
COMMONWEALTH ELECTORAL.

No. 17 of 1911.

An Act to amend the *Commonwealth Electoral Act*
1902-1909.

[Assented to 22nd December, 1911.]

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

- Short title and citation.** 1.—(1.) This Act may be cited as the *Commonwealth Electoral Act* 1911.
- (2.) The *Commonwealth Electoral Act* 1902-1909 is in this Act referred to as the Principal Act.
- (3.) The Principal Act, as amended by this Act, may be cited as the *Commonwealth Electoral Act* 1902-1911.
- Commencement.** 2. This Act shall commence on a day to be fixed by proclamation.
- Amendment of s. 2.** 3. Section two of the Principal Act is amended by omitting therefrom the words, "Part X.—Voting by Post."
- Amendment of s. 8.** 4. Section eight of the Principal Act is amended by omitting therefrom the words, "except the powers of that officer under Part X. of this Act."

5. After section nine A of the Principal Act the following section is inserted :—

“ 9B.—(1.) In case any vacancy occurs in the office of Divisional Returning Officer, or Assistant Returning Officer, the Chief Electoral Officer may, in case of emergency, and if he thinks it necessary so to do, appoint some person to the vacant office, but the appointment shall be temporary only, and shall confer no right or claim on the appointee to be permanently appointed to the position.

Appointment in cases of emergency.

“(2.) The person so temporarily appointed shall, while he holds office, have the same powers and perform the same duties as if he had been permanently appointed.”

6. Section twenty-two of the Principal Act is amended by omitting sub-section (2.) therefrom, and inserting in its stead the following sub-section :—

Amendment of s. 22.

“(2.) The Commissioners shall thereupon reconsider the matter, and forthwith propose a fresh distribution, but for that purpose it shall not be necessary to cause the action provided by section seventeen of this Act to be taken.”

7. After section thirty-two of the Principal Act the following section is inserted :—

“ 32A.—(1.) The Governor-General may, by any proclamation directing the preparation of new Rolls, declare that the new Rolls shall be prepared under a system of compulsory enrolment, and shall direct that every person entitled to enrolment on any new Roll shall sign and send to the proper officer in accordance with the regulations a form of claim for enrolment and otherwise comply with the regulations relating to compulsory enrolment.

Compulsory enrolment.

“ Provided that where an elector has been enrolled in pursuance of any claim signed by him as directed by a proclamation and is correctly enrolled, he shall not be required to sign and send in any further claim for enrolment in connexion with the preparation of a new Roll under any subsequent proclamation, unless he has changed his place of living so as to render a change in his enrolment necessary.

“(2.) The regulations shall prescribe anything necessary or convenient to be prescribed for carrying a system of compulsory enrolment into effect and may prescribe penalties not exceeding Two pounds for any contravention of any regulation made in pursuance of this power.”

8. After section sixty-one B of the Principal Act the following sections are inserted :—

“ 61c.—(1.) Every person, who is entitled to be enrolled as an elector and who is not so enrolled, shall fill in and sign, in accordance with the Act and the regulations, a form of claim for enrolment as an elector and shall forthwith send or deliver it to the proper officer.

Compulsory enrolment and transfer.

“(2.) Every elector who has ceased to live in the subdivision for which he is enrolled for a period of more than one month and has changed his place of living to another subdivision shall fill in and sign in accordance with the Act and the regulations a form of claim for transfer or change, as the case requires, and shall forthwith send or deliver it to the proper officer.

“(3.) The regulations may prescribe all matters, not inconsistent with this Act, necessary or convenient to be prescribed for carrying a system of the compulsory enrolment of electors and the compulsory transfer or change of electors from one Roll to another Roll into effect, and may prescribe penalties not exceeding Two pounds for any contravention of any regulation made in pursuance of this power.

Penalty on officer neglecting to enrol claimants.

“61D. Any officer who receives a claim for enrolment and who without just excuse fails to do everything necessary on his part to be done to secure the enrolment of the claimant in pursuance of the claim shall be guilty of an offence.

Penalty : Ten pounds.”

Amendment of s. 62.

9. Section sixty-two of the Principal Act is amended by adding thereto the following sub-section:—

“(3.) A Roll may be altered by the Commonwealth Electoral Officer for the State by striking out the name of any person, if he has proof that the person has ceased to be qualified for enrolment on that Roll and has secured enrolment on another Roll, and the Registrar shall send by post, to any person whose name is so struck out, notice of the fact.”

Amendment of s. 64.

10. Section sixty-four of the Principal Act is amended by adding at the end of sub-section (1.) thereof the words “except under the provisions of sub-section (3.) of section sixty-two.”

Amendment of s. 66.

11. Section sixty-six of the Principal Act is amended by adding thereto the following sub-section:—

“(2.) The Registrar-General of Marriages in each State shall in the months of January, April, July, and October in each year forward to the Commonwealth Electoral Officer for the State particulars of all marriages registered during the preceding three months and in respect of which the bride is of the age of twenty-one years and upwards.”

12. After section eighty-eight of the Principal Act the following section is inserted:—

Polling to be on a Saturday.

“88A. The day fixed for the polling shall be a Saturday.”

Amendment of s. 89.

13. Section eighty-nine of the Principal Act is amended by omitting therefrom the word “sixty” and inserting in its stead the word “ninety.”

Repeal of Part X.—Voting by Post.

14. Part X.—Voting by Post—of the Principal Act, including sections one hundred and nine to one hundred and twenty-one (both inclusive), is repealed.

15. After section one hundred and thirty-five of the Principal Act the following section is inserted :—

“135A.—(1.) A scrutineer shall not—

- (a) interfere with or attempt to influence any elector within the polling-booth, or
- (b) communicate with any person in the polling-booth except so far as is necessary in the discharge of his functions.

Provision
relating to
scrutineers

Penalty : Five pounds.

“(2.) A scrutineer shall not be prevented from entering or leaving a polling-booth during the polling, and, during his absence, a relieving scrutineer may act in his place, but only one scrutineer for each candidate shall be entitled to be present in the polling-booth or subdivision of the polling-booth at any one time.

“(3.) A scrutineer who commits any breach of this section, or who misconducts himself, or who fails to obey the lawful directions of the Presiding Officer, may be removed from the polling-booth by any constable or person authorized by the Presiding Officer to remove him.”

16. Section one hundred and thirty-seven of the Principal Act is amended by omitting from paragraph (ii) the word “seven” and inserting in its stead the word “eight.”

Amendment of
s. 137.

17. Section one hundred and thirty-nine of the Principal Act is repealed, and the following sections inserted in its stead :—

“139.—(1.) An elector who has reason to believe that he will not on polling day be within any Commonwealth Electoral Division may, subject to the regulations, be permitted to vote at any time after the issue of the writ and before polling day, if he attends before any prescribed Commonwealth Electoral Registrar and makes a declaration in accordance with the prescribed form.

Voting before
polling day by
electors who
will be absent
on polling day.

“(2.) The ballot-paper to be used shall be in accordance with the form prescribed by the regulations, but it shall not be necessary that the candidates' names be printed thereon, or that all the candidates' names appear thereon.

“(3.) The vote of the elector shall be marked on the ballot-paper in the presence of the Registrar, but so that the Registrar cannot see the vote, unless otherwise prescribed in the case of any elector who is so physically incapacitated or illiterate that he is unable to vote without assistance.

“(4.) The vote having been marked on the ballot-paper, the ballot-paper shall be folded by the elector so as to conceal the vote and shall be handed to the Registrar, who shall thereupon in the presence of the elector without unfolding it place it in an envelope, which he shall securely fasten and forthwith forward to the Returning Officer for the Division for which the elector claims to be enrolled.

“(5.) A ballot-paper under this section, having a vote marked thereon, shall not be informal by reason that the surname only of a candidate appears thereon, or by reason of any mistake or error in spelling, if the elector's intention is clear.

“(6.) The regulations may prescribe any matters (not inconsistent with this Act) necessary or convenient to be prescribed for carrying this section into effect, and in particular may prescribe the grounds on which ballot-papers under this section are to be rejected as informal.

Where electors
may vote.

“139A.—(1.) On polling day, an elector shall be entitled to vote at the polling place for which he is enrolled or at any prescribed polling place for the subdivision for which he is enrolled, or he shall be permitted to vote at any other polling place within the Commonwealth at which a polling-booth is open under and subject to the regulations relating to absent voting.

“(2.) The regulations relating to absent voting may prescribe all matters (not inconsistent with this Act) necessary or convenient to be prescribed for carrying this section into effect, and in particular may provide for—

- (a) the form of absent voters' ballot-papers ;
- (b) the manner in which votes are to be marked on absent voters' ballot-papers ;
- (c) the method of dealing with and the counting of absent voters' ballot-papers ; and
- (d) the grounds upon which absent voters' ballot-papers are to be rejected as informal.

“(3.) Absent voters' ballot-papers containing votes and enclosed in any prescribed envelope may, if so provided by the regulations, be placed in any ballot-box in use at the polling-booth at which the votes were cast, but notwithstanding anything contained in this Act a prescribed envelope containing an absent voter's ballot-paper shall (unless the regulations otherwise provide) only be opened and the ballot-paper dealt with, as regards the scrutiny thereof and the counting of the votes thereon, by the Divisional Returning Officer for the Division for which the voter claims to be enrolled.

“(4.) Nothing in the last preceding section, or this section, shall authorize any elector to vote more than once at any election.”

Amendment of
s. 146.

18. Section one hundred and forty-five of the Principal Act is amended by omitting therefrom the whole of paragraphs (c) and (d), and inserting in their stead the following paragraph :—

“(c) in cases where he claims to vote under the regulations relating to absent voting—if he complies with those regulations.”

Amendment of
s. 146.

19. Section one hundred and forty-six of the Principal Act is amended by adding at the end thereof the words “if his name is on that List.”

Amendment of
s. 147.

20. Section one hundred and forty-seven of the Principal Act is amended by adding at the commencement thereof the words “Except where otherwise prescribed by the regulations relating to absent voting.”

21. Section one hundred and fifty of the Principal Act is repealed, and the following section inserted in its stead :—

“150.—(1.) In an election for the Senate, a voter shall mark his vote on his ballot-paper as follows :—

Marking of votes in a Senate election.

- (a) where he votes before a Registrar before polling day—in the manner prescribed by the regulations ;
- (b) where his ballot-paper is a ballot-paper in accordance with Form O in the Schedule—by making a cross in a square opposite the name of each candidate for whom he votes ; and
- (c) where he votes in accordance with the regulations relating to absent voting—in the manner prescribed by those regulations.

“(2.) In an election for the Senate, a voter must vote for the full number of candidates to be elected.”

22. Section one hundred and fifty-one of the Principal Act is repealed, and the following section inserted in its stead :—

“151. In an election for the House of Representatives, a voter shall mark his vote on his ballot-paper as follows :—

Marking of votes in House of Representatives election.

- (a) where he votes before a Registrar before polling day—in the manner prescribed by the regulations ;
- (b) where his ballot-paper is a ballot-paper in accordance with Form P in the Schedule—by making a cross in the square opposite the name of the candidate for whom he votes ; and
- (c) where he votes in accordance with the regulations relating to absent voting—in the manner prescribed by those regulations.”

23. Section one hundred and fifty-eight of the Principal Act is repealed, and the following sections inserted in its stead :—

“158. A ballot-paper shall (except as otherwise provided by regulations under section one hundred and thirty-nine or the regulations relating to absent voting) be informal if—

Informal ballot-papers.

- (a) it is not authenticated by the initials of the presiding officer, or by an official mark as prescribed ;
- (b) it has no vote marked on it or has votes marked on it for a greater or lesser number of candidates than the number required to be elected ; or
- (c) it has upon it any mark or writing (not authorized by this Act or the regulations to be put upon it) which would, in the opinion of the Returning Officer, enable the voter to be identified :

“Provided that paragraph (c) shall not apply to any mark or writing placed upon the ballot-paper by an officer, notwithstanding that the placing of the mark or writing upon the ballot-paper is a contravention of this Act.

Officers not to mark ballot-papers so that voter can be identified.

“158A. Except as authorized by this Act or the regulations, an officer shall not place upon any ballot-paper any mark or writing which would enable any person to identify the voter by whom it is used.

Penalty : Ten pounds.”

Amendment of s. 160.

24. Section one hundred and sixty of the Principal Act is amended by adding thereto the following sub-section :—

“(2.) All ballot-papers used for voting in pursuance of section one hundred and thirty-nine or in pursuance of the regulations relating to absent voting shall be dealt with as prescribed by the regulations.”

Amendment of s. 161A.

25. Section one hundred and sixty-one A of the Principal Act is amended by adding thereto the following sub-section :—

“(3.) If the Commonwealth Electoral Officer for the State refuses, on the request of a candidate, to direct a recount of any ballot-papers, the candidate may, in writing, appeal to the Chief Electoral Officer to direct a recount of those ballot-papers, and the Chief Electoral Officer may, as he thinks fit, either direct a recount of the ballot-papers or refuse the appeal.”

Reservation of disputed ballot-papers.

26. After section one hundred and sixty-one A of the Principal Act the following section is inserted :—

“161B.—(1.) At any recount the officer conducting the recount may, and at the request of any scrutineer shall, reserve any ballot-paper for the decision of the Commonwealth Electoral Officer for the State.

“(2.) The Commonwealth Electoral Officer for the State shall decide whether any ballot-paper reserved for his decision in pursuance of this section is to be allowed and admitted or disallowed and rejected.

“(3.) In the event of the validity of the election being disputed the Court of Disputed Returns may consider any ballot-papers which were reserved for the decision of the Commonwealth Electoral Officer for the State, but shall not order any further recount of the whole or any part of the ballot-papers in connexion with the election unless it is satisfied that such recount is justified.”

Counting of votes by Divisional Returning Officer.

27. Section one hundred and sixty-four of the Principal Act is repealed, and the following section inserted in its stead :—

“164.—(1.) In an election for the House of Representatives the Divisional Returning Officer shall :—

- (a) open all ballot-boxes not opened by Assistant Returning Officers ;
- (b) deal with all ballot-papers relating to the election (other than those dealt with by Assistant Returning Officers) by arranging in separate parcels all ballot-papers having votes thereon for the same candidate, rejecting all informal ballot-papers ; and
- (c) on receipt of the information of the result of the counting of ballot-papers by the Assistant Returning Officers, proceed to ascertain the result of the election.

“(2.) All ballot-papers used for voting in pursuance of section one hundred and thirty-nine or in pursuance of the regulations relating to absent voting shall be dealt with as prescribed by the regulations.

“(3.) In the event of an equality of votes, the Divisional Returning Officer shall have a casting vote for the purpose of deciding the election.

“(4.) Except as provided in this section, a Divisional Returning Officer shall not vote as an elector for the election of a member of the House of Representatives for the Division for which he is Divisional Returning Officer.

“(5.) The candidate who receives the greatest number of votes shall be elected.”

28. Section one hundred and sixty-four A of the Principal Act is amended by inserting therein, after the word “motion”, the words “and shall, if so directed by the Chief Electoral Officer or the Commonwealth Electoral Officer for the State,”. Amendment of s. 164A.

29. After section one hundred and sixty-four A of the Principal Act the following section is inserted in Part XII. :—

“164B.—(1.) At any recount the officer conducting the recount may, and at the request of any scrutineer shall, reserve any ballot-paper for the decision of the Commonwealth Electoral Officer for the State. Reservation of disputed ballot-papers.

“(2.) The Commonwealth Electoral Officer for the State shall decide whether any ballot-paper reserved for his decision in pursuance of this section is to be allowed and admitted or disallowed and rejected.

“(3.) In the event of the validity of the election being disputed, the Court of Disputed Returns may consider any ballot-papers which were reserved for the decision of the Commonwealth Electoral Officer for the State, but shall not order any recount of the whole or any part of the ballot-papers in connexion with the election unless it is satisfied that such recount is justified.”

30. Section one hundred and sixty-five of the Principal Act is amended by adding thereto the following sub-section :— Amendment of s. 165.

“(2.) Where the Commonwealth Electoral Officer for the State—

(a) has been advised by a Divisional Returning Officer that certain absent voters' ballot-papers, which have been issued at some remote polling place in connexion with the election, cannot reach him for the purpose of the scrutiny in time to permit of the return of the writ within the period originally fixed therefor, and

(b) is satisfied that the votes recorded on those ballot-papers could not possibly affect the result of the election,

he may, subject to the concurrence of the Chief Electoral Officer, declare the result of the election and return the writ without waiting for the receipt of the ballot-papers or counting the votes thereon.”

Amendment of
s. 166.

31. Section one hundred and sixty-six of the Principal Act is amended by adding thereto the following sub-section :—

“(2.) Where the Divisional Returning Officer—

(a) has been advised by an Assistant Returning Officer that certain absent voters’ ballot-papers, which have been issued at some remote polling place in connexion with the election, cannot reach him for the purpose of the scrutiny in time to permit of the return of the writ within the period originally fixed therefor, and

(b) is satisfied that the votes recorded on those ballot-papers could not possibly affect the result of the election, he may, subject to the concurrence of the Chief Electoral Officer, declare the result of the election and return the writ without waiting for the receipt of the ballot-papers or counting the votes thereon.”

Amendment of
s. 170.

32. Section one hundred and seventy of the Principal Act is amended by omitting—

“(i.) Purchasing electoral rolls.”

Amendment of
s. 171.

33. Section one hundred and seventy-one of the Principal Act is amended by inserting after the word “the” in the third line “purchasing of electoral rolls, and the”.

34. After section one hundred and seventy-two of the Principal Act the following sections are inserted in Part XIV. :—

Return of
expenses by
political
organizations.

“172A.—(1.) Every trades union registered or unregistered, organization, association, league, or body of persons which has, or person who has, in connexion with any election, expended any money or incurred any expense—

(a) on behalf of, or in the interests of, any candidate, or

(b) on behalf of, or in the interests of, any political party, shall in accordance with this section make a return of the money so expended or expense so incurred.

“(2.) Every trades union registered or unregistered, organization, association, league, or body of persons which has, and every person who has, in connexion with any election, expended any money or incurred any expense in printing publishing or issuing electoral advertisements or notices, or procuring the insertion in any newspaper of any advertisement, article or report or matter intended or calculated to affect the result of the election, shall in accordance with this section make a return of the money so expended or expense so incurred.

“(3.) The return shall be in accordance with the prescribed form, and shall be signed and declared to before a Justice of the Peace by the President or Chairman and the Secretary or other officer of the trades union registered or unregistered, organization, association, league, or body of persons, or by the person concerned, and shall contain particulars of the money expended or expense incurred, and shall be filed with the Commonwealth Electoral Officer for the State in which the election took place within twelve weeks after the result of the election has been declared.

“(4.) If any trades union registered or unregistered, organization, association, league, or body of persons satisfies the Chief Electoral Officer that it has in connexion with any political campaign expended money or incurred expense on behalf of or in the interests of a political party in all the States or in more than one State, he may permit it to file with him in lieu of any other return under this section a return of the whole of the money expended or expense incurred by it in the campaign.

“(5.) If any trades union registered or unregistered, organization, association, league, or body of persons fails to comply with this section, every person who was an officer thereof at the time the money was expended or expense incurred shall be liable to a penalty of Fifty pounds.

“(6.) If any person fails to comply with this section he shall be liable to a penalty of Fifty pounds.

“(7.) Any person who wilfully makes any untrue statement in any return under this section shall be liable to a penalty of One hundred pounds or to imprisonment for six months.

“(8.) The Chief Electoral Officer may by notice in writing in the prescribed form require the President or Chairman and the Secretary or other officer of any trades union registered or unregistered, organization, association, league, or body of persons or any person, within such time, not being less than one month as is specified in the notice, to make a return in accordance with this section, of any money expended or expense incurred in respect of which a return is required to be made under sub-section (1.) or sub-section (2.) of this section, and the President or Chairman and Secretary or other officer or person who neglects or refuses to comply with the notice shall be guilty of an offence, and liable to a penalty not exceeding Five hundred pounds and not less than One hundred pounds, or to imprisonment for any period not exceeding six months.

“(9.) Every return filed in pursuance of this section shall subject to the regulations, be open to public inspection.

“172B.—(1.) The proprietor or publisher of a newspaper published in the Commonwealth shall, in accordance with this section, make or cause to be made a return setting out the amount of electoral matter in connexion with the election inserted in his newspaper in respect of which payment was or is to be made, the space occupied by such electoral matter, the amount of money paid or owing to him in respect of such electoral matter and the names and addresses of the trades unions registered or unregistered, organizations, associations, leagues, bodies of persons, or persons authorizing the insertion thereof.

Return by
newspaper
proprietors.

Penalty (on proprietor) : Five hundred pounds.

“(2.) In this section ‘electoral matter’ includes advertisements, articles, and other matter intended or calculated to affect the result of the election.

“(3.) Where an election for the Senate and a general election for the House of Representatives take place on the same day, the particulars as regards both elections may be included in one return.

“(4.) The return shall be in accordance with the prescribed form, and shall be signed by the person making it, and shall be declared to before a Justice of the Peace, and shall be filed with the Commonwealth Electoral Officer for the State in which the newspaper is published within twelve weeks after the result of the election has been declared.

“(5.) Every return made in pursuance of this section shall, subject to the regulations, be open to public inspection.”

Amendment of
s. 174.

35. Section one hundred and seventy-four of the Principal Act is amended by omitting paragraph (iv.) therefrom.

Amendment of
s. 180.

36. Section one hundred and eighty of the Principal Act is amended by adding the following paragraphs :—

“(d) Printing, publishing, or distributing any electoral advertisement, notice, handbill, pamphlet, or card containing any representation of a ballot-paper, or any representation apparently intended to represent a ballot-paper, and having thereon any directions intended or likely to mislead or improperly interfere with any elector in or in relation to the casting of his vote ;

“(e) Printing, publishing, or distributing any electoral advertisement, notice, handbill, pamphlet, or card containing any untrue or incorrect statement intended or likely to mislead or improperly interfere with any elector in or in relation to the casting of his vote.

“Provided that nothing in paragraphs (d) and (e) of this section shall prevent the printing, publishing, or distributing of any card, not otherwise illegal, which contains instructions how to vote for any particular candidate, so long as those instructions are not intended or likely to mislead any elector in or in relation to the casting of his vote.”

37. After section one hundred and eighty-one of the Principal Act the following sections are inserted :—

Heading to
electoral
advertisements.

“181A.—(1.) The proprietor of every newspaper shall cause the word ‘advertisement’ to be printed as a headline in letters not smaller than ten point or long primer to each article or paragraph in his newspaper containing electoral matter, the insertion of which is or is to be paid for or for which any reward or compensation or promise of reward or compensation is or is to be made.

Penalty : Five hundred pounds.

“(2.) The words ‘electoral matter’ include all matter intended or calculated to affect the result of the election, and any report of the speech of a candidate if the report is or is to be paid for.

“181AA.—(1.) On and after the date of issue and before the return of any writ for the election for a member for the Senate, or for the House of Representatives, or for the taking of any Referendum vote, every article, report, letter, or other matter commenting upon any candidate, or political party, or the issues being submitted to the

electors, printed and published in any newspaper, circular, pamphlet, or 'dodger' shall be signed by the author and authors, giving his or their true name and address or names and addresses at the end of the said article, report, letter, or other matter.

Penalty : Fifty pounds.

"(2.) Any newspaper editor or proprietor who permits, in any newspaper which he edits or owns, the publication of any unsigned article, report, letter, or other matter commenting upon any candidate, or political party, or the issues being submitted to the electors after the issue and before the return of any writ for the election of a member of the Senate, for the House of Representatives, or for the taking of a Referendum vote, shall be deemed guilty of an offence against this Act.

Penalty : Fifty pounds.

"181b.—(1.) A person shall not exhibit or leave in any polling-booth any card or paper having thereon any direction or instruction as to how an elector should vote or as to the method of voting.

Cards in
polling-booth.

Penalty : Twenty pounds.

"(2.) This section shall not apply to any official instructions exhibited by proper authority at any polling-booth.

"181c.—(1.) A candidate, or a person acting on behalf of, or in the interests of a candidate, shall not employ, for reward, any person as canvasser or committeeman or in any capacity in connexion with an election, unless the expense incurred could be lawfully incurred by the candidate under Part XIV. of this Act.

Employment of
paid canvassers
or
committeemen
prohibited.

Penalty : One hundred pounds.

"(2.) 'Reward' in this section includes any payment or promise of payment direct or indirect to the person employed or to the wife or husband or any relative of that person.

"181d.—(1.) A person shall not make any untrue statement in any electoral paper, or in answer to any question under this Act, or in any information supplied to any officer or canvasser for the purposes of the preparation of new Rolls.

Untrue
statement in
forms.

Penalty : Twenty pounds.

"(2.) Sub-section (1.) of this section shall not affect the liability of any person to be proceeded against in respect of any other offence but he shall not be liable to be punished twice in respect of the same offence.

"(3.) In this section the words 'electoral paper' include any prescribed form.

"181e. Except where expressly authorized by this Act, a person (other than the elector to whom the ballot-paper has been lawfully issued) shall not make any mark or writing on the ballot-paper of any elector.

Making marks
on ballot-
papers.

Penalty : Fifty pounds."

38. Section one hundred and eighty-two of the Principal Act is amended by omitting from the Table of Electoral Offences and Punishments the words "voter's certificate."

Amendment of
s. 182.

39. Section one hundred and eighty-two B of the Principal Act is amended by adding thereto after the word "applicant" the words "or otherwise."

Amendment of
s. 182B.

40. After section one hundred and eighty-two E of the Principal Act the following section is inserted :—

Neglect to
initial ballot-
paper, &c.

“ 182F. Any officer who contrary to his duty fails to initial any ballot-paper, correctly mark any certified list of voters, or properly attest any declaration shall be guilty of an offence.

Penalty : Ten pounds.”

41. After section one hundred and ninety-six of the Principal Act the following section is inserted :—

Right of Chief
Electoral Officer
to be
represented.

“ 196A.—The Chief Electoral Officer shall be entitled by leave of the Court of Disputed Returns to enter an appearance in any proceedings in which the validity of any election or return is disputed, and to be represented and heard thereon, and in such case shall be deemed to be a party respondent to the petition.”

Amendment of
s. 202B.

42. Section two hundred and two B of the Principal Act is amended by omitting therefrom the words “ Provided that the amount of costs to be paid by any party shall in no case exceed the sum of One hundred pounds.”

43. Before section two hundred and six A of the Principal Act the following section is inserted in Part XVII. :—

Institution of
proceedings for
offences.

“ 206FF. The Chief Electoral Officer shall, in every case where the Crown Law authorities so advise, institute legal proceedings against any person committing any offence under this Act.

Provided that this section shall not affect the right of any person to institute proceedings in respect of any offence under this Act.”

44. Section two hundred and six D of the Principal Act is repealed and the following section inserted in its stead :—

Rates of
telegrams.

“ 206D. Telegrams despatched after an election and containing the names of Divisions and Subdivisions, the names of candidates, the number of votes polled by each candidate, and the number of informal votes, may, subject to the regulations, be transmitted on payment of the rates prescribed in the Second Part of the Second Schedule to the *Post and Telegraph Rates Act 1902-1910.*”

45. After section two hundred and seven A of the Principal Act the following section is inserted :—

Witnessing
of electoral
papers.

“ 207B.—(1.) A person shall not—

- (a) sign his name as witness on any blank electoral paper ; or
- (b) sign his name as witness on any electoral paper which has been wholly or partly filled up unless it has been signed by the person intended to sign it ; or
- (c) sign his name as witness on any electoral paper unless he has seen the person, whose signature he purports to witness, sign it.

Penalty : Fifty pounds.

“(2.) In this section the words ‘electoral paper’ include any prescribed form.”

46. After section two hundred and eight of the Principal Act the following section is inserted :—

“208A. Prosecutions for offences against this Act or the regulations may, in the absence of any express provision to the contrary, be commenced at any time within one year after the commission of the offence.”

Prosecutions
for electoral
offences.

47. After section two hundred and nine of the Principal Act the following section is inserted :—

“209A. All ballot-papers, certified lists of voters, and declarations used at or in connection with an election shall be preserved for a period of one year.”

Preservation of
ballot-papers.

48. The Schedule to the Principal Act is amended by omitting Forms I, J, and Q, and inserting Forms I and J in the Schedule to this Act in the stead of Forms I and J omitted.

Amendment of
Schedule.

THE SCHEDULE.

FORM I.

Commonwealth of Australia.

Section 99.

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*), and entitled to vote at the election of Senators for the said State, do hereby nominate (*here insert the Christian name or names in full, surname, place of residence and occupation of 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 this day of 19 .

Signature of Nominator.	Place of Living.	Subdivision for which enrolled.	Number on Roll.

I,
of
nomination, and to act if elected.

consent to the above

(Signature of Candidate)

Witness

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.

A nomination must be signed by not less than six persons entitled to vote at the election for which the candidate is nominated.

FORM J.

Commonwealth of Australia.

Section 99.

State of *(here insert name of State)*.

Division of *(here insert name of Division)*.

NOMINATION OF A MEMBER OF THE HOUSE OF REPRESENTATIVES.

To the Returning Officer for the Electoral Division of *(here insert name of Division)*.

We, the undersigned electors on the Electoral Roll for the Electoral Division of *(here insert name of Division)*, in the State of *(here insert name of State)*, and entitled to vote at the Election of a Member for the House of Representatives for the said Division, do hereby nominate *(here insert the Christian name or names in full, surname, place of residence and occupation of person nominated)*, as a Member of the House of Representatives for the above-mentioned Division.

Dated this _____ day of _____ 19 ____ .

Signature of Nominator.	Place of Living.	Subdivision for which enrolled.	Number on Roll.
_____	_____	_____	_____

I,
of _____
nomination, and to act if elected.

consent to the above

(Signature of Candidate)

Witness
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.

A nomination must be signed by not less than six persons entitled to vote at the election for which the candidate is nominated.