii) in the case of the Opposition Party, by the Leader of the Opposition in the House of Representatives;
- (d) If a member of the Forces votes for a party and there is no candidate recognised as aforesaid as representing that party the vote shall not be counted;
- (e) Within five days after the day of nomination the Prime Minister and the Leader of the Opposition shall severally notify the Chief Electoral Officer of the names of the candidates recognised by them, and such notifications shall forthwith be published in the *Gazette*;
- (f) The Chief Electoral Officer shall so far as military or naval considerations will permit cause each member of the Forces who is entitled to vote under this Act to be supplied with a ballot-paper;
- (g) A member of the Forces shall not be entitled to vote more than once under this Act, nor shall he be entitled to vote under this Act and also under the *Commonwealth Electoral Act 1902-1911*.

Appointment of officers.

9. The Chief Electoral Officer may appoint within or beyond the Commonwealth such officers as are necessary for giving effect to the provisions of this Part.

PART III.—DISQUALIFICATION OF CERTAIN PERSONS.

Disqualification of certain persons.

10.—(1.) Subject to this Act every naturalized British subject who was born in an enemy country shall be disqualified from voting at elections.

(2.) A person shall be deemed to have been born in an enemy country, within the meaning of this Act, if he was born in a country which forms part of the territory of any country with which the British Empire is now at war :

Provided that a person claiming to vote who was a natural-born citizen or subject of France, Italy, or Denmark, and who arrived in Australia before the date upon which the territory in which he was born became part of Germany or Austria (as the case may be) shall not be deemed to have been born in an enemy country, if he produces to the presiding officer a certificate in the prescribed form, which has not been revoked.

(3.) A certificate for the purposes of this section may be issued in the prescribed manner by the Divisional Returning Officer or if so prescribed by the Electoral Registrar of the Division for which the elector is enrolled, at least three days before polling day, and may be revoked by the Divisional Returning Officer at any time before the elector records his vote, if the Divisional Returning Officer has reason to believe that the facts did not justify its issue.

(4.) Nothing contained in sub-section (1.) of this section shall be construed as preventing any of the following persons from voting, namely—

- (a) any member of the Forces who is serving outside Australia ;
- (b) any person who produces to the presiding officer a certificate signed by the District Commandant of a Military District or an officer thereto authorized by him that that person is or has been a member of the Forces, or who has applied for enlistment as a member of the Forces and has been rejected as medically unfit, or is a parent, or the wife, brother or sister of a person who is or has been a member of the Forces or of a person who has so applied and been rejected ;
- (c) any person who satisfies the presiding officer that he is or has been at any time during the present war a member of the Parliament of the Commonwealth or of a State ;
- (d) any person who satisfies the presiding officer that he is a Christian and either a Syrian or an Armenian.

Additional question which may be put to person claiming to vote.

11.—(1.) In addition to the questions prescribed by section one hundred and forty-one of the *Commonwealth Electoral Act 1902-1911* the presiding officer may either of his own motion or at the request of

a scrutineer put to any person claiming to vote at an election the following question :—

Are you a naturalized British subject who was born in an enemy country within the meaning of the *Commonwealth Electoral (War-time) Act 1917* ?

(2.) If any person refuses to answer this question fully, or by his answer shows that he is not entitled to vote at the election, his claim to vote shall be rejected unless he satisfies the presiding officer that he is one of the persons specified in paragraph (a), (b), (c) or (d) of sub-section (4.) of section ten of this Act.

12. Any person who, being disqualified by this Act from voting, votes at an election shall be guilty of an offence. Penalty for disqualified person voting.

Penalty : One hundred pounds and six months' imprisonment, or either.

PART IV.—SUPPLEMENTARY.

13. The validity of any election shall not be questioned on the ground of anything done or omitted to be done under this Act, or on the ground of any omission or irregularity in connexion with the administration of this Act, or on the ground that for any reason whatever it is found impracticable for any member of the Forces to record his vote. Validity of election not affected.

14. On the day appointed as polling day for an election of the Senate or a general election of the House of Representatives, no referendum or vote of the electors of any State or part of a State shall be taken under the law of a State. No State referendum or vote to be held on polling day.

15.—(1.) If in any election for the Senate or for the House of Representatives any candidate representing the Ministerial Party or the Opposition Party dies after the date of nominations and before polling day the Prime Minister or the Leader of the Opposition, as the case may be, may certify to the Chief Electoral Officer in writing the name of the person recognised by him as a substitute candidate, and thereupon such substitute candidate shall upon production to the Chief Electoral Officer of written consent to his nomination be deemed to have been duly nominated in the place of the deceased candidate, and all votes polled for the deceased candidate either in his own name or as a candidate of the Ministerial Party or the Opposition Party, as the case may be, shall be deemed to have been polled for the substitute candidate. Provision in case of death of candidate.

(2.) The Chief Electoral Officer shall take such action as he thinks necessary or as circumstances permit for the publication of the fact of the death of a candidate and the substitution of a candidate in his stead.

16. In the event of the writ for the election of Senators for any State including the election of one or more Senators to fill casual vacancies within the meaning of the *Senate Elections Act 1903*, the provisions of this Act relating to three Senators shall be construed to refer to the number of Senators required to be elected, and the Provision where casual vacancies to be filled.

regulations may provide for such alterations in the form of the ballot-paper, and for such other matters, as are thereby rendered necessary.

Regulations.

17. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for giving effect to this Act, and in particular—

- (a) for prescribing the form of declaration to be completed by a member of the Forces before he is entitled to vote under this Act ;
- (b) for prescribing the grounds upon which ballot-papers of members of the Forces are to be rejected as informal ; and
- (c) for providing for the scrutiny, in the presence of an equal number of scrutineers nominated by the Prime Minister and the Leader of the Opposition respectively, or of persons authorized by them respectively, of ballot-papers containing votes cast under Part II. of this Act, and their allocation to respective Divisions and States.

THE SCHEDULE.

NOTE.—BEFORE VOTING, READ ALL DIRECTIONS CAREFULLY.

Commonwealth of Australia

SENATE BALLOT-PAPER.

DIRECTIONS TO VOTER.

The Voter in the presence of the Authorized Witness, but so that the Authorized Witness cannot see the vote, should indicate his vote as follows :—

If he desires to vote for the THREE MINISTERIAL CANDIDATES, he should make a cross in the square opposite the word " MINISTERIAL."

If he desires to vote for the THREE OPPOSITION CANDIDATES, he should make a cross in the square opposite the word " OPPOSITION."

MINISTERIAL
(3 Candidates).

OPPOSITION
(3 Candidates).

If the Voter desires to vote OTHERWISE than for the three Ministerial Candidates or for the three Opposition Candidates, he should write the names of the THREE Candidates for whom he votes, hereunder :—

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.....

.....

The Voter must Vote for THREE Candidates.

THE SCHEDULE—*continued.*

HOUSE OF REPRESENTATIVES BALLOT-PAPER.

DIRECTIONS TO VOTER.

The Voter in the presence of the Authorized Witness, but so that the Authorized Witness cannot see the Vote, should indicate his vote as follows :—

If he desires to vote for the MINISTERIAL CANDIDATE, he should make a cross in the square opposite the word "MINISTERIAL."

If he desires to vote for the OPPOSITION CANDIDATE, he should make a cross in the square opposite the word "OPPOSITION."

MINISTERIAL
(1 Candidate).

OPPOSITION
(1 Candidate).

If the Voter desires to vote for a candidate OTHER THAN the Ministerial candidate or the Opposition candidate, he should write the name of the candidate for whom he votes, hereunder—

.....

The Voter must vote for ONE candidate only.

After the Voter has marked his Ballot-papers, he should fold the Ballot-papers so that the votes cannot be seen and return them to the Authorized Witness who will then, in the presence of the Voter, without unfolding the Ballot-papers, forthwith place them in the envelope bearing the declaration of the Voter and securely fasten the envelope.