

ELECTIONS.

5 EDW. VII. No. I. **An Act to Amend "The Elections Acts, 1885 to 1898."**

THE
ELECTIONS
ACTS
AMENDMENT
ACT OF 1905.

[ASSENTED TO 25TH JANUARY, 1905.]

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

Short title and
construction
of Act.

1. This Act shall be read as one with "*The Elections Acts, 1885 to 1898*"* (herein called the Consolidated Acts), and may be cited together with those Acts as "*The Elections Acts, 1885 to 1905*," or separately as "*The Elections Acts Amendment Act of 1905*."

PART I.—
GENERAL.
Parts of Act.

PART I.—GENERAL.

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

PART I.—GENERAL;

PART II.—AMENDMENTS CONSEQUENT ON THE
ALTERATION OF THE FRANCHISE;

PART III.—VOTING BY POSTAL BALLOT;

PART IV.—TEMPORARY PROVISIONS.

Operation of
Act.

3. Parts II., III., and IV. of this Act shall not apply to the election of a new member to fill any vacancy occurring in the Assembly prior to the first day of January, one thousand nine hundred and seven, unless the present Parliament is sooner dissolved. Save as aforesaid, this Act shall come into operation on and from the passing thereof.

Amendment
of s. 5 of
Consolidated
Acts.

4. In section five of the Consolidated Acts the following words are added to the definition of "Principal Electoral Registrar," namely: "The term whenever necessary includes his deputy."

In the said section the definition of "Naturalised subject" is repealed, and the following definitions are inserted:—

"Naturalised subject"—A person who has been naturalised in the United Kingdom of Great Britain

* Principal Act printed with all amendments as a Consolidated Act, *supra*, page 7493.

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and Ireland, or who is or is deemed to be naturalised under the Act of the Commonwealth intituled the *Naturalization Act 1903*.*

“Postmaster”—The officer or person in charge of a post office or post and telegraph office, or any person in the employment of the Commonwealth authorised by the Postmaster-General to act under this Act as a postmaster.

In the said section the definition of “Local Authority” is repealed.

5. In section ten of the Consolidated Acts the words “to perform the duties hereinafter mentioned” are repealed, and the words “who shall be responsible for the execution of this Act throughout Queensland” are inserted in lieu thereof. Amendment of s. 10 of Consolidated Acts.

After the fourth paragraph of the said section, the following provisions are inserted:—

“He may require any original claim, or a copy of any list, notice, or other document, to be sent to him by any electoral registrar.

He may from time to time make or cause to be made such corrections of verbal errors in any roll as may be found necessary.”

6. Subsection one of section eleven of the Consolidated Acts is repealed, and the following subsection is inserted in lieu thereof:— Amendment of s. 11 of Consolidated Acts.

“(1.) The Registration Court shall be constituted by such two or more justices of the peace as shall meet for the purpose:

Nevertheless the Court shall be constituted by two or more justices resident in the District if such justices are present.

If a Judge or Crown prosecutor of a District Court is present, such Judge or Crown prosecutor shall, by virtue of his office, be a member of the Court. It shall be the duty of any such Judge or Crown prosecutor to attend the Court if required by the Minister so to do.”

Subsection four of the said section is repealed.

7. In the first paragraph of section forty-four of the Consolidated Acts the words “such person being at the time of his appointment registered as an elector of the Electoral District for which he is to act” are repealed. Amendment of s. 44 of Consolidated Acts.

* No. 11 of 1903 Commonwealth Statutes, Vol. II., page 91.

In the third paragraph of the said section the words “so qualified” are repealed.

Amendment
of s. 87 of
Consolidated
Acts.

8. The proviso to section eighty-seven of the Consolidated Acts is repealed.

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PART II.—AMENDMENTS CONSEQUENT ON THE ALTERATION OF THE FRANCHISE.

9. The following amendments are made in the Consolidated Acts :—

(1.) Section six is repealed, and the following section is inserted in lieu thereof :—

Persons
entitled to
vote.

[6.] Subject to the disqualifications hereafter set out, all persons not under twenty-one years of age whether male or female married or unmarried—

- (a) Who have resided in Queensland for twelve months continuously, and
- (b) Who are natural born or naturalised subjects of the King, and
- (c) Whose names are on the Electoral Roll for an Electoral District of Queensland,

shall be entitled to vote at the election of Members of the Assembly for such Electoral District :

Provided that any elector qualified by residence as aforesaid in an Electoral District, who—

- (a) Has a freehold estate in possession situated in another Electoral District of the clear value of one hundred pounds sterling money above all charges in any way affecting the same; or
- (b) Has a leasehold estate in possession situated in another Electoral District of the annual value of twenty pounds sterling money per annum which at the time of making the application as hereinafter provided has not less than eighteen months to run ;

may make application in writing to the electoral registrar of the District in which such estate is situated that the name of such elector shall be transferred from the roll for the District in which he resides to the roll for the District

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in which such estate is situated. The said electoral registrar, upon being satisfied of the facts stated in the application, shall forthwith enter the name of such elector in such roll, and shall give notice of the transfer to the electoral registrar of the District in which such elector resides, and the last-mentioned registrar shall forthwith upon the receipt of such notice erase the name of such elector from the roll for the District in which he resides.

Upon such transfer being made, such elector shall be entitled to vote at the election of Members of the Assembly for the District in which such estate is situated, instead of for the District in which he resides.

(2.) Section seven is repealed, and the following section is inserted in lieu thereof:—

[7.] No person who is of unsound mind, and no person attainted of treason, or who—

Disqualifications.

Has been convicted and is under sentence or subject to be sentenced for any offence punishable under the law of any part of the King's dominions by imprisonment; or

During six months immediately preceding the sitting of the Registration Court, or the holding of the election, has been imprisoned without the option of a fine for an aggregate period of one month; or

During one year immediately prior to the sitting of the Registration Court, or the holding of the election, has been convicted of being an habitual drunkard, or has been convicted of drunkenness twelve times, or has been convicted of being an idle and disorderly person, or an incorrigible rogue, or a rogue and vagabond; or

Has against him an unsatisfied order of any court for the maintenance of his wife or children (whether legitimate or illegitimate); or

Has been convicted of having committed an aggravated assault upon his wife within one year;

shall be entitled to be placed upon any electoral roll or to vote at any election of Members of the Assembly.

No aboriginal native of Australia, Asia, Africa, or the Islands of the Pacific shall be entitled to have his name placed on an Electoral Roll.

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No person who is an inmate of any public charitable institution for the reception maintenance and care of indigent persons other than a hospital established under the Statutes relating to hospitals shall be entitled to vote at any election of Members of the Assembly.

(3.) Section eight is repealed, and the following section is inserted in lieu thereof :—

One adult
one vote.

[8.] No person shall be entitled to vote more than once at the same election.

No person shall be entitled to vote in respect of more than one Electoral District notwithstanding the fact that his name is on more than one Electoral Roll.

Amendment
of s. 13.

(4.) In section thirteen the words “adult males of twenty-one years and upwards” are repealed, and the words “adult males and females of twenty-one years and upwards, and of all marriages of female electors” are inserted in lieu thereof.

Amendment
of s. 14.

(5.) In the first paragraph of section fourteen the words “to have no qualification or to be disqualified without having acquired another qualification in respect of which he is entitled to remain or become an elector” are repealed, and the words “to be disqualified” are inserted in lieu thereof.

The last paragraph of the said section is repealed.

Amendment
of s. 15.

(6.) In section fifteen the words “or to have no qualification,” also the words “and the words ‘changed qualification from this division,’ or ‘changed qualification to this division,’ or ‘changed qualification within this division or District,’ as the case may be, against the name of every person who is believed, or reported as aforesaid, to have so changed his qualification within the District” are respectively repealed.

Amendment
of ss. 16, 21,
and 33 of
Consolidated
Acts.

(7.) The tabular part of the form in sections sixteen, twenty-one, and thirty-three is repealed, and the following table is respectively substituted therefor :—

Surname and Christian Name.	sex.	Place of Residence.	Occupation.	Situation of Freehold or Leasehold for which Elector's Name is Transferred.	Date when Claim received by Electoral Registrar.
Brown, William	M.	321 George street, Brisbane	Clerk	Allot. 10, section 5, parish of North Brisbane	4 Aug., 1903
Smith, Mary	F.	93 Grosvenor Crescent, Brisbane	Music teacher	...	17 Sept., 1904

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Amendment
of s. 23.

(8.) In subsection one of section twenty-three, after the word "disqualified," the words "or the words changed residence from this division" are inserted.

Subsection 1A is repealed.

In subsection three the words "or address or abode of any person included therein, or the nature or local description of his qualification" are repealed; and the words "of any person included therein, or the local description of such person's residence or freehold or leasehold property. The Court shall make any alteration in the surname of a female elector which has become necessary by reason of her marriage" are inserted in lieu thereof.

Subsection four is repealed, and the following provision is inserted in lieu thereof:—

(4.) In the case of any person whose name appears on any roll as being an elector in another division of the District, and as to whom the Court is satisfied that the residence of such person has been changed from such other division of the District to that which is assigned to the Court, the Court shall insert such person's name in the list.

In the case of any person whose name appears on any roll, and as to whom the Court is satisfied that the residence of such person has been changed within the division or District assigned to the Court, the Court shall alter the particulars of the place of residence so as to make the list conform to the facts of the case.

Subsection seven is repealed.

(9.) Section twenty-four is repealed, and the following provision is inserted in lieu thereof:—

[24.] No person shall be entitled to have his or her name entered more than once upon any electoral list or lists for the same District; and whenever it appears to the Court that any person is named more than once in an electoral list for the same District with identical particulars of qualification, one of such names shall be erased, and, if the particulars are not identical, then the Court shall retain that entry which upon inquiry appears to be the correct entry.

Amendment
of s. 24.

No person to
have his name
more than
once on list or
roll.

No person shall be entitled to have his name on more than one Roll at one and the same time.

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Amendment
of s. 27.

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(10.) The tabular part of the form in section twenty-seven is repealed, and the following table is substituted therefor:—

No.	Surname and Christian Name.	Sex.	Place of Residence.	Occupation.	Situation of Freehold or Leasehold for which Elector's Name is Transferred.	Date when Claim Received by Electoral Registrar.
BRISBANE DIVISION.						
1	Adams, James ...	M.	71 Palmer street	clerk	...	20 Sep., 1905
2	Adams, Susan ...	F.	71 Palmer street	household duties	...	4 Oct., 1905
3	Cameron, John ...	M.	29 Elston terrace, Musgrave road, Red Hill	architect	...	25 Aug., 1905
4	Daly, Thomas ...	M.	Torres House, Balmoral street	tailor	...	4 Jul., 1906
5	Everett, Margaret ...	F.	Little street, off Windsor road	typist	...	3 Oct., 1906
	&c.	&c.	&c.	&c.	...	&c.
LAMINGTON DIVISION.						
6	Adsett, John ...	M.	Edward road, Lamington	journalist	...	13 Jun., 1906
7	Baker, Edward Robert	M.	Iota, near Burwood	farmer	...	29 Sep., 1907
8	Childs, James ...	M.	Peterson street, Lamington	joiner	...	1 Jul., 1906
9	Dawson, Emily ...	F.	Selby House, George street, Burwood	school teacher	...	3 Jan., 1907
10	Evans, Henry ...	M.	Langdale Downs	grazier	...	4 Sep., 1906
	&c.	&c.	&c.	&c.	...	&c.

Amendment
of s. 30.

(11.) The second, third, fourth, and fifth paragraphs of section thirty are repealed, and the following provisions are inserted in lieu thereof:—

The claim must be in the following form or to the like effect, and must set forth in the form of answers to the questions contained in it sufficient facts to show that the claimant is entitled to be registered:—

“THE ELECTIONS ACTS, 1885 to 1905.”

CLAIM.

To the Electoral Registrar of the Electoral District of _____,
Electoral Division of _____

I hereby claim to have my name inserted in the Electoral Roll for the Electoral District of _____, and declare that my name and qualification are as appear by the answers to the following questions:—

- (1.) WHAT IS YOUR CHRISTIAN NAME AND SURNAME?
- (2.) ARE YOU MALE OR FEMALE?
- (3.) ARE YOU OF THE FULL AGE OF TWENTY-ONE YEARS?
- (4.) ARE YOU A NATURAL BORN SUBJECT OF THE KING?
- (5.) IF NOT, ARE YOU A NATURALISED SUBJECT OF THE KING?
- (6.) WHERE IS YOUR PLACE OF RESIDENCE?

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- (7.) WHAT IS YOUR OCCUPATION ?
 (8.) HAVE YOU CONTINUOUSLY RESIDED IN QUEENSLAND FOR TWELVE MONTHS ?
 (9.) IF SO, IN WHAT PLACE OR PLACES ?
 (10.) IS YOUR NAME NOW ON THE ROLL FOR ANY STATE ELECTORAL DISTRICT IN QUEENSLAND ?
 (11.) IF SO, FOR WHAT DISTRICT ?

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the "*Oaths Act of 1867.*"

(Signed) A.B.

Declared before me this day of , 19 . . .
 J.P. [*or as the case may be*].

The claimant must, in answer to the questions "Where is your Place of Residence?" and "If so, in what place or places?" give such a description of the locality of the place of residence or the several places of residence, as the case may be, as will enable it or them to be easily and clearly identified.

(12.) Section 30A is repealed, and the following section is inserted in lieu thereof:—

[30A.] Forms of claim may be provided by the Principal Electoral Registrar. Forms may be provided.

Every claim so provided shall have printed at the foot or on the back a note in the following words, that is to say:—

Directions to be observed in answering the Questions and filling up the Claim.

- (1.) Name.—The claimant's name must be written in full.
- (2.) In answer to the questions "Where is your place of residence?" and "If so, in what place or places?" the claimant must give such a description of the place or the several places of residence as will enable it or them to be easily and clearly identified.
- (3.) The claim must be signed by the claimant with his or her own hand, or, if the claimant cannot write, with his or her mark, and must in either case be declared before and attested by a Justice of the Peace, Electoral Registrar, Classified Officer of the Public Service, Railway Station-master, Classified Teacher of a State School, or an elector enrolled on the electoral roll of the District for which the claim is made.

(13.) In section 30B, after the word "Classified," the word "Male" is repealed, and after the words "State School" the words "or an elector enrolled on the electoral" Elector may attest claim.

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roll of the District for which the claim is made” are inserted.

Amendment
of s. 30E.

(14.) In section 30E the words “in respect of the qualification of residence” are repealed.

Amendment
of s. 40.

(15.) The proviso to section forty is repealed, and the following proviso is inserted in lieu thereof:—

Provided as follows:—

- (a) No female elector shall be disqualified from voting under the name appearing on the roll merely because she has changed her surname upon marriage;
- (b) Any person whose name appears on the roll at the time of an election, and who is then subject to any of the disqualifications mentioned in section seven of this Act, shall be disqualified from voting;
- (c) Except in the case of electors who are by this Act entitled to vote in respect of a freehold or leasehold estate, no person whose name appears on the roll for a District shall be entitled to vote at any election for such District unless at some time within seven months next before the election he has been *bonâ fide* resident therein for a period of one month.

(16.) After section 43A, the following section is inserted:—

Option to
members of
Assembly.

[43B.] Any member of the Assembly shall if he so desires be entitled to have his name placed on and retained on the Roll for the District he represents instead of the Roll for the District in which he resides.

Amendment
of s. 63.

(17.) In section sixty-three the words “And if such person claims to be an elector and to vote in respect of the qualification of residence the following additional questions, that is to say” are repealed, and the words “And if such person claims to be a resident elector, the following additional questions, that is to say” are inserted in lieu thereof. In the fourth of the questions in the said section the words “two months” are repealed, and the words “one month” are inserted in lieu thereof.

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PART III.—VOTING BY POSTAL BALLOT.

10. After section 78J of the Consolidated Acts, the following provisions are inserted:—

[78K.] Any female elector who desires to vote through the post office, and any male elector who on polling-day will be absent from the District for which he is enrolled and who desires to vote through the post office, may, not later than the second day preceding polling-day, apply to the returning officer for a postal ballot certificate. Application for postal ballot certificate.

No such application by a voter who cannot write his or her own name shall be granted.

Such application shall be in the following form, or to the like effect:—

Application for Postal Ballot Certificate.

To the Returning Officer, Electoral District of

I [*here state name in full, place of residence, and occupation*] do hereby declare as follows, that is to say:—

1. I am an elector enrolled for the Electoral District of _____, and am now entitled to vote.

2. I reside at the above address, and have within the last preceding seven months been *bonâ fide* resident within the said Electoral District for a period of one month. Or [*in the case of a member of the Assembly who is enrolled for the district he represents instead of the district in which he resides*] I am enrolled as a member of the Legislative Assembly for the said Electoral District.

(*This clause does not apply to electors who are enrolled in respect to freehold or leasehold property.*)

3. I [*in the case of a male insert*] shall be absent from the Electoral District on polling-day, and therefore make this application to entitle me to vote by postal ballot.

4. I request that the necessary certificate and postal ballot-paper be forwarded to me at the above address [*or to (state other address where voter may be found)*]. (*If the application is made in person this clause need not be filled up.*)

(Signed) C.D.

Signed in my presence and declared before me at
this _____ day of _____ 19 _____

A.B. [*Returning Officer or J.P.*]

The application must be signed by the applicant with his or her own hand, in the presence of and must be declared before and attested by the returning officer or a justice of the peace.

Any false statement in this application is punishable by a penalty not exceeding one hundred pounds or by imprisonment, with or without hard labour, not exceeding six months.

The application must be signed by the applicant with his or her own hand, in the presence of and must be declared before and attested by the returning officer or a justice of the peace, each of whom is hereby authorised to take such declaration :

Provided that no justice who is a candidate at the election or is a member of the Assembly shall be competent to take or attest any such declaration.

Any person who makes in any such application any statement which in any material particular is to his or her knowledge false shall be liable to a penalty not exceeding one hundred pounds or to imprisonment with or without hard labour for any period not exceeding six months.

Grant and
form of
certificate.

[78L.] Upon receipt of the application the returning officer, if satisfied that the name of the applicant is entered on the roll and that he or she is otherwise entitled to vote, shall grant the certificate, which shall be duly endorsed upon an envelope, and shall be in the following form :—

<i>Postal Ballot Certificate.</i>	
No. on Roll _____	
ELECTORAL DISTRICT OF _____	
I certify that _____	of _____ is entitled to
vote at the ensuing election for the Legislative Assembly.	
The vote must be posted to me on or before the _____ day	
of _____, 19 _____	
Dated the _____ day of _____, 19 _____	
Signature of voter _____	Returning Officer.
on the _____ day of _____ in the presence of _____	
Postmaster [or Justice of the Peace].	

Certificate
and postal
ballot-paper.

[78M.] The returning officer shall deliver or cause to be sent to the voter—

- (a) The certificate endorsed upon an envelope ;
- (b) An envelope addressed to the returning officer at the principal polling-place ; and
- (c) A postal ballot-paper.

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Every postal ballot-paper shall be of such material that the voter may effectually conceal the name of the person for whom he or she has voted, and shall be in the following form :—

[Front Page.]	[Second Page.]
POSTAL BALLOT-PAPER.	HOW TO VOTE.
<p>INSTRUCTIONS—</p> <ol style="list-style-type: none"> (i.) You must deliver to a postmaster or justice of the peace the postal ballot-paper and the two envelopes in the same condition in which they were issued. (ii.) You must then sign your name upon the certificate, and the postmaster or justice of the peace must then and there attest your signature. (iii.) The postmaster or justice of the peace must then deliver the postal ballot-paper to you, but must retain the two envelopes. (iv.) You must then in the presence of, but not in the sight of, the postmaster or justice of the peace record your vote by writing on the second page of the ballot-paper the name of the candidate or the names of the candidates for whom you vote. (v.) You must then fold up the ballot-paper so as to conceal the name or names of the candidate or candidates, and deliver it to the postmaster or justice of the peace. (vi.) The postmaster or justice of the peace must then, without unfolding the ballot-paper, place it in the envelope which is endorsed with the certificate, and fasten up the envelope. (vii.) The postmaster or justice of the peace must then place such envelope in the envelope addressed to the returning officer, and upon receipt from you of the proper postage stamps must in your presence affix them to the envelope. 	<p>Below write the name of the candidate you vote for. If two members are to be chosen you may write the name of one or the names of two candidates. You may vote contingently if you choose to do so by writing the names one below the other to denote the order of your preference.</p>

No elector who has received any such certificate shall be entitled to vote except by means of a postal ballot-paper.

[78N.] The returning officer shall keep and number the applications in consecutive numerical order.

Before the issue of the ballot-paper to the voter the returning officer shall mark the same on the front page thereof with his initials in ink or pencil, and shall write upon the certificate and also upon the back of the right-hand upper corner of the second page of the ballot-paper in ink or pencil the number set against the name of the voter in the roll, and the returning officer shall fold down the corner of the ballot-paper so as to entirely conceal the number so written, and shall securely fasten the fold with gum or otherwise in such a manner that the number cannot be discovered without unfastening the fold.

Returning
officer to
initial postal
ballot-paper,
&c.

How vote
recorded.

[780.] In the presence of any postmaster or justice of the peace within the State, and of no other person, the voter may, on or before the second day preceding polling-day, but not afterwards, vote in manner following and not otherwise:—

- (i.) The voter shall deliver to the postmaster or justice of the peace the postal ballot-paper and the two envelopes aforesaid, in the same condition in which they were issued.
- (ii.) The voter shall then sign his or her name upon the certificate, and the postmaster or justice of the peace shall then and there attest the signature.
- (iii.) The postmaster or justice of the peace shall then deliver the postal ballot-paper to the voter, but shall retain the two envelopes aforesaid.
- (iv.) The voter shall then in the presence of, but not in the sight of, the postmaster or justice of the peace vote by writing on the second page of the ballot-paper the name of the candidate or the names of the candidates for whom the voter votes.
- (v.) The voter shall then fold up the ballot-paper so as to conceal the name or names of the candidate or candidates, and deliver it to the postmaster or justice of the peace.
- (vi.) The postmaster or justice of the peace shall then, without unfolding the ballot-paper, place it in the envelope which is endorsed with the certificate, and shall fasten up the envelope.
- (vii.) The postmaster or justice of the peace shall then place such envelope in the envelope addressed to the returning officer, and upon receipt from the voter of the proper postage stamps shall, in the presence of the voter, affix them to the envelope. If the postmaster has attested the vote, he shall forthwith post the vote in the post office. If the justice of the peace has attested the vote, he shall forthwith deliver it to the voter, who shall post it on the same day.
- (viii.) For the purposes of contingent voting the voter may write the names of the candidates or of any candidates upon the ballot-paper, one below the other, and the order in which the voter has so written them shall denote the order in which the voter desires the vote or votes to be counted.

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[78P.] The postmaster or justice of the peace shall not look at the name of any candidate for whom the voter votes. In any case where a postmaster has no letter stamp designed to show the name of the post office or receiving office with the date, the postmaster may, instead of stamping with the letter stamp and date where herein-before required, write in ink the name of the post office or receiving office and the date in figures together with his or her initials.

Postmaster
not to look at
vote.

[78Q.] The returning officer shall on all copies of rolls issued by him for use at the election make a note against the name of every elector to whom a postal ballot certificate has been issued.

Returning
officer to
notify issue of
certificate.

If there is not time to conveniently note the facts aforesaid on the rolls, the returning officer shall immediately advise all presiding officers of such issue in such manner as he thinks fit.

Advice to
presiding
officers.

A signature upon a postal ballot certificate purporting to be the signature of a voter shall, upon a scrutiny, without further proof be *primâ facie* evidence that such voter voted at the election by postal ballot.

Evidence of
voter's
signature, &c.

The date upon such certificate purporting to be the date on which the voter's signature is attested shall upon a scrutiny, without further proof, be *primâ facie* evidence of the date on which the vote was recorded and posted.

The number marked upon the back of the ballot-paper as aforesaid shall, upon a scrutiny, be *primâ facie* evidence that such ballot-paper was issued to and used by the person to whom the postal ballot certificate bearing the same number was issued.

[78R.] At the scrutiny the returning officer shall produce, unopened, all voters' envelopes received up to the close of the poll, and the outer envelopes shall be opened, and the enclosures shall be dealt with as follows:—

Examination
and count of
votes.

- (i.) The returning officer shall produce the voters' applications;
- (ii.) The returning officer, without opening the envelope endorsed with the certificate, shall compare the signature of the voter with the signature to the application, and allow the scrutineers who are present to inspect the same, and shall determine whether the signature on such envelope is that of the applicant. He shall also determine whether the vote was recorded and posted within the

- time prescribed, and shall disallow all votes which have not been so recorded and posted ;
- (iii.) If the vote is allowed, the returning officer shall open the envelope and insert the postal ballot-paper in the ballot-box. He shall also forthwith attach the said envelope by gum or otherwise to the application relating thereto ;
 - (iv.) No postal ballot-paper shall be allowed at the scrutiny which is not enclosed in an envelope endorsed with the certificate duly stamped ;
 - (v.) If the returning officer disallows the vote, then the envelope endorsed with the certificate, unopened, and the application relating thereto shall be attached together by gum or otherwise, and shall be set aside for separate custody.

Mistakes. [78s.] Any mistake in spelling of the name of any candidate, where the intention of the voter is clear, shall not render such vote informal. It shall suffice, when no two candidates have the same surname, for the voter to write the surname only of the candidate for whom he votes.

Saving appeal to Elections Tribunal. [78t.] Nothing herein contained shall be deemed to take away the right to appeal to the Elections Tribunal from the decision of the returning officer as to the allowance or disallowance of a postal ballot vote.

Consequential amendments. 11. The following amendments consequent upon the establishment of voting by postal ballot are made in the Consolidated Acts :—

Amendment of s. 47. (1.) After the first paragraph of section forty-seven, the following provision is inserted :—

And, subject to this Act, the writ shall be returned not later than the day named therein, notwithstanding the fact that any votes of persons to whom postal ballot certificates have been issued, as hereinafter prescribed, have not then been received, examined, and counted by the returning officer.

Amendment of s. 74. (2.) In section seventy-four the words “ the presiding officer shall put to the person so secondly claiming to vote ” are repealed, and the words “ or if a person claims to vote by a ballot-paper when the presiding officer has been advised that a postal ballot-paper has been issued in respect of the same name upon the roll, the presiding officer shall put to the person so secondly claiming to vote, or so claiming to vote by a ballot-paper, ” are inserted in lieu thereof.

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(3.) After the first paragraph of section eighty-two, the following provisions are inserted:—

Amendment
of s. 82.

Provided that when the returning officer has ascertained upon an examination and count of all the ballot-papers taken at the different polling-places, and of such postal ballot-papers as have then been received, examined, and counted by him, that the result of the election cannot be affected by any votes given by any postal ballot-papers still to be received from distant places, he may at once declare the name or names of the person or persons elected. But he shall nevertheless, in manner hereinbefore prescribed, examine and count all votes contained in such postal ballot-papers received thereafter until the second day preceding the day named in the writ for the return thereof.

Save as hereinafter provided, no envelope purporting to contain a postal ballot-paper received by him on the second day preceding or on the day preceding the day named in the writ for the return thereof, or on or after such day, shall be opened or examined by him, and no vote given thereby shall be counted; and he shall, in manner hereinafter directed, transmit all such envelopes, unopened, to the Clerk of the Assembly:

Late postal
votes.

Provided that when by reason of some impediment the receipt of certain postal ballot-papers has been delayed, and the returning officer has reason to believe that votes given by such ballot-papers, when received, examined, and counted, may affect the result of the election, he may certify accordingly to the Governor or Speaker, as the case may be, and the Governor or Speaker may thereupon extend the time for the return of the writ, so as to permit such votes to be received, and such votes shall, when received, be examined and counted, and the state of the poll shall be then declared accordingly.

(4.) In the second paragraph of section eighty-three, after the words "ballot-papers," the words "certificates and applications" are inserted.

Amendment
of s. 83.

PART IV.—TEMPORARY PROVISIONS.

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12. As soon as may be after the passing of this Act, every electoral registrar shall send by post to every elector enrolled for any qualification other than residence for any District or division for which such electoral registrar is registrar, at the address of such elector, so far as the registrar can ascertain it, a notice together with the prescribed form of claim. Such notice shall be also

Certain
electors to
be required to
send in fresh
claims before
14th July,
1905.

accompanied by an envelope having written or printed thereon the words "The Electoral Registrar for the District of _____ at _____."

Such notice shall be in the following form or to the like effect:—

To A.B., of

You are required to fill up the enclosed form of claim so as to show your qualification as an elector on the ground of residence in the Electoral District of _____, and to send it to me before the fourteenth day of July next.

If you possess no qualification of residence for this District, but possess a qualification of residence for some other Electoral District, you are required to fill up the enclosed form so as to show your qualification of residence and send it to the electoral registrar for that District before the fourteenth day of July next.

If you do not send the claim before that day, your name will be omitted from the new roll to be compiled under "*The Elections Acts Amendment Act of 1905.*"

C.D.,

Electoral Registrar for the Electoral District of _____

Electoral
list to be
compiled.

13. Every electoral registrar shall in the months of July and August, one thousand nine hundred and five, compile an electoral list for the purposes of this Act in respect of every District or division for which he is registrar. He shall insert in that list the name and other particulars of every person—

- (a) Who is already enrolled for the qualification of residence;
- (b) Who has made a claim showing a qualification of residence;
- (c) Who is personally known to the electoral registrar to possess the necessary qualification of residence; and
- (d) Whose qualification of residence is proved by some other person, personally acquainted with the facts, by declaration under the "*Oaths Act of 1867*" delivered to the electoral registrar before the thirty-first day of July, one thousand nine hundred and five.

The electoral registrar shall not insert any other names in such list.

He shall write against the name of every person whose name is inserted in such list the letter E, C, K, or D, according as the name was inserted as that of an existing elector qualified by residence, or upon the receipt of a

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*Elections Acts Amendment.*PART IV.—
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claim from the elector, or upon the personal knowledge of the electoral registrar, or upon the solemn declaration of another person, respectively.

Except as by this Act is otherwise provided, the electoral registrar shall, in compiling such list, be guided by the provisions of Part III. of the Consolidated Acts.

14. Such list shall be revised at the Court for revising the annual lists held in the year one thousand nine hundred and five, and the Court may call for any claim or declaration received by the electoral registrar under this Act, and may examine the electoral registrar as to his knowledge of the qualification of any elector against whose name the letter K is set in the list.

Proceedings
at Annual
Revision
Court.

The chairman shall erase from such list the name of every person who does not appear to the Court to be entitled to vote.

Except as herein otherwise provided, the Court shall be guided by the provisions of Part III. of the Consolidated Acts.

Such lists when revised shall become the Electoral Rolls for the several Electoral Districts for all purposes except the election of a new member to fill any vacancy occurring in the Assembly during the continuance of the present Parliament, and before the first day of January, one thousand nine hundred and seven, and such rolls shall, from time to time as occasion requires, be added to, revised, and completed under the Consolidated Acts. But for the purposes of any such election as last aforesaid the existing rolls shall continue in force, and shall, from time to time as occasion requires, be added to, revised, and completed under the Consolidated Acts as amended by Part I. of this Act, until there is no longer any possibility of any such election as aforesaid taking place, when they shall be superseded by the Electoral Rolls compiled under this Act.

From and after the completion of the new rolls under this section, and until the first day of January, one thousand nine hundred and seven, all claims made by persons on the ground of residence shall be taken to be claims to be enrolled not only on the existing rolls but also on the said new rolls, and shall be dealt with accordingly.

HOLIDAYS (BANK).

See BANKS.