

COMMONWEALTH ELECTORAL.

No. 19 of 1909.

An Act to amend the Law relating to Parliamentary Elections.

[Assented to 13th December, 1909.]

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.

Short title and citation.

1.—(1.) This Act may be cited as the *Commonwealth Electoral Act* 1909.

(2.) The *Commonwealth Electoral Act* 1902, as amended by the *Electoral Divisions Act* 1903, the *Commonwealth Electoral Act* 1905, the *Commonwealth Electoral Act* 1906, and the *Disputed Elections and Qualifications Act* 1907, 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* 1902–1909.

Commencement.

2. This Act shall commence on a day to be fixed by proclamation.*

PART II.—ADMINISTRATION.

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

Date from which appointments are to take effect.

“9A. A person appointed to be a Divisional Returning Officer, an Assistant Returning Officer, or an Electoral Registrar, shall be deemed to have been appointed as from a date specified in his appointment or, if no such date is specified, as from the date of his appointment.”

PART III.—ELECTORAL DIVISIONS.

4. Part III. of the Principal Act is amended—

(a) by repealing sections thirteen and fourteen and substituting in lieu thereof the following sections :—

Commissioners.

“13.—(1.) The Governor-General may appoint three persons in each State to be Commissioners, one

* Proclaimed to commence 15th January, 1910. See *Gazette*, 15th January, 1910, p. 29.

of whom, if his services are obtainable, shall be the Surveyor-General or an officer of his Department, or an officer having similar qualifications, for the purpose of distributing the State into divisions in accordance with this Act, and may appoint one of them to be chairman.

“(2.) The Commissioners shall hold office during the pleasure of the Governor-General. Term of office.

“14. At all meetings of the Commissioners the chairman, if present, shall preside, and in his absence the Commissioners present shall appoint one of their number to preside, and at all such meetings two Commissioners shall be a quorum and shall have full power to act, and in the event of an equality of votes the chairman or presiding Commissioner shall have a casting vote in addition to his original vote.” Proceedings at meetings.

- (b) by omitting from sections sixteen, seventeen, eighteen, nineteen, and twenty-two the word “Commissioner” wherever that word occurs, and inserting in lieu thereof the word “Commissioners”;
- (c) by omitting from sections eighteen and nineteen the word “his” and inserting in lieu thereof the word “their”; and
- (d) by omitting from section nineteen the word “him” and inserting in lieu thereof the word “them”.

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

5. Section fifty-six of the Principal Act is repealed, and the following section substituted in lieu thereof :—

“56.—(1.) Where a Division is divided into Subdivisions, any person who would be qualified to vote if his name were upon a Roll, and who lives in a Subdivision of the Division, and has so lived for a period of one month, may claim to have his name placed on the Subdivision Roll for the Subdivision. Claim for enrolment.

“(2.) Where a Division is not divided into Subdivisions, any person who would be qualified to vote if his name were upon a Roll, and who lives in the Division, and has so lived for a period of one month, may claim to have his name placed on any one Polling-place Roll for the Division.

“(3.) A claim may be in the prescribed form, and shall be signed by the claimant and witnessed by a prescribed person, and shall be sent to the Electoral Registrar keeping the Subdivision Roll or Polling-place Roll (as the case may be) on which the claimant claims to be enrolled.

“(4.) The validity of the enrolment shall not in any case be questioned on the ground that the person enrolled has not in fact lived in the Division or Subdivision for a period of one month.

“(5.) Where an arrangement has been entered into under section thirty of this Act for the preparation alteration and revision of the Rolls jointly by the Commonwealth and a State, and the law of the

State contains no provision requiring a person to have lived or resided in any Division or Subdivision for any specified period before being enrolled therefor, the regulations may dispense with the period of one month under this section as regards persons claiming to be enrolled in that State."

Amendment of
s. 57.

6. Section fifty-seven of the Principal Act is amended by omitting the words "and shall file the claim."

Form of
transfer.

7. Section fifty-nine of the Principal Act is amended by omitting the words "Form C in the Schedule," and inserting in lieu thereof the words "prescribed form."

Applications to
transfer.

8. Section sixty of the Principal Act is amended by inserting after the word "elector" the words "or a prescribed person."

Amendment of
s. 61.

9. Section sixty-one of the Principal Act is amended by omitting the words "and shall file it in his office."

Change to
another polling
place or
subdivision roll.

10. Section sixty-one A of the Principal Act is amended—

(a) by inserting after the words "an elector" the words "or a prescribed person"; and

(b) by omitting from sub-section (4) the words "and shall file it in his office."

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

Time for
making
applications to
change.

"61B.—(1.) An elector shall not be entitled to make application to be changed from the Roll for one Subdivision to the Roll for another Subdivision of the same Division until he has lived in the latter Subdivision for a period of one month.

"(2.) The validity of any enrolment pursuant to any application under this section shall not in any case be questioned on the ground that the person enrolled has not in fact lived in the Subdivision for which he is enrolled for a period of one month.

"(3.) Where an arrangement has been entered into under section thirty of this Act for the preparation alteration and revision of the Rolls jointly by the Commonwealth and a State, and the law of the State contains no provision requiring an elector to have lived or resided in a Subdivision for any specified period before his name can be changed to the Roll for that Subdivision, the regulations may dispense with the period of one month under this section as regards electors enrolled in that State."

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

Time at which
writs deemed to
be issued.

"(2.) For the purposes of this section a writ shall be deemed to have been issued at six o'clock in the afternoon of the day on which the writ was issued."

PART VII.—REMOVAL OF NAMES FROM ROLLS.

DIVISION 1.—OBJECTIONS.

13. Section sixty-eight of the Principal Act is amended by omitting the words "Form D in the Schedule," and inserting in lieu thereof the words "prescribed form." Objection.

14. Section seventy of the Principal Act is amended by adding thereto the following sub-sections:—

"(2.) Where the Returning Officer is satisfied that the ground of objection stated in any objection lodged by an officer is not a good ground of objection, he may dismiss the objection, in which case no notice of the objection need be given to the person objected to. Action where objection by officer is bad.

"(3.) An objection on the ground that a person does not live in a Division for which he is enrolled shall be deemed not to be good unless—

- (a) it alleges that the person objected to does not live in the Division, and has not so lived for at least one month, or
- (b) it alleges that the person objected to does not live in the Division and has obtained enrolment for some other Division."

PART IX.—THE NOMINATIONS.

15. Section ninety-nine of the Principal Act is amended by inserting at the end of paragraph (b) the words "for which the candidate is nominated." Witnessing of nomination.

16. Section one hundred and three of the Principal Act is amended by omitting the words "unless the person on whose behalf it was made" and inserting in lieu thereof the words "to him or to some person authorized by him in writing to receive it unless he." Return of deposit.

17. Section one hundred and five of the Principal Act is repealed, and the following section substituted in lieu thereof:—

"105.—(1.) The hour of nomination shall be twelve o'clock noon on the day of nomination. Hour of nomination.

"(2.) In the case of a Senate election, the Commonwealth Electoral Officer for the State in which the election is being held shall, at the hour of nomination, attend at the place of nomination, and shall there publicly produce all nomination papers received by him, and declare the names and residences of all candidates nominated.

"(3.) In the case of a House of Representatives election, the Divisional Returning Officer for the Division in which the election is being held shall, at the hour of nomination, attend at the place of nomination for the Division, and shall there publicly produce all nomination papers received by him, and declare the names and residences of all candidates nominated."

PART X.—VOTING BY POST.

18. The whole of Part X. of the Principal Act is repealed, and the following Part substituted in lieu thereof :—

“PART X.—VOTING BY POST.

Application for a postal vote certificate and postal ballot-paper.

“ 109.—(1.) An elector who—

- (a) has reason to believe that he will not during the hours of polling on polling day be within five miles of any polling place for the Division for which he is enrolled ; or
- (b) being a woman, will on account of ill-health be unable to attend the polling place on polling day to vote ; or
- (c) will be prevented by serious illness or infirmity from attending the polling place on polling day to vote,

may make application for a postal vote certificate and postal ballot-paper.

“ (2.) The application may be in the prescribed form and must be signed by the elector in his own handwriting in the presence of an authorized witness, and must be made and sent, after the issue of the writ for the election and before the polling day for the election, to the Returning Officer for the Division for which the applicant elector is enrolled.

“ (3.) In the case of an application under paragraph (a), the applicant must state in the application his reason for his belief.

“ (4.) An elector shall not make, and a person shall not induce an elector to make, any false statement in an application for a postal vote certificate and postal ballot-paper.

Penalty : Fifty pounds, or one month's imprisonment.

Authorized witnesses.

“ 109A. The following persons are authorized witnesses within the meaning of this Act :—

- (a) All Commonwealth Electoral Officers for States ; all Commonwealth Returning Officers ; all Commonwealth Electoral Registrars ; all Postmasters or Postmistresses or persons in charge of Post-offices ; all Police or Stipendiary or Special Magistrates of the Commonwealth or of a State ; all Justices of the Peace ; all Head Teachers in the employment of a State Education Department ; all officers of the Department of Trade and Customs ; all members of the Police Force of the Commonwealth or of a State ; all Mining Wardens and Mining Wardens' Clerks in the Public Service of a State ; all legally qualified Medical Practitioners ; all Officers in charge of Quarantine Stations ; all Officers in charge of Light-houses ; all Pilots in the service of the Commonwealth or of a State, or of any local governing body ; all Telegraph line repairers permanently employed in the Public Service of the Commonwealth, who are in charge of working parties ; all Railway Station Masters and Night Officers-in-charge who are permanently employed in the Railway Department in

any of the States ; all superintendents of mercantile marine and their deputies while permanently employed in the Public Service of the Commonwealth or of a State ; and

- (b) All persons or classes of persons, employed in the Public Service of the Commonwealth or of a State, who are declared by proclamation to be authorized witnesses within the meaning of this Act.

“ 109B. An authorized witness shall not witness the signature of any elector to an application for a postal vote certificate and postal ballot-paper unless—

- (a) he has satisfied himself as to the identity of the applicant ;
 (b) he has seen the applicant sign the application in his the applicant's own handwriting ; and
 (c) he is personally acquainted with the facts, or has satisfied himself by inquiry from the applicant that the statements contained in the application are true.

Penalty : Fifty pounds, or one month's imprisonment.

“ 110.—(1.) The Returning Officer who receives the application, if he is satisfied that it is properly signed by an elector and is properly witnessed, and that no postal vote certificate or postal ballot-paper for the same election has been previously issued to the applicant, shall deliver or post to the elector a postal vote certificate, and one postal ballot-paper for a Senate election, and one postal ballot-paper for a House of Representatives election, or either as the case requires, together with an envelope addressed to the Returning Officer.

“ (2.) The postal vote certificate, and postal ballot-papers for a Senate election and for a House of Representatives election respectively, may be in the prescribed forms.

“ 110A. All applications for postal vote certificates and postal ballot-papers received by a Returning Officer shall be kept by him, and shall be open to public inspection at all convenient times during office hours, until the election can be no longer questioned.

“ 111.—(1.) The Returning Officer shall number all applications for postal vote certificates and postal ballot-papers in consecutive order, and shall number each postal vote certificate with a number corresponding with the number on the application.

“ (2.) The Returning Officer shall initial on the back all postal ballot-papers issued. The initials should be placed in such a position as to be easily seen when the ballot-paper is folded so as to conceal the vote.

“ 117.—(1.) The Returning Officer shall, if there is time conveniently to do so, note on the lists of voters all postal vote certificates and postal ballot-papers issued.

“ (2.) If there is not time conveniently to note on the proper list of voters the issue of a postal vote certificate and postal ballot-paper, the Returning Officer shall immediately advise the presiding officer to whom the list of voters has been furnished of the issue of the postal vote certificate and postal ballot-paper.

Duty of authorized witnesses.

Issue of certificates and ballot-papers.

Inspection of application.

Numbering of applications and certificates.

Cf. No. 19, 1902, s. 111.

Initialing of postal ballot-papers.

Returning officer to notify issue of postal vote certificates and postal ballot-papers.

“(3.) An elector to whom a postal vote certificate has been issued shall not be entitled to vote at any polling booth unless he first delivers to the presiding officer for cancellation his postal vote certificate and postal ballot-paper.

Directions for
postal voting.

Cf. No. 26, 1905,
s. 36.

“118A. The following directions for regulating voting by means of postal ballot-papers are to be substantially observed:—

- (a) The elector shall exhibit his postal ballot-paper (in blank) and his postal vote certificate to an authorized witness :
- (b) The elector shall then, in the presence of the authorized witness but so that the authorized witness cannot see the vote, mark his vote on the ballot-paper in the prescribed manner, and shall fold and secure the ballot-paper so that the vote cannot be seen :
- (c) If the elector's sight is so impaired that he cannot vote without assistance, the authorized witness, if so requested by the elector, shall mark his vote on the ballot-paper in the presence of a witness and shall fold and secure the ballot-paper so that the vote cannot be seen :
- (d) The elector shall then, in the presence of the authorized witness, sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the voter :
- (e) The authorized witness shall then sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the authorized witness, and shall add the title under which he acts as an authorized witness and the date :
- (f) The ballot-paper shall then be placed in the envelope addressed to the Returning Officer, which must then be fastened and taken charge of by the authorized witness for posting :
- (g) The authorized witness shall not, unless the elector's sight is so impaired that he cannot vote without assistance, look at or make himself acquainted with the vote given by the elector, and, except as provided in paragraph (c) of this section, shall not suffer or permit any person (other than the elector) to see or become acquainted with the elector's vote, or to assist the elector to vote, or to interfere in any way with the elector in relation to his vote.

Duty of
authorized
witness.

“118B. Every authorized witness shall—

- (a) comply with the preceding section in so far as it is to be complied with on his part ;
- (b) see that the directions in the preceding section are complied with by every elector voting by post before him, and by every person present when the elector votes ;
- (c) refrain from disclosing any knowledge of the vote of any elector voting by post before him ; and

- (d) forthwith post each envelope containing a postal ballot-paper taken charge of by him for posting.

Penalty: One hundred pounds or three months' imprisonment.

" 118c. Any person present when an elector is before an authorized witness for the purpose of voting by post shall—

Duty of persons present when an elector votes by post.

- (a) obey all directions of the authorized witness ;
 (b) refrain from making any communication whatever to the elector in relation to his vote ;
 (c) refrain from assisting the elector or in any manner interfering with him in relation to his vote ; and
 (d) except as provided in paragraph (c) of section one hundred and eighteen A, refrain from looking at the elector's vote or from doing anything whereby he might become acquainted with the elector's vote.

Penalty: One hundred pounds, or three months' imprisonment.

" 119. At the scrutiny the Returning Officer shall produce all applications for postal vote certificates and postal ballot-papers, and shall produce unopened all envelopes containing postal votes received up to the close of the poll, and shall proceed as follows :—

Preliminary scrutiny of postal ballot-papers.

- (a) he shall compare the signature of the elector on each postal vote certificate with the signature of the same elector on the application for the certificate, and shall allow the scrutineers to inspect both signatures ;
 (b) if he is not satisfied that the signature on the certificate is that of the elector who signed the application for the certificate and that the signature purports to be witnessed by an authorized witness, he shall disallow the ballot-paper without opening it or separating it from the certificate, but if he is so satisfied he shall accept the ballot-paper for further scrutiny ;
 (c) he shall separate all postal ballot-papers accepted for further scrutiny from the postal vote certificates, and without unfolding the ballot-papers shall place them in a ballot-box by themselves ; and
 (d) he shall seal up in separate parcels and preserve—
 (i.) all postal ballot-papers disallowed, with the certificates relating to them, and
 (ii.) all postal vote certificates relating to postal ballot-papers accepted for further scrutiny.

" 119A. When the postal ballot-papers and postal vote certificates have been dealt with as directed in the preceding section, the Returning Officer shall proceed with the scrutiny of the postal ballot-papers which have been accepted for further scrutiny.

Counting of postal ballot-papers.

" 120. The decision of the Returning Officer as to the acceptance for further scrutiny or disallowance of any postal ballot-paper may be reviewed at any recount of the votes, or by the Court of Disputed Returns.

Review of decision disallowing postal ballot-papers.

Mistakes.

“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.”

PART XI.—THE POLLING.

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

Provision to meet emergencies.

“(2.) If in an emergency on polling day in the absence of any assistant presiding officer, poll clerk, or doorkeeper, the presiding officer appoints any person to act as assistant presiding officer, poll clerk, or doorkeeper, the person so appointed or acting shall be deemed to have been duly appointed if the Returning Officer afterwards ratifies the appointment by appointing that person to be assistant presiding officer, poll clerk, or doorkeeper, as the case may be.”

20. Section one hundred and thirty-eight of the Principal Act is repealed, and the following section substituted in lieu thereof :—

Elections at which electors are entitled to vote.

“138.—(1.) In the case of an election for the House of Representatives, an elector shall only be admitted to vote for the election of a member for the Division for which he is enrolled.

“(2.) In the case of an election for the Senate, an elector shall only be admitted to vote for the election of senators for the State for which he is enrolled.

“(3.) For the purposes of this section, the electoral rolls in force at the time of the election shall be conclusive evidence of the right of each person enrolled thereon to vote as an elector, unless he shows by his answers to the questions prescribed by section one hundred and forty-one that he is not entitled to vote.”

Amendment of s. 139 of Principal Act.

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

“(3.) Where the polling at an election for the Senate and the polling at an election for the House of Representatives takes place on the same day, it shall not be necessary for an elector to make two declarations in Form Q in the Schedule to enable him to vote at the elections, but one declaration shall suffice for that purpose.”

Questions to be put if voter challenged.

22. Section one hundred and forty-one of the Principal Act is amended by inserting in paragraph (iii.) after the words “this election ?” the words “(or these elections ?—as the case may be).”

23. Section one hundred and forty-five of the Principal Act is repealed, and the following section substituted in lieu thereof :—

Right of elector to receive ballot-paper.

“145.—(1.) The presiding officer or a poll clerk shall hand to each person claiming to vote a ballot-paper duly initialed by the presiding officer—

(a) if the name under which he claims to vote is on the List of Voters for the polling place and his right to vote is not challenged, or

- (b) if the name under which he claims to vote is on the List of Voters for the polling place and his right to vote is challenged, and he answers the prescribed questions satisfactorily, or
- (c) if the name under which he claims to vote is on the Roll for the Division and he makes the declaration in Form Q in the Schedule, or
- (d) in cases where the regulations provide facilities for voting by persons absent from the Division for which they are enrolled—if he claims to vote under and complies with those regulations; but in those cases the ballot-paper must be in accordance with the form prescribed by those regulations.

“(2.) The presiding officer, at the request of a scrutineer, shall note any objection by the scrutineer to the right of any person to vote, and shall keep a record thereof.

“(3.) If the presiding officer puts to any person all or any of the prescribed questions, his right to vote shall be deemed to have been challenged.”

24. Section one hundred and forty-six of the Principal Act is amended by inserting after the words “presiding officer” the words “or a poll clerk.”

Marking of List of Voters.

25. Section one hundred and forty-eight of the Principal Act is amended by inserting therein before the word “illiterate” the words “physically incapacitated or”, and by inserting after the word “present” the words “or if there be none, of the poll clerk or, should the voter so desire, a person appointed by such voter”.

Amendment of s. 148.

PART XII.—THE SCRUTINY.

26. Section one hundred and fifty-seven of the Principal Act is repealed, and the following section substituted in lieu thereof:—

“157.—(1.) If a scrutineer objects to a ballot-paper as being informal, the officer conducting the scrutiny shall mark the ballot-paper ‘admitted’ or ‘rejected’ according to his decision to admit or reject the ballot-paper.

Action on objections to ballot-papers.

“(2.) Nothing in this section shall prevent the officer conducting the scrutiny from rejecting any ballot-paper as being informal although it is not objected to.”

27. Section one hundred and fifty-eight of the Principal Act is amended by omitting the words “It is not duly initialed by the presiding officer” and inserting in lieu thereof “It is not authenticated by the initials of the presiding officer (or, in the case of a postal ballot-paper, of the Returning Officer), or by an official mark as prescribed.”

Informal ballot-papers.

28. Section one hundred and sixty-one A is amended by adding thereto the following sub-section:—

“(2.) The officer conducting the recount shall have the same powers as if the recount were the scrutiny, and may reverse any decision in relation to the scrutiny as to the allowance or admission or disallowance or rejection of any ballot-paper.”

Recount.

29. Section one hundred and sixty-four A is amended by adding thereto the following sub-section :—

Recount.

“(2.) The Divisional Returning Officer shall, in relation to the recount, have the same powers as if the recount were the scrutiny, and may reverse any decision in relation to the scrutiny as to the allowance or admission or disallowance or rejection of any ballot-paper.”

PART XIV.—LIMITATION OF ELECTORAL EXPENSES.

Amendment of s. 172.

30. Section one hundred and seventy-two of the Principal Act is amended—

- (a) by inserting in sub-section (i.) thereof after the word “sign” the words “and declare”, and
- (b) by omitting from sub-section (ii.) the words “may be in the” and inserting in lieu thereof the words “shall be in accordance with”.

PART XV.—ELECTORAL OFFENCES.

Amendment of s. 182b.

31. Section one hundred and eighty-two B of the Principal Act is amended—

- (a) by inserting before the words “application to transfer” the words “claim or”, and
- (b) by omitting the words “or application for a postal vote certificate.”

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

Forging or uttering electoral papers.

“182cc.—(1.) A person shall not—

- (a) forge any electoral paper, or
- (b) utter any forged electoral paper, knowing it to be forged.

Penalty : Two years’ imprisonment.

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

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

Protection of the official mark.

“182dd.—(1.) A person shall not, without lawful authority, proof whereof shall lie upon him—

- (a) make any official mark on or in any paper ;
- (b) have in his possession any paper bearing any official mark ;
- or
- (c) make use of or have in his possession any instrument capable of making on or in any paper an official mark.

Penalty : One hundred pounds.

“(2.) A person who, without the authority of the Minister, proof whereof shall lie upon him, makes on or in any ballot-paper, or on or in any paper purporting to be a ballot-paper, an official mark shall be deemed to have forged a ballot-paper, and shall be punishable accordingly.

“(3.) All paper bearing an official mark, and all instruments capable of making on or in paper an official mark, made, used, or in the possession of any person without lawful authority shall be forfeited to the King, and may without warrant be seized by any member of the police force of the Commonwealth or of a State and destroyed or dealt with as prescribed.

“(4.) In this section the words ‘official mark’ mean any prescribed mark to be placed or made on or in any electoral paper, and include any mark so nearly resembling an official mark as to be likely to deceive.”

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

“182E.—(1.) Any person who at any public meeting to which this section applies acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting is held shall be guilty of an offence against this Act.

Disorderly
behaviour at
meeting.
Cf. 8 Edw. 7,
c. 66, s. 1.

Penalty: Five pounds or one month’s imprisonment in some house of detention more than seven miles from any polling place for the Division for which he is enrolled.

(2.) This section applies to any lawful public political meeting held in relation to any election of members of the Parliament between the date of the issue of the writ for the election and the date of the return of the writ.”

PART XVII.—MISCELLANEOUS.

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

“207A.—(1.) Every electoral paper which by this Act or the regulations has to be signed by any person shall be signed by that person with his personal signature.

Signature to
electoral paper.

“(2.) Where a person who is unable to sign his name in writing makes his mark as his signature to an electoral paper, the mark shall be deemed to be his personal signature, if it is identifiable as such, and is made in the presence of a witness who signs the electoral paper as such witness.

“Provided that nothing in this section shall authorize any person to sign any electoral paper by a mark or otherwise than in his own handwriting in cases where the Act or the regulations require him to sign the electoral paper in his own handwriting.

“(3.) A person shall not make the signature of any other person on an electoral paper.

Penalty: Fifty pounds.

“(4.) Sub-section (3) of this section shall not affect the liability of any person to be proceeded against for forgery, but so that he shall not be liable to be punished twice in respect of the same offence.

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

36. Section two hundred and nine of the Principal Act is amended by adding thereto the following sub-sections:—

Combined forms.

“(3.) The regulations may prescribe combined forms containing the substance of any two or more forms to the intent that the combined form may be used in lieu of any of those forms.

Use of repealed forms.

“(4.) The regulations may permit the use of any repealed form for any prescribed period, notwithstanding that a new form has been prescribed in lieu of it, and without any attestation or witnessing further than is provided for in the repealed form.”

Repeal of forms.

37. Forms B, C, D, K, L, M, N, and Q in the Schedule to the Principal Act are repealed, and Form Q in the Schedule to this Act is substituted in lieu of Form Q repealed.

SCHEDULE.

Form Q

Section 139.

COMMONWEALTH OF AUSTRALIA.

The Commonwealth Electoral Acts.

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 (or a prescribed Polling Place for the Subdivision for which he is enrolled).

I declare that I am the person enrolled as—

Surname.	Christian Names at Full Length.	Place of Living.	Occupation.

on the Electoral Roll for the Division of _____, and that I have not voted at either this or any other Polling Place, or by post at this election, and I promise and declare that if I am permitted to vote at this Polling Place I will not vote elsewhere at this Election.

Signature of Elector—

Declared before me this _____

day of _____

19

at _____

Polling Place.

Presiding Officer—