

1901-2.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1^o 21 March, 1902.*(Brought from the Senate.)*

A BILL

FOR

AN ACT

To regulate Parliamentary Elections.

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

PART I.—PRELIMINARY.

5 **1.** This Act may be cited as the *Commonwealth Electoral Act* Short title.
1902.

2. This Act is divided into Parts as follows :—

Parts.

PART I.—Preliminary, ss. 1-4.

PART II.—Administration, ss. 5-11.

10 PART III.—Electoral Divisions, ss. 12-25.

PART IV.—Polling Places, ss. 26-28.

PART V.—Electoral Rolls, ss. 29-56.

PART VI.—Additions to Rolls, Transfers, and Alterations of
Rolls, ss. 57-69.

15 PART VII.—Revision Courts, ss. 70-88.

PART VIII.—Writs for Elections, ss. 89-96.

PART IX.—The Nominations, ss. 97-108.

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PART

PART X.—Voting by Post, ss. 109–119.

PART XI.—Voters' Certificates, ss. 120–124.

PART XII.—The Polling, ss. 125–154.

PART XIII.—The Scrutiny, ss. 155–168.

PART XIV.—The Return of the Writs, ss. 169–172.

5

PART XV.—Limitation of Electoral Expenses, ss. 173–176.

PART XVI.—Electoral Offences, ss. 177–196.

PART XVII.—Court of Disputed Returns, ss. 197–211.

PART XVIII.—Miscellaneous, ss. 212–215.

Interpretation.

3. In this Act unless the contrary intention appears—

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“Candidate” means any person who within three months before the day of election offers himself for election as a member of the Senate or the House of Representatives :

“Division” means an Electoral Division for the election of a member of the House of Representatives :

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“Elector” means any person whose name appears on a Roll as an elector :

“Justice of the Peace” means a Justice of the Peace of the Commonwealth, or part of the Commonwealth, or of a State, or part of a State :

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“Minister” means the Minister for Home Affairs :

“Officer” includes the Chief Electoral Officer for the Commonwealth, any Commonwealth Electoral Officer for a State, Returning Officer, Assistant Returning Officer, Electoral Registrar, Presiding Officer, and Poll Clerk :

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“Prescribed” means prescribed by this Act or the regulations :

“Registrar-General of Deaths” means the chief official in any State, by whatever name he is called, who is charged with the duty of registering deaths occurring in that State :

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“Returning Officer” includes Divisional Returning Officer and Assistant Returning Officer :

“Roll” means an Electoral Roll under this Act.

Application of Act.

4. This Act shall not apply to the election of a new Member to fill any vacancy happening in the House of Representatives during the continuance of the present House of Representatives.

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PART II.—ADMINISTRATION.

Chief Electoral Officer.

5. There shall be a Chief Electoral Officer for the Commonwealth who shall under the Minister be responsible for the execution of this Act throughout the Commonwealth.

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Commonwealth Electoral Officers for the States.

6. There shall be a Commonwealth Electoral Officer for each State who shall subject to the directions of the Chief Electoral Officer for the Commonwealth be the principal electoral officer in the State.

7. There

7. There shall be a Divisional Returning Officer for each Division, who shall be charged with the duty of giving effect to this Act within his Division subject to the directions of the Commonwealth Electoral Officer for the State. Divisional Returning Officers.
- 5 8. Assistant Returning Officers may be appointed to exercise within any portion of a Division, subject to the control of the Divisional Returning Officer, all the powers of the Divisional Returning Officer except the powers of that officer under Part X. of this Act. Assistant Returning Officers.
S.A. 1896, No. 667
s. 24.
- 10 9. Electoral Registrars may be appointed to keep the rolls at specified polling places. The Divisional Returning Officer shall keep the rolls for all polling places in his Division for which no Registrar has been appointed. Electoral Registrars.
W.A. 1899, No. 20
s. 11.
S.A. ib. s. 25.
- 15 10. All Returning Officers and Electoral Registrars shall keep forms of claims and applications for transfer, and shall without fee supply them and assist the public in their proper use. Keeping of forms.
11. No candidate shall be appointed an officer, and if any officer becomes a candidate he shall thereby vacate his office. Candidates not to be officers.
W.A. ib. s. 14.

PART III.—ELECTORAL DIVISIONS.

- 20 12. Each State shall be distributed into Electoral Divisions equal in number to the number of Members of the House of Representatives to be chosen therein. Divisions.
- 25 13. The Governor-General may appoint three persons in each State to be Commissioners for the purpose of distributing the State into Divisions in accordance with this Act, and may appoint one of them to be chairman. Commissioners.
See N.S.W. 1893,
No. 38 s. 5.
14. The Commissioners shall hold office during the pleasure of the Governor-General. Term of office.
- 30 15. At all meetings of the Commissioners the Chairman, if present, shall preside and in his absence the Commissioners present shall appoint one of their number to preside, and at all such meetings two Commissioners shall be a quorum and shall have full power to act, and in the event of an equality of votes the Chairman or presiding Commissioner shall have a casting vote in addition to his original vote. Proceedings at meetings.
N.S.W. ib. ss. 7-10.
- 35 16. For the purposes of this Act a quota shall be ascertained in each State as follows :—
The whole number of electors in each State, as nearly as can be ascertained, shall be divided by the number of Members of the House of Representatives to be chosen therein. Quota.
N.S.W. ib. s. 17
sub-sec. (1).
- Until rolls are compiled all persons qualified to have their names placed on a roll shall be deemed to be electors for the purposes of this Part of this Act.
17. The

Quota to be basis of distribution.

N.S.W. 1893,
No. 38 s. 17 (ii.).

17. The quota of electors shall be the basis for the distribution of the Divisions, and shall be adhered to as nearly as practicable, but may be departed from to the extent of one-fourth more or one-fourth less.

Matters to be considered in distribution of seats

N.S.W. ib. s. 17
(iii.).

18. In the distribution of States into Divisions consideration shall be given to—

- (a) Community or diversity of interest,
- (b) Means of communication,
- (c) Physical features.

Notice of proposed distribution.

N.S.W. ib. s. 14.

19. Before reporting on the distribution of any State into Divisions the Commissioners shall give notice by advertisement in two or more newspapers circulating in the State of the proposed distribution, and of the number of electors as far as known to them residing in each proposed Division, and shall cause to be exhibited at the post offices, police stations, town halls, and railway stations within the proposed Division maps showing the boundaries of the proposed Division and its relation to adjoining Divisions, together with a statement of the number of electors proposed to be included.

Objections.

N.S.W. ib. s. 14.

20. Objections in writing to any proposed distribution signed by not less than ten electors may be lodged with the Commissioners not later than thirty days after the first publication of the proposed distribution, and the Commissioners shall consider all objections so lodged before making their report.

Report of Commissioners.

N.S.W. ib. s. 15.

21. The Commissioners shall forthwith after the expiration of the thirty days mentioned in the last preceding section make and forward to the Minister their report on the proposed distribution, specifying the quota of electors for each State, the boundaries of each proposed Division, and the number of electors residing therein, and shall also forward a map signed by them with the boundaries of each proposed Division marked thereon. If the number of electors residing in any proposed Division exceeds the quota by one thousand or more, or is less than the quota by one thousand or more, the reasons for not adhering to the quota shall be stated.

Report to be laid before Parliament.

N.S.W. ib. s. 15.

22. The report and map shall be laid before both Houses of Parliament within seven days after its receipt if the Parliament is in session, and if not then within seven days after the commencement of the next session.

Proclamation of Divisions.

N.S.W. ib. s. 16.

23. If both Houses of Parliament pass a resolution approving of any proposed distribution the Governor-General may by proclamation declare the names and boundaries of the Divisions, and such Divisions shall until altered be the Electoral Divisions for the State in which they are situated.

Fresh distribution.

24. If either House of Parliament passes a resolution disapproving of any proposed distribution, or negatives a motion for the approval of any proposed distribution, the Minister may direct the Commissioners to propose a fresh distribution of the State into Divisions.

25. A redistribution

25. A redistribution of any State into Divisions shall be made in the manner hereinbefore provided whenever directed by the Governor-General by proclamation. Redistribution.

PART IV.—POLLING PLACES.

26. The Governor-General may, by proclamation— Polling places.

- (a) Appoint a chief polling place for each Division ;
- (b) Appoint such other polling places for each Division as he thinks necessary ;

(c) Declare that any polling place shall cease to be a polling place.

27. Before any polling place other than the chief polling place is appointed for any Division the Commonwealth Electoral Officer for the State shall report to the Minister specifying what polling places are required in the several Divisions in the State to meet the public convenience. Report as to polling places.

28. The Governor-General may, by the proclamation declaring that any polling place shall cease to be a polling place, or, by a subsequent proclamation, direct at what place electors previously entitled to vote thereat may vote. Where electors to vote in case polling place abolished.

PART V.—ELECTORAL ROLLS.

29. Electoral Rolls of the electors in each State shall be prepared. Rolls to be prepared.

30. There shall be a separate Roll for each Division and each Roll shall be divided according to polling places. Separate Roll for Divisions.

31. The Rolls for all the Divisions in a State shall together form the Electoral Roll for the State. State Roll.

32. The Rolls may be in the form A in the Schedule and shall contain the particulars indicated in that form. Form of Rolls.

33. All persons qualified to vote at any Election for the Senate or House of Representatives, or who would be qualified so to vote if their names were upon a Roll, shall be qualified and entitled to have their names placed upon the Electoral Roll for the Division in which they reside. Persons entitled to have their names on Roll.

34. The Commonwealth Electoral Officer in each State shall as soon as practicable after the commencement of this Act and thereafter every three years prepare Lists of all persons qualified and entitled to have their names placed upon the Roll for the State, specifying in such Lists the particulars required to be specified in the Roll. Lists for formation of Rolls.

35. All officers in the service of the Commonwealth and all police statistical and electoral officers in the service of any State are hereby authorized and required to furnish to the Commonwealth Electoral Officer in the State all such information as he requires to enable him to prepare the Lists. Statistical officers to furnish information.

36. Copies

Lists to be publicly exhibited.

36. Copies of the Lists so far as they relate to any Electoral Division shall be exhibited at such police stations, post offices, and other places within the Division as the Commonwealth Electoral Officer directs and shall remain so exhibited for a period of thirty days.

Copies to be sent to Registrars.

37. A copy of the List of persons qualified to have their names placed upon an Electoral Roll to vote at any specified polling place shall be forwarded to the Electoral Registrar who is to keep the part of the Roll relating to that polling place. 5

Persons may claim to have their names put on the Lists.

38. Any person entitled to have his name placed upon the Roll for a Division may claim to have his name placed upon any List for the Division, and the Returning Officer or Electoral Registrar shall place his name on a List for the Division. 10

Officers may add names to List.

39. Divisional Returning Officers and Electoral Registrars may without claim place on the Lists the names of persons qualified to have their names placed on the Roll for the Division whose names have been omitted therefrom, and may strike off the Lists the names of deceased persons. 15

Special Court of Revision.

40. The Returning Officer for the Division together with—
(a) a Police, Stipendiary, or Special Magistrate, or
(b) two or more Justices of the Peace residing within the Division 20

shall constitute a Special Court of Revision to revise the Lists, and shall sit for that purpose as soon as conveniently may be after the expiration of the thirty days during which the Lists have been exhibited in the Division. 25

Sittings of Special Court.

41. The Special Court of Revision may sit at any time between the hours of Seven a.m. and Twelve midnight and at any convenient places within the Division, and it shall not be necessary for the same Magistrate or Justices of the Peace to be present at every sitting of the Court. 30

Notice of sittings.

42. The Returning Officer for the Division shall give at least thirty days' public notice, by advertisement in some newspaper circulating in the Division, of the times and places fixed for the sitting of the Court of Revision and of the Lists for specified polling places to be revised at the respective sittings of the Court. 35

Objections.

43. Any person may by writing object to any name being retained on the Lists on any of the following grounds:—

(I.) That the person named is not qualified to have his name placed on any Roll.

(II.) That the person named does not reside in the Division. 40

Time for lodging objections.

44. Every objection must be lodged with the Returning Officer at least ten days before the date fixed for the sitting of the Special Court of Revision. **45.** Notice

45. Notice of every objection stating the grounds shall be served upon or sent by post by the Returning Officer to the person affected. Notice of objection.

46. The Returning Officer may by summons under his hand require any person to appear as a witness before the Special Court of Revision, and any person served with any such summons and being tendered such expenses as prescribed who fails to obey it without just excuse shall be liable on summary conviction to a penalty not exceeding Ten pounds. Power to summon witnesses.

47. The Special Court of Revision shall revise the Lists for the Division in which it sits by striking out the names of all persons shown— Powers of Special Court.

(a) to be dead ;

(b) not to be qualified to have their names placed on a Roll ;

(c) to be disqualified ;

15 (d) not to reside within the Division ;

and by adding to the Lists the names of all persons shown to be qualified to have their names placed on the Roll for the Division and generally by correcting mistakes and supplying omissions.

48. The objector and the person whose name is objected to may appear before the Special Court of Revision in person or by an agent to support or resist the objection. If the objector or his agent do not appear the objection shall be deemed to be invalid. Right of parties to appear.

49. If any objection is not established the Court may award to the person objected to a reasonable sum not exceeding Five pounds for costs, and he may recover the sum so awarded in any Civil Court as a debt due by the objector. Power to award costs.

50. In revising the Lists the Special Court of Revision shall not be bound by any rules of evidence, but the Court may inform its mind on any matter in such manner as it thinks proper. Rules of evidence.

51. When the revision of the Lists is completed the Lists shall be the Roll for the Division. On revision Lists to become Rolls.

52. A new Roll for any Division, or new Rolls for all Divisions in a State shall be prepared whenever directed by proclamation and in the manner therein specified. New Rolls.

53. Each part of the Roll relating to a polling place shall be kept separately in a convenient book, and the surnames of the electors on each such part of the Roll shall be arranged in alphabetical order according to the first letter of each surname, and blank spaces shall be left for additions after each letter. Arrangement of parts of Rolls.
W.A. 1899, No. 20
ss. 19-24.
S.A. 1896, No. 667
ss. 35-39.

54. Rolls shall be printed whenever the Minister so directs. Printing of Rolls.
W.A. ib. s. 27.
S.A. ib. s. 42.

55. Supplemental

Supplemental Rolls.
W.A. 1899, No. 20.
s. 28.
S.A. 1896, No. 667
s. 43.

55. Supplemental Rolls, setting out additions and alterations since the last print, shall also be printed immediately after the holding of each Revision Court and immediately previous to a general election.

Inspection.
W.A. ib. s. 30.
S.A. ib. s. 43.

56. The last printed copies of the Roll for each Division shall be open for public inspection at the chief polling place for the Division without fee and shall be obtainable thereat and at all principal post-offices in the Division on payment of the price prescribed.

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PART VI.—ADDITIONS TO ROLLS, TRANSFERS, AND ALTERATIONS OF ROLLS.

Addition of new
names.
W.A. ib. s. 32.
S.A. ib. s. 47.

57. New names may be added to Rolls pursuant to—

10

- (a) Claims
- (b) Applications to transfer.

Forms of claims.

58. Claims may be in the form B in the Schedule and shall be signed by the claimant and shall be sent to the Returning Officer or Registrar keeping the part of the Roll for the polling place where the claimant desires to vote.

15

Registration of
claims.

59. If the claim is in order the Returning Officer or Registrar shall pursuant to the claim immediately enter the claimant's name and the particulars relating to him on the Roll and shall file the claim.

20

Right to transfer.

60. Any elector whose name is on the Roll for any Division and who has resided in any other Division for one month may transfer his name to the Roll for the Division in which he resides.

Until a uniform federal franchise is provided for the right to transfer shall only extend to transfers from one Division to another in the same State.

25

Form of transfer.

61. Every transfer shall be made by application to transfer in the form C in the Schedule.

Method of transfer.

62. The application to transfer shall be signed by the elector in the presence of a witness and sent to the Returning Officer for the Division to which the elector's name is to be transferred.

30

Registration of
transfer.

63. The Returning Officer shall note on the application to transfer 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 Division, and shall give notice of the transfer to the Returning Officer for the Division from which the elector's name has been transferred, who shall thereupon remove the elector's name from the Roll.

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Limit of time for
transfer.

64. No application to transfer shall be registered within three clear days prior to the date for taking the poll at any election within the Division.

65. Rolls 40

65. Rolls may be altered by the Returning Officer or Electoral Registrar as follows :—

Alteration of rolls.
W.A. 1899, No. 20
s. 43.

(I.) By correcting any mistake in spelling ;

(II.) By changing on the written application of the elector—

- 5 (a) The residence to another within the same Division ;
 (b) The polling place to another within the same Division ;
 (c) The original name of the elector to an altered name ;

(III.) By striking out the names of dead persons ;

10 (IV.) By reinstating any name struck out by mistake as the name
 of a dead person and whether struck out by a Revision
 Court or otherwise.

66. On any change in the boundaries of a Division the Returning Officer for the Division shall make all alterations thereby rendered necessary in the Roll for the Division.

Adjustment of rolls
on change in
boundaries.
W.A. ib. s. 43.

15 **67.** Save as before provided in the case of transfers, no addition
to or alteration of the Roll for any Division shall be made during
the period between the issue of the writ for an election in the
Division and the close of the polling at the election.

Time for altering
rolls.
See W.A. ib, s. 44.

20 **68.** 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 to be
initialed.
W.A. ib. s. 45.

25 **69.** The Registrar-General of Deaths in each State shall in the
months of March June September and December in each year forward
to each Divisional Returning Officer in the State 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 Division
during the preceding three months, and the Divisional Returning
Officer shall cause the names of the persons specified in the list to
30 be struck off the Roll.

Lists of deaths to
be forwarded.
S.A. 1896, No. 667
s. 59.
W.A. ib. s. 46.

PART VII.—REVISION COURTS.

70. Revision Courts shall be held at such times and places as
may be fixed by proclamation.

Places for holding.
S.A. ib. s. 60.

35 **71.** The Rolls in respect of which any Revision Court shall have
jurisdiction shall also be fixed by proclamation.

Jurisdiction.
S.A. ib. s. 62.

72. Revision Courts shall be constituted by a Police, Stipendiary, or Special Magistrate, or two or more Justices of the Peace
having jurisdiction in the place where the Revision Court is held.

Constitution of
Revision Courts.
W.A. ib. s. 48.

73. The

Clerk of Revision
Court.

73. The Minister may appoint some person to be clerk to any Revision Court, and public notice of the name and address of the clerk shall be given by the Divisional Returning Officer at least thirty days before the date on which the Revision Court is to be held.

5

Names on roll may
be objected to.
W.A. 1899, No. 20
s. 55.
S.A. 1896, No. 667
s. 66.

74. Any name on a Roll may be objected to by notice of objection lodged with the Clerk of the Revision Court not less than twenty days before the day fixed for the holding of the Revision Court.

Notice of objection.
W.A. ib. s. 56.
S.A. ib. s. 66.

75. The notice of objection may be in the form D in the Schedule and shall be signed by an elector registered on the same Roll, or by the Returning Officer or a Registrar for the same Division.

10

Duty to object.
S.A. ib. s. 68.

76. It is the duty of the Returning Officer and of each Registrar to give notice of objection in respect of any name which he has reason to believe ought not to be retained on the Roll.

15

Summons.
S.A. ib. s. 69.

77. On receipt of the notice of objection the Clerk of the Revision Court shall summon the person objected to to appear to answer the objection at the Revision Court to be held next after twenty days from the date of the summons. The summons may be in the form E in the Schedule 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 address appearing on the Roll.

20

List to be published.
S.A. ib. s. 70.

78. The Clerk of each Revision Court shall at least fourteen days before the sitting of the Court exhibit at each post-office and police station within the Division a list in the form F in the Schedule of all objections to be dealt with by the Court at its next sitting.

25

Rolls to be pro-
duced.
W.A. ib. s. 60.

79. At the sitting of each Revision Court the Rolls and all claims and objections received and affecting the Rolls in respect of which it has jurisdiction shall be produced.

30

Mode of revision
W.A. ib. s. 61.

80. Each Revision Court shall in open Court revise the Rolls by hearing and determining all objections and by striking out the names of persons proved to be disqualified or dead and dealing with any claims which have not been registered.

Proof of service.
W.A. ib. s. 64.

81. No proof of service of the summons shall be required where the person objected to appears.

35

82. Any

82. Any person authorized in writing may appear to resist an objection on behalf of the person objected to.

Resistance to objection.
W.A. 1899, No. 20 s. 65.
S.A. 1896, No. 667 s. 76.

83. If the Court finds that the name of any person is entered more than once as an elector the Court may correct the error.

Duplicate entries.
W.A. ib. s. 67.
S.A. ib. s. 78.

84. The Court may exercise all powers of alteration in correcting mistakes and supplying omissions which are exercisable by any person.

Alterations.
W.A. ib. s. 68.
S.A. ib. s. 79.

85. If the Court is satisfied that there has been a failure to register a proper claim duly made, the Court shall register the claimant.

Registration of claimant.
See W.A. ib. s. 69.
S.A. ib. s. 80.

86. If any objection is not established, the Court may award to the person objected to a reasonable sum, to be paid by the objector, for costs, but no costs shall be awarded against an officer if the Court is satisfied that in objecting the officer acted in good faith and on reasonable grounds.

Costs.
W.A. ib. s. 70.
S.A. ib. s. 81.

87. If any objection is found to be frivolous the person objected to shall be entitled to a reasonable allowance, not exceeding Five pounds, for his costs, and the Court shall award a sufficient sum for the purpose, to be paid by the objector.

Frivolous objection.
W.A. s. 71.
S.A. ib. s. 82.

88. Any sum awarded for costs by a Revision Court may in default of payment be recovered in any civil court as a debt due by the objector.

Costs may be recovered.

PART VIII.—WRITS FOR ELECTIONS.

89. Writs* for the election of Senators or Members of the House of Representatives may be in the form G or H respectively in the Schedule, and shall fix the dates for—

Form of writs.

- (a) The nomination,
- (b) The polling, and
- (c) The return of the writ.

See W.A. 1899, No. 20 s. 74.

* See sections 12, 32, and 33 of the Constitution.

12. The Governor of any State may cause writs to be issued for the elections of senators for the State. In case of the dissolution of the Senate the writs shall be issued within ten days from the proclamation of such dissolution.

Issue of writs.

32. The Governor-General in Council may cause writs to be issued for general elections of members of the House of Representatives.

Writs for general election.

After the first general election, the writs shall be issued within ten days from the expiry of a House of Representatives or from the proclamation of a dissolution thereof.

33. Whenever a vacancy happens in the House of Representatives, the Speaker shall issue his writ for the election of a new member, or if there is no Speaker or if he is absent from the Commonwealth the Governor-General in Council may issue the writ.

Writs for vacancies.

90. The

Date of nomination.
S.A. 1896, No. 667
s. 88.
W.A. ib. s. 75.

90. The date fixed for the nomination of the candidates shall not be less than seven days nor more than twenty-one days after the date of the writ.

Date of polling.
S.A. ib. s. 89.
W.A. ib. s. 76.

91. The date fixed for the polling shall not be less than seven days or more than thirty days after the date of nomination.

5

Date of return of writ.

92. The date fixed for the return of the writ shall not be more than sixty days after the issue of the writ.

Address of writs for election of Senators.

93. Writs for the election of Senators shall be addressed to the Commonwealth Electoral Officer for the State in which the election is to be held.

10

General elections to be held on same day.

94. In the case of a general election for the House of Representatives the same day shall be fixed for the polling in each Division, and all writs shall be made returnable on the same day.

Address of writ for election of Members of House of Representatives.

95. Writs for the election of Members of the House of Representatives shall be addressed to the respective Divisional Returning Officers for the Divisions in which the elections are to be held.

15

Duty of Returning Officer on receipt of writ.

96. On the receipt of a writ the officer to whom it is directed shall—

See W.A. ib. s. 79.
S.A. ib. s. 93.

(I.) Indorse thereon the date of its receipt.

(II.) In the case of a writ for an election for the Senate advertise its receipt and particulars in not less than two newspapers circulating in the State.

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(III.) In the case of a writ for an election for the House of Representatives advertise its receipt and particulars in not less than two newspapers circulating in the Division.

25

(IV.) In elections for the Senate forward a copy of the writ to each Divisional and Assistant Returning Officer

(V.) In elections for the House of Representatives forward a copy of the writ to each Assistant Returning Officer in the Division.

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PART IX.—THE NOMINATIONS.

Candidates must be nominated.
S.A. ib. s. 94.
W.A. ib. s. 80.

97. No person shall be capable of being elected as a Senator or a Member of the House of Representatives unless duly nominated.

98. To

98. To entitle a person to be nominated as a Senator or a Member of the House of Representatives he must be qualified under the Constitution * to be elected as a Senator or a Member of the House of Representatives.

Qualification for nomination.

5 99. No nomination shall be valid unless—

Requisites for Nomination.
W.A. 1899, No. 20
s. 81.
S.A. 1896, No. 667
s. 95.

(a) The person nominated consents to act if elected.

(b) The nomination paper is received after the issue of the writ and before the hour of nomination.

10 (c) The person nominated or some person on his behalf deposits with the Commonwealth Electoral Officer or Divisional Returning Officer at the time of the delivery of the nomination paper the sum of Twenty-five pounds in money or in bank notes or in a banker's cheque.

15 100. The consent of the person nominated to act if elected shall be sufficient if he signs the form of consent at the foot of the nomination paper, but the Commonwealth Electoral Officer or Divisional Returning Officer receiving the nomination may accept any other form of consent accompanying the nomination paper or received by him from the candidate that he may deem satisfactory
20 and his decision shall be final.

Form of consent to act.

*Section 16. The qualifications of a senator shall be the same as those of a member of the House of Representatives.

Qualifications of senator.

Section 34. Until the Parliament otherwise provides, the qualifications of a member of the House of Representatives shall be as follows :—

Qualifications of members.

(I.) He must be of the full age of twenty-one years, and must be an elector entitled to vote at the election of members of the House of Representatives, or a person qualified to become such elector, and must have been for three years at the least a resident within the limits of the Commonwealth as existing at the time when he is chosen :

(II.) He must be a subject of the King, either natural-born or for at least five years naturalized under a law of the United Kingdom, or of a Colony which has become or becomes a State, or of the Commonwealth, or of a State.

Section 43. A member of either House of the Parliament shall be incapable of being chosen or of sitting as a member of the other House.

Member of one House ineligible for other.

Section 44. Any person who—

(I.) Is under any acknowledgment of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power : or

(II.) Is attainted of treason, or has been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law of the Commonwealth or of a State by imprisonment for one year or longer : or

(III.) Is an undischarged bankrupt or insolvent : or

(IV.) Holds any office of profit under the Crown, or any pension payable during the pleasure of the Crown out of any of the revenues of the Commonwealth : or

(V.) Has any direct or indirect pecuniary interest in any agreement with the public service of the Commonwealth otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons :

Disqualification.

shall be incapable of being chosen or of sitting as a senator or as a member of the House of Representatives.

But sub section (iv.) does not apply to the office of any of the King's Ministers of State for the Commonwealth, or of any of the King's Ministers for a State, or to the receipt of pay, half-pay, or a pension, by any person as an officer or member of the King's navy or army, or to the receipt of pay as an officer or member of the naval or military forces of the Commonwealth by any person whose services are not wholly employed by the Commonwealth.

101. Nominations

Mode of nomination.
W.A. 1899, No. 20
s. 81.
S.A. 1896, No. 667
s. 95.

101. Nominations may be in the form I or J in the Schedule applicable to the case and shall—

(a) Name the candidate his place of residence and occupation, and

(b) Be signed by not less than six persons entitled to vote at the election. 5

To whom
nominations made.

102. Nominations of Senators may be made to the Commonwealth Electoral Officer for the State in which the election is to be held, and nominations of members of the House of Representatives may be made to the Divisional Returning Officer for the Division in which the election is to be held. 10

Time for receipt.
W.A. ib. s. 81 (d)
S.A. ib. s. 95 (d)

103. Nominations may be received by the Commonwealth Electoral Officer or the Divisional Returning Officer at any time after the issue of the writ, and before the hour of nomination.

Formal defects.

104. No nomination shall be rejected by reason of any formal defect or error therein if the Commonwealth Electoral Officer or Divisional Returning Officer receiving the nomination is satisfied that the provisions of this Act have been substantially complied with. 15

Deposit to be
forfeited in certain
cases.
W.A. ib. s. 120.

105. The deposit made by or on behalf of a person nominated shall be retained pending the election, and after the election shall be returned unless the person on whose behalf it was made fails to obtain at the election more than one-fifth of the number of votes polled by the successful candidate who obtained the smallest number of votes at the election in which case it shall be forfeited to the King. In elections for the House of Representatives the number of votes for the purposes of this section means the number of votes indicated by the number 1. 20 25

Place of nomination.

106. In elections for the Senate the place of nomination shall be stated in the writ. In elections for the House of Representatives the chief polling place in the Division shall be the place of nomination therein. 30

Hour of nomination.
W.A. ib. s. 82.
S.A. ib. s. 96.

107. Twelve o'clock noon on the day of nomination shall be the hour of nomination, and the Commonwealth Electoral Officer or Divisional Returning Officer shall then attend at the place of nomination and publicly produce all nomination papers received by him and declare the names and residences of all candidates nominated. 35

Proceedings on
nomination day.
W.A. ib. s. 83.
S.A. ib. s. 97.

108. The Commonwealth Electoral Officer or Divisional Returning Officer shall declare the candidates nominated duly elected if no greater number are nominated than are required to be elected; but otherwise the proceedings shall stand adjourned to polling day. 40

PART X.—VOTING BY POST.

109. Any elector—

- (a) who resides more than five miles from the polling place at which he is entitled to vote; or
- 5 (b) who has reason to believe that he will on polling day be more than five miles from the polling place at which he is entitled to vote; or
- (c) who being a woman believes that she will on account of ill-health be unable on polling day to attend the polling
- 10 place to vote; or
- (d) who will be prevented by serious illness or infirmity from attending the polling place on polling day;

may after the issue of the writ and before polling day make application in the form K in the Schedule to the Returning Officer

15 for the Division in which he resides for a postal vote certificate.

Application for a postal vote certificate.

S.A. 1896, No. 667 s. 98.
W.A. 1899, No. 20 s. 84.

110. The postal vote certificate in the form L in the Schedule shall be delivered or posted to the elector, together with a postal ballot-paper with a counterfoil attached and also an envelope, duly addressed to the Returning Officer at the chief polling place of the

20 Division. The postal ballot-paper may be in the form M in the Schedule for elections for the Senate, and in the form N for elections for the House of Representatives.

Certificate and ballot-paper.

111. The Returning Officer shall initial all postal ballot-papers issued, and shall keep and number the applications in consecutive

25 order, writing the corresponding number on the counterfoil of the ballot-paper.

Returning Officer to initial ballot-paper.

S.A. ib. s. 100.

112. Any elector who has received a postal ballot-paper shall in the presence of a postmaster officer police stipendiary special magistrate or head master of a State school and of no other person

30 record his vote as follows :—

How vote recorded.
S.A. ib. s. 101.

- (I.) By exhibiting the ballot-paper unmarked and in the condition in which it was issued:
- (II.) By marking his vote on the ballot-paper, but so that the postmaster officer magistrate or head master shall not see the vote :
- 35 (III.) By signing his name on the counterfoil :
- (IV.) By presenting the ballot-paper, folded up, to be witnessed:
- (v.) By enclosing the ballot-paper with the counterfoil attached as witnessed, together with the postal-vote certificate in
- 40 the envelope, addressed to the Returning Officer, and having closed the envelope, by handing it to a postmaster for posting, or posting it at a post-office.

113. The vote may be marked on a postal ballot-paper—

Marking of postal vote

- (a) In elections for the Senate by writing the name of each candidate for whom the elector votes on the ballot-paper; and
- 45 (b) In

- (b) In elections for the House of Representatives by writing the name of the candidate for whom the elector votes on the ballot-paper opposite a square and placing the number 1 in the square, and the elector may in addition write the names of the other candidates, or any of them, on the ballot-paper and indicate the order of his preference for them in the same manner as if voting at a polling booth. 5

Witnessing of
postal voting-
paper.

114. It shall be the duty of the postmaster officer police stipendiary special magistrate or head master of a State school to immediately witness any postal ballot-paper presented for witnessing, and on no account to look at the voter's vote. 10

Returning Officer to
notify issue of
certificate.

S.A. 1896, No. 667
s. 103.

115. The Returning Officer shall note on the lists of voters all postal vote certificates issued; and no elector who has received any such certificate shall be entitled to vote at any polling booth unless he delivers up his certificate to the presiding officer before he votes. 15

Advice to presiding
officer.

S.A. ib. s. 104.

116. If there is not time to conveniently note the issue of any postal vote certificate on any list of voters, the Returning Officer shall immediately advise the presiding officer at the polling place at which the elector is entitled to vote of the issue of the certificate. 20

Letters to be
produced at
scrutiny.

S.A. ib. s. 105.

117. At the scrutiny the Officer conducting the scrutiny shall produce, unopened, all envelopes containing postal votes received up to the close of the poll, and at the scrutiny the envelopes shall be opened in the presence of the scrutineers present, and shall be dealt with as follows :— 25

- (a) The Officer shall produce all applications for postal vote certificates :
- (b) The Officer, without unfolding the ballot-paper or allowing it to be inspected, shall compare the signature of the voter on the counterfoil with the signature to the application, and allow the scrutineers to inspect both signatures, and shall determine whether the signature on the ballot-paper is that of the applicant : 30
- (c) If the vote is allowed the Officer shall tear off the counterfoil and fold the ballot-paper and insert it in the ballot-box : 35
- (d) If the Officer rejects the ballot-paper, then the certificate and ballot-paper shall be preserved by him for production at any Court of Disputed Returns that may be held on or about the election, the ballot-paper being at once sealed up without being unfolded or inspected : 40

(e) Ballot-papers

(e) Ballot-papers so allowed shall be placed in a ballot-box by themselves, and, when they have all been inserted, the counting of the votes shall commence :

5 (f) Postal ballot-papers which are not duly witnessed shall not be allowed at the scrutiny.

118. The decision of the Officer conducting the scrutiny as to the allowance or disallowance of any postal vote shall be subject only to review by the Court of Disputed Returns. Officer to decide.
S.A. 1896, No. 667
s. 106.

10 **119.** No postal vote shall be rejected because the surname only of a candidate has been written thereon if no other candidate has the same surname nor by reason of any mistake in spelling where the elector's intention is clear. Mistakes.
S.A. ib. 107.

PART XI.—VOTERS' CERTIFICATES.

15 **120.** Any elector may after the issue of the writ and not later than three days before polling day make application in the form O in the Schedule to the Returning Officer for the Division in which he resides for a voter's certificate. Application for a
voter's certificate.

121. The Returning Officer may thereupon issue to the applicant a voter's certificate in the form P in the Schedule. Issue of voter's
certificate.

20 **122.** A voter's certificate shall authorize the elector to whom it is issued to vote at the election specified therein at any polling place within the Division. Effect of voter's
certificate.

123. The Returning Officer shall note on the List of voters all voters' certificates issued. Certificate to be
noted on Lists.

25 **124.** If there is not time to conveniently note the issue of any voter's certificate on any List of voters, the Returning Officer shall immediately advise the presiding officer at the polling place at which the elector is entitled to vote of the issue of the voter's certificate. Advice to Presiding
Officer.

PART XII.—THE POLLING.

30 **125.** If the proceedings on the day of nomination stand adjourned to polling day, the Returning Officer shall immediately make all necessary arrangements for taking the poll. Polling.
W.A. 1899, No. 20
s. 85.

126. In particular he shall—

- 35 (I.) Appoint a presiding officer to preside at each polling place at which he will not be continuously present : Duty of Returning
Officer.
S.A. ib. s. 109.
(II.) Appoint all necessary poll clerks and doorkeepers :
(III.) Provide and furnish proper polling booths and ballot-boxes :
(IV.) Provide ballot-papers and lists of voters.

Presiding officer.
S.A. ib. s. 110.
W.A. ib. s. 88.

127. The Returning Officer shall be the presiding officer at the chief polling place.

Substitute.
S.A. ib. s. 111.
W.A. ib. s. 89.

128. Any presiding officer may appoint a substitute to perform his duties during his temporary absence.

No licensed
premises to be
used.

129. No part of any premises licensed for the sale of intoxicating liquor shall be used for the purposes of any polling booth. 5

S.A. ib. s. 112.
W.A. ib. s. 90.

Separate compart-
ments.

130. Polling booths shall have separate compartments, constructed so as to screen the voters from observation while they are marking their ballot-papers, and each compartment shall be furnished with a pencil for the use of voters. 10

S.A. ib. s. 114.
W.A. ib. s. 92.

Ballot-boxes.
S.A. ib. s. 115.
W.A. ib. s. 93.

131. Each polling booth shall be provided with a ballot-box having both an inner and an outer cover, with a lock and key to each, and with a cleft in the inner cover for receiving the ballot-papers.

Lists of voters to
vote.
S.A. 1896, No. 667
s. 116.

132. The Lists of voters shall be Lists of the electors on the Roll entitled to vote at the polling place, and such Lists shall before the hour 15 for commencing the poll be signed by the Returning Officer and delivered to the presiding officers for their guidance during the polling.

Senate ballot-
paper.

133. Ballot-papers to be used in the election of Senators may be in the form Q in the Schedule.

House of Repre-
sentatives ballot-
paper.

134. Ballot-papers to be used in the election of Members of the 20 House of Representatives may be in the form R in the Schedule.

Ballot-papers.
S.A. ib. s. 117.
W.A. 1899, No. 20
s. 94.

135. In printing the ballot-papers—

(I.) The names of all candidates duly nominated shall be printed in alphabetical order according to their sur- 25 names :

(II.) 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 30 stated on the ballot-paper :

(III.) Where similarity in the names of two or more candidates is likely to cause confusion, the Commonwealth Electoral Officer for the State or the Divisional Returning Officer conducting the election may arrange 35 the names with such description or addition as will distinguish them from one another :

(IV.) A square shall be printed opposite the name of each candidate. 136. No

136. No ballot-paper shall be delivered to any voter without being first initialed by the presiding officer, and an exact account shall be kept of all initialed ballot-papers.

Ballot-papers
initialed.
W.A. ib. s. 97.
S.A. ib. s. 120.

137. Scrutineers may be appointed by candidates to represent them at polling places during the polling, but so that not more than one scrutineer shall be allowed to each candidate at each polling place, and appointments of scrutineers shall be made by written notice to the Returning Officer, giving the name and address of the scrutineer, or without such notice by permission of the Returning Officer.

Scrutineers.
W.A. ib. ss. 98-99.
S.A. ib. ss. 121-122.
Appointment, how
made.
W.A. ib. s. 100.
S.A. ib. s. 123.

138. No candidate shall in any way take part in the conduct of an election; and no one, other than the presiding officer, the poll clerks, doorkeepers, and scrutineers, and the electors voting and about to vote, shall be permitted to enter or remain in the polling booth during the polling except by permission of the presiding officer.

Persons present at
polling.
W.A. ib. s. 101.
S.A. ib. s. 124.

139. The polling shall be conducted as follows :—

The polling.
W.A. ib. s. 103.
S.A. ib. s. 125.

(I.) Before any vote is taken the presiding officer shall exhibit the ballot-box empty, and shall then securely fasten and seal its inner cover so that nothing can be removed without breaking the seal :

(II.) The poll shall open at eight o'clock in the morning, and shall not close until all electors present in the polling booth at seven o'clock in the evening, and desiring to vote, have voted :

(III.) At the close of the poll the presiding officer shall publicly close, fasten, and seal the outer cover and take charge of the ballot-box, and with the least possible delay forward it for the purposes of scrutiny; and it shall on no account be opened except as allowed by this Act.

140. Electors not having voters' certificates and not voting by post may vote at the polling place for which they are enrolled.

Where electors to
vote.

Electors having voters' certificates may vote at any polling place within the Division upon delivering up to the presiding officer their voters' certificates.

141. 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.

Persons claiming
to vote to give
name and other
particulars.
W.A. 1899, No. 20
s. 104 sub-s. I.
S.A. 1896, No. 667
s. 126 sub-s. I.

142. If the right of any person claiming to vote is challenged the presiding officer may, and at the request of any scrutineer shall put to him all or any of the following questions :—

Questions to be put
if voter challenged.
Q. 1885, No. 13
s. 63.

(I.) Are you the person whose name appears as [here state name under which the person claims to vote] on the Roll for this Division ? (II.) Are

(II.) Are you the person to whom this voter's certificate was issued?

(III.) Have you already voted, either here or elsewhere, at this election?

(IV.) Are you disqualified from voting?

5

Consequence of answers.

W.A. ib. s. 107.
S.A. ib. s. 129.

143. 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.

W.A. ib. s. 103.
S.A. ib. s. 130.

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

10

Errors not to forfeit vote.

W.A. 1899, No. 20 s. 109.
S.A. 1896, No. 667 s. 131.

145. No omission of any Christian name, or entry of a wrong Christian name, 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, and no female elector shall be disqualified from voting under the name appearing on the Roll because her surname has been changed by marriage.

15

Ballot-paper to be handed to elector

146. If the name under which the person claims to vote is upon the List of voters for the polling place, or if he delivers to the presiding officer a voter's certificate, and his right to vote is not challenged, or, if challenged, he answers the prescribed questions satisfactorily, the presiding officer or a poll clerk shall hand to him a ballot-paper duly initialed, but the presiding officer shall, at the request of any scrutineer, take note of any objection and keep a record thereof.

20

List of voters to be marked on voting paper being issued.

147. Immediately upon handing the ballot-paper to the person claiming to vote, the presiding officer shall place a mark against the person's name on the List of voters.

25

Vote to be marked in private.

W.A. ib. s. 104 sub-s. 3
S.A. ib. s. 126 sub-s. III.

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

(a) Retire alone to some unoccupied compartment of the booth, and there, in private, mark his vote on the ballot-paper in the manner hereafter described :

30

(b) Fold the ballot-paper so as to conceal the names of the candidates and exhibit it so folded to the presiding officer, and then forthwith openly, and without unfolding it, deposit it in the ballot-box :

35

(c) Quit the booth.

Assistance to blind voters.

149. If any voter satisfies the presiding officer that his sight is so impaired or that he is so illiterate that he is unable to vote without assistance, the presiding officer shall mark, fold, and deposit his ballot-paper for him, or, if required by the voter, shall permit any person indicated by the voter to accompany him into the voting compartment, and to mark, fold, and deposit his ballot-paper for him.

40

150. If

150. 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 destroy
5 the spoilt ballot-paper.

Spoilt ballot-papers.
W.A. ib. s. 104 sub-s. 5.
S.A. ib. s. 126 sub-s. V.

151. In elections for the Senate the voter shall mark his ballot-paper by making a cross in the square opposite the name of each candidate for whom he votes. The voter shall vote for the full number of candidates to be elected.

How votes to be marked in Senate elections.

152. In elections for members of the House of Representatives the voter shall mark his ballot-paper by placing the number 1 in the square opposite the name of the candidate for whom he votes in the first instance ; and in addition he may give contingent votes for the remaining candidates by placing the numbers 2, 3, 4, and so on in
15 the squares opposite their names so as to indicate the order of his preferences for them.

Contingent vote.
See Q. 1892, No 26 s. 22.

153. The presiding officer may adjourn the polling from day to day in any case where the polling is interrupted or obstructed by riot or open violence.

Adjournment of polling on account of riot.

154. If from any cause any polling booth at a polling place is not opened on polling day the Returning Officer or the presiding officer may adjourn the polling for a period not to exceed seven days, and shall forthwith give public notice of the adjournment.

W.A. 1899, No. 20 s. 119.

S.A. 1896, No. 667 s. 142.

Adjournment in other cases.
N.S.W.

PART XIII.—THE SCRUTINY.

General Provisions.

155. The result of the polling shall be ascertained by scrutiny.

Scrutiny.
W.A. ib. s. 110.
S.A. ib. s. 133.

156. The scrutiny shall be conducted as follows :—

How conducted.

(I.) It shall commence as soon as practicable after the closing of the poll :

W.A. ib. s. 111.

S.A. ib. s. 134.

(II.) The scrutineers and any persons approved by the Officer conducting the scrutiny may be present :

(III.) All the proceedings at the scrutiny shall be subject to the the inspection of the scrutineers :

(IV.) All informal votes shall be rejected, and the number recorded :

(V.) The scrutiny may be adjourned as may be necessary until the counting of the votes is complete.

157. Each candidate may appoint one scrutineer to represent him at the scrutiny, and one scrutineer to represent him at any count
40 of the primary votes.

Power to appoint scrutineers.

158. Any

Scrutineer may
object to vote as
informal.

W.A. 1899, No. 20
s. 111 (10).

S.A. 1896, No. 667
s. 134 (ix.).

Informal ballot-
papers.

158. Any scrutineer may object that any ballot-paper is informal, and thereupon the officer conducting the scrutiny shall mark the ballot-paper "admitted" or "rejected," according to his decision on the objection; and such decision shall be final, subject only to reversal by the Court of Disputed Returns.

5

159. A ballot-paper shall be informal if—

- (a) It is not duly initialed by the presiding officer: or
- (b) In elections for the Senate it has (not being a postal ballot-paper) no cross in the square opposite the name of any candidate or has crosses in squares opposite the names of a greater or less number of candidates than the number required to be elected or being a postal ballot-paper it has no names written on it or has a greater or less number of names written on it than there are candidates required to be elected: or
- (c) In elections for the House of Representatives it does not contain the number 1 in any square opposite the name of a candidate or contains the number 1 opposite the names of more than one candidate: or
- (d) It has upon it any mark or writing not authorized by this Act to be put upon it which in the opinion of the Returning Officer will enable any person to identify the voter.

15

20

Preservation of
ballot-papers.

160. All ballot-papers used for voting shall be preserved as and in such custody as shall be prescribed until the election can be no longer questioned when they shall be destroyed.

25

Provisions relating to Elections for the Senate.

Scrutiny of votes
in Senate elections.

161. In elections for the Senate the scrutiny shall be conducted by Divisional Returning Officers and Assistant Returning Officers as follows:—

30

- (a) Each Divisional Returning Officer shall open all ballot-boxes in his Division except those to be opened by Assistant Returning Officers.
- (b) Each Assistant Returning Officer shall open all ballot-boxes from polling places within the portion of the Division in which he exercises his powers.
- (c) Divisional Returning Officers and Assistant Returning Officers shall count all the votes found in the boxes opened by them respectively, rejecting all informal ballot-papers, and shall make and keep a record of the number of votes counted by them from such boxes respectively.

35

40

(d) Each

- 5 (d) Each Assistant Returning Officer shall seal up all ballot-papers counted by him, and shall certify by indorsement on the copy of the Writ received by him the number of votes given for each candidate within the portion of the District in which he exercises his powers, and shall transmit the ballot-papers so sealed and the copy of the Writ so indorsed to his Divisional Returning Officer.
- 10 (e) The Divisional Returning Officer shall certify by indorsement on his copy of the Writ the number of votes given for each candidate within the Division and forward the copy of the Writ so indorsed to the Commonwealth Electoral Officer for the State.

15 **162.** The Commonwealth Electoral Officer for the State shall, from the copies of the Writ forwarded to him by the Divisional Returning Officers, ascertain the total number of votes polled by each candidate, and in the event of an equality of votes shall give a casting vote for the purpose of deciding the election, but except as provided in this section he shall not vote at the election. The candidates to
 20 the number required to be elected who receive the greatest number of votes shall be elected.

Casting vote of
Electoral officer.

Provisions Relating to Elections for the House of Representatives.

163. In elections for the House of Representatives the scrutiny shall be conducted by the Divisional Returning Officers.

Scrutiny at
elections for
House of
Representatives.

25 **164.** Each Assistant Returning Officer shall, in the presence of such Scrutineers as choose to be present, open all ballot-boxes containing the ballot-papers received from polling places within that portion of the Division in which he exercises his powers, and shall—

Assistant Returning
Officers to count
primary votes.

- 30 (I.) Arrange the ballot-papers under the names of the respective candidates by placing in a separate parcel all those which have the number 1 set opposite the name of the same candidate, rejecting all informal ballot-papers.
- (II.) Place in another parcel all the ballot-papers which have been rejected as informal.
- 35 (III.) Transmit the following information by telegram or some other expeditious manner to the Divisional Returning Officer—(a) The number of first votes recorded for each candidate; and (b) The total number of ballot-papers rejected as informal.
- 40 (IV.) Seal up such parcels and transmit them to the Divisional Returning Officer.

165. In

Counting of votes
at elections for
House of
Representatives

165. In elections for the House of Representatives the Divisional Returning Officer shall open all ballot-boxes not opened by Assistant Returning Officers, and shall deal with the ballot-papers therein by arranging them under the names of the respective candidates and placing in a separate parcel all those which have the number 1 set opposite the name of the same candidate, rejecting informal voting-papers, and on receipt of all parcels of ballot-papers from the Assistant Returning Officers in the Division shall proceed with the scrutiny and shall count the votes as follows :—

The votes indicated by the number 1 shall be counted. 10

If no candidate obtains an absolute majority of votes a second count shall be had.

On the second count the candidate obtaining the least number of votes shall be rejected and the ballot-papers counted to him shall be added to the votes for the remaining candidates according to the order indicated on the ballot-papers, but so that each ballot-paper be counted only once and exhausted ballot-papers be rejected. 15

If no candidate then obtains an absolute majority of votes the process shall be repeated until one candidate obtains an absolute majority of votes, the candidate to be rejected in each instance being the candidate with the least number of votes. 20

Votes to be good
until exhausted.

166. In elections for Members of the House of Representatives every ballot-paper not rejected as informal shall be counted in every count until it becomes exhausted, when it shall be rejected in all further counts. A ballot-paper shall be deemed to be exhausted— 25

(a) When no further preference is marked thereon; or

(b) When the same number appears against the names of the two or more candidates next in order of preference ; 30
or

(c) When a break occurs in the consecutive order of numbers in the marking of the preference.

Vote of
Returning Officer.

167. If on any count two or more candidates have an equal number of votes and one of them has to be rejected the Returning Officer shall decide which is to be rejected, and if in the final count two candidates have an equal number of votes the Returning Officer shall decide by his casting vote which shall be elected, but otherwise no Returning Officer shall vote at any election. 35

168 An

168. An absolute majority of votes means a number greater than one-half of the whole number of ballot-papers after deducting exhausted and informal ballot-papers. The casting vote of the Returning Officer shall be included in reckoning an absolute majority of votes. The candidate obtaining an absolute majority of votes shall be elected.

How absolute
majority
determined.

PART XIV.—THE RETURN OF THE WRITS.

169. In elections for the Senate, the Commonwealth Electoral Officer for the State in which the election is held shall, as soon as conveniently may be after the result of the election has been ascertained—

Return of writs for
election of
Senators.

(a) At the place of nomination declare the result of the election and the names of the candidates elected:

(b) By indorsement under his hand certify on the original writ the names of the candidates elected, and return the writ to the Governor of the State in which it was issued.

170. In elections for the House of Representatives the Divisional Returning Officer shall, as soon as conveniently may be after the result of the election has been ascertained—

Return of writ.

(a) At the chief polling place of the Division publicly declare the result of the election and the name of the candidate elected:

(b) By indorsement under his hand certify on the original writ the name of the candidate elected, and return the writ through the Commonwealth Electoral Officer for the State in which the election is held.

171. Any delay, error, or omission in the printing, preparation, issue, transmission, or return of any roll, writ, ballot-papers, or list of voters, may be remedied, removed, rectified, and supplied by Proclamation specifying the matter dealt with, and providing for the course to be followed, and such course shall be valid and sufficient.

Correction of errors.
W.A. 1899, No. 20
s. 117.
S.A. 1896, No. 667
s. 140.

172. Within twenty days before or after the day appointed for any election the person causing the writ to be issued may provide for extending the time for holding the election or for returning the writ, or meeting any difficulty which might otherwise interfere with the due course of the election; and any provision so made shall be valid and sufficient; Provided that—

Extension of time.
W.A. ib. s. 118.
S.A. ib. s. 141.

(I.) Public notice shall be immediately given in the State or Division in which the election is to be held of any extension of the time for holding the election:

(II.) No polling day shall be postponed under this section at any time later than seven days before the time originally appointed.

PART XV.—LIMITATION OF ELECTORAL EXPENSES.

Rates of expenditure.

173. No electoral expense shall be incurred by a candidate in respect of any candidature—

- (a) In elections for the Senate in excess of Two hundred and fifty pounds: 5
- (b) In elections for the House of Representatives in excess of One hundred pounds.

Expenses allowed.
S.A. 1896, No. 667
s. 145.**174.** No electoral expense shall be incurred except in respect of the following matters:—

- (i.) Purchasing electoral rolls: 10
- (ii.) Printing, advertising, publishing, issuing, and distributing addresses by the candidate and notices of meetings:
- (iii.) Stationery, messages, postages, and telegrams:
- (iv.) Committee rooms:
- (v.) Public meetings and halls therefor: 15
- (vi.) Scrutineers:
- (vii.) Election agents.

Electoral expenses.
S.A. ib. s. 143.**175.** “Electoral expense” includes all expenses incurred by or on behalf or in the interests of any candidate at or in connexion with any election, excepting only the personal and reasonable living and travelling expenses of the candidate. 20Returns.
S.A. ib. s. 149.**176.** (i.) Within eight weeks after the result of any election has been declared, every candidate at the election shall sign before a Justice of the Peace and file with the Commonwealth Electoral Officer for the State a true return of his electoral expenses, 25 showing—

- (a) All electoral expenses paid:
- (b) All disputed and unpaid claims for electoral expenses.

(ii.) The return may be in the form S in the Schedule and shall be accompanied by a receipted bill of particulars vouching each 30 payment of Two pounds or more.

PART XVI.—ELECTORAL OFFENCES.

Offences.

W.A. 1899, No. 20
s. 123.S.A. 1896, No. 667
s. 153.**177.** To secure the due execution of this Act and the purity of elections the following acts are hereby prohibited and penalized:—

- (i.) Breach or neglect of official duty: 35
- (ii.) Illegal practices, including—
 - (a) Bribery:
 - (b) Undue influence:
- (iii.) Electoral offences.

178. “Breach

178. "Breach or neglect of official duty" includes—Breach or neglect
by officers.

W.A. ib. s. 124.

S.A. ib. s. 154.

(I.) Any attempt by any officer to influence the vote of any elector, or, except by recording his vote, the result of any election :

5 (II.) The disclosure of any knowledge officially acquired by any officer touching the vote of any elector :

(III.) Any neglect or refusal by any officer to discharge any official duty, and any violation by any officer of any provision of this Act.

10 Breach or neglect of official duty is punishable by a penalty not exceeding Two hundred pounds, or by imprisonment not exceeding one year.

179. Whoever—

(I.) Promises, or offers, or suggests any valuable consideration, advantage, recompence, reward, or benefit for or on account of, or to induce any candidature, or withdrawal of candidature, or any vote or omission to vote, or any support of, or opposition to, any candidate, or any promise of any such vote, omission support, or opposition :

Bribery.

W.A. ib. s. 125.

S.A. ib. s. 155.

(II.) Gives or takes any valuable consideration, advantage, recompence, reward, or benefit for, or on account of, any such candidature, withdrawal, vote, omission, support, or opposition, or promise thereof :

25 (III.) Promises, offers, or suggests any valuable consideration, advantage, recompence, reward, or benefit, for bribery, or gives or takes any valuable consideration, advantage, recompence, reward, or benefit for bribery :

shall be guilty of bribery.

30 **180.** Without limiting the effect of the general words in the preceding section, "bribery" particularly includes the supply of meat, drink, or entertainment after the nominations have been officially declared, or horse or carriage hire for any voter whilst going, to or returning from the poll, with a view to influence the vote of an
35 elector.

Definition.

W.A. ib. s. 126.

S.A. ib. s. 156

181. Whoever threatens, offers, or suggests any—

Undue influence.

W.A. 1899, No. 20
s. 127.S.A. 1896, No. 667
s. 157.

(I.) Violence, injury, punishment, damage, loss, or disadvantage for or on account of, or to induce any candidature, or withdrawal of candidature, or any vote, or any omission to vote, or any support or opposition to any candidate, or any promise of any vote, omission, support, or opposition :

(II.) Or uses, causes, inflicts, or procures any violence, punishment, damage, loss, or disadvantage for or on account of
of

of any such candidature, withdrawal, vote, omission, support, or opposition :

shall be guilty of undue influence.

Licensed premises
not to be used for
election purposes.

182. No part of any premises---

- (a) on which the sale by wholesale or retail of any intoxicating liquor is authorized by a licence ; or
- (b) where any intoxicating liquor is sold or is supplied to members of a club, society or association—

shall be used for the purpose of promoting or procuring the election of a candidate, and every person who hires or uses any such premises or any part thereof for such purposes and every person who knowingly lets or allows the same to be used for that purpose, shall be guilty of an illegal practice.

Definition.

W.A. ib. s. 128.
S.A. ib. s. 158.

183. Without limiting the effect of the general words in the preceding section, "undue influence" includes every interference or attempted interference with the free exercise of the franchise of any voter.

Exception

W.A. ib. s. 129.
S.A. ib. s. 159.

184. No declaration of public policy or promise of public action shall be deemed bribery or undue influence.

Illegal practices.

S.A. ib. s. 160 sub-
sec. (d).

185. In addition to bribery and undue influence the following shall be illegal practices :—

- (a) Any publication of any electoral advertisement hand-bill or pamphlet or any issue of any electoral notice without at the end thereof the name and address of the person authorizing the same, and on the face of the notice the name and address of the person authorizing the notice.
- (b) Printing or publishing any printed electoral advertisement hand-bill or pamphlet (other than an advertisement in a newspaper) without the name and place of business of the printer being printed at the foot of it.
- (c) Any contravention by a candidate of the provisions of Part XV. of this Act relating to the Limitation of Electoral Expenses.

Punishment.

W.A. ib. s. 132.
S.A. ib. s. 161.

186. Any illegal practice shall be punishable as follows :—

- (a) Bribery or undue influence by a penalty not exceeding Two hundred pounds, or by imprisonment not exceeding one year ;
- (b) Any other illegal practice by a penalty not exceeding One hundred pounds, or by imprisonment not exceeding six months.

Electoral offences.

W A. ib. s. 134.
S.A. ib. s. 163.

187. The matters mentioned in the first column of the table at the foot of this section are electoral offences punishable as provided in the second column of the table opposite the statement of the offence.

Table

Table of Electoral Offences and Punishments.

First Column.—Offences.	Second Column.—Punishments.
Falsely personating any person to secure a ballot-paper to which the personator is not entitled, or personating any other person for the purpose of voting	Imprisonment not exceeding two years
Fraudulently destroying or defacing any nomination or ballot-paper	Imprisonment not exceeding two years
Fraudulently putting any ballot or other paper into the ballot-box	Imprisonment not exceeding six months
Fraudulently taking any ballot-paper out of any polling booth	Imprisonment not exceeding six months
Forging or uttering, knowing the same to be forged, any nomination, voter's certificate, or ballot-paper	Imprisonment not exceeding two years
In any polling booth on polling day misconducting himself, or failing to obey the lawful directions of the presiding officer	Penalty not exceeding Fifty pounds, or imprisonment not exceeding one month
Supplying ballot-papers without authority ...	Imprisonment not exceeding six months
Unlawfully destroying, taking, opening, or otherwise interfering with ballot-boxes or ballot-papers	Imprisonment not exceeding six months
Voting more than once at the same election ...	Penalty not exceeding Fifty pounds, or imprisonment not exceeding three months
Wagering on the result of any election ...	Penalty not exceeding Fifty pounds
Wilfully defacing, mutilating, destroying, or removing, any notice, list, or other document affixed by any Returning Officer or by his authority	Penalty not exceeding Two pounds
Wilfully making any false statement in any claim, application, return, or declaration, or in answer to a question under this Act	Imprisonment not exceeding two years
Distributing any advertisement, hand-bill, or pamphlet published in contravention of section One hundred and eighty-five	Penalty not exceeding Fifty pounds, or imprisonment not exceeding one month
Any contravention of this Act for which no other punishment is provided	Penalty not exceeding Fifty pounds.

Offender may be removed from polling booth.
W.A. 1899, No. 20 s. 135.
S.A. 1896, No. 667 s. 164.
Further punishment.
W.A. ib. s. 136.
A.S. ib. s. 165.

188. Whoever in any polling booth on polling day misconducts himself, or fails to obey the lawful directions of the presiding officer, may be removed from the polling booth by any constable or by any person authorized by the presiding officer.

189. Any person so removed re-entering or attempting to re-enter the polling booth without the permission of the presiding officer shall be guilty of a further electoral offence, punishable on conviction by twice the penalties prescribed in the table for the original offence. 5

Acts of agents.
W.A. ib. s. 139.
S.A. ib. s. 168.

190. The acts of authorized agents of a candidate shall, in matters connected with elections, be deemed to be the acts of the candidate unless it is proved that the acts were committed without his knowledge or consent, and that he had neither directly nor indirectly sanctioned, countenanced, nor approved of them in any way. 15

Liability for indirect acts,
W.A. ib. s. 140.
S.A. ib. s. 169.

191. Every person shall be liable for an illegal practice committed directly or indirectly by himself, or by any other person on his behalf, except as mentioned in the last preceding section.

Attempts.

192. Any attempt to commit an offence against this Act shall be an offence against this Act punishable as if the offence had been committed. 20

Certificate evidence.
W.A. ib. s. 141.
S.A. ib. s. 170.

193. On any prosecution under this Act the certificate of the Chief Electoral Officer for the Commonwealth, Commonwealth Electoral Officer for a State, or Returning Officer that the election mentioned in the certificate was duly held and that the person named in the certificate was a candidate at the election shall be evidence of the matter stated. 25

Hard labour may be awarded.

194. Where imprisonment may be awarded for an offence against this Act it may be awarded with or without hard labour.

Indictable offences.

195. Offences against this Act punishable by imprisonment exceeding one year are indictable offences. 30

Summary conviction.

196. All offences against this Act which are not indictable offences shall be punishable on summary conviction.

PART XVII.—COURT OF DISPUTED RETURNS.

Method of disputing elections.

197. The validity of any election or return may be disputed by petition addressed to the Court of Disputed Returns and not otherwise. 35

198. (1) The

198. (1) The High Court shall be the Court of Disputed Returns, and shall have jurisdiction either to try the petition or to refer it for trial to the Supreme Court of the State in which the election was held or return made.

The Court of
Disputed Returns.

5 (2) When a petition has been so referred for trial to the Supreme Court of a State, that Court shall have jurisdiction to try the petition, and shall in respect of the petition be and have all the powers and functions of the Court of Disputed Returns.

10 (3) Until the establishment of the High Court, the Supreme Court of each State shall be the Court of Disputed Returns in respect of elections held or returns made in that State; and the provisions of this Act with respect to the filing of petitions, the deposit of security, and the duties of the Registrar, shall be read as if the Supreme Court of the State, or the offices or Registrar, Master,
15 or Prothonotary thereof, were substituted therein for the High Court or a Registry or Registrar thereof respectively.

(4) The jurisdiction of the High Court or of the Supreme Court of a State sitting as a Court of Disputed Returns, or in the exercise of powers conferred by this section, may be exercised by a single
20 Justice or Judge.

199. Every petition disputing an election or return in this Part of this Act called the petition shall—

Requisites of
petition.

- (a) Set out the facts relied on to invalidate the election or return.
- 25 (b) Contain a prayer asking for the relief the petitioner claims to be entitled to.
- (c) Be signed by a candidate at the election in dispute or by a person who was qualified to vote thereat.
- 30 (d) Be attested by two witnesses whose occupations and addresses are stated.
- (e) Be filed in the Principal Registry of the High Court or in the District Registry of that Court in the capital city of the State in which the election was held within forty days after the return of the writ.

35 **200.** At the time of filing the petition the petitioner shall deposit with the Principal Registrar or District Registrar (as the case may be) of the High Court the sum of Fifty pounds as security for costs.

Deposit as security
for costs.

201. No proceedings shall be had on the petition unless the
40 requirements of the preceding sections are complied with.

No proceedings
unless requisites
complied with.

202. The

Powers of Court.

202. The Court of Disputed Returns shall sit as an open Court and its powers shall include the following:—

- (I.) To adjourn.
- (II.) To compel the attendance of witnesses and the production of documents. 5
- (III.) To examine witnesses on oath.
- (IV.) To declare that any person who was returned as elected was not duly elected.
- (V.) To declare any candidate duly elected who was not returned as elected. 10
- (VI.) To declare any election absolutely void.
- (VII.) To dismiss or uphold the petition in whole or in part.
- (VIII.) To award costs.
- (IX.) To punish any contempt of its authority by fine or imprisonment. 15

Inquiries by Court.

W.A. ib. s. 148.

S.A. ib. s. 184.

203. The Court shall inquire whether or not the petition is duly signed, and so far as Rolls and voting are concerned may inquire into the identity of persons, and whether their votes were improperly admitted or rejected, assuming the Roll to be correct; but the Court shall not inquire into the correctness of any Roll. 20

Real justice to be observed.

W.A. 1899, No. 20 s. 149.

204. The Court shall be guided by the substantial merits and good conscience of each case without regard to legal forms or technicalities, or whether the evidence before it is in accordance with the law of evidence or not.

Immaterial errors not to vitiate election.

W.A. ib. s. 150.

S.A. 1896, No. 667 s. 186.

205. No election shall be avoided on account of any delay in the declaration of nominations, the polling, or the return of the writ, or on account of the absence or error of any officer which shall not be proved to have affected the result of the election. 25

Decisions to be final.

W.A. ib. s. 151.

206. All decisions of the Court shall be final and conclusive without appeal, and shall not be questioned in any way. 30

Copies of petition minutes of proceedings and order of Court to be sent to House affected.

207. The Principal Registrar or District Registrar of the High Court shall forthwith after the filing of the petition forward to the Clerk of the House of the Parliament affected by the petition a copy of the petition, and after the trial of the petition shall forthwith forward to such Clerk a copy of the order of the Court. 35

Deposit applicable for costs.

W.A. ib. s. 154.

S.A. ib. s. 190.

208. If costs are awarded to any party against the petitioner, the deposit shall be applicable in payment of the sum ordered, but otherwise the deposit shall be repaid to the petitioner.

209 All

209. All other costs awarded by the Court, including any balance above the deposit payable by the petitioner, shall be recoverable as if the order of the Court were a judgment of the High Court of Australia, and such order, certified by the Court, may be entered as a judgment of the High Court of Australia, and enforced accordingly.

Other costs.
W.A. ib. s. 155.

210. Effect shall be given to any decision of the Court as follows :—

Effect of decision.
W.A. ib. s. 156.
S.A. ib. s. 192.

- (I.) If any person returned is declared not to have been duly elected, he shall cease to be a Senator or Member of the House of Representatives.
- (II.) If any person not returned is declared to have been duly elected, he may take his seat accordingly :
- (III.) If any election is declared absolutely void a new election shall be held.

211. The Justices of the High Court or a majority of them may make Rules of Court not inconsistent with this Act for carrying this Part of this Act into effect and in particular for regulating the practice and procedure of the Court the forms to be used and the fees to be paid by parties.

Power to make rules of Court.

PART XVIII.—MISCELLANEOUS.

212. All electoral papers provided for by this Act may be transmitted through the post free of charge, subject to any postal regulations, and all papers so transmitted, if duly addressed, shall, on proof of posting, unless the contrary be shown, be deemed to have been duly served on and received by the person to whom they were addressed on the day when in the ordinary course of post they should have been received at his address.

Electoral matter to be sent free by post.
S.A. ib. s. 193.

213. In all cases where it is impracticable to communicate any electoral matter by post without occasioning undue delay, any telegraphic advice communicated in the ordinary course shall suffice for all the purposes of this Act as if the matter telegraphed had been communicated in manner provided by this Act.

Electoral matter may be sent by telegraph.
See S.A. 1096,
No. 667 s. 194.

214. The forms in the Schedule may be varied as the circumstances of the case may require.

Forms may be varied.

215. (1) The Governor-General may make regulations for carrying out this Act.

Regulations.

(2) All such regulations shall be notified in the *Gazette*, and shall thereupon have the force of law.

(3) All such regulations shall be laid before both Houses of the Parliament within thirty days after the making thereof if the Parliament is then sitting, and if not then within thirty days after the next meeting of the Parliament.

THE SCHEDULE.

Section 32.

THE SCHEDULE.

FORM A.

THE COMMONWEALTH OF AUSTRALIA.

*Electoral Roll.*State of [*here insert name of State.*]Division of [*here insert name of Division.*]Roll of Electors who vote at [*here insert name of polling place*]

No.	Surname of each Elector.	Christian names of each elector at full length.	Sex.	Residence.	Occupation.	Remarks and initials to alterations.

Section 58.

FORM B.

THE COMMONWEALTH OF AUSTRALIA.

The Commonwealth Electoral Act 1902.

*Electoral Claim.*State of [*here insert name of State.*]Division of [*here insert name of Division.*]I claim to have my name placed on the Electoral Roll for the above Division to vote at [*here insert name of polling place.*]

1. I am a [*here insert natural-born or naturalized as the case may be*] subject of the King.
2. I am of the age of twenty-one years.
3. I am an inhabitant of Australia and have resided therein for six months, and reside in the above Division.
4. My name is not, to the best of my knowledge, on the Electoral Roll for any other Division.

Dated the day of 19 .

Surname—

Christian names at full length—

Sex—

Residence—

Occupation—

Usual signature—

Received the day of 19 .

Electoral Registrar.

FORM C.

FORM C.

Section 61.

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Electoral Act* 1902.*Application to Transfer.*

Surname—

Christian name at full length—

Sex—

Present Residence—

Occupation—

formerly residing at [here insert place] in the State of [here insert name of State] and registered to vote at _____ polling place, having *bona fide* changed my residence, and resided within the Division of [here insert name of Division] for not less than one month, do hereby claim to have my name transferred to the electoral roll for the Division of [here insert name of Division] in the State of [here insert name of State], and to vote at _____ polling place.

Dated this _____ day of _____, 19 _____

(Signature.)

Witness—

FORM D.

Section 75.

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Electoral Act* 1902.*Notice of Objection.*

I object to the name of [here insert the name, residence, and occupation of person objected to, as in the roll] being retained on the electoral roll for the Division of [here insert name of Division] in the State of [here insert name of State] 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.]

FORM E.

Section 77.

The *Commonwealth Electoral Act* 1902.*Summons.*

Mr.

You are required to appear at the sittings of the Revision Court to be held at [here insert name of place where Court is to be held] in the State of [here insert name of State], on the _____ day of _____, 19 _____, at the hour of _____ o'clock in the _____, to show cause why your name should not be struck off the electoral roll for the Division of [here insert name of Division], in the State of [here insert name of State], on the ground that [here state grounds from notice of objection].

_____, Clerk of the Court.

N.B.—In case you do not attend you will be liable to have your name struck off without further notice. You may attend in person, or you may by writing authorize any person to appear for you.

FORM F.

Section 78.

FORM F.

The Commonwealth Electoral Act 1902.

List of Persons Objected to.

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

Surname of Elector.	Christian name of each Elector at Full Length.	Sex.	Residence.	Occupation.	Ground of Objection.

(Signed)
Clerk of Revision Court.

Section 89.

FORM G.

Writ for the Election of Senators.

COMMONWEALTH



OF AUSTRALIA.

HIS MAJESTY THE KING

To
[here insert name of State].
the Commonwealth Electoral Officer for the State of
GREETING.

We command you to cause election to be made according to law of *[here insert number]* Senators for our State of *[here insert name of State]* to serve in the Senate of the Parliament of the Commonwealth of Australia from and after the day of 19 . And we appoint the day of 19 , at twelve o'clock noon to be the day and time before which nominations of Senators at and for the said election are to be made. And we appoint the day of 19 , to be the day on which the poll is to be taken in the event of the said election being contested. And we appoint *[here insert name of building]* at *[here insert name of town]* to be the place of nomination at the said election. And we command you to indorse on this our writ the names of the Senators elected and to return it so indorsed to our Governor in and over our said State on or before the day of 19 .

Witness *[here insert the title of the Governor of the State issuing the writ]* at *[here insert place]* in our said State the day of 19 in the year of our Lord One thousand nine hundred and

By His Excellency's command,

FORM H.

FORM H.

Section 89.

Writ for the Election of a Member of the House of Representatives.

COMMONWEALTH



OF AUSTRALIA.

HIS MAJESTY THE KING

To Returning Officer for the Electoral Division of [*here insert name of Division*], in the State of [*here insert name of State*];

Greeting.

We command you that you cause election to be made according to law of one Member of the House of Representatives for the Electoral Division of [*here insert name of Division*], in the State of [*here insert name of State*], to serve in the Parliament of our Commonwealth of Australia, and we appoint the following dates for the purposes of the said election :—

1. For nomination the day of 19 .
2. For taking the poll at the different polling places in the event of the election being contested the day of 19 .
3. For the return of the writ on or before the day of 19 .

Witness—[*here insert the Governor-General's title*] at [*here insert place*] the day of in the year of our Lord One thousand nine hundred and

By His Excellency's Command.

FORM I.

Section 101.

COMMONWEALTH OF AUSTRALIA.

State of [*here insert name of State*].*Nomination of Senator.*To the Commonwealth Electoral Officer for the State of [*here insert name of State*].

We, the undersigned electors on the Electoral Roll for the State of [*here insert name of State*], do hereby nominate [*here insert the Christian name, surname, residence, and occupation of the person nominated*] as a Senator for the State of [*here insert name of State*], to serve in the Senate of the Parliament of the Commonwealth, from and after the day of 19 .

Dated the day of 19 ,

Signatures of Nominators.	Residences.	Polling Places.	Number on Roll.

I,

I, _____ of _____,
consent to the above nomination, and to act if elected.
Witness— _____ [Signature of Candidate.]
Address— _____

N.B.—The Candidate's consent to the nomination may be on a separate paper and in any form, but if given on the nomination paper in the above form its sufficiency is not to be questioned.

Section 101.

FORM J.

COMMONWEALTH OF AUSTRALIA.

State of [here insert name of State].

Nomination Paper for Member of House of Representatives.

To the Returning Officer for the Division of [here insert name of Division].

We, the undersigned electors on the Electoral Roll of the State of [here insert name of State], do hereby nominate [Christian, surname, residence, and occupation of person nominated] as a Member of the House of Representatives for the above Division.

Dated the _____ day of _____ 19 _____.

Signatures of Nominators.	Residences.	Polling Places.	Number on Roll.

I, _____ of _____,
consent to the above nomination, and to act if elected.
Witness— _____ [Signature of Candidate.]
Address— _____

N.B.—The Candidate's consent to the nomination may be on a separate paper and in any form, but if given on the nomination paper in the above form its sufficiency is not to be questioned.

Section 109.

FORM K.

The Commonwealth Electoral Act 1902.

APPLICATION FOR A POSTAL VOTE CERTIFICATE.

State of [here insert name of State].

To the Returning Officer Electoral Division of [here insert name of Division].

I [here state Christian names, surname, residence, and occupation] hereby apply for a Postal Vote Certificate.

1. I am an elector on the Electoral Roll for the Division of [here insert name of Division] to vote at [here insert name of polling place].
2. The ground on which I apply for the Certificate is [here state ground].
3. I request that the Postal Vote Certificate and the Postal Ballot Paper for the Senate and the House of Representatives or either as may be required may be forwarded to me at [here state address to which the papers are to be forwarded]

Dated this _____ day of _____ 19 _____ [Signature.]

Signed in the presence of

N.B.—To be signed in the presence of a Returning Officer, Electoral Registrar, Justice of the Peace, School Teacher, or a Postmaster.

The

The grounds on which a Postal Vote Certificate may be issued are—

- (a) That the applicant resides more than five miles from the polling place at which he is entitled to vote ; or
- (b) That the applicant has reason to believe that he will on polling day be more than five miles from the polling place at which he is entitled to vote ; or
- (c) That the applicant being a woman believes that she will on account of ill-health be unable on polling day to attend the polling place to vote.
- (d) That the applicant will be prevented by serious illness or infirmity from attending the polling place on polling day.

FORM L.

Section 110.

The *Commonwealth Electoral Act 1902*

POSTAL VOTE CERTIFICATE.

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

I hereby certify that _____ of _____ is entitled to
vote at the election for [*here insert purpose for which the election is to be held*] to be
held on _____ the _____ day of _____, 19 .

Dated this _____ day of _____, 19 .
(Signed) _____

Returning Officer.

FORM M.

Section 110.

COMMONWEALTH OF AUSTRALIA.

State of [*here insert name of State*].

Election of [*here insert number to be elected*] Senators.

Postal Ballot-paper.

INSTRUCTIONS.—In the presence only of a postmaster, electoral officer, police, stipendiary, or special magistrate, or head master of a State school, the voter must mark his vote, close up the ballot-paper, and then sign his name on the counterfoil. The postmaster, magistrate, head master, or officer must not look at the vote, but will witness the signature without unfolding the ballot-paper, and return it to the voter. The voter will then insert the ballot-paper in the envelope on which the certificate is signed and marked "For ballot-paper," and fasten. Then, after sealing up or fastening the letter in the envelope addressed to the Returning Officer, he shall hand it at once to a postmaster, for posting, or put it in the post at a post-office.

N.B.—The vote is to be marked by writing the name of each candidate for whom the elector votes on the ballot-paper. The elector must vote for the full number of candidates to be elected but not for any greater number.

COUNTERFOIL.

COUNTERFOIL.

No.

Signature of Voter

Witness—

Postmaster, Officer, Magistrate, or Head Master.

BALLOT-PAPER.

Section 110.

FORM N.

COMMONWEALTH OF AUSTRALIA.

State of [*here insert name of State*].Division of [*here insert name of Division*].Election of [*here insert number to be elected, and add Senators or Members of House of Representatives, as the case may be*].*Postal Ballot-paper.*

INSTRUCTIONS.—In the presence only of a postmaster, police, stipendiary, or special magistrate, or head master of a State school, or electoral officer, the voter must mark his vote, close up his ballot-paper, and then sign his name on the counterfoil. The postmaster, magistrate, or head master, or officer must not look at the vote, but will witness the signature without unfolding the ballot-paper, and return it to the voter. The voter will then insert the ballot-paper in the envelope on which the certificate is signed and marked "For ballot-paper," and fasten. Then, after sealing up or fastening the letter in the envelope addressed to the Returning Officer, he shall hand it at once to a postmaster, for posting, or put it in the post at a post-office.

N.B.—The vote is to be marked by writing the name of the candidate for whom the elector votes on the ballot-paper opposite a square and placing the number 1 in the square, and the elector may in addition write the names of the other candidates or any of them on the ballot-paper and place the numbers 2, 3, 4 and so on in the squares opposite their names so as to indicate the order of his preferences for them.

COUNTERFOIL.

2 EDW. VII.]

Commonwealth Electoral.

No.

41

COUNTERFOIL.

No.

Signature of Voter

Witness—

Postmaster, Justice of the Peace, or Officer.

BALLOT-PAPER.

FORM O.

Section 120.

The Commonwealth Electoral Act 1902.

APPLICATION FOR A VOTER'S CERTIFICATE.

State of *[here insert name of State.]*To the Returning Officer Electoral Division of *[here insert name of Division]*.I *[here insert Christian names, surnames, residence, and occupation]* hereby apply for a Voter's Certificate.1. I am an elector on the Electoral Roll for the Division of *[here insert name of Division]*, to vote at *[here insert name of polling place]*.2. I apply for a Voter's Certificate to enable me to vote at any polling place in the Division at the Election to be held on the
day of 19 .

Dated this day of 19 .

[Signature.]

Signed in the presence of—

N.B.—To be signed in the presence of a Returning Officer, Electoral Registrar, Justice of the Peace, or Postmaster.

F

FORM P.

Section 121.

FORM P.

The Commonwealth Electoral Act 1902.

No. _____

Voter's Certificate.

This is to certify that (here insert name, address, and occupation) whose name is
 No. _____ on the roll for (name of polling place) polling place is entitled to vote at any
 polling place within the Division of (here insert name of Division) at the election to be
 held on the _____ day _____ 19 _____.

Dated the _____ day of _____ 19 _____.

Returning Officer for the Division of _____

Section 133.

FORM Q.

COMMONWEALTH OF AUSTRALIA.

Ballot-paper.

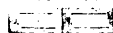
State of [here insert name of State].

Election of [here insert number] Senators.

CANDIDATES.

☐	Brady, Samuel
☐	Carter, William
☐	Davis, Charles
☐	Jones, Henry
☐	King, James
☐	Smith, John
☐	Williams, Benjamin (Auburn)
☐	Williams, Benjamin (St. Kilda)

N.B.—Indicate your vote by making a cross in the square opposite the name of
 each candidate for whom you vote. You must vote for the full number of candidates
 to be elected.



FORM R

FORM R.

Section 134.

Ballot-paper.

COMMONWEALTH OF AUSTRALIA.

State of [here insert name of State].

Electoral Division of [here insert name of Division].

Election of one Member of the House of Representatives.

CANDIDATES.

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

N.B.—Indicate your vote by placing the number 1 in the square opposite the name of the candidate for whom you vote in the first instance. You may in addition give contingent votes for the remaining candidates by placing the numbers 2, 3, 4, and so on in the squares opposite their names so as to indicate the order of your preferences for them.

FORM S.

Section 176.

The Commonwealth Electoral Act 1902.

Return of Electoral Expenses.

I, A.B., candidate at the election for [here insert purpose of election] on the
day of _____ make the following return respecting my
electoral expenses at the election :—

EXPENDITURE.

£ s. d.

Paid G.H., my election agent	...	...	...	...	...
Paid to I.J., clerk, for	...	...	days' services	...	...
Paid to _____, scrutineer at	...	...	...	...	...

[The names of the agent and every clerk and scrutineer, and the sum paid to each, must be set out separately.]

Paid to the following persons in respect of goods supplied or work and labour done	...	...	...	...	...
--	-----	-----	-----	-----	-----

[The name and description, and the nature of the goods supplied, or the work and labour done by each, must be set out separately.]

Paid hire of rooms for holding public meetings	...	...	...
Paid hire of rooms for holding committee meetings	...	...	...
Paid for miscellaneous matters	...	...	...

[The name and description of each person to whom any sum is paid, and the reason for which it was paid to him, must be set out separately.]

In

In addition to the above, I am aware of the following disputed and £ s. d. unpaid claims, viz:—

By T.U., for

[Here set out the name and description of each person whose claim is disputed, the amount of the claim, and the goods, work, or other matter on the ground of which the claim is based.]

Except as appears from the above I have not, and to the best of my knowledge and belief, no person has made on my behalf any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election.

I have paid the sum of pounds altogether, and no more, for the purpose of the election, and, except as specified above, no money security, or equivalent for money, has, to my knowledge or belief, been paid, advanced, given, or deposited by any one to any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election.

[Signature of candidate, C.D.]

Signed this

day of

in the presence of

E.F., Justice of the Peace.