
COMMONWEALTH ELECTORAL.

No. 19 of 1902.

An Act to regulate Parliamentary Elections.

[Assented to 10th October, 1902.]

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

PART I.—PRELIMINARY.

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

2. This Act is divided into Parts as follows :

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| Part | I.—Preliminary, ss. 1-4. | |
| Part | II.—Administration, ss. 5-11. | |
| Part | III.—Electoral Divisions, ss. 12-23. | |
| Part | IV.—Polling Places, ss. 24-26. | |
| Part | V.—Electoral Rolls, ss. 27-54. | |

Parts.

- Part VI.—Additions to Rolls, Transfers, and Alterations of Rolls, ss. 55–66.
 Part VII.—Revision Courts, ss. 67–85.
 Part VIII.—Writs for Elections, ss. 86–93.
 Part IX.—The Nominations, ss. 94–108.
 Part X.—Voting by Post, ss. 109–122.
 Part XI.—The Polling, ss. 123–153.
 Part XII.—The Scrutiny, ss. 154–164.
 Part XIII.—The Return of the Writs, ss. 165–168.
 Part XIV.—Limitation of Electoral Expenses, ss. 169–172.
 Part XV.—Electoral Offences, ss. 173–191.
 Part XVI.—Court of Disputed Returns, ss. 192–206.
 Part XVII.—Miscellaneous, ss. 207–210.

Interpretation.

3. In this Act unless the contrary intention appears—

“Candidate” in Parts II. XIV. and XV. includes 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 :

“Electoer” 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 :

“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 :

“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 :

“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.

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.

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 shall be a Divisional Returning Officer for each Division, who shall be charged with the duty of giving effect to this Act within or for his Division subject to the directions of the Commonwealth Electoral Officer for the State.

Divisional
Returning
Officers.

8. Assistant Returning Officers may be appointed to exercise within or for 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 but no Assistant Returning Officer shall be appointed in or for any portion of a Division in which less than one hundred electors are enrolled.

Assistant
Returning
Officers.
S. A. 1896, No.
667 s. 24.

9. Electoral Registrars may be appointed to keep the rolls for specified polling places. The Divisional Returning Officer shall keep the rolls for all polling places for his Division for which no Registrar has been appointed.

Electoral
Registrars.
W. A. 1899,
No. 20 s. 11.
S. A. ib. s. 25.

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.

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, and one Member of the House of Representatives shall be chosen in each Division.

Divisions.

13. The Governor-General may appoint one person in each State to be the Commissioner for the purpose of distributing the State into Divisions in accordance with this Act.

Commissioner.
See N.S.W. 1893,
No. 38 s. 5.

14. The Commissioner shall hold office during the pleasure of the Governor-General.

Term of office.

15. For the purposes of this Act a quota shall be ascertained in each State as follows :—

Quota.
N.S.W. ib. s. 17
sub-sec. (1).

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.

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.

16. In making any distribution of States into Divisions the Commissioner shall give due consideration to—

- (a) Community or diversity of interest,
- (b) Means of communication,
- (c) Physical features,
- (d) Existing boundaries of Divisions ;

Matters to be
considered in
distribution of
seats.
N.S.W. ib. s. 17
(ii.)

and subject thereto the quota of electors shall be the basis for the distribution, and the Commissioner may adopt a margin of allowance, to be used whenever necessary, but in no case shall such quota be departed from to a greater extent than one-fifth more or one-fifth less.

Notice of proposed distribution.

17. Before reporting on the distribution of any State into Divisions the Commissioner shall cause a map of each proposed Division to be exhibited at post-offices in the proposed Division, and shall invite public attention thereto by advertisement in the *Gazette*.

Objections.

18. Objections or suggestions in writing may be lodged with the Commissioner not later than thirty days after the first publication of the proposed distribution, and the Commissioner shall consider all objections and suggestions so lodged before making his report.

Report of Commissioner.

19. The Commissioner shall forthwith, after the expiration of the thirty days above mentioned, forward to the Minister his report upon the distribution of the State into Divisions, and the number of electors residing in each proposed Division, together with a map signed by him showing the names and boundaries of each proposed Division.

Report to be laid before Parliament.
N.S.W. 1893,
No. 38 s. 15.

20. 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. lb. s. 16.

21. 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.

22. 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 Commissioner to propose a fresh distribution of the State into Divisions.

Redistribution.

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

PART IV.—POLLING PLACES.

Polling places.

24. The Governor-General may, by proclamation—

- (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.

Provided that no polling place shall be so closed after the issue of the writ and before the time appointed for its return.

25. 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 for the several Divisions in the State to meet the public convenience. Report as to polling places.

26. 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.

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

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

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

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

31. 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 live, but no person shall be qualified or entitled to have his name placed upon more than one Roll, or upon any Roll other than the Roll for the Division in which he lives. Persons entitled to have their names on Roll.

Provided that any senator shall if he so desires be entitled to have his name placed on or retained on the Roll of any one Division of the State he represents instead of the Roll for the Division in which he lives, and that any member of the House of Representatives shall if he so desires be entitled to have his name placed on and retained on the Roll for any Division he represents instead of the Roll for the Division in which he lives.

32. The Commonwealth Electoral Officer for each State shall as soon as practicable after the commencement of this Act 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.

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

34. Copies of the Lists so far as they relate to any Electoral Division shall be exhibited at such police stations, post offices, State Lists to be publicly exhibited.

schools, 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.

35. 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.

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

36. 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.

Officers may add names to List.

37. 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.

Special Court of Revision.

38. The Returning Officer for the Division together with—

- (a) a Police, Stipendiary, or Special Magistrate, or
- (b) two or more Justices of the Peace who are authorized by the Governor-General to sit as members of a Special Court of Revision,

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.

Sittings of Special Court.

39. 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 shall sit at such times and in such places as may be directed by the Minister, and it shall not be necessary for the same Magistrate or Justices of the Peace to be present at every sitting of the Court.

Notice of sittings.

40. The Returning Officer for the Division shall give at least thirty days public notice, by advertisement in some newspaper or newspapers 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.

Objections.

41. 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 live in the Division.

Provided that a sum of Five shillings shall be deposited in respect of each objection lodged by any person other than an officer, to be forfeited if the objection is held to be frivolous.

42. 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.

Time for lodging objections.

43. Notice of every objection stating the grounds shall be served upon, or sent by post as a registered letter by the Returning Officer to, the person affected.

Notice of objection.

44. 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.

45. The Special Court of Revision shall subject to section thirty-one 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;

(d) not to live 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.

46. 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.

47. 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.

48. 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.

49. When the revision of the Lists is completed the Lists shall be the Roll for the Division.

On revision Lists to become Rolls.

50. 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.

51. 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.

52. Rolls shall be printed whenever the Minister so directs.

Printing of Rolls.
W. A. ib. s.27.
S. A. ib. s. 42.

Supplemental
Rolls.W.A. 1899,
No. 20 s. 23.S.A. 1896,
No. 667 s. 43.

53. 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.

54. 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.

PART VI.—ADDITIONS TO ROLLS, TRANSFERS, AND
ALTERATIONS OF ROLLS.Addition of new
names.W.A. ib. s. 32.
S.A. ib. s. 47.

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

- (a) Claims,
- (b) Applications to transfer,
- (c) Lists prepared by the Returning Officer for each Division.

Forms of claims.

56. 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.

Registration of
claims.

57. 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.

Right to
transfer.

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

Form of
transfer.

59. Every transfer shall be made by application to transfer in the Form C in the Schedule.

Method of
transfer.

60. 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.

Registration of
transfer.

61. 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.

Alteration of
rolls.

W.A. ib. s. 43.

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

- (i.) By correcting any obvious mistake or omission;
- (ii.) By changing on the written application of the elector—
 - (a) The place of living to another within the same Division;

- (b) The polling place to another for the same Division ;
- (c) The original name of the elector to an altered name ;
- (iii.) By striking out the names of dead persons ;
- (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.

63. 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. 1890,
No. 20 s. 43.

64. Claims and applications to transfer received by the Returning Officer or Registrar before the issue of the writ may be registered after the issue of the writ but otherwise no addition to or alteration of the Roll for any 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.

65. 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.

66. 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 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.

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

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

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

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

69. Revision Courts shall be constituted by a Police, Stipendiary, or Special Magistrate, or two or more Justices of the Peace authorized by the Governor-General to sit as members of a Revision Court.

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

70. 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.

Clerk of Revision Court.

71. 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.

Names on roll may be objected to.
W. A. ib. s. 55.
S. A. ib. s. 68.

Provided that a sum of Five shillings shall be deposited in respect of each objection lodged by any person other than an officer, to be forfeited if the objection is held to be frivolous.

Notice of
objection.
W.A. 1899,
No. 20 s. 56.
S.A. 1896,
No. 667 s. 66.
Duty to object.
S.A. ib. s. 68.

72. 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.

73. 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.

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

74. 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 place of living appearing on the Roll.

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

75. The Clerk of each Revision Court shall at least fourteen days before the sitting of the Court exhibit at each post-office State school 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.

Rolls to be
produced.
W.A. ib. s. 60.

76. 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.

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

77. Each Revision Court shall in open Court revise the Rolls by hearing and determining all objections and subject to section thirty-one by striking out the names of persons shown—

- (a) to be dead ;
- (b) not to be qualified to have their names on a Roll ;
- (c) to be disqualified ;
- (d) not to live within the Division ;

and by adding to the Roll the names of all persons who have claimed to have their names placed on the Roll for the Division and who are shown to be qualified but whose claims have not been registered, and generally by correcting mistakes and supplying omissions.

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

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

Resistance to
objection.
W.A. ib. s. 65.
S.A. ib. s. 76.
Duplicate
entries.
W.A. ib. s. 67.
S.A. ib. s. 78.
Alterations.
W.A. ib. s. 68.
S.A. ib. s. 79.

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

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

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

82. 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. 1890, No. 20 s. 69.
S. A. 1896, No. 687 s. 80.
Costs.
W. A. ib. s. 70.
S. A. ib. s. 81.

83. If any objection is not established, the Court may award to the person objected to a sum not exceeding Five pounds, 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.

84. 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. ib. s. 71.
S. A. ib. s. 82.

85. 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.

86. 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. ib. s. 74.

87. 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 nomination.
S. A. ib. s. 83.
W. A. ib. s. 75.

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

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

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

Date of return of writ.

90. 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.

Address of writs for election of Senators.

91. 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.

General elections to be held on same day.

92. 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.

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

* See sections 12, 32, and 33 of the Constitution:—

12. The Governor of any State may cause writs to be issued for 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.

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.

Writs for general election.

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.

Duty of Returning Officer on receipt of writ.
See W.A. 1890, No. 20 s. 79.
S.A. 1896, No. 667 s. 93.

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

- (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 ;
- (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 ;
- (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.

PART IX.—THE NOMINATIONS.

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

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

95. 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.

State Members not entitled to be nominated.

96. No person who is at the date of nomination or who was at any time within fourteen days prior to the date of nomination a Member of the Parliament of a State shall be capable of being nominated as a Senator, or as a Member of the House of Representatives.

Qualifications of senator.

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

Qualifications of members.

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

- (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 Queen, 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.

Member of one House ineligible for other.

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.

Disqualification.

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 ;

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

But sub-section (iv.) does not apply to the office of any of the Queen's Ministers of State for the Commonwealth, or of any of the Queen'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 Queen'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.

97. No nomination shall be valid unless—

- (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 ;
- (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.

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

98. 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 and his decision shall be final.

Form of consent to act.

99. 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.

Mode of nomination.
W.A. ib. s. 81.
S.A. ib. s. 95.

100. 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.

To whom nominations made.

101. 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.

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

102. 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.

Formal defects.

103. 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.

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

104. 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 for the Division shall be the place of nomination therein.

Place of nomination.

Hour of nomination.
W.A. 1899,
No. 20 s. 82.
S.A. 1896,
No. 667 s. 96.

105. 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.

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

106. 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.

Death of candidate after nomination.

107. If after the nominations have been declared and before polling day any candidate dies and the candidates remaining are not greater in number than the candidates required to be elected they shall forthwith be declared to be elected and the writ returned.

Failure of election.

108. Whenever an election wholly or partially fails a new writ shall forthwith be issued for a supplementary election.

An election shall be deemed to have wholly failed if no candidate is nominated or returned as elected.

An election shall be deemed to have partially failed whenever one or more candidates is returned as elected, but not the full number required to be elected.

PART X.—VOTING BY POST.

Application for a postal vote certificate.
S.A. ib. s. 93.
W.A. ib. s. 84.

109. Any elector—

- (a) who has reason to believe that he will on polling day be more than five miles from the polling place for which he is enrolled; or
- (b) who being a woman believes that she will on account of ill-health be unable on polling day to attend the polling place to vote; or
- (c) 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 for the Division in which he lives for a postal vote certificate.

Certificate and ballot-paper.

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 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.

Returning Officer to initial ballot-paper.
S.A. ib. s. 100.

111. The Returning Officer shall initial all postal ballot-papers issued, and shall keep and number the applications in consecutive order, writing the corresponding number on the counterfoil of the ballot-paper.

112. Any elector who has received a postal ballot-paper shall in the presence of a postmaster or a police or stipendiary or special magistrate or a head master of a State school or such other person employed in the public service of the Commonwealth or of any State as may be appointed for the purposes of this section by the Governor-General and of no other person record his vote as follows :—

How vote recorded.
S.A. 1996,
No. 667 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 magistrate head master or other person appointed shall not see the vote :
- (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 the envelope, addressed to the Returning Officer, and having closed the envelope, by handing it at once to such postmaster magistrate or head master or other person as aforesaid for posting.

For the purposes of this section the term “postmaster” shall mean a postmaster on the permanent classified list.

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
- (b) In elections for the House of Representatives by writing the name of the candidate for whom the elector votes on the ballot-paper.

114. It shall be the duty of the postmaster police stipendiary special magistrate head master of a State school or other person appointed to immediately witness any postal ballot-paper presented for witnessing, and on no account except as provided in section one hundred and twenty-two to look at the voter's vote.

Witnessing of postal ballot-paper.

115. The postmaster, or police, stipendiary, or special magistrate, or head master of a State school, or other person employed in the public service of the Commonwealth or any State who is appointed by the Governor-General for the purposes of section one hundred and twelve of this Act who receives the envelope containing a postal ballot-paper for posting shall forthwith post it.

Postal ballot-paper to be immediately posted.

116. The vote marked on a postal ballot-paper shall not except as provided in section one hundred and twenty-two be looked at by any person other than the voter, until the counting of the votes at the scrutiny, and the envelope in which the postal ballot-paper is placed shall not, after it has been closed, be opened until the scrutiny.

Postal ballot-paper not to be opened until the scrutiny.

117. 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.

Returning Officer to notify issue of certificate.
S.A. ib. s. 103.

Advice to
presiding officer.
S.A. 1896,
No. 667 s. 104.

118. 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.

Letters to be
produced at
scrutiny.
S.A. ib. s. 105.

119. 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:—

- (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 :
- (c) If the vote is allowed the Officer shall tear off the counterfoil and insert the ballot-paper in the ballot-box :
- (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 :
- (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 :
- (f) Postal ballot-papers which are not duly witnessed shall not be allowed at the scrutiny.

Officer to decide.
S.A. ib. s. 106.

120. 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.

Mistakes.
S.A. ib. s. 107.

121. 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.

Voter whose
sight is
impaired.

122. Where any elector who has received a postal ballot-paper satisfies the postmaster or police, stipendiary, or special magistrate or head master of a State school or other person appointed as aforesaid that his sight is so impaired that he is unable to vote without assistance such postmaster or police, stipendiary, or special magistrate or head master of a State school, or other person appointed as aforesaid may and at the request of such elector shall for him in the presence of a witness (if so desired by such elector) mark the postal ballot-paper as such elector may designate and indicate to such elector the place for his signature and if desired shall enclose the ballot-paper in the envelope produced.

PART XI.—THE POLLING.

123. 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

124. In particular he shall—

Duty of
Returning
Officer.
S. A. 1896,
No. 667 s. 109.

(i.) Appoint a presiding officer to preside at each polling place at which he will not be continuously present :

(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.

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

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

126. Any presiding officer may appoint a substitute to perform his duties during his temporary absence and may, if authorized by the Returning Officer so to do, appoint one or more assistant presiding officers to assist him in presiding at any polling booth, and any assistant presiding officer may, subject to the direction of the presiding officer, exercise all or any of his powers.

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

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

No licensed
premises to be
used.

S. A. ib. s. 112.

W. A. ib. s. 90.

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

Separate voting
compartments.

S. A. ib. s. 114.

W. A. ib. s. 92.

129. 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.

Ballot-boxes.

S. A. ib. s. 115.

W. A. ib. s. 93.

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

Lists of voters to
vote.

S. A. ib. s. 116.

131. Ballot-papers to be used in the election of Senators may be in the Form O in the Schedule.

Senate ballot-
paper.

132. Ballot-papers to be used in the election of Members of the House of Representatives may be in the Form P in the Schedule.

House of
Representatives
ballot-paper.

133. In printing the ballot-papers—

Ballot-papers.

(i.) The names of all candidates duly nominated shall be printed in alphabetical order according to their surnames :

S. A. ib. s. 117.

W. A. ib. s. 94.

- (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 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 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.

Ballot-papers
initialed.
W.A. 1899, No.
20 s. 97.
S.A. 1896,
No. 667 s. 120.

134. 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. The initials of the presiding officer shall be placed on the back of the ballot-paper in such a position as to be easily seen when the ballot-paper is folded so as to conceal the names of the candidates.

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.

135. 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 booth or subdivision of a polling booth, and appointments of scrutineers shall be made by notice to the Returning Officer, signed by the candidate, giving the name and address of the scrutineer, or without such notice by permission of the Returning Officer.

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

136. 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.

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

137. The polling shall be conducted as follows :—

- (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.

138. Subject to section thirty-one an elector shall only be entitled to vote for the Division in which he lives, and for which he is enrolled, provided that an elector who has changed his place of living may continue to vote for the Division for which his name is enrolled until his name is transferred to some other Roll, if he has taken all necessary steps to procure the transfer of his name to the Roll for the Division in which he lives, forthwith, after he has lived in such Division for one month.

Electors to vote for division in which they live

139.—(1.) Any elector may vote at the polling place for which he is enrolled, or if he is absent from the polling place for which he is enrolled may vote at any other polling place for the same Division in an election for the House of Representatives, if he makes and signs before the presiding officer a declaration in the Form Q in the Schedule.

Where electors may vote.

(2.) Any elector when voting at a polling place at elections for the Senate shall, except as provided in sub-section (3) of this section, only be entitled to vote at the polling place for which he is enrolled.

(3.) Provided always that the regulations under this Act may provide facilities for enabling electors to vote at elections for the Senate or for the House of Representatives at other polling places within the State in which the election is held, and may provide for all matters (not inconsistent with this Act) necessary or convenient to be prescribed for the purpose of carrying this part of this section into effect, and in particular for the following matters:—

- (a) The form of ballot-paper to be used;
- (b) The method of dealing with the ballot-papers; and
- (c) The allowance or disallowance and counting of the ballot-papers.

140. Every person claiming to vote at any polling booth shall state his christian name 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. 1399,
No. 20 s. 104
sub-s. (1.)
S.A. 1896,
No. 607 s. 126
sub-s. (1.)

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

Questions to be put if voter challenged.

Q. 1385, 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 you of the full age of twenty-one years?
- (iii.) Have you already voted, either here or elsewhere, at this election?
- (iv.) Are you disqualified from voting?

142. 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.

Consequence of answers.

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

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

Answer conclusive.

W.A. ib. s. 108.
S.A. ib. s. 130.

Errors not to
forfeit vote.
W.A. 1899,
No. 20 s. 109.
S.A. 1896,
No. 667 s. 131.

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

Ballot-paper to
be handed to
elector.

145. If the name under which the person claims to vote is upon the List of voters for the polling place, 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.

Provided that the fact that an elector's name is not on the List of voters for the polling place shall not prevent him from voting in cases where provision is made by regulation allowing electors to vote at polling places other than the polling places for which they are enrolled subject to section one hundred and thirty-nine.

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

146. 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.

Vote to be
marked in
private.
W.A. ib. s. 104
sub-s. (3.)
S.A. ib. s. 126
sub-s. (iii.)

147. 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 :
- (b) Fold the ballot-paper so as to conceal the names of the candidates and to clearly show the initials of the presiding officer, and exhibit it so folded to the presiding officer, and then forthwith openly, and without unfolding it, deposit it in the ballot-box :
- (c) Quit the booth.

Assistance to
blind voters.

148. 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 in the presence of such scrutineers as may be present shall mark, fold, and deposit his ballot-paper for him.

Spoilt ballot-
papers.
W.A. ib. s. 104
sub-s. (5.)
S.A. ib. s. 126
sub-s. (v.)

149. 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 the spoilt ballot-paper.

How votes to be
marked in
Senate elections.

150. 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.

151. In elections for members of the House of Representatives the voter shall mark his ballot-paper by making a cross in the square opposite the name of the candidate for whom he votes.

How votes to be marked in House of Representatives elections.

152. 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.

See Q. 1892, No. 26 s. 22.
Adjournment of polling on account of riot.
W.A. 1899, No. 20 s. 119.
S.A. 1896, No. 667 s. 142.
Adjournment in other cases.

153. 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 twenty-one days, and shall forthwith give public notice of the adjournment.

PART XII.—THE SCRUTINY.

General Provisions.

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

Scrutiny.
W.A. ib. s. 110.

155. The scrutiny shall be conducted as follows:—

S.A. ib. s. 133.
How conducted.
W.A. ib. s. 111.
S.A. ib. s. 134.

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

156. Each candidate may appoint one scrutineer to represent him at the scrutiny.

Power to appoint scrutineers.

157. 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.

Scrutineer may object to vote as informal.
W.A. ib. s. 111 (10).
S.A. ib. s. 134 (ix.).

158. A ballot-paper shall be informal if—

Informal ballot-papers.

- (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 has (not being a postal ballot-paper) no cross in a square opposite

the name of a candidate, or has crosses in squares opposite the names of more than one candidate, or being a postal ballot-paper it has no candidate's name written on it, or has the name of more than one candidate written on it ; 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.

Preservation of
ballot-papers.

159. 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.

Provisions relating to Elections for the Senate.

Scrutiny of votes
in Senate
elections.

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

- (a) Each Divisional Returning Officer shall open all ballot-boxes for 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 or for 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.
- (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 as shown by the ballot-papers so counted ; and shall transmit the ballot-papers so sealed and the copy of the Writ so indorsed to his Divisional Returning Officer.
- (e) The Divisional Returning Officer shall certify by indorsement on his copy of the Writ the number of votes given for each candidate by electors enrolled for the Division and forward the copy of the Writ so indorsed to the Commonwealth Electoral Officer for the State.

Casting vote of
Electoral
Officer.

161. 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 the number required to be elected who receive the greatest number of votes shall be elected.

Provisions relating to Elections for the House of Representatives.

162. In elections for the House of Representatives the scrutiny shall be conducted by the Divisional Returning Officers and Assistant Returning Officers. Scrutiny at elections for House of Representatives.

163. 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 or for that portion of the Division in which he exercises his powers, and shall— Assistant Returning Officers to count votes.

- (i.) Arrange the ballot-papers under the names of the respective candidates by placing in a separate parcel all those which have a cross 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.
- (iii.) Transmit the following information by telegram or some other expeditious manner to the Divisional Returning Officer—(a) The number of votes recorded for each candidate; and (b) The total number of ballot-papers rejected as informal.
- (iv.) Seal up such parcels and transmit them to the Divisional Returning Officer.

164. 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 a cross set opposite the name of the same candidate, rejecting informal voting-papers, and on receipt of the information giving the results of the counting of the ballot-papers by the Assistant Returning Officers in the Division shall proceed to ascertain the final result of the election, 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 candidate who receives the greatest number of votes shall be elected. Counting of votes at elections for House of Representatives.

PART XIII.—THE RETURN OF THE WRITS.

165. 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.

Return of writs
for House of
Representatives.

166. 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—

- (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.

Correction of
errors.
W.A. 1899,
No. 20 s. 117.
S.A. 1396,
No. 667 s. 140.

167. 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.

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

168. 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—

- (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 XIV.—LIMITATION OF ELECTORAL EXPENSES.

Rates of
expenditure.

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

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

Expenses
allowed.
S.A. ib. s. 145.

170. No electoral expense shall be incurred or authorized except in respect of the following matters :—

- (i.) Purchasing electoral rolls :
- (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 :
- (vi.) Scrutineers.

Electoral
expenses.
S.A. ib. s. 143.

171. "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.

172.—(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, showing—

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

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

Returns.
S.A. 1896, No.
667 s. 149.

PART XV.—ELECTORAL OFFENCES.

173. To secure the due execution of this Act and the purity of elections the following acts are hereby prohibited and penalized:—

Offences.
W.A. 1899,
No. 20 s. 123.
S.A. ib. s. 153.

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

174. “Breach or neglect of official duty” includes—

- (i.) Any attempt by any officer to influence the vote of any elector, or, except by recording his vote, the result of any election :
- (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 :
- (iv.) Any attempt by a person authorized or required by this Act to witness the signature of an elector on the counterfoil of a postal ballot-paper to influence the vote of the elector whose signature he witnesses or except as provided by section one hundred and twenty-two to look at the elector’s vote : and
- (v.) Any disclosure by any person authorized to mark the vote of an elector on a postal ballot-paper touching the vote of the elector.

Breach or
neglect by
officers.
W.A. ib. s. 124.
S.A. ib. s. 154.

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

175. Whoever—

- (i.) Promises, or offers, or suggests any valuable consideration, advantage, recompense, 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, recompense, reward, or benefit for, or on account of, any such candidature, withdrawal, vote, omission, support, or opposition, or promise thereof:
- (iii.) Promises, offers, or suggests any valuable consideration, advantage, recompense, reward, or benefit, for bribery, or gives or takes any valuable consideration, advantage, recompense, reward, or benefit for bribery:

shall be guilty of bribery.

Definition.
W.A. 1899, No.
20 s. 126.
S.A. 1896, No.
667 s. 156.

176. 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 elector.

177. Whoever—

Undue influence.
W.A. ib. s. 127.
S.A. ib. s. 157.

- (i.) Threatens, offers, or suggests any 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: or
- (ii.) Uses, causes, inflicts, or procures any violence, punishment, damage, loss, or disadvantage for or on account of any such candidature, withdrawal, vote, omission, support, or opposition:

shall be guilty of undue influence.

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

178. 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.

179. 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).

180. 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 XIV. of this Act relating to the Limitation of Electoral Expenses.

181. 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.

Punishment.
W.A. 1890,
No. 20 s. 132.
S.A. 1896,
No. 667 s. 161.

182. 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.

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

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	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.

183. 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.

Offender may be removed from polling booth.
W.A. ib. s. 135.
S.A. ib. s. 164.

Further
punishment.
W.A. 1899,
No. 20 s. 136.
S.A. 1896,
No. 667 s. 165.

184. 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.

Expenditure on
behalf of a
candidate.

185. Any person incurring or authorizing any electoral expense on behalf of a candidate without the written authority of the candidate or of his agent authorized in writing shall be guilty of a contravention of this Act.

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

186. Every person shall be liable for an illegal practice committed directly or indirectly by himself, or by any other person on his behalf, and with his knowledge or authority.

Attempts.

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

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

188. 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.

Hard labour may
be awarded.

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

Indictable
offences.

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

Summary
conviction.

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

PART XVI.—COURT OF DISPUTED RETURNS.

Method of
disputing
elections.

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

The Court of
Disputed
Returns.

193.—(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.

(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.

(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, 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 Justice or Judge.

194. 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 :
- (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 :
- (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.

195. 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.

196. No proceedings shall be had on the petition unless the requirements of the preceding sections are complied with. No proceeding unless requisites complied with.

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

- (i.) To adjourn :
- (ii.) To compel the attendance of witnesses and the production of documents :
- (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 :
- (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.

198. 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. Inquiries by Court.
W.A. 1899,
No. 20 s. 148.
S.A. 1896,
No. 667 s. 184.

Real justice to be observed.
W.A. 1890,
No. 20 s. 149.

199. 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.

200. 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.

Decisions to be final.
W.A. ib. s. 151.

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

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

202. 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.

Deposit applicable for costs.
W.A. ib. s. 154.
S.A. ib. s. 190.

203. 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.

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

204. 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.

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

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

- (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.

Power to make rules of Court.

206. The Justices of the High Court or a majority of them or until the High Court is established the Governor-General 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.

To be laid before the Parliament.

Every Rule of Court made in pursuance of this section shall be laid before the Senate and the House of Representatives within forty days next after it is made if the Parliament is then sitting, or if the Parliament is not then sitting then within forty days after the next meeting of the Parliament; and if an Address is presented to the Governor-General by either House of the Parliament within the next subsequent forty sitting days of the House praying that any

such rule may be annulled the Governor-General may thereupon annul the same ; and the rule so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which have in the meantime been taken under it.

PART XVII.—MISCELLANEOUS.

207. 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. 1896, No. 667 s. 193.

208. 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. ib. s. 194.

209. The Forms in the Schedule may be varied as the circumstances of the case may require.

Forms may be varied.

210.—(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.

FORM A.

Section 30.

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.	Place of Living.	Occupation.	Remarks and initials to alterations.

Section 56.

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 lived therein for six months, and live 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—

Place of living—

Occupation—

Usual signature—

Received the _____ day of _____ 19

Electoral Registrar.

Section 59.

FORM C.

COMMONWEALTH OF AUSTRALIA.
The Commonwealth Electoral Act 1902.

Application to Transfer.

Surname—

Christian name at full length—

Sex—

Present place of living—

Occupation—

formerly living at [*here insert place*] in the State of [*here insert name of State*] and registered to vote at _____ polling place, having *bonâ fide* changed my place of living, and lived 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—

Section 72.

FORM D.

COMMONWEALTH OF AUSTRALIA.
The Commonwealth Electoral Act 1902.

Notice of Objection.

I object to the name of [*here insert the name, place of living, 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 address and occupation of objector*].

FORM E.

Section 74.

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 75.

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.	Place of Living.	Occupation.	Ground of Objection.

[Signed]

Clerk of Revision Court.

FORM G.

Section 86.

Writ for the Election of Senators.

COMMONWEALTH



OF AUSTRALIA.

HIS MAJESTY THE KING

To _____ the Commonwealth Electoral Officer for the State [here insert name of State]:

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 _____ in the year of our Lord One thousand nine hundred and _____

By His Excellency's command,

Section 86.

FORM H.

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



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.

Section 99.

FORM I.

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.	Places of Living.	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.

FORM J.

Section 99.

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 name, 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.	Places of Living.	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.

FORM K.

Section 109.

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, place of living, 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 grounds on which a Postal Vote Certificate may be issued are—

- (a) That the applicant has reason to believe that he will on polling day be more than five miles from the polling place for which he is enrolled; or
- (b) 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.
- (c) That the applicant will be prevented by serious illness or infirmity from attending the polling place on polling day.

Section 110.

FORM L.

The Commonwealth Electoral Act 1902.

POSTAL VOTE CERTIFICATE.

Electoral Division of [here insert name of Division].

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

Dated this day of 19

[Signed.]

Returning Officer.

Section 110.

FORM M.

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 an authorized witness the voter must mark his vote, close up the ballot-paper, and then sign his name on the counterfoil. The authorized witness must not look at the vote, but will witness the signature without unfastening the ballot-paper, and return it to the voter. The voter must then insert it in the envelope addressed to the Returning Officer, close and fasten the envelope, and hand it at once to the authorized witness who must immediately post it.

Any one of the following persons is an authorized witness, namely:—A post-master on the permanent classified list, a police, stipendiary, or special magistrate, a head master of a State school, or a person employed in the Public Service of the Commonwealth or a State who is appointed under the Commonwealth Electoral Act 1902 by the Governor-General to witness postal ballot-papers.

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.

No.

Signature of Voter

Witness—

[Authorized witness to sign here and insert his title.]

BALLOT-PAPER.

Multiple horizontal lines for writing on the ballot paper.

FORM N.

Section 110.

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.

Postal Ballot-paper.

INSTRUCTIONS.—In the presence only of an authorized witness the voter must mark his vote, close up the ballot-paper, and then sign his name on the counterfoil. The authorized witness must not look at the vote, but will witness the signature without unfastening the ballot-paper, and return it to the voter. The voter must then insert it in the envelope addressed to the Returning Officer, close and fasten the envelope, and hand it at once to the authorized witness, who must immediately post it.

Any one of the following persons is an authorized witness, namely :—A postmaster on the permanent classified list, a police, stipendiary, or special magistrate, a head master of a State school, or a person employed in the Public Service of the Commonwealth or a State who is appointed under the Commonwealth Electoral Act 1902 by the Governor-General to witness postal ballot-papers.

N.B.—The vote is to be marked by writing the name of the candidate for whom the elector votes on the ballot-paper.

COUNTERFOIL.

No.
 Signature of Voter
 Witness—

[Authorized witness to sign here and insert his title.]

BALLOT-PAPER.

FORM O.

Section 131.

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.

Section 132.

FORM P.

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	<input type="checkbox"/>
Crane, Joseph	<input type="checkbox"/>
French, Charles	<input type="checkbox"/>
King, William	<input type="checkbox"/>
Wilson, Henry	<input type="checkbox"/>

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

Section 139.

FORM Q.

FORM OF DECLARATION TO BE SIGNED BY A VOTER BEFORE VOTING AT ANY POLLING PLACE OTHER THAN THE POLLING PLACE FOR WHICH HE IS ENROLLED.

Polling Place.

I declare that I am the person whose name appears as No. [*here insert number on roll and name of elector*] on the Electoral Roll for the Electoral Division of [*here insert name of Division*], and that I have not voted either here or at any other polling place at this election, and I promise that if I am permitted to vote here, I will not vote at this election at any other polling place.

Signature of Elector—

Place of Living—

Occupation—

Declared before me the day of 190 .

Presiding Officer—

FORM R.

Section 172.

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 to I.J.,	clerk, for			days' services ...
Paid to	scrutineer at	...	...	... ..
[The names of 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 addition to the above, I am aware of the following disputed and 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.