

Act No. 41, 1912.

PARLIAMENTARY
ELECTORATES AND
ELECTIONS.

An Act to consolidate enactments relating to
Parliamentary electorates and elections.
[26th November, 1912.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

SHORT TITLE AND INTERPRETATION.

Short title,
arrangement, &c.

1. This Act may be cited as the "Parliamentary Electorates and Elections Act, 1912," and is divided into the following Parts:—

PART I.—SHORT TITLE AND INTERPRETATION—ss. 1-3.

PART II.—NUMBER OF MEMBERS AND OF ELECTORATES—DISTRIBUTION OF ELECTORATES—ss. 4-19.

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PART III.—QUALIFICATIONS OF ELECTORS—ss. 20, 21.

PART IV.—MAKING OF LISTS AND ROLLS—ss. 22-67.

*Appointment of officers—s. 22.**Collection of lists—ss. 23-26.**Additions to list by registrar—s. 27.**Exhibition of list—s. 28.**Revision of list—ss. 29-35.**The roll—ss. 36, 37.**Supplemental rolls, revision courts before general election—
ss. 38-44.**Printing of rolls, new rolls—ss. 45, 46.**Additions and transfers to rolls—ss. 47-52.**Formal alterations—ss. 53-55.**Alterations, when and how made—ss. 56, 57.**Lists of deaths and of persons in gaol, &c.—ss. 58, 59.**Removal of names from rolls—ss. 60-66.**Appeals—s. 67.*

PART V.—WRITS, NOMINATIONS, CONDUCT OF ELECTIONS—ss. 68-154.

*Writs—ss. 68-74.**Returning Officers—ss. 75-78.**Nominations—s. 79.**When poll to be taken—ss. 80, 81.**Ballot papers—ss. 82, 83.**Polling-places, poll clerks, &c—ss. 84-91.**General provisions for regulation of voting—ss. 92-114.**Absent voters—ss. 115-120.**Proceedings after close of poll—ss. 121-129.**Adjournment of poll—ss. 130-132.**General provisions—ss. 133-136.**Second ballot—ss. 137-146.**Bribery, treating, intimidation—ss. 147-154.*PART VI.—COMMITTEE OF ELECTIONS AND QUALIFICATIONS—
ELECTION PETITIONS—ss. 155-175.*Committee of Elections and Qualifications—ss. 155-162.**Election petitions—ss. 163-175.*

PART VII.—MISCELLANEOUS PROVISIONS, PENALTIES, &c.—ss. 176-186.

PART VIII.—AMENDMENTS OF CONSTITUTION ACT, 1902—ss. 187-188.

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Repeal.

2. (1) The Acts mentioned in Schedule One to this Act, to the extent therein expressed, are hereby repealed.

(2) All registrars and other persons appointed to any office under the Acts hereby repealed, and in office at the passing of this Act, shall continue in office under this Act, and shall have the same liabilities, rights, powers, and duties in all respects as if this Act had been in force at the date of their respective appointments and they had been appointed hereunder.

(3) All lists, rolls, regulations, notices, proceedings, and all other matters and things duly granted, made, commenced, or done under the Acts hereby repealed and in force, current, operative, or pending at the passing of this Act shall be of the same force or effect in all respects as if this Act had been in force when they were so granted, made, commenced, or done, and they had been respectively granted, made, commenced, or done hereunder.

3. In the construction of this Act the following expressions within inverted commas shall bear the respective meanings hereby assigned to them, unless the context or subject-matter otherwise indicates or requires:—

“ Assembly ” means the Legislative Assembly of New South Wales.

“ Authorised agent ” includes any person holding the written authority of any candidate to act on his behalf for the election then pending.

“ By-election ” means any election held for the return of a member pursuant to any writ not issued in respect of a general election.

“ Election ” means an election of any member or members of the Assembly.

“ Electoral district ” or “ district ” means a district for the election of a member to serve in the Assembly.

“ Enrolled ” means named on the electoral roll in force and applicable for the time being.

“ General election ” means an election held for the return of members pursuant to writs issued by the Governor upon the dissolution or expiry of the Assembly.

“ List ” means a list of electors compiled, but not revised or perfected.

“ Marksman ” means a person unable from any cause to write his name.

“ Member ” means member of the Assembly.

“ Minister ” means Colonial Secretary.

“ Natural-born subject ” means a person born in His Majesty's dominions, as well as the son or daughter of a father or mother so born.

“ Naturalised

Interpretation of terms.
No. 33, 1902, s. 3.

No. 41, 1906, s. 4.

No. 33, 1902, s. 3.

No. 54, 1902, s. 2.

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- “ Naturalised subject ” means a person made or hereafter to be made a denizen, or who has been, or shall hereafter be, naturalised in New South Wales, in accordance with the denization or naturalisation laws in force for the time being; but subject to the provisions of the Chinese Restriction and Regulation Act of 1888, or any Act amending or consolidating the same. No. 33, 1902, s. 3.
- “ Prescribed ” means prescribed by this Act, or by any Schedule thereto, or by any regulation made thereunder.
- “ Proclaimed ” means published by proclamation. No. 41, 1906, s. 4.
- “ Proclamation ” means proclamation by the Governor in the Gazette.
- “ Registrar ” means registrar of the district.
- “ Returning officer ” includes any person lawfully authorised to act for a returning officer, or in his place. No. 33, 1902, s. 3.
- “ Roll ” means a roll of electors entitled to vote at elections under this Act. *Ibid.* and No. 41, 1906, s. 3 (2).
- “ Speaker ” means the Speaker of the Assembly. No. 33, 1902, s. 3.

PART II.

NUMBERS OF MEMBERS AND OF ELECTORATES—DISTRIBUTION OF ELECTORATES.

- 4.** In every Parliament the number of members of the Assembly shall be ninety, each member representing an electoral district. Number of members of Assembly.
No. 1, 1904, s. 2.
- 5.** New South Wales shall from time to time be distributed into ninety electoral districts. Number of electorates.
Ibid. s. 3.
- 6.** (1) When any distribution of electoral districts becomes necessary under the provisions of this Act, the Governor shall, by commission under the Great Seal, appoint three persons, each of whom shall be qualified as an elector in and for some electoral district of New South Wales, according to the law in force at the time of appointment, to be commissioners for the purposes of this Part, and to be called “ the Electoral Districts Commissioners.” Appointment of commissioners for redistribution of seats, &c.
No. 33, 1902, s. 4.
- (2) The persons so to be appointed shall be chosen by the Governor from persons then holding some office in the Public Service of New South Wales.
- (3) The names of the persons so appointed shall be published in the Gazette.
- 7.** (1) The office of a commissioner shall be tenable for the period named in such commission, and, if necessary, for such extended period, to be named in a further commission, as the Governor may deem proper for the completion of the distribution in respect whereof such first-mentioned commission has been issued. Duration of office, &c.
Ibid. s. 5.
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(2) The office of a commissioner shall be vacated if for any cause he ceases to hold office in the said Public Service.

Chairman.
No. 33, 1902, s. 6.

8. The commissioners shall appoint one of themselves to be their chairman as occasion may require.

Rules.
Ibid. s. 7.

9 The commissioners may, subject to the provisions of this Act, make rules for the conduct of their proceedings, but no such rule shall have any force until the same has been approved by the Governor.

Quorum—casting
vote of chairman.
Ibid. s. 8.

10. At all meetings of the commissioners two shall form a quorum, and in the event of an equality of votes the chairman shall have a casting vote in addition to his original vote.

Disqualifications.
Ibid. s. 9.

11. (1) No person who has been adjudged bankrupt or insolvent under the laws in force in New South Wales relating to bankruptcy or insolvency and who has not obtained a certificate of discharge or release of his estate under the said bankruptcy or insolvency, or who has been convicted of felony or misdemeanour, shall be appointed a commissioner under this Act.

(2) If any commissioner becomes bankrupt under any such laws, or assigns his estate for the benefit of his creditors, or is convicted of felony or misdemeanour, he shall thereby vacate his office.

Appointments to
fill vacancies.
Ibid. s. 10.

12. If any commissioner dies or becomes permanently incapable from illness of performing his duties, or resigns his office, or vacates his office by reason of any of the causes in the ninth section of this Act mentioned, the Governor shall by commission under the Great Seal appoint a person eligible under the fourth section of this Act as commissioner in his stead.

Redistribution of
electoral districts by
commissioners, &c.
Ibid. s. 11.

13. (1) It shall be the duty of the commissioners, and they are hereby directed, to distribute New South Wales into electoral districts for the purposes of this Act, within three months after the results of every census of the population of New South Wales has been ascertained and reported to the Colonial Secretary, which the Government Statistician is hereby required to do as early as possible after such census has been taken.

(2) Such distribution shall take effect when approved by resolution of the Assembly with or without amendment, and upon proclamation of the names and boundaries of the electoral districts in the Gazette.

(3) In addition to the distributions herein prescribed commissioners appointed under this Act may at any time in the fourth or fifth year after the taking of any census, if the electoral roll then in force in any electoral district shows an increase of or reduction in the prescribed quota of not less than twenty-five per centum, exercise for any part of New South Wales affected by such increase or reduction, including such electoral district, the like powers accompanied by the like duties as are conferred on them on the taking of every census.

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14. The prescribed notice of any proposed alteration of an electoral district shall be given by the commissioners in the Gazette, and in some newspaper published or circulating in such district, and objections in writing may be lodged with the commissioners against such proposed alteration, to which objections the commissioners shall give due consideration before coming to a final determination.

Notice of proposed alteration of existing boundaries to be given.
No. 33 1902, s. 12.

15. (1) The commissioners shall report to the Governor the names and boundaries of the electoral districts determined by them under any provision of this Part.

Report of commissioners to be proclaimed, &c.
Ibid. s. 13.

(2) A copy of every such report, together with a duly authenticated map of each electoral district defined in such report, shall be presented by the Governor to the Assembly within seven days from the receipt thereof, if in session, and, if not, then within seven days after the commencement of the then next ensuing session.

16. The electoral districts existing at the passing of this Act with their respective names and boundaries, shall be the electoral districts of New South Wales for the purposes of all elections until the publication of the next proclamation of the names and boundaries of electoral districts under this Act takes effect.

When new districts to come into existence.
Ibid. s. 14.

17. (1) The Colonial Secretary shall forthwith, after each such proclamation, cause to be deposited in the office of the Clerk of the Assembly a properly authenticated map of every electoral district named and described in such proclamation.

Maps of districts to be deposited, powers of commissioners, number of Members, quota, &c.
Ibid. s. 15.

(2) Every distribution shall be made on the following basis, and be subject to the provisions hereinafter expressed, that is to say,—

No. 1, 1904, ss. 2, 3, 4.

- (a) the total number of members to be elected to serve in the Assembly shall be ninety;
- (b) New South Wales shall be distributed into ninety electoral districts, each to be represented by one member only, and every such district shall have such an area that, at the time of making such distribution, the number of persons enrolled therein shall, subject to the margin of allowance hereinafter contained, reach the prescribed quota;
- (c) in making any such distribution due consideration shall be given to the then existing boundaries of electoral districts, to community or diversity of interest, lines of communication, and physical features;
- (d) in making any such distribution, the divisor shall, for the purpose of ascertaining the quota of electors, be ninety, with a margin of allowance not exceeding one thousand two hundred; and no reasons for the addition to or deduction from the quota of any such margin of allowance need be given or appended to any report by any commissioners making such distribution.

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Existing district rolls, &c., to continue until dissolution, &c. No. 33, 1902, s. 20.

18. (1) All electoral districts existing, and all electoral rolls in force, at the time of any redistribution of electoral districts under this Act shall continue, and remain in force, respectively, until the dissolution or expiration of the Parliament existing at the time when such redistribution is made.

Application of Act where boundaries altered under Seat of Government Acceptance Act. No. 18, 1910, s. 21.

(2) If the boundaries of any electoral district become altered by virtue of any proclamation issued under the authority of the Seat of Government Acceptance Act, 1909, the provisions of this Act shall apply as fully in respect of the reduced area as to the original electoral district before the alteration of such boundaries.

Evidence may be taken by commissioners. No. 1, 1904, s. 5.

19. The provisions of the Royal Commissioners Evidence Act, 1901, shall apply to Electoral Districts Commissioners making any such distribution, and such commissioners may accordingly take evidence as to the matters entrusted to them.

PART III.

QUALIFICATIONS OF ELECTORS.

Qualifications of electors, disqualifications, &c. No. 33, 1902, s. 21. No. 54, 1902, s. 2. No. 41, 1906, s. 3 (2). No. 18, 1910, s. 19. No. 9, 1911, s. 3 (a).

20. (1) Subject to the provisions of this Act, every person, being a natural-born subject, who has resided or had his principal place of abode within the Commonwealth of Australia for a continuous period of six months, and who has resided or had his principal place of abode in New South Wales for a continuous period of three months, and every person being a naturalised subject who has resided or had his principal place of abode within the Commonwealth of Australia for a continuous period of six months, and who has resided for three months within New South Wales, both such periods being after naturalisation, and who has resided or had his principal place of abode in the electoral district for a continuous period of one month immediately prior to the day on which he makes application for the purpose of giving effect to the franchise to which he is lawfully entitled, shall, if not disqualified or incapacitated under this or any other Act, be qualified as an elector under this Act.

No. 33, 1902, s. 21. No. 41, 1906, s. 3 (2).

(2) Every person so qualified, being of the full age of twenty-one years, absolutely free, and not disqualified by this or any other Act, who resides in a district shall, subject to the provisions of this Act, be entitled to have his name inserted and retained on a list and roll for such district.

No. 33, 1902, s. 21. No. 41, 1906, s. 3 (2).

(3) Although qualified as hereinbefore in this section provided, any person who, at the time of the holding of any election, for his district—

(a) is of unsound mind; or

(b) is in the receipt of aid from any public charitable institution, except as a patient under treatment for accident or disease at a hospital; or

(c)

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- (c) is in prison under any conviction; or
- (d) has been convicted of any crime or offence wherever committed, for which, if the same had been committed in New South Wales, he might have been lawfully sentenced to death or penal servitude, and has not received a free pardon therefor, or served the sentence passed on him; or
- (e) during six months preceding the holding of any election has been imprisoned without the option of a fine for an aggregate period of three months; or
- (f) within one year prior to the holding of any election has been convicted of bribery, intimidation, impersonation, or any similar offence at any election; or
- (g) during one year prior to the holding of any election has been convicted of being an habitual drunkard, an idle and disorderly person, or incorrigible rogue or a rogue and vagabond; or
- (h) has against him an unsatisfied order of any court for the maintenance of his wife or children (whether legitimate or illegitimate); or
- (i) has been convicted of having committed an aggravated assault upon his wife within one year;

shall be incapable of voting.

21. (1) Notwithstanding anything hereinbefore contained, no person shall be entitled to vote unless he—

- (a) is enrolled for the district for which he claims to vote;
- (b) retains the qualification and fulfils the conditions and requirements in respect of voting herein prescribed.

(2) Any person tendering his vote under this Act, if still resident in a district, shall be entitled to vote for such district notwithstanding that he has changed his place of residence to another in the same district, and the term "qualification" in this section shall be held to mean residence in the district.

(3) An elector who has changed his residence from the district for which he is enrolled to another district shall not on that account be debarred from voting at an election for the district for which he is enrolled, until a period of one month has elapsed from such change of residence:

Provided that in any case where the issue of a writ for an election prevents an elector getting his name placed on the roll in the new electorate, his right to record his vote in the old electorate shall hold good until after such election.

Restriction on right to vote.
No. 33, 1902, s. 22.
No. 41, 1906, s. 3 (2).

Elector who has moved to a new district may vote for his old district for a period of one month.
No. 33, 1902, s. 22.

Ibid.
No. 41, 1906, s. 3 (2).

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PART IV.

MAKING OF LISTS AND ROLLS.

Appointment of officers.

Appointment of
electoral registrars
and officers.
No. 41, 1906, s. 8.

22. (1) The Minister shall appoint an electoral registrar for each district, deputy-registrars to keep the parts of the roll for specified polling-places, and such assistant registrars and other officers as may be necessary.

(2) The registrar shall keep the parts of the roll for the respective polling-places for his district for which no deputy-registrars have been appointed.

Assistant registrar.

(3) An assistant registrar shall have the powers of the registrar.

Collection of lists.

Collection of lists by
police.
Ibid. s. 9.
No. 9, 1911, s. 5 (1).

23. (1) Lists in the form prescribed of the names of the persons who appear to be entitled to be enrolled for the respective districts shall every year be prepared by members of the police force authorised by the Inspector-General of Police. Any such list shall be divided according to polling-places.

Each such member of the police force shall, before commencing to prepare such list, make the prescribed declaration.

(2) A copy of each part of a list relating to a polling-place shall be forwarded by the member of the police force who has prepared the same to the registrar or deputy-registrar who is to keep the part of the roll for such polling-place.

Forms to be filled up
by householders.
No. 41, 1906, s. 10.

24. For facilitating the making of any such list, any such member of the police force may request any person in charge, or appearing to be in charge, of any dwelling-house, and who has been supplied with the prescribed form, to fill up the same or cause it to be filled up with the name, nationality, and the prescribed particulars of and concerning each person of or above the age of twenty-one years living in such house, so far as he has knowledge or means of knowledge.

Occupier to fill in
schedule of persons
in dwelling-house.
No. 9, 1911, s. 6.

25. For the purpose of preparing any list for a district a member of the police force may leave with the occupier of any dwelling-house a schedule in the prescribed form.

Any such occupier with whom any such schedule is left shall, to the best of his knowledge and belief, fill in the said schedule with the names and the prescribed particulars of all persons of or above the age of twenty-one years who are living in such dwelling-house, and shall sign his name thereto and deliver such schedule so filled in to the member of the police force who is preparing the list.

If any such occupier fails, without reasonable cause, to so fill in such schedule, as above directed, or to sign such schedule and deliver the
same

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same to the member of the police force when demanded, or if he wilfully makes any false entry in such schedule, he shall be liable to a penalty not exceeding twenty pounds.

Where a dwelling-house is let, sublet, or held in different apartments, and occupied by different persons or families, each part so let, sublet, or held, and used for the purpose of human habitation shall be deemed a dwelling-house.

For the purpose of preparing such list, any member of the police force may require the owner or manager or person apparently in charge of any station, farm, or other property, to give him information to the best of his knowledge and belief as to the names of all persons of or above the age of twenty-one years who are employed by the owner of the station, farm, or property, together with the names of any contractor upon the said station, farm, or property who has men in his employment.

If such owner, manager, or person, on being so required as aforesaid, refuses or fails without reasonable cause to give such information, or wilfully gives any information which is false or incomplete in any material particular, he shall be liable to a penalty not exceeding twenty pounds.

In this section "dwelling-house" includes any building, tent, or tenement of which the whole or any part is used for the purpose of human habitation, and also any ship or other vessel in any port or harbour used as a dwelling.

26. Any member of the police force taking down names for the purpose of preparing a list or part of a list for a district, and any registrar taking down names for the purpose of preparing any such list shall be supplied with a book containing the prescribed form of acknowledgment with a butt attached thereto, and shall, on taking down the name of any person, deliver to such person such acknowledgment duly filled in, and shall enter a note thereof on the corresponding butt:

Forms of acknowledgment to be given to persons placed on lists. No. 9, 1911, s. 6.

Provided that, where a schedule has been filled in as provided in the last preceding section, the acknowledgments relating to the persons mentioned in such schedule shall be forwarded by the police to the said persons.

Additions to list by registrar.

27. (1) The registrar may, prior to the printing of copies for exhibition, place on the list for the district the names of any persons qualified to have their names placed on the roll for the district, and may strike off such list the names of deceased persons.

Registrar may add names to list. No. 41, 1903, s. 11.

(2) On a claim being made prior to the printing of the list by any person showing that he is entitled to have his name placed on the roll for any district, the registrar shall place his name on the list for the district.

Claims to be placed on list.

Exhibition

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Exhibition of list.

Copies of lists
exhibited.
No. 41, 1906, s. 12.

28. Copies of the list for a district shall be exhibited at all police stations and post offices, and at such other places within the district as the Chief Electoral Officer directs, and shall remain so exhibited for thirty days.

Revision of list.

Constitution of
revising courts.
Ibid. s. 13.
No. 18, 1910, s. 20.

29. Any stipendiary or police magistrate shall constitute a revision court. Such court shall sit in open court at a place of petty sessions and shall have the powers and duties conferred and imposed by this Act. The clerk of petty sessions at such place shall be the revision clerk.

Powers of revision
courts.
No. 41, 1906, s. 14.

30. (1) A revision court may adjourn from time to time, and if one hour after the time appointed for the holding of the court the magistrate be not present, the revision clerk may from time to time adjourn such court to another hour or day:

Provided that no such court shall be adjourned for more than three days at a time, until the revision of the lists then before it be completed.

(2) The expenses incurred by such magistrates in the discharge of their duties under this Act shall be defrayed out of moneys to be provided by Parliament.

(3) The revision court shall have the power to hear, receive, and examine evidence, and by summons under the hand of the revision clerk to require all such persons as it thinks fit to appear personally before it, at a time and place to be named in such summons, and to produce to the court all such books and papers in their possession or under their control, as may appear necessary. Any person so required who, without sufficient excuse, neglects or refuses to comply with such summons, or, having appeared before the said court, refuses without such excuse to be examined on oath or to take such oath, or, having taken such oath, to answer the questions put to him, may be dealt with as a person refusing or neglecting to appear or to give evidence before a court of petty sessions.

Revision court to
revise list.
Ibid. s. 15.

31. A revision court shall sit as soon as conveniently may be after the expiration of the thirty days during which the list for a district has been exhibited, on a day and at a place to be proclaimed, and shall revise such list.

Powers of revision
court.
Ibid. s. 16.

32. A revision court, in revising the list for a district, shall strike out the name of any person shown—

- (a) to be dead;
 - (b) not to be qualified to have his name placed on the roll;
 - (c) to be disqualified;
 - (d) not to reside or have his principal place of abode in the district;
- and

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and shall add to the list the names of all persons shown to be qualified to have their names placed on the roll, and generally by correcting mistakes and supplying omissions.

33. The registrar shall give at least twenty-one days' public notice, by advertisement in some newspaper or newspapers circulating in the district, of the times and places fixed for the sittings of the revision court, and of the part of the list for specified polling-places to be revised at the respective sittings of the court.

Notice of sitting of court.
Ibid. No. 41, 1906, s. 17.

34. (1) Any person may, by writing, in duplicate, object to any name being placed on the roll for a district on any of the following grounds:—

Objections.
Ibid. s. 18.

(a) that the person named is not qualified to have his name placed on the roll;

(b) that the person named does not reside or have his principal place of abode in the district.

(2) Every such objection must be lodged with the registrar at least fourteen days before the date fixed for the sitting of the revision court, and the duplicate copy of such objection shall forthwith be sent to the person whose name has been objected to.

(3) The registrar shall, at least seven days before the sitting of the court, exhibit at all police stations and post offices, and at such other places within the district as the Chief Electoral Officer directs, a list in the form of Schedule Two of all objections to be dealt with by the court at its next sitting, and serve personally or by post on the person objected to notice of the objection.

List to be published.

35. (1) The objector and the person whose name is objected to may appear before the revision court, and shall be heard. If the objector or his agent do not appear, the objection shall be deemed to be invalid.

Hearing before court.
Ibid. s. 19.

(2) If any objection is not established, the court may award to the person whose name is objected to a reasonable sum, not exceeding five pounds, for costs, and such person may recover the sum so awarded in any court of competent jurisdiction as a debt due to him by the objector.

The roll.

36. (1) When the revision of the list for a district is completed, the revised list shall be the roll for the district.

The roll constituted.
Ibid. s. 20.

(2) The rolls may be in the form of Schedule Three, or in the prescribed form, and shall describe the surname, christian name, sex, place of residence, and occupation of each elector, and shall contain such other particulars as are prescribed.

37. Each part of a roll relating to a polling-place shall be kept separately, and the surname of the electors on each such part of the roll shall be arranged in alphabetical order, according to the first letter of each name,

Arrangement of part of roll.
Ibid. s. 21.

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Supplemental rolls.
No. 41, 1906, s. 22.

38. Supplemental rolls, setting out additions since the last print, shall also be kept, and, wherever practicable, printed immediately previous to a general election, and at such other times as the Minister directs.

A supplemental roll shall be deemed to be part of the roll for the district to which it relates.

Revision courts
before general
election.
No. 18, 1910, s. 13.

39. A revision court, consisting of any stipendiary or police magistrate, shall, before every general election, be held in each district to revise the supplemental rolls for such district on a day and at a place to be proclaimed not sooner than twelve days nor later than eighteen days after the issue of the writs.

Exhibition of lists.
Ibid. s. 14.

40. The registrar and such deputy-registrars as there may be within each district shall, as soon as practicable after the day of the issue of the writs, exhibit at their respective offices, and at such other places within the district as the Chief Electoral Officer directs, the said supplemental rolls for the polling-places of which they have charge.

Objections.
Ibid. s. 15.

41. (1) Any person may, by writing in duplicate, object to any name on the supplemental roll on any of the following grounds:—

- (a) That the person named is not qualified to have his name on the roll.
- (b) That the person named does not reside or have his principal place of abode in the district.

(2) Every such objection must be lodged with the registrar or deputy-registrar, on whose roll the name objected to appears, within seven days before the holding of the revision court, and the duplicate copy of such objection shall forthwith be sent by such registrar or deputy-registrar to the person whose name has been objected to.

(3) Such registrar and deputy-registrar shall, as early as possible, and at least three days before the sitting of the revision court, exhibit at their respective offices, and at such other places within the district as the Chief Electoral Officer directs, a list of the names of all persons against whom objections have been so lodged.

Powers of revision
court.
Ibid. s. 16.

42. The revision court shall strike out or refuse to enrol the name of any person shown—

- (a) to be dead;
- (b) not to be qualified to have his name placed on the roll;
- (c) to be disqualified;
- (d) not to reside or to have his principal place of abode in the district;

and shall correct mistakes and supply omissions.

Hearing before
court.
Ibid. s. 17.

43. (1) The objector and the person whose name is objected to may appear before the revision court and be heard. If the objector or his agent does not appear the objection shall be deemed to be invalid.

(2)

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(2) If any objection is not established the court may award to the person whose name is objected to a reasonable sum, not exceeding five pounds, for costs, and such person may recover the sum so awarded in any court of competent jurisdiction as a debt due to him by the objector: Provided that, where the objector is the registrar, deputy or assistant registrar, or any officer of police, this subsection shall not apply.

44. The registrar and deputy-registrar shall forward to the revision court, prior to the day proclaimed for the holding of such court, all documents in their possession relating to the objections lodged as aforesaid against persons whose names appear on the supplemental rolls for the districts of which they have charge.

Documents to be forwarded to the court.
No. 18, 1910, s. 18.

Printing of rolls—New rolls.

45. (1) Rolls shall be printed whenever the Minister directs.

Printing of rolls.
No. 41, 1906, s. 23.

(2) The last printed copies of the roll and of the supplemental rolls for each district shall be open for public inspection at the office of the registrar and at the offices of each deputy-registrar for the district without fee, and shall be obtainable thereat and at the office of the Government Printer, and at such other places as the Minister may fix, at the prices prescribed.

Rolls open to public inspection.

46. New rolls for all districts shall each year be prepared in pursuance of this Part, and when so prepared shall be printed by the Government Printer.

New rolls.
No. 9, 1911, s. 5 (2).

Additions and transfers to rolls.

47. New names may be added to a roll pursuant to—

Addition of new names.
No. 41, 1906, s. 25.

(a) claims;

(b) applications to transfer;

(c) lists prepared by direction of the Inspector-General of Police.

48. (1) A claim may be in the form of Schedule Five, and shall be signed by the claimant in the presence of, and witnessed by, an elector, and shall be sent to the registrar or to the deputy-registrar keeping the part of the roll for the polling-place where the claimant desires to vote.

Forms of claims.
Ibid. s. 26.

(2) If the claim is in order, the registrar receiving the claim shall, pursuant thereto, enter the claimant's name and the particulars relating to him on the roll, and shall file the claim; but before entering the name on the roll he shall, unless he thinks such course unnecessary, refer the claim to the officer in charge of the police within the district.

Registration of claims.

49. (1) Any elector whose name is on the roll for any district and who has resided in any other district for one month may transfer his name to the roll for the district in which he resides.

Transfer to another district.
Ibid. s. 27.

(2)

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Form and method of transfer.

(2) Every transfer shall be made by application to transfer in the form of Schedule Six, and shall be signed by the elector in the presence of, and witnessed by, an elector, and sent to the registrar or deputy-registrar keeping the part of the roll to which the elector's name is to be transferred.

Registration of transfer.

(3) The registrar receiving such application shall note thereon the date of its receipt by him, and shall file it in his office, and shall register it by placing the elector's name on the roll for the district, and shall give notice of the transfer to the registrar or deputy-registrar keeping the part of the roll from which the elector's name has been transferred, who shall thereupon remove the elector's name from the roll.

Lists prepared by police.
No. 41, 1906, s. 28.

50. Lists of names prepared by direction of the Inspector-General of Police shall be forwarded to the registrar, and such names may be added by the registrar or deputy-registrar to the roll for the district.

Change to another polling-place roll.
Ibid. s. 29.

51. (1) Any elector whose name is on a polling-place roll may make application in the prescribed form to be changed to another polling-place roll for the same district.

(2) The application to change shall be signed by the elector and witnessed by an elector and sent to the registrar or deputy-registrar keeping the polling-place roll to which the elector's name is to be changed.

(3) The registrar receiving such application shall note thereon the date of its receipt by him, and shall file it in his office, and shall, if it appears to him that the applicant is entitled to the change, register it by placing the elector's name on the roll, and shall give notice of the change to the registrar or deputy-registrar keeping the polling-place roll from which the elector's name has been changed, who shall thereupon remove the elector's name from the roll.

No. 9, 1911, s. 8.

(4) The registrar or deputy-registrar receiving a claim or application to transfer shall, as soon as practicable, notify by post to the claimant or applicant if his name has been added to the roll, or if his claim or application has been refused.

Penalty for false statement in claim or application to transfer.
Ibid. s. 7.

52. If any person, making any claim or application to transfer under this Act, makes therein any statement which is wilfully untrue in any material particular, he shall be liable to six months' imprisonment.

Formal alterations.

Alteration of rolls
No. 41, 1906, s. 30.

53. The roll may be altered by the registrar or deputy-registrar as follows:—

- (a) by correcting any obvious mistake or omission;
- (b) by changing, on the written application of the elector, the original name or address of the elector to an altered name or address;
- (c)

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- (c) by striking out the names of dead persons;
 (d) by reinstating any name struck out by mistake as the name of a dead person.

54. Where a female elector's name is changed in consequence of her marriage after enrolment in any roll, or where after such enrolment her marriage is dissolved or declared to be null and void and she reverts to and becomes known under her maiden surname, or her surname before such marriage, the Chief Electoral Officer, on being satisfied of such change of name, may amend such roll or cause it to be amended accordingly.

Female elector's
change of name.
No. 54, 1902, s. 3.

55. When—

- (a) a polling-place is appointed or abolished; or
 (b) a polling-place area is established or altered; or
 (c) the boundaries of a district are altered;

Change of electors
from one polling-
place to another.
No. 41, 1906, s. 7.

the Minister may, by notice in the Gazette, give such directions as are thereby rendered necessary or expedient for the change of electors from one roll to another, and effect shall be given to those directions in the prescribed manner.

Alterations, when and how made.

56. Claims and applications to transfer received before the issue of the writ may be registered after the issue of the writ, but otherwise no addition to or alteration of the roll for any district shall be made during the period between the issue of the writ for an election in the district and the close of the polling at the election.

Time for altering
rolls.
Ibid. s. 31.

57. All alterations shall be made in such a manner that the original entry shall not be obliterated, and the reason for the alteration and the date thereof shall be set against the alteration, together with the initials of the officer making the alteration.

Alterations, how
made.
Ibid. s. 32.

Lists of deaths and of persons in gaol, &c.

58. The Registrar-General, under the Registration of Births, Deaths, and Marriages Act, 1899, shall, in the months of January, April, July, and October in each year, forward or cause to be forwarded to the registrar of each electoral district a list of the names, addresses, and occupations of all persons of the age of twenty-one years or upwards whose deaths have been registered in the district during the preceding three months; and the electoral registrar shall cause the names of the persons specified in the list to be struck off the roll.

Lists of deaths to be
forwarded.
Ibid. s. 33.

59. (1) The Comptroller-General of Prisons and the Inspector-General of Police shall, in the months of January, April, July, and October in each year, forward to the Minister a list of all persons, apparently

List of certain
persons in gaol, &c.
No. 33, 1902, s. 40.
No. 54, 1902, s. 2.

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apparently of or above the age of twenty years, imprisoned in any gaol, lock-up, or other place of detention in New South Wales under their charge respectively; and such list shall contain a statement of the offence for which each prisoner is imprisoned, his last-known place of residence at date of conviction, and similar particulars regarding any previous convictions against such prisoner.

(2) Upon the receipt of the list the Minister shall forward to the registrar for each district such names and particulars from such list as may be necessary for the purification of the roll for such district, and the conduct of elections therein.

(3) The registrar, on receipt of such list, shall write opposite the names of persons on the roll for the district, who appear from the particulars in such list to be disqualified from voting under this Act, the words "in custody, disqualified," and opposite the names of persons whose names appear upon such list, but who do not appear by such particulars to be disqualified, the words "in custody"; and shall forward a certified copy of such roll and such list to the returning officer of the district.

Removal of names from rolls.

Scrutiny by police.
No. 41, 1906, s. 35.

60. The Inspector-General of Police shall, from time to time, cause a scrutiny to be made of the roll for each district, and mark thereon the names of all persons who have died or ceased to reside in the district, and shall, after due inquiry has been made in the prescribed manner, cause the necessary action to be taken to remove such names from such roll.

Names on roll may
be objected to.
Ibid. s. 36.

61. Any name on a roll may be objected to by objection in writing lodged with or made by the registrar:

Provided that a sum of one shilling shall be deposited in respect of each objection lodged by any person other than a member of the police force or an officer appointed under this Act, to be forfeited to the King if the objection is held by the registrar to be frivolous.

Objection.
Ibid. s. 37.

62. The objection may be in the form of Schedule Seven, and shall be signed by an elector registered on the same roll, or by the registrar or a member of the police force, or an officer appointed under this Act.

Duty to object.
Ibid. s. 38.

63. Each registrar shall lodge or make an objection in writing setting forth the grounds of such objection in respect of any name which he has reason to believe ought not to be retained on the roll.

Notice of objection.
Ibid. s. 39.

64. The registrar shall forthwith give notice of the objection to the person objected to. The notice may be in the prescribed form, and be served by posting it to the last-known place of abode of the person objected to, or, if that is not known, then to the place of abode appearing on the roll.

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65. The person objected to may, orally or in writing, in the prescribed manner, answer the objection. Answer to objection.
No. 41, 1906, s. 40.

66. (1) On receipt of the answer of the person objected to, or after the expiration of twenty days from the posting of the notice, the registrar shall determine the objection, and, if it appears that the person objected to is not qualified or entitled to be enrolled on the roll, shall strike out his name. Determination of
objection.
Ibid. s. 41.

(2) If any objection is held by the registrar to be frivolous, the person objected to shall be entitled to a reasonable allowance, not exceeding five pounds, and the registrar shall award such sum to be paid by the objector, and, in default of payment, such sum may be recovered in any civil court as a debt due by the objector.

Appeals.

67. (1) Any person—

(a) who has made and sent in a claim to be enrolled upon a roll, and who has not been enrolled pursuant to the claim; or

(b) whose name has been struck off a roll by the registrar upon an objection by any person,

Appeal to court of
summary
jurisdiction.
Ibid. s. 42.

may, in manner prescribed, make application to a court, consisting of a stipendiary or police magistrate, authorised by the Governor to hear and determine electoral appeals, for an order that his name may be added or restored to the roll.

(2) Where an objection has been determined by the registrar adversely to the person objecting, that person (not being a member of the police force or an officer appointed under this Act) may, in manner prescribed, apply to such court for an order sustaining the objection.

(3) Where the application has reference to the decision of the registrar upon an objection, the applicant shall, as prescribed, serve the objector or the person objected to (as the case may be) with notice of the application, and the person so served may appear, or may, in writing, authorise any person to appear on his behalf, to resist the application.

(4) The court may hear and determine any application under this section, and make such order as it thinks fit as to the costs of the application, which may be recovered in the same manner as the costs of any other proceeding before the magistrate sitting in petty sessions.

(5) The clerk or other proper officer of the court shall send by post to the registrar a certified copy of the order of the court, and it shall be the duty of the registrar to make such entries (if any) upon the roll as are necessary to give effect to the order.

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(6) A stipendiary or police magistrate sitting as such court shall, for the purposes of this section, be deemed to be, and shall have all the powers of, a court of petty sessions; and the Minister may appoint a clerk to such court who shall, for the purposes of this section, have all the powers and functions of a clerk of petty sessions.

 PART V.

WRITS—RETURNING OFFICERS—NOMINATIONS—WHEN POLL TO BE TAKEN—BALLOT-PAPERS—POLLING-PLACES, POLL CLERKS, &C.—GENERAL PROVISIONS FOR THE REGULATION OF VOTING—ABSENT VOTERS—PROCEEDINGS AFTER CLOSE OF POLL—ADJOURNMENT OF POLL—GENERAL PROVISIONS—SECOND BALLOT—BRIBERY, TREATING, INTIMIDATION, &C.

Writs.

Governor to issue writs in certain cases. Within what time writs for general elections to be issued and made returnable
No. 33, 1902, s. 51.
No. 18, 1910, s. 19 (b).

68. For the purpose of every general election—and also in the case of any seat in the Assembly becoming vacant after any such general election, and before the meeting of Parliament—the writs for the election of members shall be issued by the Governor: All writs for general elections shall be issued within four clear days after the publication in the Gazette of the proclamation dissolving Parliament, or after the Assembly has been allowed to expire by effluxion of time, and every such writ shall be made returnable on a day not later than the forty-fifth clear day after the date of the issue thereof.

When Parliament to meet after return of writs.
No. 33, 1902, s. 52.

69. The day to be fixed for the meeting of Parliament after the return of writs for general elections shall not be later than the seventh clear day after the date on which such writs have been made returnable as aforesaid.

Speaker to issue writs to fill vacancies
Ibid. s. 53.

70. When and so often as a vacancy occurs in the Assembly, the Speaker shall, upon a resolution by the Assembly declaring such vacancy, and the reason thereof, cause a writ to be issued for filling such vacancy; and on the death or resignation of any member, the Speaker shall, in like manner, upon a resolution of the Assembly, issue such writ, and in case the Assembly be not in session, or when such vacancy occurs during any adjournment for a longer period than seven days, he shall also issue the writ.

If no Speaker, Governor to issue writ.
Ibid. s. 54.

71. If at the time of the occurrence of any such vacancy, caused by death or resignation, there be no Speaker, and the Assembly be not in session, or if the Speaker be absent from New South Wales, the Governor shall, if satisfied of the existence of such vacancy, issue a writ for the election of a member to fill such vacancy.

Writs directed to returning officer.
Ibid. s. 55.

72. Every writ for the election of a member to serve in the Assembly shall be directed to the returning officer of the district for which

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which the election is to be held. And in every such writ shall be named the day on which all nominations of candidates at and for any election must be made (hereinafter called the day of nomination), the day for taking the poll at the several polling-places in the event of the election being contested, and the day on which the writ shall be returnable to the Governor or Speaker, as the case may be.

73. The polling-day for every general election shall be so appointed that the election shall take place on the twenty-eighth day from the date of the issue of the writs.

Polling-day at general elections. No. 33, 1902, s. 56. No. 18, 1910, s. 19 (c).

74. (1) Every returning officer shall, upon the receipt by him of any such writ as aforesaid, indorse thereon the day of such receipt, and shall forthwith give public notice of the purport of such writ, of the day of nomination, the day of polling, the polling-places, and the return day mentioned respectively in such writ; and also of some place within the district (to be appointed by such returning officer) at which he will receive the nomination papers hereinafter prescribed.

Duties of returning officer on receipt of writ, &c.

No. 33, 1902, s. 57.

(2) Public notice for the purpose of this section shall mean notice in any newspaper published in the district to which such writ relates, or if there be none such, then in any newspaper circulating in such district, or failing that, then by the exhibition of printed or written placards in such places as the returning officer may think most likely to attract notice.

Returning officers.

75. The Governor shall appoint a returning officer for each district, and every such appointment shall be notified in the Gazette. And, in case of the death of any returning officer, or in case of sickness or other cause disabling any returning officer from acting at any election, the Governor may appoint some person as returning officer in his stead.

Returning officers for districts.

Ibid. s. 58.

76. No returning officer, nor any person who has been a returning officer and has not, by writing under his hand addressed to the Governor, resigned such office at least fourteen days before the day of nomination for any election, nor any deputy returning officer, shall be a candidate, or be elected or returned, or be or continue a member for the district for which he is or has been such returning officer, or deputy returning officer, as the case may be.

Returning officer or deputy not to be a candidate.

Ibid. s. 59.

77. The returning officer shall forthwith, on the receipt by him of any such writ as aforesaid, appoint, by writing under his hand, some fit person to be the substitute, as hereinafter mentioned, of such returning officer, and such returning officer shall, in person or by such substitute, attend at all reasonable hours in the daytime, in the interval between the receipt of such writ and noon on the day of nomination, at the place so appointed for receiving the said nomination-papers, and if at any time during such interval the returning officer is absent at the time or

Returning officer to appoint substitute.

Ibid. s. 60.

place

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place hereby appointed for the doing or suffering by him of any act or thing relating to such election, then such substitute may and shall do or suffer such act or thing, or if the returning officer, by reason of sickness or other disability, is unable to do or suffer any acts or things relating to such election, and the same is notified to such substitute, or if the returning officer dies, then such substitute at any time may and shall, as and for the returning officer, do and suffer all such acts and things, and subject in every such case to the like provisions, as if he were the returning officer.

Returning officer to exhibit names of candidates.

No. 33, 1902, s. 61.

78. The returning officer shall, upon each day between the receipt by him of any writ and noon on the day of nomination for such election mentioned in the writ, exhibit and keep exhibited, outside the place so named as aforesaid for receiving the nomination papers, in some public and conspicuous position, the names and residences of all persons who have duly become candidates for such position.

Nominations.

Every male voter qualified to be elected as a member.

No. 41, 1906, s. 43.

Candidates to be nominated by at least six duly qualified electors.

No. 33, 1902, s. 62.

Nomination of candidate.

Ibid.

No. 41, 1906, s. 44(1).

No. 33, 1902, s. 62.

79. (1) Every male person qualified to vote at an election for any district shall be qualified to be nominated as a candidate to be elected for that or any other district, unless disqualified under the Constitution Act, 1902, or this Act.

(2) Before, and in order that, any person shall be a candidate at any election for any district, such person shall be nominated by not fewer than six persons named on the roll for such district.

(3) Every nomination of a candidate shall be made by delivering to the returning officer, or the person acting as his substitute (who, if required, shall give a receipt for the same), a nomination-paper at some time after the issue of the writ and before noon on the day of nomination.

(4) Such nomination-paper shall be in the following form, namely:—

We, the undersigned, electors of the electoral district of
do hereby nominate (*here state name in full, occupation, and place of residence of the person nominated*) for election as a member of the Legislative Assembly for the abovenamed district.

(*Signatures of nominators.*)

I, the abovenamed hereby consent to such nomination.

(*Signed*)

And no person, unless nominated in accordance with the requirements of this section, shall be deemed to be a candidate for election pursuant to this Act.

(5) No elector shall nominate more than one candidate for an electoral district. (6)

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(6) Nothing in this Act shall be taken to enable or qualify a woman to be nominated as a candidate at any election or to be elected as a member of the Legislative Assembly.

Woman not eligible as a candidate.
No. 54, 1902, s. 4.

(7) A member of the Parliament of the Commonwealth shall be incapable of being summoned or being nominated or elected as a member of the Legislative Council or Legislative Assembly.

Members of Parliament of Commonwealth not to sit in State Parliament.
No. 73, 1900, s. 7.

If any member of the said Council or Assembly in any such Parliament is elected to the Parliament of the Commonwealth, his seat in the said Council or Assembly shall,—

- (a) if no petition is lodged against such election, be vacant on the expiration of the time limited for lodging such petition;
- (b) if such petition is lodged, be vacant if and when such petition is finally determined in his favour.

And where such vacancy occurs in the said Assembly the election of such member to the said Assembly shall thereupon be void, and a writ shall forthwith issue for a new election.

When poll to be taken.

80. If only one candidate is so nominated, the returning officer shall, at noon on the day of nomination at the place so named for the delivery of nomination-papers, publicly declare the candidate nominated to be duly elected, and shall make his return accordingly.

Proceedings on nomination if one candidate only.
No. 33, 1902, s. 63.

81. If there are more candidates nominated than one, it shall be open to any candidate to withdraw his name from nomination by delivering a notice under his hand to the returning officer or the person acting as his substitute before noon on the nomination day, and if after such withdrawal there are two or more candidates, a poll shall take place on the days named in the writ for that purpose, and at the several polling-places for the district; and the returning officer shall, at noon on the nomination day, and at the place named as aforesaid for the delivery of the nomination-papers, publicly announce that a poll will be so taken and the names of the persons who have become candidates, and shall also forthwith publish in some newspaper published or circulating in the district a like announcement.

When poll to be taken.
Ibid. s. 64.
No. 41, 1906, s. 44 (2).

Ballot-papers.

82. (1) Ballot-papers to be used in an election shall be provided by the returning officer after a poll has been appointed.

Ballot-papers to be provided.
Ibid. s. 45.
Form of papers.

(2) Such papers shall be in the form of Schedule Four.

83. In printing the ballot-papers—

- (a) the names of all candidates duly nominated shall be printed in alphabetical order according to their surnames;

Printing ballot-papers.
Ibid. s. 64.

(b)

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- (b) if there are two or more candidates of the same surname, their names shall be printed according to the alphabetical order of their christian names, or if their christian names are the same, then according to the alphabetical order of their residences, arranged and stated on the ballot-paper;
- (c) where similarity in the names of two or more candidates is likely to cause confusion, the Chief Electoral Officer or the returning officer for the district may arrange the names, with such description or addition as will distinguish them from one another;
- (d) a square shall be printed opposite the name of each candidate.

Polling-places—Poll clerks, &c.

Polling-places.
No. 41, 1906, s. 6.

84. The Minister may, by notice in the Gazette—

- (a) appoint a chief polling-place for each district at which the returning officer may preside;
- (b) appoint such other polling-places for each district as he thinks necessary;
- (c) abolish any polling-place;
- (d) establish any polling-place area for any specified polling-place and fix its boundaries;
- (e) alter the boundaries of any polling-place area:

Provided that no polling-place shall be appointed or abolished, or polling-place area be established or altered, after the issue of the writ and before the time appointed for its return.

Booths to be erected
or rooms hired.
No. 33, 1902, s. 67.

85. (1) The returning officer shall cause such booths to be erected, or rooms to be hired or otherwise provided, for taking the poll at any election at each polling-place, as the convenient conduct of the election may require.

When more than
one booth, where
electors to vote.

(2) If under this provision there is more than one booth at any polling-place, there shall be affixed over the entrance of each booth in succession so many letters of the alphabet in their alphabetical order as shall denote the booth at which each elector, according to the initial letter of his surname, is to vote, and no elector shall be permitted to vote in any booth save that which is so denoted by the initial letter of his surname.

(3) No polling-booth shall be in any house for or in respect of which any license for the sale of fermented or spirituous liquors under the Liquor Act, 1898, or any Act amending the same, is held by any person, or upon the premises appertaining to such house.

Booths how
arranged, &c.
Ibid. s. 68.

86. Every booth shall be so arranged as to have one or more inner compartments opening only into that part in which the ballot-box is kept; and the returning officer or his deputy shall provide in every such compartment pencils for the use of the voters, and shall also provide for each booth a ballot-box having a lock and key, and with a cleft or opening therein capable of receiving the ballot papers.

87.

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87. The returning officer may preside and take the poll at some one booth of a polling-place within the district; and he shall, by writing under his hand, appoint a deputy to act for him and take the poll at each of the other booths of the several polling-places, and may also in like manner appoint one or more persons to be poll-clerks, and by himself and his several deputies assist in taking the poll as he may see fit.

Returning officer to preside at one booth and appoint deputies at others.
No. 33, 1902, s. 69.
No. 41, 1906, s. 3 (2).

88. Every returning officer, substitute of a returning officer, and every deputy returning officer and poll clerk shall, before he enters upon any of the duties hereby assigned to him with regard to any election, make and sign before some justice of the peace a declaration to the effect following:—

Poll-clerks appointed.
Substitute deputy returning officer and poll-clerk to make declarations.
No. 33, 1902, s. 70.

I [A.B.] do solemnly declare that I will faithfully and impartially, according to the best of my skill and judgment, exercise and perform all the powers, authorities, and duties reposed in or required of me by the Parliamentary Electorates and Elections Act, 1912, as returning officer [*or substitute of the returning officer, or deputy returning officer, or poll clerk, as the case may be*] with regard to the election of a member for the electoral district of _____, and I do further solemnly promise and declare that I will not at the said election attempt to ascertain [*and in the case of a returning officer, or a substitute of a returning officer or a deputy returning officer, save in the cases in which I am expressly by law authorised so to do*] for what candidate any person shall vote or have voted at the said election; and that if in the discharge of my duties at or concerning the said election I shall have learned, or have the means of learning, for what candidate any person shall vote or have voted thereat, I will not by word or act, or by any other means whatsoever, directly or indirectly, divulge or disclose, or aid in divulging or disclosing the same, save in answer to any question which I am legally bound to answer.

And every declaration made under this section shall be transmitted by the returning officer or his substitute to the Colonial Secretary.

89. (1) Before the day of polling the returning officer shall deliver to each of the deputies, for use at each polling-booth, sufficient copies of all rolls in force for the district in and for which the poll is to be taken thereat, certified under his hand to be true copies; and also one set at least for the general use of scrutineers, and shall also deliver to each deputy, and himself retain, such numbers respectively of the ballot-papers as are sufficient for the use of the electors entitled to vote at each booth at which such returning officer and deputies respectively are to take the poll; and every returning officer and deputy shall keep an exact account of all such ballot-papers.

Deputy returning officers to be furnished with copies of rolls and ballot-papers.
Ibid. s. 71.

(2) It shall be the duty of such returning officer or his deputy to sign or initial every ballot-paper when issued to each voter at the

Duties of returning officer and deputies in taking poll.

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the booth at which such returning officer or his deputy may be presiding, and also to write, or cause to be written, any additional ballot-papers that may be required, and such written ballot-papers shall also be signed or initialled as hereinbefore mentioned.

How scrutineers to be appointed.
No 33, 1902, s. 72.

90. Each candidate shall be entitled to appoint, by writing under his hand, one person to be scrutineer on his behalf at each polling-booth; and every such scrutineer shall be entitled to be present in that part of the booth in which the ballot-papers are received.

Scrutineer to make declaration.
Ibid., s. 73.

91. Every scrutineer, before acting as such at any polling-booth, shall make and sign before the returning officer or deputy (as the case may be) who takes the poll at such booth, a declaration to the effect following:—

I [A.B.] (scrutineer for C.D., a candidate at the present election for the electoral district of) do solemnly declare that I will faithfully observe all the provisions of the Parliamentary Electorates and Elections Act, 1912, which relate to such my office of scrutineer; and I do further solemnly promise and declare that I will not, as such scrutineer at the said election, attempt to ascertain for what candidate any person shall vote or have voted at the said election, and that if, in the discharge of my duties at or concerning the said election, I shall have learned, or have the means of learning, for what candidate any person shall vote or have voted thereat, I will not by word or act, or by any other means whatsoever, directly or indirectly, divulge or disclose, or aid in divulging or disclosing the same, save in answer to some question which I am legally bound to answer.

And every such declaration shall be transmitted to the Colonial Secretary by the returning officer or his substitute.

General provisions for the regulation of voting.

Polling-day a public holiday.
No. 9, 1911, s. 10.

92. The day appointed for polling-day shall be a public holiday, as from twelve o'clock, noon, of such day.

Who may be present at polling-booth.
No. 41, 1906, s. 55.

93. (1) There may, at any time during the taking of a poll, be present at the polling-room—

- (a) the returning officer or deputy;
- (b) the poll clerks and scrutineers;
- (c) the registrar or deputy registrar;
- (d) any member of the police force designated by the returning officer;
- (e) voters, not more than six in number, actually engaged in voting, such voters to be designated, if thought necessary, by the returning officer or deputy:

Provided that a registrar, deputy-registrar, or such member of the police force shall, before entering the polling room, make and sign the prescribed declaration.

(2)

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(2) Any person who, without lawful authority, the proof of which shall be on him, enters any polling-room or, being therein, refuses to quit such room forthwith on being required by the returning officer or deputy, or by any member of the police force acting under the direction or authority of such returning officer or deputy, may be removed from the polling-booth, and shall be liable to a penalty not exceeding ten pounds. No. 33, 1902, s. 74.

94. Immediately before proceeding to take the poll at any booth the returning officer or deputy (as the case may be) shall exhibit for the inspection of the candidates, scrutineers, and poll clerks present, the ballot-box open and empty, and shall immediately afterwards close and lock, and place the same empty and keep the same unopened upon the table at which he is to preside, and in full view of all persons present in the polling-booth, and he shall keep the key of the said box. Returning officer to exhibit ballot-box before taking poll. *Ibid.* s. 75.

95. Every polling shall commence on the day appointed for the same at eight o'clock in the forenoon, and shall, unless lawfully adjourned, finally close at seven o'clock in the evening of the same day: Hours of polling. *Ibid.* s. 76.

Provided that if at the said time any electors are in the polling-booth and desiring to vote, the votes of such electors shall be taken, for which purpose the polling shall not close until such electors have voted. No. 9, 1911, s. 11.
No. 41, 1906, s. 47.

96. Every employer shall at the request of any elector employed by him allow such elector to go, at a reasonable time, to a polling-place and record his vote at any election. Permission to be granted to employees to go to polling-booth.

If any person contravenes the above provision he shall be liable to a penalty not exceeding fifty pounds: No. 9, 1911, s. 12.

Provided that the above provision shall not apply where the elector has a half-holiday on the day of the election.

97. Any elector may vote at the polling-place for which he is enrolled, or, if he is absent from the polling-place for which he is enrolled, may, if he makes and signs before the presiding officer a declaration in the form of Schedule Nine, vote at any other polling-place for the same district. Where electors may vote. No. 41, 1906, s. 48.

98. (1) The Governor, in any case in which he is satisfied that the convenience of a large number of electors of any district would be furthered by appointing polling-places outside such district, may, by notice as aforesaid, appoint such polling-places. Appointment of polling-places outside electoral district. *Ibid.* s. 49.

(2) Where an elector votes outside his district at a polling-place duly appointed under the last subsection, he shall deposit such ballot-paper in a ballot-box specially set apart for ballot-papers for the district in respect of which the voter claims to vote, and upon the close of the poll such ballot-papers shall be counted, as herein provided, and a statement of the number of votes recorded in such ballot-box for each candidate shall be forthwith transmitted by post, or by any more expeditious means, by the returning officer or deputy, together with
ballot-papers

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ballot-papers and any documents of any kind received by such returning officer or deputy in connection with such votes, to the returning officer of the district to which such votes are applicable; and the package containing such votes, ballot-papers, and documents shall be marked "absent voters' ballot-papers"; and such officer shall, before transmitting such statement, make and sign an entry of the particulars thereof in a book to be kept for that purpose, and such entry, when so made and signed, shall, in the event of the loss or destruction of such statement, be evidence of the number of votes recorded in such ballot-box.

Persons claiming to vote to give name and address.
No. 41, 1906, s. 50.

99. Every person claiming to vote at any polling-booth shall state his christian and surname, and, if so desired by the presiding officer, any other particulars necessary to be stated in the roll for the purpose of identifying the name upon the roll under which the vote is claimed. He shall also demand a ballot-paper.

Questions to be put if voter challenged.
Ibid. s. 51.

100. (1) The presiding officer may, and at the request of any scrutineer shall, put to any person claiming to vote all or any of the following questions:—

- (a) Are you the person whose name appears as [*here state name under which the person claims to vote*] on the roll for [this district or the district of]?
- (b) Are you of the full age of twenty-one years?
- (c) Have you already voted, either here or elsewhere, at this election?
- (d) Are you disqualified from voting?

Consequence of answers.

(2) If any person refuses to answer fully any question put to him by the presiding officer, or by his answer shows that he is not entitled to vote, his claim to vote shall be rejected.

Answer conclusive.

(3) The voter's answer to the questions shall be conclusive, and the matter shall not be further inquired into during the polling.

(4) If any person claiming to vote—

- (a) refuses or omits to answer any such questions put to him by the presiding officer; or
 - (b) does not answer absolutely in the affirmative the first two of the said questions, or does not answer absolutely in the negative the last two of the said questions so put to him,
- he shall be liable to a penalty not exceeding twenty pounds.

Errors not to forfeit vote.
Ibid. s. 52.

101. No omission of any christian name, or entry of a wrong christian name, or address, or occupation, and no mistake in the spelling of any surname, shall warrant the rejection at any polling of any claim to vote if the voter is sufficiently identified in the opinion of the presiding officer. No female elector shall be disqualified from voting under the name appearing on the roll because her surname has been changed by marriage, but in such case a note of the fact shall be made by the presiding officer.

102.

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102. No ballot-paper shall be delivered to any voter without being first initialled by the presiding officer, and an exact account shall be kept of all initialled ballot-papers. The initials of the presiding officer shall be placed on the back of the ballot-paper in such a position as to be easily seen when the ballot-paper is folded so as to conceal the names of the candidates.

Ballot-papers
initialled.
No. 41, 1906, s. 53.

103. Upon receipt of the ballot-paper the voter shall, without delay,—

Vote, how given.
Ibid. s. 54.

- (a) retire alone to some unoccupied compartment of the booth, and there in private mark his vote on the ballot-paper by making a cross in the square opposite the name of the candidate for whom he votes;
- (b) fold the ballot-paper so as to conceal the names of the candidates and to clearly show the initials of the presiding officer, and exhibit it so folded to the presiding officer, and then forthwith openly, and without unfolding it, deposit it in the ballot-box.
- (c) quit the booth.

104. If any voter satisfies the presiding officer, before his ballot-paper is deposited in the ballot-box, that he has spoilt it by mistake or accident, he may, on giving it up, receive a new ballot-paper from the presiding officer, who shall there and then cancel and preserve the spoilt ballot-paper.

Spoilt ballot-papers.
Ibid. s. 57.

105. Every elector shall be entitled to vote for one and only one candidate at any election; and any ballot-paper purporting to record more votes than one shall be rejected at the close of the poll.

Only one vote to be given.
No. 33, 1902, s. 83.

106. If, at any polling-booth, any ballot-paper has been delivered to any person having tendered a vote, and if any other person subsequently tenders a vote at such booth in the name of, or as purporting to be, such first-mentioned person, the returning officer or deputy shall put to the person so subsequently tendering a vote the prescribed questions; and such person may be dealt with in all respects in like manner as any other person having tendered a vote; but the ballot-paper of such person shall not be deposited in the ballot-box or allowed by the returning officer or deputy, but shall be set aside by him for separate custody.

Duty of returning officer when a second vote is tendered for one name.
Ibid. s. 84.

107. (1) If any person whose name appears on any electoral roll for the district with the word "dead," or the words "in custody," or "in custody, disqualified," written upon a copy thereof opposite such name, pursuant to the provisions of this Act, tenders his vote, the returning officer or deputy shall require such person, before he receives a ballot-paper, to make a solemn declaration in the form following:—

Where claim to vote is that of a person apparently dead or in custody.
Ibid. s. 85.

I [A.B.] do solemnly and sincerely declare that I am the person [A.B.] whose name appears upon the roll in force for the electoral district of _____ with the word "dead" [or the words _____ words

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words "in custody," or "in custody, disqualified"] written upon a copy thereof opposite such name; and I make this solemn declaration, conscientiously believing the same to be true.

(2) If any person wilfully make any false statement in such declaration, or personate any deceased elector or any elector then being in custody as hereinbefore mentioned, for the purpose of voting at any election, such person shall be guilty of a misdemeanour, and may be imprisoned for any term not exceeding two years.

(3) Before any person makes any such declaration, the returning officer or deputy shall warn such person that by making a false declaration such person will be guilty of a misdemeanour, and be liable to the punishment provided by law in that behalf.

Vote of blind or physically incapacitated voter.
No. 33, 1902, s. 36.
No. 41, 1906, s. 3 (2).

108. If any person to whom a ballot-paper has been delivered as aforesaid is blind, or is incapacitated by any other physical cause from voting in the usual way, or is unable to write, and signifies the same to the returning officer or deputy, such returning officer or deputy may, and shall at the request of such person and for him, and in presence of the poll clerk and scrutineers, if any, mark his vote in the polling-booth on the ballot-paper by making a cross in the square opposite the name of such candidate as such person may designate, and shall forthwith cause the ballot-paper of such voter to be deposited in the ballot-box; and the name and number on the electoral roll of every voter whose vote is given pursuant to this section shall be entered on a list to be called the "list of open votes."

Provision when poll falls on Saturday.
No. 33, 1902, s. 87.
No. 41, 1906, s. 3 (2).

109. If, when the day appointed for taking any poll falls on a Saturday or on any day on which occurs a Jewish fast or festival, any person to whom a ballot-paper has been delivered, declares at the prescribed time and in prescribed form that he is of the Jewish persuasion, and objects on religious grounds to vote in the manner provided by this Act, the returning officer or deputy shall, at the request of such person, and in presence of such person, and for him, and in presence of the poll clerk and scrutineers (if any), mark his vote in the polling-booth on the ballot-paper by making a cross in the square opposite the name of such candidate as such person may designate, and deal with such ballot-paper as in the last preceding section mentioned.

When votes to be rejected.
No. 33, 1902, s. 88.

110. If upon examination of the several rolls used at any election or of any other documents or writings in his possession, or if from evidence satisfactory to him (from whatever source derived) it appears to the returning officer or officers that any person has voted in more than one district at and for one and the same election, the vote given outside the proper district of such person shall, if ascertainable from any such evidence as aforesaid, be rejected.

Ballot-paper not to be taken out of booth, &c.
Ibid. s. 89.
No. 41, 1906, s. 3 (2).

111. (1) During the polling at any election no person shall take any ballot-paper out of the polling-booth save into one of the compartments, of the polling booth; no person shall enter any such compartment

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ment while any other person shall be therein; and no person being in any such compartment shall remain there for a longer time than shall be reasonably required for the purpose of marking his ballot-paper,

(2) Any person wilfully violating any enactment in this section, or otherwise obstructing or unnecessarily delaying the proceedings at any such polling, may be removed from the polling-booth, and shall, for every such offence, incur a penalty not exceeding ten pounds.

112. If any person—

- (a) to whom any of the prescribed questions is so put as aforesaid wilfully makes a false answer to the same or any part thereof; or
- (b) wilfully makes a false declaration in respect of any matter or thing for which a declaration is required by this Part; or
- (c) personates any elector for the purpose of voting at any election; or
- (d) votes twice at any election; or
- (e) knowingly deposits in the ballot-box at any polling-place more ballot-papers than one;

he shall be guilty of a misdemeanour, and be liable to imprisonment not exceeding six months.

113. Any person who, on polling day, or on a day to which the polling is adjourned, obstructs any elector desiring to vote from access to the polling-booth shall be liable to a penalty not exceeding five pounds, and may, on complaint made, be removed by any police officer from proximity to the polling-booth.

114. Every returning officer and deputy, and every member of the police force of or above the rank of senior-sergeant, shall have power and authority to maintain order and keep the peace at any election or polling, and, without any other warrant than this Act, to cause to be arrested and taken before a justice of the peace any person reasonably suspected of committing or attempting to commit at any polling-place any offence under this Act, and also to cause to be removed any person who obstructs the approaches to any polling-booth, or wilfully or unnecessarily obstructs or delays the proceedings at the polling, or conducts himself in a disorderly manner, or causes a disturbance at any election, and all constables and peace officers shall aid and assist the respective persons hereby empowered in the performance of their duties.

Absent voters.

115. (1) An elector who on polling-day is absent from the electoral district for which he is enrolled may, subject to the following provisions, vote at any polling-place in any other electorate:—

- (a) The elector must state his name, and place of residence in the electoral district for which he is qualified to vote, together with his occupation therein.
- (b)

False answer to questions, &c., or double voting a misdemeanour.
No. 33, 1902, s. 90.

No. 9, 1911, s. 13.

Penalty for obstructing elector from access to polling-booth.
No. 41, 1906, s. 59.

Returning officer, &c., may cause arrest of offenders under this Act.
No. 33, 1902, s. 91.

Voting outside district.
No. 9, 1911, s. 15

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- (b) The returning officer or deputy may, if he thinks fit, and at the request of any scrutineer shall put to the elector any of the questions prescribed by section one hundred of this Act which are applicable to the case.
- (c) If the elector answers the questions satisfactorily, or if no questions are put to him, he may be allowed to vote as an absent voter upon making a declaration in the form of Schedule Eleven hereto.
- (d) The form of declaration may be printed or written on an envelope addressed to the returning officer for the district for which the elector is enrolled, and must, after being filled in, be signed by the elector in his own handwriting in the presence of the returning officer or deputy, and completed and attested by him.
- (e) After the declaration has been made, the returning officer or deputy shall hand to the elector a ballot-paper. The form of the ballot-paper may be prescribed. Each ballot-paper shall be signed on the back by the returning officer or deputy.
- (f) The names of the candidates shall be placed on absent voters' ballot-papers in the same manner as on ordinary ballot-papers, except that the names may be either printed or written.
- (g) The elector, after receiving the ballot-paper, shall without delay retire alone into an unoccupied compartment of the polling-booth, and there in private mark his vote on the ballot-paper, and shall then fold and fasten the ballot-paper so that the vote cannot be seen without unfastening it, and at once return the ballot-paper so fastened to the returning officer or deputy before whom he made the declaration, and shall again state his name if so required by the returning officer or deputy.
- (h) The returning officer or deputy shall then, in the presence of the elector, forthwith enclose the ballot-paper in the envelope bearing the declaration of the elector and securely fasten the envelope.

(2) If the returning officer or deputy is unable to supply the elector with a printed or written ballot-paper, he shall, after the declaration has been made by the elector in pursuance of paragraph (d) of the last preceding subsection, supply the elector with a blank paper in the form of Schedule Twelve signed by him on the back.

The elector, on receiving such paper, shall thereupon without delay retire alone into an unoccupied compartment of the polling-booth, and there in private write on the said paper the name of the candidate for whom he votes, and fold and fasten such paper as above prescribed in respect of a ballot-paper.

The said paper shall thereafter be dealt with as a ballot-paper, and the paper, if otherwise in order, shall be treated as a vote in favour of the candidate whose name is written thereon. (3)

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(3) If any person makes any such declaration knowing that the same is untrue in any material particular he shall be liable to imprisonment for a term not exceeding three months.

116. Every absent voter's ballot-paper containing a vote shall be promptly forwarded to the returning officer for the district for which the voter declares that he is enrolled.

Forwarding of absent voters' ballot-papers.
No. 9, 1911, s. 16.

Immediately after the close of the poll, the returning officer or deputy shall, by telegraph or other expeditious means, send to each returning officer to whom he has forwarded envelopes containing absent voters' ballot-papers, advice of the number of envelopes so forwarded.

117. The returning officer for the district for which the voter declares that he is enrolled, shall in the presence of the scrutineers examine the declaration on the envelope containing the absent voter's ballot-paper, and if it appears to him that a person of the same name and description as the person whose name is signed to the declaration is enrolled for the district, and that the declaration is duly attested, he shall accept the ballot-paper for further scrutiny, but otherwise he shall reject the ballot-paper without opening the envelope. If he accepts the ballot-paper for further scrutiny, he shall open the envelope without destroying the declaration and extract the ballot-paper, and without unfolding it, place the ballot-paper in the ballot-box.

Returning officer satisfied to accept ballot-paper for further scrutiny.
Ibid. s. 17.

118. (1) When the absent voters' ballot-papers have been dealt with as above directed, the returning officer shall open and proceed with the scrutiny of the absent voters' ballot-papers which have been accepted for further scrutiny.

Further scrutiny.
Ibid. s. 18.

(2) At the scrutiny the returning officer shall open the absent voters' ballot-papers, and shall allow and count those which are formal, and shall disallow and reject those which are informal.

(3) An absent voter's ballot-paper shall be deemed informal in the following cases:—

- (a) If it is not duly signed by the presiding officer; or
- (b) If it has no cross in the square opposite the name of a candidate, or has crosses in squares opposite the names of more than one candidate; or
- (c) If it has upon it any mark or writing not authorised by this Act which, in the opinion of the returning officer, will enable any person to identify the voter.

119. The decision of the returning officer, as to the allowance or disallowance of any absent voter's ballot-paper under this Act, shall be final, subject only to review by the Elections and Qualifications Committee.

Decision of returning officer re validity of ballot-paper.
Ibid. s. 19.

120. A returning officer shall seal up in separate parcels—

- (a) all envelopes from which absent voters' ballot-papers have been taken;
- (b) all unopened envelopes containing absent voters' ballot-papers;

Certain duties of returning officer.
Ibid. s. 21.

(c)

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(c) all absent voters' ballot-papers allowed as formal; and
 (d) all absent voters' ballot-papers rejected as informal;
 and shall deal with the parcels and their contents as in the case of other
 ballot-papers used at the election.

Proceedings after close of poll.

How and when
 number of votes to be
 ascertained.
 No. 33, 1902, s. 94.

121. Immediately upon the close of the poll the returning officer and every deputy at the polling-place at which each presides shall, in the presence and subject to the inspection of such of the scrutineers as choose to be present and the poll clerks (if any), but of no other persons, open the ballot-box and proceed to count the number of votes for each candidate.

Informal
 ballot-papers.
 No. 41, 1906, s. 56.

122. (1) A ballot-paper shall be informal if—
 (a) it is not duly initialled by the presiding officer; or
 (b) it has no cross in the square opposite the name of a candidate, or has crosses in squares opposite the names of more than one candidate; or
 (c) it has upon it any mark or writing not authorised by this Act to be put upon it, which, in the opinion of the returning officer, will enable any person to identify the voter.

(2) Informal ballot-papers shall not be counted at the scrutiny.

Sealing and
 transmission by
 deputies of separate
 parcels of
 ballot-papers, &c.
 No. 33, 1902, s. 95.

123. Immediately after ascertaining the total number of votes, each deputy shall make up—

(a) in one parcel the ballot-papers which have been used in voting at his polling-booth during the election;
 (b) in a second separate parcel, the ballot-papers which have remained unused thereat; and
 (c) in a third separate parcel, the certified copies of rolls supplied to the said deputy, signed by him, and all books, rolls, and papers kept or used by him during the polling;

What to be done
 with books,
 papers, rolls, &c.

and shall seal up the said several parcels; and shall permit any of the scrutineers who may desire to do so to affix his or their seals to such parcels; and shall indorse the same severally with a description of the contents thereof, and with the name of the district and polling-booth, and the date of the polling; and sign with his name the said indorsement; and shall transmit the said parcels to the returning officer.

Account of
 ballot-papers and
 verification thereof
 and of list of votes.
Ibid. s. 96.

124. Each deputy shall, together with the parcels aforesaid, transmit to the returning officer a list of the total number of votes received by each candidate, and also an account in which such deputy shall charge himself with the number of ballot-papers originally delivered to him, and the number (if any) written out by him, specifying therein the number thereof delivered to and used by voters, and the number not so delivered or left unused; and every such list and account
 respectively

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respectively shall be verified as well by the signatures of the said deputy and the poll clerk (if any) as also by the signatures of such of the scrutineers as are present and consent to sign the same.

125. The returning officer shall, in respect of the polling-booth at which he himself has presided, make up in separate parcels in like manner as is herein required of deputy returning officers all ballot-papers used or unused, and all books, rolls, and papers kept or used by him at such polling-booth; and shall seal up, and also permit to be sealed up by the scrutineers, and shall indorse in like manner as aforesaid, the said several parcels, and deal with the same as hereinafter provided; and shall also make out in respect of the said booth the like list as herein required in the case of deputy returning officers, which said list shall be verified by the signature of the returning officer, the poll clerk (if any), and scrutineers in manner aforesaid.

Returning officer's parcels.
No. 33, 1902, s. 97.

126. (1) The returning officer shall make up the general state of the poll from the list made out by him and from the lists transmitted by the deputy returning officers; and shall, subject to the provisions of section one hundred and thirty of this Act, as soon as conveniently may be after taking the poll, by notice signed by him and posted in some conspicuous position at the principal polling-place, and inserted in some newspaper published or circulating in the district, announce the number of votes given to each candidate, and declare that candidate who has received the greatest number of votes to be duly elected.

Declaration of poll.
Ibid. s. 98.

(2) If two or more candidates have received an equal number of votes, the returning officer shall give a casting vote, but shall not otherwise vote at such election.

Casting vote of returning officer.

(3) The name of the person so elected shall be indorsed on the writ by the returning officer, and the writ shall be by him returned to the Governor, or Speaker, as the case may be, within the time specified therein.

127. The returning officer shall, as soon as practicable after the day of polling, enclose in separate packets in manner hereinafter mentioned, the parcels so transmitted to him, and those made up and sealed by himself in respect of the polling-booth at which he has presided, that is to say:—He shall enclose in one packet all parcels of used ballot-papers; in a second, all parcels of unused ballot-papers; and in a third, all parcels containing copies of rolls, books, or other papers as herein provided; and shall seal up the said several packets and indorse the same with a description of the contents thereof respectively, and the name of the district and the date of the polling, and sign with his name the said indorsement, and shall forthwith forward the said packets to the Clerk of the Assembly, to be by him safely kept until the dissolution of Parliament; and he shall also at the same time seal up and transmit to the said clerk a parcel containing all ballot-papers which have been printed or written for the said election and not used

Separate parcels to be enclosed in packets, sealed, &c.
Ibid. s. 99.
No. 41, 1906, s. 58.
No. 9, 1911, s. 20.

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by the returning officer or distributed for use to his deputies; and the said clerk shall forthwith give or send to the returning officer a receipt under his hand for the said packets and parcels:

Provided that the returning officer may, for the purpose of ascertaining whether plural voting or personation has been practised, retain in his possession for a reasonable time, and after notice to the candidates and intimation that a scrutineer of each candidate shall be entitled to be present, break the seal of parcels containing copies of rolls, books, and other papers sealed up and transmitted to him in pursuance of this Act, and shall, after such investigation, re-seal the same, and forward them as hereinbefore in this section prescribed, and shall report to the Minister the result of such investigation.

Ballot-papers, &c.,
copies of rolls and
books to be evidence.
No. 33, 1902, s. 100.

128. Any ballot-paper, and any copy of a roll, and any book purporting to be taken from any such parcel as aforesaid, and having written thereon respectively under the hand of the Clerk of the Assembly a certificate of the several particulars hereby required to be indorsed upon such parcel, and that the same was so taken from such parcel, shall be evidence in any court or before any Committee of Elections and Qualifications that the same was so taken; and that the same, if a ballot-paper, was deposited or transmitted pursuant to this Act, and, if a roll or book, was kept or used at the election and booth to which such indorsement and writing relate; and every such ballot-paper so certified shall be evidence of a vote given at such election.

Penalty of breaking
seal of or opening
parcel or packet.
Ibid. s. 101.

129. Any person who wilfully breaks the seal of, or opens, any such sealed parcel or sealed packet as aforesaid, unless by direction of some competent court or other tribunal authorised in that behalf, or unless called upon to produce some portion of the contents of such parcel or packet to some such court or tribunal, shall be guilty of a misdemeanour, and be liable to be fined any sum not exceeding one hundred pounds, or to be imprisoned for any term not exceeding six months, or to be both fined and imprisoned within the aforesaid limits.

Adjournment of poll.

When polling may
be adjourned.
Ibid. s. 102.

130. (1) When the proceedings for taking the poll at any election are interrupted or obstructed at any place by any riot or open violence, the returning officer or deputy (as the case may be) shall not for such cause finally close the poll, but shall adjourn the taking of the poll at the polling-place at which such interruption or obstruction has happened to the following day; and, if necessary, such returning officer or deputy shall further adjourn such poll from day to day until such interruption or obstruction have ceased, when such returning officer or deputy shall again proceed with the taking of the poll at the place at which the same may have been so interrupted or obstructed.

(2)

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(2) If the returning officer or deputy (as the case may be) fails to open the polling at any booth of a polling-place for one half-hour after the time appointed for the same, or if he becomes incapable of performing his duties from any cause after polling has opened, and for a period of one half-hour, then in each and every such case the poll clerk (if one be present) or the senior poll clerk (if more than one be present) shall be and is hereby empowered to act as and for such returning officer or deputy in respect of all matters required to be done by such returning officer or deputy in respect of such polling. And such poll clerk so acting may forthwith appoint a poll clerk to assist him in the conduct of such polling.

Poll-clerk to act for returning officer in certain cases.

(3) If from any other cause than riot or open violence no polling has been opened at any booth of a polling-place for any district on the appointed day, the polling at such booth shall be by the returning officer or deputy (as the case may be) adjourned to a day not later than seven clear days following such appointed day; and the returning officer or deputy (as the case may be) shall forthwith cause public notice to be given thereof.

For other causes.

131. Where any poll has been so adjourned by any deputy, such deputy shall forthwith give notice thereof to the returning officer; and in every such case, and also where any polling stands adjourned as in the last-preceding section mentioned, the returning officer shall not notify the total number of votes given or finally declare upon which candidate the election has fallen until the poll so adjourned has been finally closed and the ballot-papers transmitted to the returning officer.

On adjournment by deputy, notice to be given to returning officer.
No. 33, 1902, s. 103.

132. No adjournment of the proceedings at any election shall be made or extend to the day named as the return day in the writ for such election, and if the polling has not been completed before the day named, the returning officer shall forthwith indorse that fact upon the writ, and shall return the same.

Limits of adjournments.
Ibid. s. 104.

General provisions.

133. No election shall be liable to be questioned by reason only of any defect in the title, or any want of title, of the person by or before whom such election, or any polling for the same, has been held, if such person has been actually appointed to preside, or has been acting in the office giving the right so to preside at such election.

Election not to be questioned for want of or defect of title of officers.
Ibid. s. 105.

134. No election shall be void in consequence only of there having been no returning officer at the time of the issue of the writ, or of any delay in the return of the writ; and where any accidental or unavoidable impediment, misfeasance, or omission has happened, the Governor may take all such measures as may be necessary for removing such impediment, or rectifying such misfeasance or omission; or may by proclamation declare any or all of the proceedings at or for any election

Nor for omission, &c., of a formal nature.
Ibid. s. 106.

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election valid as to and notwithstanding such impediment, misfeasance, or omission; and every such proclamation shall state specifically the nature of the impediment, misfeasance, or omission, and shall be forthwith published in the Gazette.

Violation of secrecy
by officers, &c.
No. 33, 1902, s. 107.

135. If any returning officer or the substitute of any returning officer, or any deputy returning officer, poll clerk, or scrutineer in the discharge of his duties under this Act at or concerning any election, learns, or has the means of learning, for what candidate any person votes or has voted at such election, he shall not by word or act, or any other means whatsoever, directly or indirectly divulge or disclose, or aid in divulging or disclosing the same, save in answer to some question which he is legally bound to answer, or in compliance with the express provisions of the law relating to elections to the Assembly; and every such returning officer, substitute, deputy, poll clerk, or scrutineer who wilfully violates the provisions of this section shall be guilty of a misdemeanour, and be liable to be fined any sum not exceeding one hundred pounds, or to be imprisoned for any term not exceeding six months, or to be both fined and imprisoned within such limits.

Penalty for neglect,
&c., by returning
officer.
Ibid. s. 103.

136. If any returning officer, or any person appointed to act as such returning officer, or his substitute, or deputy returning officer, at any election, is guilty of any wilful misfeasance, or wilful or negligent act of commission or omission in violation of any of the provisions herein contained and not otherwise provided for, he shall, for every such offence, be liable to a penalty of not less than ten nor more than two hundred pounds.

Second ballot.

Elected candidates
must receive an
absolute majority of
votes.
No. 18, 1910, s. 2.

137. (1) Notwithstanding anything in this Act, no candidate shall at any election be deemed to be elected for any electoral district as the result of the ballot taken at the poll hereinbefore provided for (hereinafter called the first ballot) unless he has received an absolute majority of votes.

(2) The expression "absolute majority of votes" means a number of valid votes greater than one-half of the number of all the valid votes recorded at the election, including the casting-vote of the returning officer when given in accordance with section one hundred and twenty-six of this Act.

Second ballot.
Ibid. s. 3.

138. (1) If as the result of the first ballot the returning officer finds that no candidate has received an absolute majority of votes, a second ballot shall be taken between the candidate who has received the highest number of votes and the candidate who has received the next highest number of votes.

(2) The second ballot shall in all cases, and notwithstanding any equality of votes, be taken between two candidates only.

(3)

Parliamentary Electorates and Elections (No. 2).

(3) If no candidate has received an absolute majority of votes, but two or more candidates have received the same number of votes, and it is necessary for the purposes of a second ballot to determine the order of precedence of those candidates, the returning officer shall determine the order of their precedence by giving such casting vote or votes as may be necessary for this purpose to such of those candidates as he thinks fit, and the candidate at the second ballot shall be determined accordingly.

139. (1) Except in the electoral districts mentioned in Schedule Eight hereto, the second ballot shall be taken on the seventh day after the close of the poll on the first ballot.

Date of second ballot.
No. 18, 1910, s. 4.

(2) In the electoral districts mentioned in the said Schedule hereto, the second ballot shall be taken on a day to be fixed by proclamation of the Governor in the Gazette, not being less than fourteen nor more than twenty-one days after the close of the poll on the first ballot.

(3) The electoral districts referred to in the said Schedule are the electoral districts as notified by the Electoral Districts Commissioners.

140. When the returning officer finds as the result of the first ballot that a second ballot is required in accordance with the foregoing provisions, he shall thereupon make a public declaration to that effect in the form contained in Schedule Ten hereto, and shall, as soon as practicable thereafter, give public notice in such newspaper or newspapers circulating in the electoral district as he thinks fit of the day on which the second ballot is to be taken, and of the names of candidates at that ballot.

Notification of second ballot.
Ibid. s. 5.

141. (1) The candidate who at the second ballot receives the higher number of votes shall be declared to be elected.

Election of candidate at second ballot.
Ibid. s. 6.

(2) If at the second ballot the candidates receive an equal number of votes, the returning officer shall give his casting-vote in favour of one of the candidates, and that candidate shall be declared to be elected accordingly.

142. For the purpose of the second ballot, the returning officer shall cause ballot-papers to be printed in accordance with the provisions of section eighty-three of this Act, save that those papers shall contain the names of those persons only who are candidates at the second ballot.

Ballot-papers.
Ibid. s. 7.

143. At the second ballot the polling-places appointed for the first ballot shall be used.

Polling-places.
Ibid. s. 8.

144. It shall not be lawful for any candidate at the second ballot to withdraw from the election.

Candidate may not withdraw from second ballot.
Ibid. s. 9.

145. All the provisions of this Act with respect to the first ballot shall apply, with the necessary modifications, to the second ballot.

Same provisions as on first ballot.
Ibid. s. 10.

146.

Parliamentary Electorates and Elections (No. 2).

Return of writ.
No. 18, 1910, s. 11.

146. When in any election a second ballot is required to be taken by virtue of this Act, the time for the return of the writ may, by proclamation of the Governor in the Gazette, be extended to any day within ten days after the close of the poll on the second ballot, anything to the contrary in this Act or in the tenor of the writ notwithstanding.

Bribery, treating, intimidation, &c.

Who guilty of the
misdemeanour of
bribery, &c.
No. 33, 1902, s. 109.

147. Every person shall be guilty of bribery who—

- (a) directly or indirectly, by himself or by any other person on his behalf, gives or lends, or agrees to give or lend, or offers, promises, or procures, or promises or endeavours to procure, any money or valuable consideration to or for any elector or any other person on behalf of any elector, in order to induce any elector to vote or refrain from voting, or knowingly does any such act as aforesaid on account of such elector having voted or refrained from voting at any election;
- (b) directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, offers, promises, or promises to procure, or to endeavour to procure any office, place, or employment to or for any elector or any other person, or who retains or dismisses any elector or other person in or from any office, place, or employment in order to induce such elector to vote or refrain from voting, or knowingly does any such act as aforesaid on account of any elector having voted or refrained from voting at any election;
- (c) directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person to serve as a member of the Assembly or the vote of any elector at any election;
- (d) upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement procures or engages, promises, or endeavours to procure the return of any person to serve as a member of the Assembly or the vote of any elector at any election;
- (e) advances or pays, or causes to be advanced or paid, any money to or for the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at an election;
- (f) before, during, or after any election, directly or indirectly, by himself or by any other person on his behalf, receives any
money

Parliamentary Electorates and Elections (No. 2).

money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election;

- (g) before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees, or contracts for any money or valuable consideration, office, place, or employment for himself or for any other person for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, or for inducing any other person to vote or to refrain from voting at any election;

and any person or elector so offending shall be guilty of a misdemeanour, and be liable to be fined any sum not exceeding one hundred pounds, or to be imprisoned for any term not exceeding six months, or to be both fined and imprisoned within such limits; and shall also be incapable of voting at such election.

148. For the purposes of the last-preceding and three next-succeeding sections of this Act, the words "candidate at an election" and the words "candidate at any election" shall include all persons elected to serve in Parliament at such election, and all persons nominated as candidates at such election, or who on or after the day of the issuing the writ for such election, or after the dissolution or vacancy in consequence of which such writ has been issued, have declared their intention of becoming candidates at such election or their consent so to do. And the words "at an election," "at any election," and "during any election" shall mean and include the whole period from the day of nomination up to the day on which the returning officer publishes and declares the result of such election, both days inclusive.

Extended meaning
of term "candidate."
No. 33, 1902, s. 110.

149. Every candidate at an election who corruptly, by himself or by or with any person, or by any other ways or means on his behalf, at any time either before or during any election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays or allows any person to pay on his behalf wholly or in part any expenses incurred for any meat, drink, entertainment, or provisions to or for any person, or horse or carriage hire or conveyance for any voter whilst at such election or whilst engaged in coming to or returning from such election, in order to ensure or forward his election, or for the purpose of corruptly influencing such person or any other person to give or refrain from giving his vote at such election, or on account of such person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be deemed guilty of the offence of treating; and every elector who corruptly accepts or takes any meat, drink, refreshment, or provision, horse or carriage hire or conveyance, so paid for, given, or provided shall be incapable of voting at such election.

Offence of
"treating."
Ibid. s. 111.

150.

Parliamentary Electorates and Elections (No. 2).

Penalty for
"treating."
No. 33, 1902, s. 112.

150. Any person who is guilty of the offence of treating as defined in the last-preceding section, or who gives or causes to be given to any elector during any election on account of such elector having voted or being about to vote, any meat, drink, or entertainment by way of refreshment, or any money or ticket to enable such elector to obtain refreshment, shall be liable to be fined any sum not exceeding one hundred pounds, or to be imprisoned for any term not exceeding six months, or to be both fined and imprisoned within such limits, and shall also be incapable of voting at such election.

Intimidation.
Ibid. s. 113.

151. Every person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts or threatens the infliction by himself or by or through any other person of any injury, damage, harm, or loss, or in any other manner practises intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who by abduction, duress, or any fraudulent device or contrivance impedes, prevents, or otherwise interferes with the free exercise of the franchise by any elector, or thereby compels or induces or prevails upon any elector either to give or refrain from giving his vote at any election, shall be guilty of a misdemeanour, and be liable to the respective punishments provided by the next preceding section.

No action, &c., for
goods or work or
service in prosecuting
an election.
Ibid. s. 114.

152. No action, suit, or other proceeding whatsoever shall be brought or maintained whereby to charge any person upon any contract or agreement for the loan of money, or the doing of any work or service, or the supply of any goods for or towards or concerning, or in carrying on, or prosecuting any election of a member under this Act: Provided that this section shall not apply to contracts, agreements, or payments by officers or others appointed by or under this Act in carrying out the several matters or things therein or thereby authorised and required.

Proviso as to officers
under this Act.

Candidates guilty
of offences under
this Act incapable of
sitting or being
elected.

Ibid. s. 115.

153. If any candidate at any election for any district is declared by any Committee of Elections and Qualifications to be guilty of bribery, treating, or undue influence at any election, such candidate shall be incapable of being elected or sitting as a member for any district until the following general election.

Wagers, &c., on
result of elections
prohibited.
Ibid. s. 116.

154. Any person who makes or is concerned in any wager, bet, or other risk of any nature whatsoever upon the result of any election, shall, for every such offence, be liable to a penalty not being less than five pounds nor exceeding fifty pounds; and every such wager, bet, or other risk shall be and is hereby declared an illegal act.

PART VI.

COMMITTEE OF ELECTIONS AND QUALIFICATIONS—ELECTION PETITIONS.

155. (1) In the first session of every Assembly, and within seven days after the election of a Speaker, and in every subsequent session within seven days after the commencement thereof, or in either case at any later period with the leave of the Assembly, the Speaker shall, by warrant under his hand, appoint nine members of the Assembly, against whose return no petition is then pending, and none of whom is a party to any petition complaining of any election or return, to be members of "The Committee of Elections and Qualifications" (hereinafter termed "the committee").

Appointments of
Committee of
Elections and
Qualifications.
No. 33, 1902, s. 117.

(2) Every such warrant shall be laid on the table of the Assembly, and, if not disapproved by the Assembly upon motion (without notice) in the course of the three next following days on which the Assembly meets for the despatch of business, shall take effect as an appointment of such committee.

(3) Every member who becomes a party to any petition complaining of an undue election or return, or respecting whose return, qualification, or disqualification an inquiry is pending, shall, for the time, be disqualified to serve on such committee.

156. If the Assembly disapproves of any such warrant, the Speaker shall, on or before the third day on which the Assembly meets after such disapproval, lay upon the table of the Assembly a new warrant for the appointment of nine members, qualified as aforesaid, and so from time to time until nine members have been appointed by a warrant not disapproved by the Assembly:

Proceedings on
disapproval by
the Assembly.
Ibid. s. 118.

Provided that the disapproval of any warrant may be either general in respect of the constitution of the whole committee, or special in respect of any particular member named in the warrant, and that the Speaker may, if he think fit, name in the second or any subsequent warrant any of the members named in any former warrant whose appointment has not been so specially disapproved of.

157. After the appointment of the committee, every member appointed shall continue to be a member thereof until the end of the then current session, or until he cease to be a member of the Assembly, or unless and until the committee report that he is disabled by continued illness from attending the committee, or until the committee report that he has failed to attend four consecutive meetings without the leave of the committee, or until the committee be dissolved as hereinafter provided, or until he resign his appointment (which he may do by letter to the Speaker, but which resignation shall not take effect until the appointment of another member in his place).

Duration of office of
members of
committee.
Ibid. s. 119.

158.

Parliamentary Electorates and Elections (No. 2).

Resolution of House
to dissolve
committee.
Reappointment, &c.
No. 33, 1902, s. 120.

158. (1) If the chairman or any two members of the committee at any time report that by reason of the continued absence of more than four of its members, or by reason of irreconcilable difference of opinion, the committee are unable to proceed satisfactorily in the discharge of their duties, and if such report be adopted by the Assembly with or without notice, or if the Assembly resolve that the committee be dissolved, the same shall be forthwith dissolved, and every reappointment of the committee after the dissolution thereof, as well as every appointment to supply a vacancy in the committee by resignation or otherwise, shall be made by the Speaker by warrant under his hand laid upon the table of the Assembly on or before the third day on which the Assembly meets after the dissolution of the committee, or notification of the vacancy made to the Speaker, as the case may be.

(2) Such warrant shall be subject to the disapproval of the Assembly in like manner as is hereinbefore provided in the case of the appointment of the first committee.

(3) Upon any reappointment of the said committee, the Speaker may reappoint any of the members of the former committee who are then not disqualified to serve thereon.

(4) Every such new committee or new member shall have power to take up and continue the business pending at the time of the dissolution or vacancy as aforesaid in the same manner as might have been done by the committee as previously constituted and composed.

Time of meeting.
Ibid. s. 121.

159. (1) The Speaker shall appoint the time and place of the first meeting of the committee, and the committee shall meet at the time and place so appointed; but no member shall act upon the committee until he has been sworn at the table of the Assembly by the clerk, well and truly to try and determine the matter of any petition or other question referred to the committee, and a true judgment to give according to the evidence, and truly and faithfully to perform the duties appertaining to a member of the committee to the best of his judgment and ability without fear or favour.

Oath of committee-
men.

(2) The committee shall not be competent to transact any business unless at least five members are present together.

Quorum.

Powers of
adjournment.
Ibid. s. 122.

160. (1) The committee shall have power to adjourn their sittings from time to time as they shall think proper, provided that the interval of adjournment shall not in any instance exceed seven days, unless by leave first obtained from the Assembly upon motion (without notice) and special cause assigned for such adjournment. And in case five members have not met together within one hour of the time appointed for an original or adjourned meeting, it shall be competent to the members present to adjourn within the limits and subject to the restrictions aforesaid.

Parliamentary Electorates and Elections (No. 2).

(2) The committee shall select their own chairman from time to time, and shall have power to regulate the form and manner of their own proceedings. Election of chairman.

(3) Such proceedings shall be conducted openly, except when the committee think it necessary to deliberate among themselves before or after hearing evidence and argument if offered; and all questions before the committee shall be decided by a majority of voices, and whenever the voices are equal the chairman shall have a second or casting voice, and no member of the committee shall refrain from voting on any question on which the committee may divide. Majority to decide. Casting vote.

(4) The committee shall be attended by one of the clerks of the Assembly, and such clerk shall make a minute of all proceedings of the committee, in such form and manner as shall be from time to time directed by the committee, and a copy of the minutes so kept shall be laid from time to time before the Assembly. Minutes of proceedings.

161. (1) The committee shall have power to inquire into and determine upon all election petitions and upon all questions which may be referred to them by the Assembly respecting the validity of any election or return of any member to serve in the Assembly, whether the dispute relating to such election or return arise out of an error in the return of the returning officer or out of the allegation of bribery or corruption against any person concerned in any election, or out of any other allegations calculated to affect the validity of such election or return, and also upon all questions concerning the qualification or disqualification of any person who has been returned as a member of the Assembly. General powers of committee. No. 33, 1902, s. 123.

(2) In the trial of any such questions the committee shall be guided by the real justice and good conscience of the case, without regard to legal forms and solemnities, and shall direct themselves by the best evidence they can procure, or which is laid before them, whether the same be such evidence as the law would require or admit in other cases or not:

Provided that the committee may receive or reject as they may deem fit any evidence tendered to them.

162. (1) The committee shall determine finally on all questions referred to them, and if they determine and report to the Assembly that a person was not duly elected who was returned as elected by the returning officer, the person so declared not to be duly elected shall cease to be a member of the Assembly, and if they determine and report any person to have been duly elected who was not returned by the returning officer, the person so declared shall be sworn a member of the Assembly, and take his seat accordingly; and if the said committee declare any election to have been wholly void, or declare any sitting member to be unqualified or disqualified, the Speaker may issue a new writ for the holding of another election, and the person thereafter elected and duly returned shall be the member for the electoral district concerned. Decisions of committee and their effect. Ibid. s. 124.

(2)

Parliamentary Electorates and Elections (No. 2).

(2) If the committee come to any resolution other than the determination above mentioned, they shall, if they think proper, report the same to the Assembly for its opinion at the same time that they inform the Assembly of such determination, and the Assembly may confirm or disagree with such resolution and make such order thereon as seems proper.

Election petitions.

Petition against
sitting member.
No. 33, 1902, s. 125.

163. (1) Every petition complaining of the undue election or return of a member to serve in the Assembly, or complaining that no return has been made according to the requisition of the writ issued for the election of a member to serve in the Assembly, or complaining of any special matter contained in any such return, shall be subscribed by some person who voted or had a right to vote at the election to which the same relates, or by some person claiming to have had a right to be returned or elected thereat, or alleging himself to have been a candidate at the election, and shall, in the case of a general election, be addressed to the Governor, and in the case of a by-election to the Speaker, and shall be presented to the Governor or Speaker within eight weeks after the day of the return of the writ to which such petition relates.

(2) Every such petition shall be forthwith notified in the Gazette, and shall, as soon as conveniently may be after such presentation, be laid by the Governor or the Speaker before the Assembly, and shall by the Assembly be referred to the committee either forthwith or as soon as the committee has been duly appointed and confirmed.

Assembly may refer
petition to
committee.
Ibid. s. 126.

164. It shall be competent to the Assembly upon any petition subscribed as aforesaid and presented to the Speaker to refer such petition and the question thereby raised to the committee, and the Assembly shall also have power upon the like petition to refer to the committee all questions respecting bribery or corruption alleged to have been committed at any election at any time within twelve months after such election, notwithstanding that the period in either of the above cases has elapsed for a petition against the election or the return thereof according to the provisions hereinbefore in that behalf contained.

Deposit for costs of
petition.
Ibid. s. 127.

165. Before presenting any such petition as aforesaid to the Governor or Speaker, the person by whom the same is subscribed shall pay into one of the banks regulated by law within New South Wales or into a branch thereof a sum of fifty pounds to the credit of the Speaker in relation to the said petition, which sum shall be payable towards the costs of the petition as hereinafter regulated, and shall be liable to be withdrawn upon the order of the Speaker either for the purpose of such payment or for the purpose of restoring the same to the petitioner wholly or in part, as the case may require.

166.

Parliamentary Electorates and Elections (No. 2).

166. Every such petition shall have annexed thereto a bank deposit receipt for the sum of fifty pounds so deposited and shall contain a recital of the fact and particulars of such deposit. And any petitioner who wilfully annexes to any such petition a false receipt or who wilfully makes in any such petition any false recital shall be deemed guilty of forgery, and be liable to be punished therefor.

Receipt for deposit to accompany petition.
No. 33, 1932, s. 128.

167. All persons subscribing any such petition shall be deemed to be parties to the reference, and the sitting member to whose election any such petition relates, or any person who voted, or who had a right to vote thereat, or any person complained against in any such petition, may, within four weeks after presentation thereof, by notice in writing to the Speaker, be admitted as a party to support or to oppose the same, or to defend the return of the sitting member, as the case may be, and every person so admitted shall be deemed to be a party to the reference.

Parties to petition.
Ibid. s. 129.

168. The parties to any such reference may, at any time after presentation of the petition so referred, jointly or severally withdraw their support or opposition, as the case may be, by written notice to that effect under their hands, or under the hand of their agent, to the Speaker, and also to the sitting member whose election or return has been complained of, or his agent, and also to the adverse parties or their agent, and in all such cases the parties so withdrawing shall be liable to the payment of all such costs and expenses incurred by any of the adverse parties, as the committee in its discretion deems reasonable and just.

Parties withdrawing liable to costs and expenses.
Ibid. s. 130.

169. It shall be lawful for the committee to determine and report to the Assembly upon all petitions so referred, and in all cases to award payment of such costs or expenses incurred by any of the parties, as the committee in its discretion deems reasonable and just, and to name the parties in each case liable for such payments, and the parties (if any) to whom such payments are to be made.

Award of costs and expenses
Ibid. s. 131.

170. Whenever no adverse parties have been admitted as aforesaid, and it appears to the committee that the sitting member whose election has been complained of, or his authorised agent, has been guilty of vexatious or corrupt conduct in respect of the election to which the petition relates, such member shall be liable for the payment of all such costs and expenses incurred by any of the parties supporting the petition as the committee in its discretion deems reasonable and just.

Sitting member liable for costs and expenses in certain cases.
Ibid. s. 132.

171. Whenever it appears to the committee that a petition so referred to them was frivolous or vexatious, or altogether groundless, or not sufficiently sustained by evidence, the committee may impose upon any of the parties supporting the petition such penalty (not exceeding fifty pounds) as the committee in its discretion deems reasonable and just, and such penalty shall be paid by any such parties named by the committee to the Clerk of the Assembly, and may be recovered

Petitioners liable to penalties.
Ibid. s. 133.

by

Parliamentary Electorates and Elections (No. 2).

by the said clerk in the same manner as all costs and expenses awarded by the committee are hereinafter directed to be recovered. And the money so recovered shall, after deducting costs and expenses necessary for the recovery thereof, be paid to the Treasurer, and form part of the Consolidated Revenue Fund.

Costs and expenses
how to be certified.
No. 33, 1902, s. 134.

172. The said committee shall, upon application made to them, deliver to any witnesses summoned before the committee, or to any other person entitled under the provisions of this Act to costs and expenses, or to the Clerk of the Assembly, in case any penalty has been awarded, a certificate thereof, signed by the chairman of the committee, expressing the amount of the costs and expenses allowed, or of the penalty awarded, with the name of the party liable to pay the same, and the name of the party entitled to receive the same, and such certificate shall be conclusive evidence for all purposes whatever, as well of the amount of the demand as of the title of the party therein named in that behalf to recover the same from the party therein stated to be liable to the payment thereof.

Recovery of costs.
Ibid. s. 135.

173. (1) The Speaker may, by order under his hand, direct the payment of the said sum of fifty pounds deposited according to the provisions hereinbefore contained, or a sufficient portion or proportionate part thereof, to any party who, by such certificate, appears to be entitled to recover costs and expenses or any penalty as against the person by whom such deposit was made.

(2) The party entitled to any such costs, expenses, or penalty under such certificate may recover the same, or so much thereof as shall not be paid out of any deposit from the party liable to pay the same.

(3) If the party liable to pay such costs, expenses, or penalty does not, upon demand being made, within seven days thereafter pay the same, the Speaker shall, by warrant under his hand directed to the sheriff, command the sheriff to levy for the amount named in such warrant upon the lands, goods, and chattels of the party liable to pay the same; and thereupon the sheriff shall forthwith levy for the said amount, and when the same is recovered, pay over the same to the party entitled thereto.

(4) Any person from whom the amount of such costs, expenses, or penalty has been recovered, or who has paid the same on demand hereof, shall be entitled to recover in any court from the other persons (if such there be) who are liable to the payment of the same a proportionate share thereof according to the number of persons so liable, and according to the extent of the liability of each person.

(5) In every case in which the committee finally determines and reports to the Assembly upon any such petition without making any award as to costs or expenses, or imposing any penalty, the Speaker shall, upon demand of the depositor, return to him, or his agent, the said sum of fifty pounds.

174.

Parliamentary Electorates and Elections (No. 2).

174. (1) The committee shall have power to direct the attendance of witnesses, and to examine them upon oath (which oath it shall be competent for any member of the said committee to administer), and also to send for and examine papers, records, and other documentary evidence, and it shall be competent to the committee if they think fit to receive affidavits relative to any of the matters referred to them taken before any justice of the peace (which affidavits such justice of the peace is hereby authorised to take).

Powers in respect of witnesses, affidavits, and documentary evidence, contempt, disobedience, &c.
No. 33, 1902, s. 136.

(2) If any person summoned by the committee disobeys such summons, or refuses or neglects to produce any papers, records, or other documentary evidence relating to or affecting the matter under investigation which have been sent for by the committee, or refuses to submit himself to examination, or gives false evidence, or prevaricates or otherwise misconducts himself in giving or refusing to give evidence, he shall be deemed guilty of a misdemeanour, and be liable accordingly.

(3) Any person wilfully or knowingly giving false evidence before the committee, or a quorum thereof, or in any such affidavit, shall be deemed guilty of wilful and corrupt perjury, and be liable to be punished therefor: Provided that in any case where a witness, if examined before the Supreme Court, would be permitted to make a solemn declaration, or to give evidence in any other way than upon oath, a witness summoned under this Act shall be allowed to give evidence in like manner by declaration or otherwise.

175. Nothing in this Act shall affect the right of a person to present an election petition in respect of any first ballot, or the powers of the Committee of Elections and Qualifications in respect of any such petition; and the provisions of this Part of this Act shall, with the necessary modifications, extend and apply to every second ballot, as in the case of a first ballot.

Election petition.
No. 18, 1910, s. 12.

PART VII.

MISCELLANEOUS PROVISIONS, PENALTIES, &c.

176. (1) The Governor may make regulations for carrying the provisions of this Act into full effect; and all such regulations, in so far as they are not inconsistent with the provisions of this Act, shall, on being published in the Gazette, have the full force of law, and shall be laid before both Houses of Parliament within fourteen days after such publication if Parliament be then sitting, and if not, then within fourteen days after the commencement of the next ensuing session.

Regulations.
No. 33, 1902, s. 137.

(2)

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(2) The Governor may, in such regulations, provide for any proceeding, matter, or thing for which express provision has not been herein made, in order to give due effect to the intent and meaning of the provisions of this Act.

(3) Where any alteration of a form in the Schedules is found necessary, or where it is found that the time allowed to do any act is clearly insufficient, and an alteration or extension of such time and any alteration of dates consequent thereon is shown to be necessary, the Governor may, by regulation or notification in the Gazette, declare that such alteration shall be made, and thereupon the same shall be made and take effect accordingly.

Offence of stuffing
ballot-box.
No. 33, 1902, s. 139.

177. Every person who knowingly places, or is privy to the placing, in a ballot-box any ballot-paper which has not been lawfully issued to an elector, and been marked, filled up, or otherwise dealt with by him as by this Act required, and any elector who places in the ballot-box any paper other than the ballot-paper issued to him for that purpose, shall be guilty of a misdemeanour, and be liable to be imprisoned for any term not exceeding one year.

Penalty on members
of police force
influencing voters,
&c.
Ibid. s. 141.

178. If any person, being at the time a member of the police force, takes any part in any election (except by recording his vote) or seeks to influence in any manner any elector in giving his vote for any candidate, such person shall incur a penalty of not less than ten pounds nor more than one hundred pounds.

Payment of expenses.
Ibid. s. 142.

179. The Governor may, from time to time by warrant under his hand addressed to the Colonial Treasurer, authorise and direct that all such moneys as are from time to time required for paying any expenses lawfully incurred under and in the execution of the provisions of this Act be paid out of the consolidated revenue, and the same shall be so paid accordingly.

Summary penalties
for neglect.
Ibid. s. 143.

180. If in the opinion of the Minister any registrar, or deputy-registrar, or other officer, has been guilty of any negligent act of commission or omission, contrary to the provisions of this Act, the Minister may, by writing under his hand, after calling upon any such officer to furnish any explanation he may think fit, personally or in writing, and after considering such explanation, order that the whole or any portion of the salary payable to such officer under the authority of this Act during the year then current shall be forfeited.

Penalty for
disobedience.
Ibid. s. 144.
No. 9, 1911, s. 14.

181. If any registrar, or other officer or person, or any member of the police force, is guilty of any wilful misfeasance, or wilful or grossly negligent act of commission or omission in contravention of the provisions of this Act, he shall be liable to a penalty of not more than fifty pounds, nor less than five pounds, or, at the discretion of the court, to be imprisoned for any period not exceeding three months.

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182. (1) The Colonial Secretary may make rules and regulations as to the days, hours, and places on and at which any registrar or deputy-registrar shall attend at his office or offices for the purposes of this Act, and as to what shall be deemed a reasonable price or payment for any rolls or other matters regarding which it is hereinbefore provided that a reasonable price be paid for the same.

Attendance of registrar regulated. No. 33, 1902, s. 145.

(2) Where any accidental or unavoidable impediment, misfeasance, or omission has happened in the preparation or transmission or printing of any roll, of what kind soever, the Governor may take all such measures as may be necessary for removing such impediment or rectifying such misfeasance or omission.

Errors may be corrected.

183. Every penalty, fine, forfeiture, or sum of money recoverable or payable, pursuant to the provisions of this Act, may be recovered before, and every offence against or violation or breach of the provisions of this Act, or of any regulation made thereunder (not being a felony or misdemeanour) shall be heard and determined by and before a stipendiary or police magistrate having jurisdiction within the district or at the place where the proceedings are taken, in a summary manner according to the provisions of the Act or Acts for the time being regulating proceedings before justices.

Mode of recovering penalties. *Ibid.* s. 146.

184. No person shall be liable to any penalty, forfeiture, or punishment imposed under this Act, unless the prosecution for the offence committed is commenced against such person within the space of six months next after such offence has been committed. And proceedings for or in respect of any offence under this Act may be taken by any member of the police force, or by any person whomsoever, save where by this Act in any particular case some other person is charged with the duty of taking such proceedings.

Limitation of time, &c., for recovery of penalties, &c. *Ibid.* s. 148.

185. All moneys received by any officer under the provisions of this Act shall be paid to the Colonial Treasurer, and shall be deemed to be received on account of the Consolidated Revenue Fund.

Appropriations of fees and penalties. *Ibid.* s. 149.

186. Whenever any day or date provided or appointed by or under this Act for any purpose falls on a Sunday, or Good Friday, or Christmas Day, then such provision and appointment shall take effect as for the day following; and all further changes of time rendered necessary by any such alteration may lawfully be made.

Provision as to Sunday, Good Friday, and Christmas Day. *Ibid.* s. 150.

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PART VIII.

AMENDMENTS OF CONSTITUTION ACT, 1902.

Exemption of
Ministers from s. 27
of Constitution Act.
No. 41, 1906, s. 60.

187. Section twenty-seven of the Constitution Act, 1902, is amended by adding the following paragraph, to stand as paragraph (c):—

“ Any member of the Legislative Assembly who accepts any of the offices enumerated in the Second Schedule hereto, or any office of profit under the Crown created by Act of Parliament as an office of the Executive Government.”

188. Section twenty-eight of the Constitution Act, 1902, is amended by adding the following proviso:—

“ Provided that in the case of every member elected after the first day of May, one thousand nine hundred and seven, such allowance shall be reckoned from the day of his election.”

Parliamentary
allowances, how to
be reckoned.
Ibid. s. 61.

SCHEDULES.

SCHEDULE ONE.

No. of Act.	Name of Act.	Extent of repeal.
No. 73, 1900 ...	Federal Elections Act, 1900 ...	The whole.
No. 33, 1902 ...	Parliamentary Electorates and Elections Act, 1902.	The whole.
No. 54, 1902 ...	Women's Franchise Act, 1902.	The whole.
No. 1, 1903 ...	Parliamentary Elections (Amendment) Act, 1902.	Repealed by No. 41, 1906, s. 3.
No. 13, 1903 ...	Reduction of Members Referendum Act, 1903.	The whole.
No. 1, 1904 ...	Electorates Redistribution Act, 1904 ...	The whole.
No. 41, 1906 ...	Parliamentary Elections Act, 1906 ...	The whole.
No. 18, 1910 ...	Parliamentary Elections (Second Ballot) Act, 1910.	The whole.
No. 9, 1911 ...	Parliamentary Elections (Amendment) Act, 1911.	The whole.

SCHEDULE

Act No. 41, 1912.

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SCHEDULE TWO.

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

List of persons objected to.

The following persons have been objected to as not being entitled to have their names retained on the electoral list for the district of [*here insert name of district and polling-place*], and the objections will be heard at a revision court to be held at [*here state place*], on the day of , 19 , at o'clock in the noon.

Number on list.	Surname of elector.	Christian name of each elector at full length.

(Signed)

Registrar.

SCHEDULE THREE.

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

State electoral roll.

District of [*here insert name of electoral district.*]

Roll of electors who vote at [*here insert name of polling-place*] Polling-place.

No.	Surname of each elector.	Christian name of each elector at full length.	Sex.	Residence.	Occupation

The sex may be indicated by letter, viz., "M" for male, and "F" for female.

SCHEDULE FOUR.

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

Ballot-paper.

NEW SOUTH WALES.

Electoral district of [*here insert name of district*].

Election of Member of the Legislative Assembly.

CANDIDATES.

- Brookman, John
- Crane, Joseph
- French, Charles
- King, William
- Wilson, Henry

N.B.—Indicate your vote by making a cross in the square opposite the name of the candidate for whom you vote.

SCHEDULE

Act No. 41, 1912.

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SCHEDULE FIVE.

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

*Electoral claim.*District [*here insert name of electoral district*].Surname—
Christian name at full length—
Sex—
Place of residence—
Occupation—I claim to have my name placed on the electoral roll for the above district to vote at [*here insert name of polling-place*].1. I am a [*here insert natural-born or naturalised as the case may be*] subject of the King.

2. I am not under the age of twenty-one years.

3. I have resided or had my principal place of abode immediately prior to the date of this claim—

For six months in the Commonwealth of Australia ; and for three months in New South Wales ; and for one month in the electoral district above-mentioned.

In the case of a *naturalised subject* add, "any such residence was after my naturalisation."

4. My name is not, to the best of my knowledge, on the electoral roll for any district.

Dated the day of 19.

(Usual signature.)

NOTE.—The claimant making any wilfully false statement in the above declaration shall be liable to six months' imprisonment.

I [*here insert name in full*], an elector enrolled for the electoral district of [*here insert name of district*], certify that I have seen the abovenamed claimant sign the above claim.Witness to signature of claimant—
Occupation and address of witness—

Received the day of 19 .

Registrar (*or Deputy Registrar*).

SCHEDULE SIX.

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

*Application to transfer.*Surname—
Christian name at full length—
Sex—
Present place of residence—
Occupation—formerly residing at [*here insert place*] and registered to vote at [*here insert name of polling-place*] polling-place, in the electoral district of [*here insert name of district*] having

Parliamentary Electorates and Elections (No. 2).

having *bonâ fide* changed my residence, and being now resident within the electoral district of [*here insert name of district*] for not less than one month, do hereby claim to have my name transferred to the electoral roll for the last-mentioned district to vote at [*here insert name of polling-place*] polling-place.

Dated this day of , 19 .
(Usual Signature.)

NOTE.—The applicant making any wilfully false statement in the above declaration shall be liable to six months' imprisonment.

I, [*here insert name in full*], an elector enrolled for the district of [*here insert name of district*], certify that I have seen the abovenamed applicant sign the above application.

Witness to signature of applicant—

Occupation and address of witness—

Received the day of 19 .
Registrar (or Deputy Registrar).

SCHEDULE SEVEN.

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

Notice of objection.

I object to the name of [*here insert the name, residence, and occupation of person objected to, as in the list or roll, as the case may be*] being retained on the electoral list or roll (*as the case may be*) for the district of [*here insert name of district and polling-place*] on the ground that [*here state grounds of objection.*]

Dated this day of 19 .

(Signed) A.B., of [*here state residence and occupation of objector*].

SCHEDULE EIGHT.

Albury	Clyde, The	Hawkesbury, The	Richmond, The
Allowrie	Cobar	Lachlan, The	Rous
Armidale	Coctamundra	Liverpool Plains	Sherbrooke
Ashburnham	Corowa	Macquarie, The	Singleton
Bathurst	Darling, The	Monaro	Sturt
Bega	Deniliquin	Mudgee	Tamworth
Belubula	Durham	Murray, The	Tenterfield
Bingara	Gloucester	Murrumbidgee, The	Upper Hunter, The
Blayney	Gough	Namoi, The	Wollondilly
Burrangong	Goulburn	Northumberland	Wollongong
Camden	Gwydir, The	Orange	Wynyard
Castlereagh, The	Hartley	Queanbeyan	Yass
Clarence, The	Hastings and Macleay	Raleigh	

Act No. 41, 1912.

Parliamentary Electorates and Elections (No. 2).

SCHEDULE NINE.

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

Form of declaration to be signed by a voter before voting at any polling-place for the same district other than the polling-place for which he is enrolled.

.....Polling-place.

I declare that I am the person whose name appears in the polling-place roll for the electoral district of [here insert name of district], as set out opposite my signature, and that I have not voted either here or at any other polling-place at this election; and I promise that if I am permitted to vote here, I will not vote at this election at any other polling-place.

Declared before me, the day of 19 .

Presiding Officer—

Signature of Elector.	Place of Residence.	No. on Roll.	Polling-place.

SCHEDULE TEN.

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

Declaration of result of poll and notification of second ballot.

I, A.B., returning officer of the electoral district of , do hereby declare the result of the poll taken on the day of , 19 , for the election of a member of the Legislative Assembly for the said district to be as follows:—

Candidates Votes polled

Total number of votes polled _____
 Absolute majority required _____
 Number of votes rejected as informal ... _____

And I further declare that, as no candidate has received an absolute majority of votes, a second ballot will be taken.

(Signed)

Returning Officer.

Act No. 42, 1912.

Liquor.

SCHEDULE ELEVEN.
PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.
Absent voter's form of declaration.

I declare that I am the person enrolled as—

Surname.	Christian Names at full length.	Place of Living.	Occupation.

on the electoral roll for the Electoral District of _____,
and that I have not voted at either this or any other polling-place at the Parliamentary
election being held this day, and I declare that if I am permitted to vote at this
polling-place I will not vote elsewhere at this election.

(Signature of Elector)

Declared before me this _____ day of _____, 19____,
at _____ polling-place,
Returning (or Deputy Returning) Officer—

SCHEDULE TWELVE.
PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.
Absent voter's ballot-paper.

NEW SOUTH WALES.

Electoral district of [here insert name of district].
Election of member of the Legislative Assembly.

Insert name of candidate for whom the elector votes.