



VICTORIA GOVERNMENT GAZETTE.

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[1930

LICENSING ACTS.

LICENSING POLL RULES, 1930.

At the Executive Council Chamber, Melbourne, the nineteenth day of February, 1930.

PRESENT:

His Excellency the Governor of Victoria.

Mr. Tunnecliffe
Mr. Cain

Mr. Williams.

UNDER and by virtue of the powers in that behalf conferred upon me by the Licensing Acts, I, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, do hereby make the following Rules (that is to say):—

PART I.—PRELIMINARY.

1. These Rules may be cited as the "Licensing Poll Rules 1930," and are divided into Parts and Divisions as follows:—

PART I.—Preliminary.

PART II.—Rolls.

No. 22.—2153.

PART III.—Conduct of Licensing Poll.

- DIVISION 1.—Declaration by Returning Officer.
- DIVISION 2.—Preliminary arrangements by Returning Officer.
- DIVISION 3.—Arrangements for taking poll.
- DIVISION 4.—Scrutineers.
- DIVISION 5.—Hours of polling.
- DIVISION 6.—Voting by persons enrolled.
- DIVISION 7.—Voting by unenrolled voters.
- DIVISION 8.—Absent voting.
- DIVISION 9.—General provision relating to the polling.
- DIVISION 10.—How votes to be recorded, counted, and reported—Disposal of ballot-papers.
- DIVISION 11.—Voting by post.
- DIVISION 12.—Regulation of poll, bribery, &c.
- DIVISION 13.—Offences in respect of poll.
- DIVISION 14.—Compulsory voting.
- DIVISION 15.—Miscellaneous.

2. In these Rules unless inconsistent with the context or subject-matter—

“ Chief Electoral Officer ” means the Chief Electoral Officer appointed pursuant to section 188 of *The Constitution Act Amendment Act 1928*.

“ Licensing poll,” “ poll,” or “ vote ” means a vote of electors pursuant to the provisions of Part XIV. of the *Licensing Act 1928* as amended by any Act.

“ Registrar ” means an electoral registrar for a subdivision of a licensing district.

“ Resolution ” means the appropriate resolution submitted to electors, pursuant to Part XIV. of the *Licensing Act 1928*.

“ Subdivision ” means subdivision of a licensing district, and includes any unsubdivided licensing district.

Any reference to a form shall, unless otherwise stated, be a reference to a form in the First Schedule hereto, or to any form to the like effect.

A reference to any enrolment (or claim to be enrolled) for any subdivision of a licensing district, or for any licensing district, shall refer to the enrolment (or claim) for the corresponding electoral subdivision or district.

Any duty prescribed for a deputy returning officer for any district may be performed by the returning officer for that district, except in respect of the initialing or signing of ballot-papers where such returning officer is not the officer presiding at a polling booth.

Each subdivision of an electoral district of the Legislative Assembly shall for the purposes of these Rules be a subdivision of a licensing district.

The name of a subdivision of a licensing district shall be that of the corresponding subdivision of an electoral district.

Registrars appointed under the provisions of Part IV. of *The Constitution Act Amendment Act 1928* or any corresponding previous enactment shall be registrars for the purposes of these Rules.

Application to women of references in Rules.

3.—(1) Where in these Rules any reference is made to persons voters or electors entitled claiming or attempting to vote or voting at any poll such reference shall so far as is consistent with these Rules be deemed and taken to extend to women whether married or single.

Effect of coverture.

(2) No married woman shall by reason of coverture only be deemed incapable of exercising any rights with respect to voting which are conferred by these Rules.

Names of married women.

(3) No female elector shall because her surname has been changed by marriage be disqualified from voting under the name appearing on the roll.

PART II.—ROLLS.

4.—(1) The divisional returning officer for every Commonwealth electoral division in which any subdivision is situate shall as soon as practicable after the sixtieth day before the taking of the vote—

- (a) certify sign and transmit to the State returning officer for the district a printed copy (marked as hereinafter provided) of the roll last printed for each subdivision thereof situate within such Commonwealth electoral division;
- (b) alter such copy so that (except as to any additional names contained in the supplemental roll hereinafter provided for) such copy will correspond with the roll as in force on the sixtieth day before the taking of the vote;
- (c) prepare certify sign and transmit to the said State returning officer a printed copy of a supplemental roll containing—
 - (i) the names of all persons whose names have been added to the roll after the printing thereof and up to the said day: and
 - (ii) the names of all persons whose claims for enrolment or transfer have been received on or before the said day and whose names have been so added to the roll after the said day.

(2) Every such supplemental roll—

- (a) shall be in the form prescribed by Regulations under *The Constitution Act Amendment Act 1928* or any corresponding previous enactment;
- (b) shall have the names thereon arranged in alphabetical order of the surnames, with a number prefixed to each name beginning at the first name with the number next in arithmetical progression after the last number on the roll last printed and continuing in like progression to the last name on the supplemental roll.

(3) For the purposes only of any such vote the copy of such roll last printed and altered if necessary as hereinbefore provided together with the copy of such supplemental roll transmitted to the returning officer shall be the roll for the subdivision.

(4) Every registrar shall comply with any direction of a divisional returning officer given to enable such divisional returning officer to comply with the requirements of this Rule.

(5) (a) An elector who has changed his residence to another place within the same subdivision or to another subdivision of the same district shall not be deemed by reason only of such change of residence to be dispossessed of the qualification in respect of which he is enrolled: and

(b) an elector who within three months before any poll has changed his residence to another district may vote at the poll for the district for which his name appears on the roll prepared for the purposes of the poll for that last mentioned district.

PART III.—CONDUCT OF LICENSING POLL.

DIVISION 1.—DECLARATION BY RETURNING OFFICER.

5. Every returning officer required pursuant to section 304 (c) of the *Licensing Act 1928* to take the vote in any district shall, before he enters upon any of the duties hereby assigned to him, make and sign before some justice a declaration to the effect following:—

I [A.B.] do solemnly declare that I will faithfully and impartially according to the best of my skill and judgment exercise and perform all the powers authorities and duties reposed in or required of me by the *Licensing Poll Rules 1930* as returning officer for the licensing district of ; and I do further solemnly promise and declare that I will not at any licensing poll for the said district attempt to ascertain, save in cases in which I am expressly authorized by law so to do, how any person shall vote or have voted; and that if in the discharge of my said duties at or concerning any such poll I learn or have the means of learning how any person shall vote or have voted at such poll I will not by word or act or any other means whatsoever directly or indirectly divulge or discover or aid in divulging or discovering the same, save in answer to some question which I am legally bound to answer or in compliance with the express provisions of the *Licensing Poll Rules 1930*.

Returning officer to make declaration.

DIVISION 2.—PRELIMINARY ARRANGEMENTS BY RETURNING OFFICER.

Public notice
by returning
officers.

6. The returning officers hereinbefore referred to shall forthwith after the thirtieth day before polling day of any licensing poll give public notice, by advertisement in some newspaper published in the district or if none such is published within ten days after such first-mentioned day, then in a Melbourne daily newspaper, of the day of polling and the polling places appointed for such district.

Returning
officer to
appoint
substitute.

7.—(1) The returning officer shall forthwith after the thirtieth day before polling day for any licensing poll appoint by writing under his hand some fit person to be substitute for such returning officer.

Duties of
substitute.

(2) (a) If at any time the returning officer is unable through absence to do or suffer any act or thing relating to any poll, then such substitute shall do or suffer such act or thing; or

(b) If the returning officer dies, or if by reason of his illness or any other unavoidable cause he is unable to do or suffer any acts or things relating to any such poll and notice of such inability is by himself or by the Governor given to such substitute, then such substitute at any time shall as and for the returning officer do and suffer all such acts and things and subject in every such case to the like provisions as though he were the returning officer.

DIVISION 3.—ARRANGEMENTS FOR TAKING POLL: HOURS OF POLLING.

Voting papers
to be printed
and signed.

8.—(1) For taking the vote for any district the returning officer shall—

Licensing Act.
Third Schedule.

(a) cause ballot-papers to be printed in Form A or to the effect thereof prescribed by the Third Schedule to the *Licensing Act 1928*;

(b) cause postal ballot-papers (if not already printed) to be printed in accordance with Form G.

(2) The directions contained in the forms prescribed by the *Licensing Act 1928* or by these Rules shall be of the same force as if they had been provisions contained in these Rules.

Booths to be
erected or
rooms hired.

9.—(1) For taking any vote the returning officer shall cause booths to be erected or rooms to be hired or otherwise provided and used as such booths at each polling place as occasion may require, but so that there shall be at each polling place one booth at least for every six hundred electors entitled to vote at such polling place, and for any fractional number exceeding six hundred or exceeding any multiple thereof to which the number of electors so entitled reaches.

When more
than one
booth where
electors
to vote.

(2) If under this rule there are more booths than one at any polling place there shall be affixed over the entrance of each booth in succession so many letters of the alphabet in their alphabetical order as denote the booth at which each elector according to the initial letter of his surname is to vote.

(3) No elector shall be permitted to vote in any booth save that which is so denoted by the initial letter of his surname.

No polling booth
to be in any
licensed
premises.

(4) No polling booth shall be in any house licensed for the sale of fermented or spirituous liquors or upon the premises appertaining to such house.

Use of school
and other
buildings as
polling booths.

10.—(1) The returning officer for every district is hereby empowered at any poll to take and use as a polling booth or polling booths, to be occupied for that purpose during the day of polling but no longer, upon giving seven days' notice of his intention to that effect, any room or rooms of competent space in any schoolhouse or building not used exclusively for religious services and which is supported wholly or in part by any public funds or by any perpetual endowment, or which has been built or is supported wholly or in part by any grant from the public revenue.

(2) He shall pay the full costs of repairing any injury or damage occasioned to the premises or the furniture thereof by the said use; and such damages in the event of the returning officer and the managers trustees or owners of the premises differing about the same shall be recovered by such managers trustees or owners before a court of petty sessions.

How booths
to be arranged
and fitted.

11.—(1) Each booth shall be so divided or arranged that there shall be in the same one or more inner compartments opening only into that part of the booth in which the ballot-box is kept.

(2) The returning officer or his deputy shall provide—

(a) in every such compartment pencils or pens and ink for the use of the electors; and

(b) for each booth a ballot-box having a lock and key and with a cleft or opening therein capable of receiving the ballot-papers.

Returning
officer to preside
at one booth
and appoint
deputies
at others.

12. (1) The returning officer shall preside and take the poll at some one booth of such polling place within the district as he may see fit; and such polling place shall be deemed the principal polling place.

(2) The returning officer shall by writing under his hand appoint a deputy to act for him and take the poll at each of the other booths of the several polling places, and may also in like manner appoint one or more persons to be poll clerks and assist himself and his several deputies in taking the poll as he may see fit.

13. The returning officer may by writing under his hand appoint a relieving deputy or relieving deputies to act for him in place of himself and in place of any deputy taking the poll, and such relieving deputy or relieving deputies shall take the poll at the principal and at any other polling place within the district during the temporary absence of such returning officer or any such deputy appointed under the provisions of these Rules (as the case may be), and while any such relieving deputy is so acting all the provisions of these Rules shall so far as they are appropriate apply as if he were the person whom he is relieving.

14. Every substitute of a returning officer, and every deputy returning officer and every relieving deputy and every poll clerk, shall before he enters upon any of the duties hereby assigned to him with regard to any poll make and sign before some justice a declaration to the effect following:—

I [A.B.] do solemnly declare that I will faithfully and impartially according to the best of my skill and judgment exercise and perform all the powers authorities and duties reposed in or required of me by the Licensing Poll Rules 1930, as substitute of the returning officer [or deputy returning officer or relieving deputy returning officer or poll clerk as the case may be] with regard to the licensing poll for the licensing district of ; and I do further solemnly promise and declare that I will not at the said poll attempt to ascertain [add in the case of a substitute or of a deputy returning officer or of a relieving deputy returning officer save in the cases in which I am expressly authorized by law so to do] how any person shall vote or have voted at the said poll: and that if in the discharge of my duties at or concerning the said poll I learn or have the means of learning how any person shall vote or have voted thereat, I will not by word or act or by any other means whatsoever directly or indirectly divulge or discover or aid in divulging or discovering the same, save in answer to some question which I am legally bound to answer or in compliance with the express provisions of the Licensing Poll Rules 1930.

15. (1) Before the day of polling the returning officer—

(a) shall deliver to each of the deputies for use at each polling booth copies of all rolls in force for the subdivision of the district in and for which the poll is to be taken thereat, certified (subject to the proviso as hereinafter provided) under his hand to be true copies; and

(b) shall deliver to each deputy and himself retain such numbers respectively of the ballot-papers as are in his opinion sufficient for the use of the electors entitled to vote at each booth at which such returning officer and deputies respectively are to take the poll.

(2) Every returning officer and deputy shall keep an exact account of all such ballot-papers:

Provided that—

(a) It shall not be necessary for the returning officer to certify to all rolls used at the poll; and

(b) it shall be lawful for deputy returning officers to certify to rolls to be used in the polling booths at which they severally act and in any case in which any such rolls are not certified by the returning officer the deputy returning officer shall so certify; and

(c) each ballot-paper shall be endorsed with the initials of the officer presiding at the polling booth before being handed to a voter.

DIVISION 4.—SCRUTINEERS.

16.—(1) The president or chairman of any society association or body of persons approved for the purpose by the Chief Secretary or any person authorized in writing by such president or chairman shall be entitled to appoint in writing under his hand one person to be scrutineer at each polling booth at the taking of the vote.

(2) The name of any person so authorized in writing by any such president or chairman to appoint scrutineers for any district shall not later than seven days before polling day be notified by such president or chairman to the returning officer for such district.

(3) Every such scrutineer shall be entitled to be present in that part of the booth in which the ballot-papers are received.

Scrutineer
to make
declaration.

17. Every scrutineer before he acts as such at any polling booth shall make and sign before the returning officer or deputy (as the case may be) who takes the poll at such booth a declaration to the effect following:—

I [A.B.] (scrutineer at the present licensing poll in the licensing district of . . .), do solemnly declare that I will faithfully observe all the provisions of the Licensing Poll Rules 1930 which relate to such my office of scrutineer: and I do further solemnly promise and declare that I will not as such scrutineer at the said poll attempt to ascertain how any person shall vote or have voted at the said poll: and that if in the discharge of my duties at or concerning the said poll I learn or have the means of learning how any person shall vote or have voted thereat, I will not by word or act or by any other means whatsoever directly or indirectly divulge or discover or aid in divulging or discovering the same, save in answer to some question which I am legally bound to answer or in compliance with the express provisions of the Licensing Poll Rules 1930.

Returning
officer to
exhibit box
before taking
the poll.

18. Immediately before proceeding to take the poll at any booth the returning officer or deputy (as the case may be) shall exhibit for the inspection of the scrutineers and poll clerks who may be present the ballot-box open and empty; and shall forthwith thereafter close and lock the same being still empty and set and keep the same unopened upon the table at which he is to preside and in view of such persons as from time to time are present in the polling booth, and shall keep the key of the said box.

DIVISION 5.—HOURS OF POLLING.

Hours of
polling.

19.—(1) The polling at every poll shall commence on the day appointed for the same at eight o'clock in the forenoon and shall unless lawfully adjourned finally close at eight o'clock in the afternoon of the same day:

Electors in
polling booth
at time for
closing poll
to vote.

Provided that any person who at the time appointed for finally closing the poll is in any polling booth and is entitled to vote at such poll shall be permitted to vote.

(2) All such pollings shall be conducted in manner mentioned in these Rules.

DIVISION 6.—VOTING BY PERSONS ENROLLED.

Voting at
poll.

20.—(1) Every person whose name is on the electoral roll for any subdivision shall subject to the provisions of these Rules be entitled at any poll to vote in such subdivision at any polling place for such subdivision:

Provided that subject to these Rules he shall in accordance with the provisions of these Rules with respect to voting by absent voters be permitted to vote at any other polling place in Victoria at which a polling booth is open if during the hours of polling he has not been and will not be within such subdivision under conditions which would permit of his voting at any polling place for such subdivision.

(2) It shall not be lawful for any person on any day at any poll to vote more than once.

(3) When any person has once voted in any subdivision at any such poll on any day, he shall not vote again in any subdivision whatever of any district at any poll adjourned from such day.

Penalty.

(4) Every person guilty of a contravention of this rule shall be liable to a penalty of not more than Twenty pounds.

Power of
returning
officer or
deputy.

(5) Every returning officer and deputy shall have power and authority to deal with any person reasonably suspected of committing or attempting to commit an offence against any of the provisions of this rule.

How votes
to be
tendered
at poll.

21. At any poll every person tendering his vote at any polling place shall do so in manner following:—

(a) He shall state to the returning officer or deputy his surname and christian or other names and such other of the particulars required to be expressed in the said electoral roll for the subdivision as the returning officer or deputy may, for the purpose only of ascertaining upon the roll the name intended by such person, require; and

(b) he shall demand a ballot-paper.

Duty of
returning officer
or deputy on
vote being
tendered.

22. At any poll when any person has so tendered his vote the returning officer or deputy shall ascertain that the name given by such person is on the said electoral roll for the subdivision for which such polling place is appointed.

23.—(1) At every poll the returning officer or deputy shall put to any person tendering his vote the following question:—

(i) Have you already voted in any licensing district to-day? "Prescribed questions."
[in the case of an adjourned poll the day from which the poll was adjourned should also be named.]

(2) At every poll the returning officer or deputy may, if he thinks fit, and shall if required by any scrutineer or by any two persons entitled to vote at the polling place at which he presides put to any person tendering his vote the following questions:—

(ii) Are you the person whose name appears as (A.B., No.) on the electoral roll for the subdivision of the licensing district of ?

(iii) (If the person claims for a residential qualification)—Do you now reside in the licensing district of [the district aforesaid]?

(iv) (If the answer to the question numbered (iii) be in the negative)—

Did you reside in the licensing district of [the district aforesaid] at any time within the last three months?

(v) Are you a natural-born or naturalized subject of His Majesty?

24. Every question which under the provisions of this Division Questions to be put before any returning officer or deputy is authorized or required to put to any person tendering his vote at any poll shall be put to such person before delivery of ballot-paper. he has received a ballot-paper but not afterwards.

25. At any poll—

(1) Every person tendering his vote to whom any of the prescribed questions are so put and who—

(a) refuses or omits distinctly to answer the same and each part thereof; or

(b) does not answer the question numbered (i) absolutely in the negative; or

(c) does not answer the question numbered (ii) absolutely in the affirmative and truly state the subdivision in respect of which his present qualification arises; or

(d) does not answer the question numbered (iii) absolutely in the affirmative; or if he answers the same in the negative does not answer the question numbered (iv) absolutely in the affirmative; or

(e) does not answer absolutely in the affirmative the question numbered (v) so far as it applies to his claim to vote, Refusal or omission to answer questions or not answering so as to show right to vote.

shall be and be deemed to be prohibited from voting then or afterwards at such poll; and shall be guilty of an offence, and shall be liable to a penalty of not more than Twenty pounds.^(a) Penalty.

(2) Every returning officer and deputy shall have power and authority to deal with any person reasonably suspected of committing or attempting to commit any such offence. Power of returning officer or deputy.

(3) Any person tendering his vote at any poll who answers to the question numbered (v) that he is a naturalized subject of His Majesty, but fails to produce his letters of naturalization on being required to do so by the returning officer or deputy shall be and be deemed to be prohibited from voting at such poll unless he makes and signs before the returning officer or deputy a declaration in accordance with Form A. Naturalized person.

26.—(1) At any poll the returning officer or deputy if he thinks fit may, and if called upon to do so by any scrutineer or by any two persons entitled to vote at the polling place at which he presides shall require any person tendering his vote before he receives a ballot-paper to sign his name in a book to be kept for that purpose.^(b) Voter required to sign book.

(2) At any poll every person having tendered his vote who being required to make any declaration as aforesaid or to sign his name as aforesaid refuses or omits so to do shall be and be deemed to be prohibited from voting then or afterwards at such poll; and shall be guilty of an offence, and shall be liable to a penalty of not more than Twenty pounds. Penalty for not making declaration or not signing name in book.

27. At any poll when any person has tendered his vote and the name in which he demands to vote is on the said electoral roll for the subdivision for which such person is entitled to vote the returning officer Duty of returning officer when voter's name appears in roll.

(a) See Rule 109. (b) See Rule 106 as to making a mark in case of inability to write.

or deputy shall unless such person is prohibited from voting for some of the causes mentioned in these Rules—

- (a) forthwith write upon the back of one of the ballot-papers signed or initialed as required by these Rules and as near as practicable to the lower edge thereof the number corresponding to the number set opposite such person's name in such roll together with the figures denoting the title of such roll, and (if it is not already there) the name of the subdivision for which such person tenders his vote, and so that in folding up such ballot-paper the voter may easily conceal from view the said writing;
- (b) deliver to such person such ballot-paper; and
- (c) forthwith mark upon a certified copy of such roll against the name of such person the fact of his having received such ballot-paper.

DIVISION 7.—VOTING BY UNENROLLED VOTERS.

28.—(1) Notwithstanding anything in these Rules when any person who is entitled to be enrolled on a roll for a subdivision claims to vote at any poll in that subdivision and his name has been omitted from or struck out of the roll being used at such poll owing to an error of an officer or of any person performing the duties, of an officer under Division seven of Part IV. of *The Constitution Act Amendment Act 1928*, or owing to a mistake of fact such person may be permitted to vote if—

- (a) in the case of a person whose name has been omitted from the roll—
 - (i) he sent or delivered to the registrar for the subdivision a duly completed claim for enrolment or transfer of enrolment (as the case requires) in respect of the subdivision and the claim was received by the registrar not later than the sixtieth day before the taking of the vote; and
 - (ii) he did not after sending or delivering the claim and before the said day become qualified for transfer of enrolment to another subdivision; or
- (b) in the case of a person whose name has been struck out of the roll—
 - (i) his name was not to the best of his knowledge removed from the roll for the subdivision owing to objection or transfer of enrolment or duplication of enrolment or disqualification; and
 - (ii) he had from the time of his enrolment for the subdivision to the said day continuously retained his right to enrolment for that subdivision,

and makes a declaration before the returning officer or deputy.

29. The ballot-paper to be used by an elector voting under rule 28 shall be in accordance with Form C, and shall be marked, folded, and returned in accordance with the Directions thereon:

Provided that a ballot-paper not marked strictly in accordance with such directions shall be given effect to according to the elector's intention so far as his intention is clear.

30. Every person who makes a false declaration under this Division for the purpose of voting at any poll shall be liable to a penalty of not more than Twenty pounds.

31. Before any person makes any declaration under this Division the returning officer or deputy shall warn him that if he makes a false declaration he will be liable to such penalty.

32. (1) Before an elector makes a declaration under this Division the returning officer or deputy shall put to him the following questions:—

- (i) Have you already voted in any licensing district to-day?
(In the case of an adjourned poll, the day from which the poll was adjourned should also be named.)
- (ii) Have you received a postal ballot-paper enabling you to vote at the poll for any licensing district to-day?

and may, if he thinks fit, and, if required by any scrutineer or by any two persons entitled to vote at the polling place at which he presides, shall put to any elector the following questions:—

- (iii) (Where the elector claims to vote on the grounds of a residential qualification)—

Do you now reside in the licensing district of [the district for which the person claims to vote]?

- (iv) (Where the answer to the question numbered (iii) is in the negative)—

Did you reside in the licensing district of [the district aforesaid] at any time within the last three months? and

Vote of person whose name is not on roll used at polling booth but entitled to be enrolled.

Penalty for false declaration.

Caution.

Prescribed questions.

(v) Are you a natural-born or naturalized subject of His Majesty?

(2) Every elector to whom any of the prescribed questions are put who refuses or omits to answer such questions or in answering them does not show his right to vote shall be and be deemed to be prohibited from voting then or afterwards at such poll. Refusal or omission to answer questions.

(3) The provisions of rule 25 (3) shall apply to a person claiming to vote under this Division.

33. If the returning officer or deputy is satisfied from the answers to the questions put to the person so claiming to vote that he is entitled to vote— Allowance of vote. Ballot-papers.

- (a) such person may be allowed to vote on making a declaration in accordance with Form B before the returning officer or deputy;
- (b) the officer presiding at the polling booth shall—
 - (i) initial, number and complete a ballot-paper as provided in the next succeeding Rule; and
 - (ii) deliver the same to such person;
- (c) such person shall mark and fold his ballot-paper and return it so folded to the returning officer or deputy;
- (d) the returning officer or deputy—
 - (i) shall thereupon in the presence of the voter and of such scrutineers as are present and without unfolding the ballot-paper enclose it in an envelope bearing the declaration of the voter and addressed to the returning officer for the district; and
 - (ii) shall forthwith securely fasten the envelope and deposit it in the ballot-box.

34. Before issuing a ballot-paper to any elector every officer presiding at a polling booth shall— Initialing ballot-papers and inserting other particulars.

- (a) on the front thereof initial the ballot-paper in the space provided for the purpose and (if not already printed thereon) write the name of the district for which the elector declares he is entitled to vote; and
- (b) on the back thereof insert the name of the polling place where the vote is polled and the number corresponding with the progressive number recorded by the returning officer or deputy in accordance with rule 36.

35. If any person claiming to vote under the provisions of this Division satisfies the returning officer or deputy returning officer that he is blind or that his sight is so impaired or that he is otherwise so physically incapable that he is unable to make the prescribed declaration or (as the case may be) to vote without assistance or that he is unable to read or write the returning officer or deputy shall— Blind and illiterate persons.

- (a) at the request of such person and for him and in the presence of a witness if so desired by such person fill in the form of the declaration with the required particulars as requested by such person and shall thereupon in the presence of such witness (if any) read over to such person the form of the declaration;
- (b) require such person to sign the form of the declaration—
 - (i) in his own handwriting if he is able so to do; or
 - (ii) with his mark as his personal signature if he is unable to sign his name in his own handwriting;
- (c) cause the signature of such person if made by means of a mark to be witnessed;
- (d) complete and attest the declaration; and
- (e) if such person is permitted to vote shall at the request of such person and for him and in the presence of a witness if so desired by such person mark and fold the ballot-paper for the voter;

and shall thereupon proceed as if such ballot-paper so folded had been returned to him by the voter.

36. Every returning officer or deputy shall make a record of the full name of every elector who, under this Division; votes at the polling place, at which such returning officer or deputy presides, together with the name of the district and subdivision for which the elector claims to vote and the name of the polling place at which the vote is polled, as indicated on the form of declaration, and shall number each entry consecutively, commencing with the number 1, and at the close of the poll every deputy shall sign and forward the record to the returning officer. Record of voter.

- Transmission of votes to registrars. 37. (1) Every deputy returning officer, who is authorized under the provisions of these Rules to open the ballot-box shall forthwith—
- (i) without opening any envelopes containing votes of electors transmit such envelopes to the registrars for the respective subdivisions for which the electors claim that they are entitled to vote; and
- Report. (ii) furnish a report to the returning officer by telegraph, or by such other expeditious means as may be available, stating the total number of envelopes forwarded to such registrars.
- Returning officer to furnish name and address of registrar. (2) The returning officer for every district shall, before polling day, notify every deputy of the name and address of the registrar to whom declaration envelopes containing ballot-papers of electors shall be transmitted.
- Subsequent dealing with ballot-papers, &c. 38. The registrar on receipt of the envelope containing the ballot-paper as aforesaid shall without opening the envelope or allowing any other person to do so examine the declaration of the voter, and after making such inquiry as may be necessary return the envelope unopened to the returning officer and report to him whether in his opinion the person claiming to vote is or is not a person to whom paragraph (a) or (b) of Rule 28 (1) applies.
- Note of refusal of claim. 39. Where the claim of any person to vote under this Division is refused the returning officer or deputy shall make a note in writing of the fact of the claim and the reasons for the refusal thereof and the returning officer or deputy and a poll clerk shall sign the note in the presence of such scrutineers as are present. Any of those scrutineers may also sign the note.
- Records and Ballot-box. 40. Every returning officer shall preserve in his custody—
- (a) a book in which he shall keep a record from time to time of the number of envelopes bearing declarations received by him from electoral registrars; and
- (b) a locked and sealed ballot-box marked "Unenrolled Voters," into which he shall forthwith place all such envelopes.
- Procedure as to opening envelopes and extracting ballot-papers. 41. (1) Upon the receipt from registrars of all envelopes containing votes of electors the returning officer shall, in the presence of the scrutineers and poll clerk (if any), but of no other person, deal with the said envelopes and ballot-papers as follows:—
- (a) Open the ballot-box and produce all envelopes contained therein;
- (b) place in one parcel the unopened envelopes bearing the duly-signed and attested declarations of persons who, according to the registrars' reports, are persons to whom paragraph (a) or (b) of Rule 28 (1) applies, and accept for further scrutiny the ballot-papers contained therein;
- (c) place in another parcel the unopened envelopes bearing the declarations of those persons who, according to the registrars' reports, are not persons to whom either of the paragraphs of the said Rule applies, fasten and seal the parcel, endorse thereon the words "Unenrolled voters' ballot-papers rejected at the preliminary scrutiny", and add the name of his district, his signature, and the date:
- Provided that a ballot-paper shall not be rejected at the preliminary scrutiny by reason only of the fact that—
- (i) the deputy returning officer has omitted to attest the declaration if, before the result of the poll is reported to the chief electoral officer, the deputy certifies that the omission was due to inadvertence and that the declaration was as a matter of fact duly signed in such deputy's presence, or
- (ii) there is an omission or an incorrect or insufficient description or a misdescription in respect of any of the particulars required by this Division to be contained therein if the returning officer is satisfied that the elector is entitled to vote;
- (d) place the envelopes containing the ballot-papers which he has decided to accept for further scrutiny before him on a table in such a manner that the face only of each envelope bearing the address of the returning officer shall be visible;
- (e) without further examining the declaration of any voter, or permitting any other person to do so, withdraw from the envelope each ballot-paper contained therein, and without inspecting or unfolding such ballot-paper, or allowing any other person to do so, forthwith deposit the folded ballot-paper in a locked and sealed ballot-box for further scrutiny; and

- (f) place the envelopes in a parcel endorsed with the words "Envelopes bearing unenrolled voters' declarations from which ballot-papers have been withdrawn for further scrutiny", fasten the parcel, add the name of the district, his signature, and the date; and
- (g) at the further scrutiny the returning officer shall open the ballot-box, examine the ballot-papers contained therein, reject all informal ballot-papers, and count the votes given for and against the resolution.

42.—(1) The provisions of the law governing licensing polls in regard to the rejection of invalid ballot-papers shall apply to ballot-papers under this Division.

(2) A ballot-paper shall not be rejected as informal merely because of a formal defect therein through the name of the wrong district appearing thereon or the omission of the name of the district if the name of the district for which the elector claims to vote appears in the declaration of the elector.

43. As soon as practicable after polling day every returning officer shall enclose all parcels of ballot-papers, envelopes, and records in a sealed packet, which shall be disposed of as hereinafter provided.

DIVISION 8.—ABSENT VOTING.

44.(a) The following provisions shall have effect with respect to voting by absent voters at any poll:—

- (1) The exercise of the right of voting at a polling place as an absent voter is dependent upon the arrangements at the polling place at which the elector claims to vote as an absent voter being such as to enable the vote to be recorded without interference with the rights of the electors enrolled for the subdivision for which the polling place is appointed.
- (2) Every person tendering his vote as an absent voter at any polling place shall—
- (a) state to the returning officer or deputy—
 - (i) his surname and christian or other name or names;
 - (ii) his residence and occupation;
 - (iii) the district for which he is enrolled; and
 - (iv) to the best of his knowledge, the subdivision for which he is enrolled; and
 - (b) demand a ballot-paper.

45.—(1) The returning officer or deputy shall put to any person tendering his vote as an absent voter the following questions:—

- (a) (i) Have you already voted in any licensing district to-day?
- (ii) Have you received a postal ballot-paper enabling you to vote at the poll for any licensing district to-day?

The returning officer or deputy may if he thinks fit and shall if required by any scrutineer put to any such person the following questions or any of them:—

- (b) Are you enrolled on the electoral roll for the subdivision of the licensing district of *[the district in respect of which such person claims to vote]*?
- (c) *(If the person claims for a residential qualification)*—Do you now reside in the licensing district of *[the district aforesaid]*?
- (d) *If the answer to question (c) is in the negative*—Did you reside in the licensing district of *[the district aforesaid]* at any time during the last three months?
- (e) Are you a natural-born or naturalized subject of His Majesty?

(2) Every question which every returning officer or deputy is authorized or required to put to any person tendering his vote shall be put to such person before he has received a ballot-paper but not afterwards.

(3) (a) Every person tendering his vote to whom any of the prescribed questions are so put and who—

- (a) refuses or omits distinctly to answer the same and each part thereof; or
- (b) does not answer question (a) (i) or (a) (ii) absolutely in the negative or if he answers question (a) (ii) in the affirmative does not deliver up his postal ballot-paper in blank form: or

(a) See also Rules 20 and 64.

(c) does not answer question (b) absolutely in the affirmative and truly state the district and to the best of his knowledge the subdivision for which he is enrolled; or

(d) does not answer question (c) absolutely in the affirmative; or if he answers the same in the negative does not answer question (d) absolutely in the affirmative; or

(e) does not answer absolutely in the affirmative question (e) so far as applies to his claim to vote—

shall be and be deemed to be prohibited from voting then or afterwards at any poll; and shall be guilty of an offence and shall be liable to a penalty of not more than Twenty pounds.

Power of
returning
officer or
deputy.

(b) Every returning officer and deputy shall have power and authority to deal with any person reasonably suspected of committing or attempting to commit any such offence.

Naturalized
person.

(c) Any person tendering his vote who answers question (e) that he is a naturalized subject of His Majesty, but fails to produce his letters of naturalization after being required to do so by the returning officer or deputy shall be and be deemed to be prohibited from voting at any poll unless he makes and signs before the returning officer or deputy a declaration in accordance with Form A.

Form of
declaration.

(4) (a) If the returning officer or deputy is satisfied from the answers put to the person so tendering his vote that he is entitled to vote such person may be allowed to vote as an absent voter on making a declaration before the returning officer or deputy.

Warning to
voter.

(b) The declaration of an absent voter shall be in accordance with Form D, and shall be printed on an envelope addressed to the returning officer for the district for which the elector declares that he is enrolled.

(c) Before any person makes any declaration for absent voting the returning officer or deputy shall warn him that if he personates any elector for the purpose of voting, or knowingly makes a false declaration, he will be guilty of an offence.

Form of
ballot-paper.

46. The ballot-paper of an absent voter shall be in accordance with Form E provided that the name of the district may be either printed or written thereon, and shall be marked, folded, and returned in accordance with the directions printed thereon:

Providing further that a ballot-paper not marked strictly in accordance with such directions shall be given effect to according to the elector's intention so far as his intention is clear.

Ballot-papers
to be initialed,
&c.

47. Before issuing an absent voter's ballot-paper every officer presiding at a polling-booth shall—

(a) on the front thereof initial the ballot-paper in the space provided for the purpose; and (if not already printed thereon) write in the name of the district for which the elector declares he is enrolled; and

(b) on the back thereof insert the name of the district and the name of the polling place where the vote is polled, and the number corresponding with the progressive number recorded by the returning officer or deputy in accordance with Rule 50.

Blind
physically
incapable
voters.

48. If any person claiming to vote as an absent voter satisfies the returning officer or deputy returning officer that he is blind or that his sight is so impaired, or that he is otherwise so physically incapable that he is unable to make any prescribed declaration or (as the case may be) to vote without assistance, or that he is unable to read or write, the returning officer or deputy shall—

(a) at the request of such person and for him, and in the presence of a witness if so desired by such person, fill in the form of declaration with the required particulars as requested by such person and shall thereupon in the presence of such witness (if any) read over to such person the form of the declaration;

(b) require such person to sign the form of the declaration—
(i) in his own handwriting if he is able to do so; or
(ii) with his mark as his personal signature if he is unable to sign his name in his own handwriting;

(c) cause the signature of such person, if made by means of a mark, to be witnessed;

(d) complete and attest the declaration; and

(e) if such person is permitted to vote shall at the request of such person and for him and in the presence of a witness, if so desired by such person, mark and fold the ballot-paper for the voter;

and shall proceed as if such ballot-paper so folded had been returned to him by the voter.

49.—(1) Where a person votes as an absent voter he shall mark and fold his ballot-paper and return it so folded to the returning officer or deputy. Ballot-papers how to be dealt with.

(2) The returning officer or deputy—

- (a) shall thereupon in the presence of the voter and of such scrutineers as are present and without unfolding the ballot-paper enclose it in an envelope bearing the declaration of the voter and addressed to the returning officer for the district for which the voter declares that he is enrolled; and
- (b) shall forthwith securely fasten the envelope and deposit it in the ballot-box.

50. Every returning officer or deputy shall make a record of the full name of each elector who has voted at his polling place as an absent voter, together with the name of the district and subdivision for which the elector declares that he is enrolled and the name of the polling place at which the vote is polled, as indicated on the form of declaration, number each entry consecutively, commencing with number 1, and at the close of the poll every deputy shall forward the record duly certified to the returning officer for the district in respect of which the deputy is appointed. Deputy's record.

51.—(1) Every deputy returning officer who is authorized under the provisions of these Rules to open the ballot-box shall forthwith— Procedure at close of poll.

- (i) without opening any envelopes containing absent votes enclose such envelopes in a separate parcel, endorse such parcel with a description of the contents thereof, sign and date such endorsement and forward such parcel together with the sealed parcels required to be transmitted by these rules to the returning officer for the district in respect of which the deputy returning officer is appointed.

(2) The returning officer shall advise the returning officers for other districts by telegraph of the number of absent votes polled for those districts within the district for which the first-mentioned returning officer acts and shall transmit to the said returning officers in separate parcels and by the first available mail the envelopes containing the absent votes so polled. Returning officer to inform returning officers of other districts and forward ballot-papers.

52. Every returning officer shall preserve in his custody—

- (a) a book in which he shall record from time to time the number of envelopes bearing absent voters' declarations received by him from returning officers of other districts; and
- (b) a locked and sealed ballot-box marked "Absent Voters' Ballot-box" into which he shall forthwith place all envelopes bearing absent voters' declarations received by him from such returning officers. Returning officer's Record Book.

53. Upon the receipt by a returning officer of all envelopes containing absent votes, the returning officer shall, in the presence of the scrutineers present and poll clerk (if any), but of no other person, deal with the said envelopes and ballot-papers as follows:— Ballot-papers how to be dealt with.

- (a) open the ballot-box and produce all envelopes containing absent voters' ballot-papers;
- (b) place in one parcel the unopened envelopes bearing the duly signed and attested declarations of those persons who he is satisfied are enrolled for and entitled to vote in respect of his district, accept for further scrutiny the ballot-papers contained therein and place a mark opposite the name of each of such persons on a certified copy of the roll to be used by him for the purposes of the scrutiny;
- (c) place in another parcel the unopened envelopes bearing the declarations of those persons who he is satisfied are not enrolled or are not entitled to vote in respect of his district, or whose declarations are not duly signed and attested, fasten and seal the parcel, endorse thereon the words "Absent voters' ballot-papers rejected at the preliminary scrutiny," and add the name of his district, his signature, and the date:

Provided that an absent voter's ballot-paper shall not be rejected at the preliminary scrutiny by reason only of the fact that—

- (i) the deputy returning officer has omitted to attest the declaration of the elector, if before the result of the poll is reported to the chief electoral officer the deputy returning officer certifies that the omission was due to inadvertence and that the declaration was as a matter of fact duly signed in such deputy returning officer's presence: or
- (ii) there is an omission or incorrect or insufficient description or misdescription in respect of any of the particulars required by this Division to be contained therein if the returning officer is satisfied that the voter is entitled to an absent vote;
- (d) place the envelopes containing the ballot-papers which he has decided to accept for further scrutiny before him on a table in such a manner that the face only of each envelope bearing the address of the returning officer shall be visible;
- (e) without further examining the declaration of any voter, or permitting any other person to do so, withdraw from the envelope each ballot-paper contained therein, and without inspecting or unfolding such ballot-paper or allowing any other person to do so, forthwith deposit the folded ballot-paper in a locked and sealed ballot-box for further scrutiny;
- (f) place the envelopes in a parcel endorsed with the words, "Envelopes bearing absent voters' declarations from which ballot-papers have been withdrawn for further scrutiny", fasten the parcel, add the name of the district, his signature, and the date; and
- (g) at the further scrutiny the returning officer shall open the ballot-box, examine the absent voters' ballot-papers contained therein, reject all informal ballot-papers, and count the votes given for and against the resolution.

Further
scrutiny.

Invalid
ballot-papers.

54.—(a) The provisions of the law governing licensing polls in regard to the rejection of invalid ballot-papers shall apply to absent voters' ballot-papers.

(b) An absent voter's ballot-paper shall not be rejected as informal merely because of a formal defect therein through the name of the wrong district appearing thereon, or the omission of the name of the district, if the name of the district for which the elector is enrolled appears in the declaration of the elector.

Disposal of
ballot-papers
&c.

55. As soon as practicable after polling day every returning officer shall enclose all ballot-papers, rolls, envelopes, and records relating to absent voting in a sealed packet which shall be disposed of as hereinafter provided.

DIVISION 9.—GENERAL PROVISIONS RELATING TO THE POLLING.

Persons entitled
to be present in
polling booth.

56. The returning officer or deputy, the poll clerks, and the scrutineers duly appointed, and any voters not exceeding six in number being actually engaged in voting, to be designated if necessary by the returning officer or deputy, shall alone be permitted at any one time to enter or remain in the polling booth during the taking of the poll.

Declaration
against
bribery.

57. The returning officer or deputy if he thinks fit may, and if called upon to do so by any scrutineer shall, require any person tendering his vote before he receives a ballot-paper to make a solemn declaration against bribery in the manner and form following:—

I [A.B.] do solemnly declare that I have not received or had by myself or any other person whomsoever in trust for me or for my use or benefit or for the use or benefit of any member of my family or kindred or any friend or dependant directly or indirectly any sum of money office place of emolument gift or reward or any promise or security for, nor do I expect to receive, any money office place of emolument gift or reward, by way of consideration either expressed implied or understood for giving my vote at this poll.

(2) Every person who tenders his vote and being required to make such declaration refuses or omits to do so—

(a) shall be and be deemed to be prohibited from voting then or afterwards at such poll; and

(b) shall be guilty of an offence and shall be liable to a penalty of not more than Twenty pounds.^(a)

(3) Every person who being required to make a declaration under this Rule knowingly makes a false declaration shall be liable to a penalty of not more than Twenty pounds.

58.—(1) If at any polling booth any ballot-paper has been delivered to any person having tendered his vote, and if any other person afterwards tenders his vote at such booth as of the same person in whose name such first-mentioned person has received such ballot-paper, the returning officer or deputy shall put to the person so secondly tendering his vote such of the questions authorized or required by these Rules to be put as apply to the claim of such person to vote; and shall before such person receives a ballot-paper require him to sign his name^(a) in the book to be kept as provided in Rule 26 for signatures of persons claiming to vote.

Duty of returning officer when a second vote is tendered for one name.

(2) Such person shall be dealt with in all respects in like manner as any other person having tendered his vote; but the ballot-paper of such person shall not be deposited in the ballot-box or allowed by the returning officer or deputy, and shall be set aside by him for separate custody.

(3) Every person who being required to sign his name refuses or omits so to do shall be liable to a penalty of not more than Twenty pounds.^(a)

Penalty.

59.—(1) Notwithstanding anything in these Rules contained if at any poll any person to whom a ballot-paper has been delivered at any polling booth satisfies the returning officer or deputy that he is blind or that his sight is so impaired or that he is otherwise so physically incapable that he is unable to vote without assistance or that he is unable to read or write, such returning officer or deputy shall, at the request of such person and for him and in the presence of a witness if so desired by such person, mark the ballot-paper and fold and deposit the same in the ballot-box.

How vote of blind disabled or uneducated voter &c. to be taken.

(2) Notwithstanding anything in these Rules contained if at any poll any person satisfies the returning officer or deputy, before his ballot-paper is deposited in the ballot-box, that he has spoiled it by a mistake or accident he may, on giving it up, receive a new ballot-paper from the returning officer or deputy, who shall there and then cancel and retain the spoiled ballot-paper writing the word "Spoilt" thereon.

Spoilt ballot-papers.

60.—(1) During the polling no person shall—

- (a) take any ballot-paper out of the polling booth or to any place in the polling booth save to one of the compartments aforesaid or the ballot-box; or
- (b) enter any such compartment while any other person is therein; or
- (c) being in such compartment remain there for a longer time than is reasonably required for the purpose of marking his ballot-paper.

No ballot-paper to be taken out of polling booth.

(2) Every person wilfully offending against the preceding provisions of this Rule or otherwise obstructing or unnecessarily delaying the proceedings at any such polling shall be liable to a penalty of not more than Twenty pounds.

Obstruction of proceedings an offence.

61.—(1) The following acts are on polling day, and on all days to which the polling is adjourned, hereby prohibited within thirty feet of or at the entrance of or within a polling place, namely:—

Prohibition of canvassing near polling places.

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector; or
- (c) inducing any elector not to record his vote for or against the resolution; or
- (d) inducing any elector not to vote at the poll.

(2) Every person guilty of a contravention of any of the provisions of this Rule shall be liable to a penalty of not more than Twenty pounds.

(3) Every returning officer and deputy shall have power and authority to deal with any person reasonably suspected of committing or attempting to commit an offence against any of the provisions of this rule.

Powers of returning officer or deputy.

62.—(1) Every returning officer and deputy shall have power and authority—

Further powers of returning officer or deputy under these Rules.

- (a) to maintain order and keep the peace at any polling held by him; and
- (b) to cause to be removed any person who obstructs the approaches to any polling booth or wilfully or unnecessarily obstructs or delays the proceedings at the polling or conducts himself in a disorderly manner or causes a disturbance at any poll.

(2) All members of the police force shall aid and assist such returning officer or deputy in the performance of his duty.

(a) See Rule 100. (b) See Rule 106 as to making a mark in case of inability to write.

Adjournment of polling if interrupted by riot or open violence or other unavoidable and serious cause.

63. When the proceedings for taking any poll are interrupted or obstructed at any place by any riot or open violence or other unavoidable and serious cause (whether of the same character as those previously mentioned or not) the returning officer or deputy (as the case may be) shall not for such cause finally close the poll, but shall adjourn the taking of the poll at the polling place at which such interruption or obstruction has happened to the following day; and if necessary the returning officer or deputy shall further adjourn the poll until such interruption or obstruction has ceased, when the returning officer or deputy shall again proceed with the taking of the poll at the place at which the same was so interrupted or obstructed.

Adjournment of polling where poll not opened.

64. If from any cause no polling has been opened at any booth of a polling place for any district on polling day, the polling at such booth shall stand adjourned to a day not later than seven clear days following the day upon which such polling was to have taken place; and the returning officer or deputy (as they case may be) shall forthwith cause public notice to be given thereof. The provisions of these Rules^(a) with respect to voting by absent voters shall not in the case of an adjournment under this or the last preceding rule enable any person to vote as an absent voter on any day to which the taking of the poll or the poll is adjourned.

On adjournment by deputy notice to be given to returning officer and chief electoral officer.

65. Where any poll has by any deputy been adjourned as provided in either of the two last preceding Rules the deputy shall forthwith give notice thereof to the returning officer, who shall forthwith report the fact to the chief electoral officer.

Poll not to be void for want of or defect in title of officers.

66.—(1) No poll shall be liable to be questioned by reason only of any defect in the title or any want of title of the person by or before whom such poll or any polling for the same has been held, if such person has been actually appointed to preside or has been acting in the office giving the right so to preside at such poll.

Nor for omission &c. of a formal nature.

(2) No poll shall be void in consequence only of there having been no returning officer at any time during the taking of the vote.

Governor in Council to take measures to cure defect.

(3) (a) Where any accidental or unavoidable impediment misfeasance or omission has happened, the Governor in Council may by Order—

take all such measures as may be necessary for removing such impediment or rectifying such misfeasance or omission; or declare any or all of the proceedings at or for any poll valid as to and notwithstanding such impediment misfeasance or omission.

(b) Every such Order in Council shall state specifically the nature of the impediment misfeasance or omission and shall be forthwith published in the *Government Gazette*.

Penalty for neglect &c. by returning officer.

67. If the returning officer of any district, or if any person having been appointed to act as such returning officer or his substitute or deputy at any poll for the same respectively and undertaken so to act, is guilty of any wilful misfeasance or wilful or negligent act of commission or omission contrary to any of the provisions of these Rules and not otherwise provided for, he shall be liable to a penalty of not more than Twenty pounds.^(b)

DIVISION 10.—HOW VOTES TO BE RECORDED, COUNTED, AND REPORTED. DISPOSAL OF BALLOT-PAPERS.

How vote to be recorded.

68.^(c) Every person to whom a ballot-paper has been delivered shall—

- (a) forthwith retire alone to some unoccupied compartment of the polling booth;
- (b) there alone and without delay mark his vote on the ballot-paper in manner required by these Rules;
- (c) forthwith fold up the ballot-paper in such manner as will conceal the vote; and
- (d) deposit it in the ballot-box in the presence of the returning officer or deputy.

Ballot-papers valid if intention clear.

A ballot-paper not marked strictly in accordance with the directions contained in Form A of the Third Schedule to the *Licensing Act 1928* shall be given effect to according to the elector's intention so far as his intention is clear.

Procedure to ascertain number of votes.

69. At any poll the procedure by the returning officer and deputy returning officers for each district to ascertain the number of votes for and against the resolution shall be as follows:—

The counting of votes at the polling booth.

- (a) Immediately upon the close of the poll the returning officer and every deputy at the polling booth at which each presides shall in the presence and subject to the inspection of such of the scrutineers as choose to be present and the poll clerk (if any) and of no other persons—
- (i) open each ballot-box at such polling booth;

(a) See Division 8 of Part III.

(b) See Rule 100. (c) As to blind, disabled, and illiterate persons and spoilt ballot-papers, see Rule 59.

- (ii) count all votes given for and against the resolution (other than votes under Divisions 7 and 8 of this Part);
 - (iii) make and keep a record of the number of votes counted from each ballot-box; and
 - (iv) abstain himself from inspecting the writing upon the back of the ballot-papers and take care that the same is not seen by any person.
- (b) Each deputy shall in respect of the polling booth at which he presides— Duties of deputies.
- (i) certify a list of the number of such votes given for and against the resolution verified as well by the signature of the deputy and the poll clerk (if any) as by the signatures of such of the scrutineers as are present and consent to sign the same;
 - (ii) make out an account verified as aforesaid in which such deputy shall charge himself with the number of ballot-papers originally delivered to him specifying therein the number thereof delivered to and used by voters and the number not so delivered or left unused and the number set aside for separate custody^(a) and the number cancelled as spoilt;^(b)
 - (iii) make up in one parcel the ballot-papers which have been used in voting at the said polling booth during the polling; in another separate parcel the ballot-papers which have remained unused thereat; in another separate parcel the ballot-papers which have been set aside for separate custody thereat^(a) and also the ballot-papers cancelled as spoilt;^(b) and in another separate parcel the certified copies of rolls supplied to the said deputy signed by him or (as the case may be) the copies of rolls certified by the said deputy^(c), and all books rolls and papers kept or used by him during the polling;
 - (iv) seal up the said several parcels and permit any scrutineer who desires so to do to affix his seal to such parcels;
 - (v) endorse the said parcels severally with a description of the contents thereof and with the name of the district the name of the subdivision and polling booth and the date of polling and sign his name to such endorsement; and
 - (vi) transmit such list and such account and such sealed parcels to the returning officer.
- (c) The returning officer shall in respect of the polling booth at which he presides— Duties of returning officer at the booth at which he presides.
- (i) make out a list of votes given for and against the resolution and a like account of the ballot-papers as herein required in the case of deputies duly verified by the signatures of the returning officer the poll clerk (if any) and of such of the scrutineers as are present and consent to sign the same; and
 - (ii) seal up in separate parcels in respect of the said polling booth the ballot-papers books rolls and papers used by him during the polling and endorse the same in like manner as is herein required in the case of deputies.
70. The returning officer shall as soon as practicable— Further general duties of returning officer to ascertain the result of the voting.
- (i) ascertain from the list made out by himself as aforesaid and the certified lists received from the deputies the number of votes given for and against the resolution; and
 - (ii) add the votes so given to the votes given by the allowed postal ballot-papers and by votes returned and allowed under Divisions 7 and 8 of this Part so as to ascertain the total number of votes given for and against the resolution respectively.

71.—(1) If on the date of the polling the count of the votes by the returning officer cannot be completed he shall adjourn such count and inform the scrutineers and the officers appointed to assist him at such count as regards the time and place when and where such count will be continued and conducted by him. Adjournment of count of votes.

(a) See Rule 58.

(b) See Rule 59.

(c) See Rule 15.

Further
adjournments.

Before
adjournment
ballot-papers
&c. to be
sealed in
ballot-boxes.

Reporting
number of
votes to
chief electoral
officer.

Separate
parcels to
be enclosed
in packets
according to
class and
sealed &c.

Ballot-papers
and copies of
rolls and books
to be evidence.

Obtaining of
forms of
application
for postal
ballot-papers.

(2) The count of the votes may from time to time be adjourned as the returning officer deems necessary until it has been duly completed; and each adjournment shall be announced by the returning officer to the scrutineers and the officers assisting him.

(3) Before every adjournment of the count of the votes—

(a) all ballot-papers and other documents connected with such count shall be placed in one or more ballot-boxes; and

(b) the returning officer shall then in the presence of such scrutineers and officers as are present seal such ballot-box or boxes; and before recommencing the count the seal on such ballot-box or boxes shall be exhibited unbroken to such of the scrutineers and officers as are present.

72. The returning officer shall as soon as conveniently may be after the date of the polling report to the chief electoral officer the total number of votes given for and against the resolution respectively.

73.^(a)—(1) The returning officer shall as soon as practicable after the date of the polling enclose in separate packets all the parcels transmitted to him as provided in these Rules and those made up and sealed by himself in respect of the polling booth at which he has presided.

(2) He shall enclose in one separate packet all parcels of used ballot-papers except used ballot-papers herein specifically provided for; in another all parcels of unused ballot-papers including all ballot-papers which have been printed for the poll and not distributed for use to his deputies; in another all parcels of ballot-papers set aside as aforesaid^(b) and also all ballot-papers cancelled as spoilt^(c); in another all parcels containing copies of rolls books and other papers; and shall enclose in another all ballot-papers and the envelopes containing the same as provided for by Division 7 of this Part and in another all ballot-papers and the envelopes containing the same as provided for by Division 8 of this Part.

(3) He shall seal up the several packets and endorse the same with a description of the contents thereof respectively and the name of the district and the date of the polling and sign his name to such endorsement and shall forthwith forward the packets to the chief electoral officer to be by such officer safely kept for six months or for any such longer period as the Chief Secretary directs.

(4) The said officer shall forthwith give or send to the returning officer a receipt under his hand for the said packets.

(5) Any ballot-paper, and any copy of a roll, and any book purporting to be taken from any such parcel and having written thereon respectively, under the hand of the chief electoral officer a certificate of the several particulars required by these Rules to be endorsed upon such parcel and that the same was so taken from such parcel shall be evidence in any court or before any justice that the same was so taken and that the same if a ballot-paper was deposited and if a roll or book was kept or used at the poll and booth to which such endorsement and writing relate.

(6) Every such ballot-paper so certified shall be evidence of a vote given at such poll and the correspondence of the number and figures of a roll appearing on such ballot-paper with the number appearing on and figures of any roll so certified as of the same poll and booth against any name shall be evidence of the person so named having voted at such poll and booth and according to the tenor of the ballot-paper.

DIVISION 11.—VOTING BY POST.

74. For the purposes of this Division a returning officer shall be deemed to be an officer presiding at a polling booth within the meaning of section 304 of the *Licensing Act 1928*.

75.—(1) Any elector at any poll who satisfies the returning officer—

(a) that he resides at least five miles from the nearest polling place at which he is entitled to vote; or

(b) that he has reason to believe that on the polling day during the hours of polling he will not be within five miles of the nearest polling place at which he is entitled to vote; or

(c) that on account of ill-health or infirmity he will be prevented from voting personally at any such polling place,

may before the polling day but not earlier than the thirtieth day before such polling day make application in accordance with Form F or to the like effect to the returning officer for such district for a postal ballot-paper enabling him to vote through the post at such poll instead of attending personally to tender his vote thereat.

(a) See Rule 87 as to applications for and counterfoils of postal ballot-papers.

(b) See Rules 55 and 86.

(c) See Rule 59.

(2) In the case of an application on the ground that he has reason to believe that on the polling day during the hours of polling he will not be within five miles of the nearest polling place at which he is entitled to vote, the applicant shall state in his application the reason for such belief.

(3) With respect to applications for postal ballot-papers the following provisions shall have effect:—

(a) The following directions with respect to such applications shall be substantially observed:—

Application to be signed in presence of authorized witness.

(i) When so much of the form of application as precedes the places for the signatures has been filled in and otherwise completed the elector shall exhibit his form of application to an authorized witness;

(ii) the elector shall then in the presence of the authorized witness sign his name in his own handwriting on the form of application in the place provided for the signature of the elector; and

(iii) the authorized witness shall then sign his name in his own handwriting in the place provided for the signature of the authorized witness and shall add the title under which he acts as an authorized witness, his residence and the date.

(b) An authorized witness shall not witness the signature of any elector on any application for a postal ballot-paper unless the authorized witness—

(i) has satisfied himself as to the identity of the elector;

(ii) has seen the elector sign the application in the elector's own handwriting; and

(iii) knows that the statements contained in the application are true or has satisfied himself (whether by inquiry from the elector or otherwise) that the said statements are true.

(c) An authorized witness shall not persuade or induce or associate himself with any person in persuading or inducing any person to make application for a postal ballot-paper.

Authorized witness not to induce &c. persons to apply for postal ballot-papers.

(d) An authorized witness shall not—

(i) visit any elector for the purpose of witnessing the signature of such elector to his application for a postal ballot-paper; or

(ii) witness the signature of any elector to any such application in any place other than the ordinary residence or place of business of the authorized witness:

Authorized witness not to visit elector to witness signature to application except on account of ill-health or infirmity.

Provided that if any elector desires to make application for a postal ballot-paper and is unable on account of ill-health or infirmity to present himself before an authorized witness any member of the police force or other authorized witness when so requested by any such elector in writing may visit such elector for the purpose of witnessing his signature to such application.

Proviso.

(e) Every authorized witness guilty of any contravention of or failure to observe any of the provisions of Rule 75 (3) shall be liable to a penalty of not more than Twenty pounds.

Penalty.

(f) A list containing the names of all applicants for postal ballot-papers and the respective addresses to which they have been requested to be sent shall be posted for public inspection outside the office of the returning officer of the district for which they are issued.

76.—(1) (a) On receiving from an elector an application for a postal ballot-paper the returning officer having ascertained that the name of the applicant is upon any roll to be used at the poll for the district specified in the application and that the applicant is not prohibited from voting, and if satisfied that the application is properly signed by the applicant and is properly witnessed and that the applicant is entitled according to the statements contained in his application to a postal ballot-paper, shall deliver to the applicant or post to him at the postal address named in the application a postal ballot-paper (with a counter-foil attached) in accordance with Form G together with an envelope addressed to such returning officer at the polling place at which he intends to preside. Such envelope shall be marked "Postal Ballot-paper."

On application returning officer to supply postal ballot-paper.

(b) If the returning officer is not satisfied that the application is properly signed by the applicant or that the application is properly witnessed or that the applicant is entitled to vote by post he shall forthwith post to the applicant a notice in accordance with Form H or to the like effect.

Folding of
ballot-paper.

(2) Each ballot-paper before being enclosed shall be folded to the counterfoil.

Effect of
immaterial
error.

77. No application for a postal ballot-paper shall if properly signed by the applicant and properly witnessed be deemed insufficient or invalid by reason only that in such application there is an omission or incorrect or insufficient description or misdescription in respect of any of the particulars required by these Rules to be contained therein if the returning officer is satisfied that the applicant is entitled to a postal ballot-paper.

Initiating and
numbering of
ballot-papers.

78.—(1) The returning officer shall—

- (a) initial each ballot-paper issued;
- (b) write on the back thereof the number and figures required by these Rules and in the manner thereby prescribed; and
- (c) keep and number the applications therefor in consecutive order, writing the corresponding number on the counterfoil of the ballot-paper.

(2) On the counterfoil the returning officer shall also write the number on the roll of the elector to whom the postal ballot-paper is issued.

Record of issue
of voting by
postal ballot-
paper.

79.—(1) The returning officer shall on the rolls to be used at the poll for the district to which such postal ballot-paper relates note opposite the applicant's name wherever it appears the fact that such postal ballot-paper has been issued to such applicant and the date of such issue.

Notification
to presiding
officers.

(2) In case there is not time to note the fact of the issue of any postal ballot-paper on every such roll on which such applicant's name appears which is to be used at the poll the returning officer shall in such manner as he thinks fit immediately notify such issue to the deputy returning officer at every polling place for such district at which a roll is to be used on which such applicant's name appears.

Mode of voting
by means of
postal ballot-
papers.

80. The following directions for regulating voting by means of postal ballot-papers shall be substantially observed:—

- (1) The elector shall exhibit his postal ballot-paper (in blank) to an authorized witness.
- (2) The elector shall in the presence of the authorized witness but so that the witness cannot see the vote record his vote on such postal ballot-paper.
- (3) If the elector's sight is so impaired that he is unable to vote without assistance the authorized witness at the request of the elector shall mark his vote on the ballot-paper and shall (if the elector so desires) mark the same in the presence of another person.
- (4) The elector shall then refold the ballot-paper and fasten the same.
- (5) The elector shall then sign his name in his own handwriting on the counterfoil in the place provided for the signature of the voter.
- (6) The authorized witness shall then sign his name in his own handwriting in the place provided for the signature of the witness, and shall add the title under which he acts as an authorized witness, his residence, and the date.
- (7) The elector shall then place the ballot-paper with the counterfoil attached into the envelope addressed to the returning officer, fasten the envelope in the presence of the authorized witness, and post it.

Duty of
authorized
witness.

81.—(1) The authorized witness shall—

- (a) see that the foregoing directions are substantially complied with;
- (b) refrain from looking at the vote given by the elector except where the elector cannot vote without assistance and the elector requests his assistance;
- (c) not disclose any knowledge officially acquired by him touching the vote of the elector, save in answer to some question which he is legally bound to answer.

82.—(1) An authorized witness shall not—

- (a) visit any elector for the purpose of witnessing the signature of such elector to his postal ballot-paper;
- (b) witness the signature of any elector to his postal ballot-paper at any place other than the ordinary residence or place of business of the authorized witness; or
- (c) witness the signature of any elector to his postal ballot-paper unless the authorized witness has satisfied himself as to the identity of the elector and has seen the elector sign the counterfoil in the elector's own handwriting:

Witnessing
signature to
postal
ballot-paper
or counterfoil.

Provided that if any elector has received a postal ballot-paper and is unable on account of ill-health or infirmity to present himself before an authorized witness any member of the police force or other authorized witness when so requested by any such elector in writing may visit such elector for the purpose of witnessing his signature to such postal ballot-paper.

(2) Every authorized witness guilty of any contravention of any of the provisions of this rule and the next preceding rule shall be liable to a penalty of not more than Twenty pounds.

83.—(1) Except as provided in the next succeeding Rule no elector to whom a postal ballot-paper for any poll has been sent shall be entitled to vote personally at any poll unless he previously gives up such postal ballot-paper in blank form to the returning officer or deputy at the polling place at which he is entitled to vote.

Elector who has
received postal
ballot-paper
not to vote
personally
without giving
up such paper.

(2) Such officer shall immediately cancel such postal ballot-paper and retain it.

84.—(1) If an elector to whom a postal ballot-paper appears to have been sent states that he has not received such postal ballot-paper and claims to vote personally at any polling place within the subdivision of the district to which such postal ballot-paper relates the returning officer or deputy at such booth may take from such elector a declaration in accordance with Form I or to the like effect. Thereupon such elector shall be entitled to vote personally at such poll and his vote shall be taken in the ordinary way.

Provision when
elector claims
to vote
although postal
ballot-paper
already issued.

(2) If such vote is received by the deputy returning officer he shall immediately advise the returning officer of the fact of such elector having voted personally and shall forward the declaration to the returning officer with the ballot-papers; and if any postal ballot-paper purports to have been received from the same elector such postal ballot-paper shall be rejected at the counting of the votes and the returning officer shall state thereon the reason of such rejection.

85.—(1) The returning officer or deputy shall before any person personally tendering his vote at any poll for any district receives a ballot-paper (but not afterwards), put to such person the following question in addition to any others he may lawfully put:—

Additional
question to be
put on tender
of vote
personally.

Have you received a postal ballot-paper enabling you to vote at the poll for any licensing district to-day? *[In the case of an adjourned poll the day from which the poll was adjourned should also be named in the question.]*

(2) Every person having tendered his vote when such question is put as aforesaid who refuses or omits distinctly to answer the same, and every person who answers the question in the affirmative but does not deliver up his postal ballot-paper in blank form shall be and be deemed prohibited from voting then and afterwards at such poll, and shall be guilty of an offence, and shall be liable to a penalty of not more than Twenty pounds.

Refusal &c.
to answer.

(3) Every person who wilfully makes a false answer to such question put as aforesaid shall be guilty of an offence, and shall be liable to a penalty of not more than Twenty pounds.

Penalty for
false answer.

86. When immediately upon the close of any poll the returning officer is proceeding to ascertain the number of votes for and against the resolution, the returning officer shall produce unopened all envelopes containing postal ballot-papers received by him through the post up to the close of the poll, and such envelopes shall be opened in the presence of the scrutineers present and poll clerk (if any) but of no other person and shall be dealt with as follows, namely:—

Inclusion of
votes through
the post at
close of poll.

- (a) The returning officer shall produce all applications for postal ballot-papers.

- (b) The returning officer without unfolding each postal ballot-paper or allowing it to be inspected shall compare the signature of the voter on the counterfoil with the signature to the application and allow the scrutineers to inspect the same and the returning officer shall determine whether or not the signature on the postal ballot-paper is that of the applicant.
- (c) If the postal ballot-paper is allowed by the returning officer he shall tear off the counterfoil without seeing the vote and shall insert the folded postal ballot-paper in a ballot-box separate from that used during the polling; and when all such postal ballot-papers have been so inserted the counting of the votes recorded therein shall commence.
- (d) Any postal ballot-paper not witnessed as required by this Division shall be disallowed by the returning officer.
- (e) The returning officer shall attach all the counterfoils together.
- (f) The list of the number of votes given for and against the resolution shall show separately the votes tendered personally and the votes given by postal ballot-papers.
- (g) If the returning officer disallows a postal ballot-paper then such ballot-paper shall be included in the sealed parcel of ballot-papers set aside for separate custody.

Applications and counterfoils to be forwarded to chief electoral officer and to be open to inspection.

Preservation of applications and counterfoils.

Applications and counterfoils open to public inspection.

Chief electoral officer to give receipt for packet.

Applications and counterfoils to be evidence.

87. Notwithstanding anything in these Rules—

- (a) all applications for postal ballot-papers and all counterfoils of postal ballot-papers received by a returning officer—
 - (i) shall not be made up or enclosed in the separate parcels or separate packets otherwise required to be sealed up in accordance with these Rules but shall be made up and enclosed in a special packet which shall be endorsed with a description of the contents and the name of the district and the date of the polling (which endorsement shall be signed by the returning officer) and after polling day shall be forwarded by the returning officer to the chief electoral officer;
 - (ii) shall be safely kept by the chief electoral officer for six months or for any such longer period as the Chief Secretary directs; and
 - (iii) after receipt thereof by the chief electoral officer shall be open to public inspection at all convenient times during office hours at the office of the chief electoral officer until the expiration of any such period as aforesaid;
- (b) the chief electoral officer shall forthwith give or send to the returning officer a receipt under his hand for every such special packet received by him;
- (c) any application for a postal ballot-paper and any counterfoil of a postal ballot-paper taken from any such special packet and having written thereon respectively under the hand of the chief electoral officer a certificate of the several particulars required by this Rule to be endorsed upon such packet and that the same was taken from such packet shall be evidence in any court or before any justice—
 - (i) that the same was so taken;
 - (ii) that the same, if an application, was received by the returning officer (at the poll to which such endorsement and writing relate) and that the postal ballot-paper the counterfoil of which bears the application number corresponding with the application number written on the application was issued by the returning officer to the applicant whose name appears on the application; and
 - (iii) that the same, if a counterfoil, was the counterfoil of the postal ballot-paper used at the said poll and bearing the roll number corresponding with the roll number written on the counterfoil.

Certain offences to be bribery.

88. The following persons shall be deemed guilty of bribery within the provisions of Division 12 of this Part:—

- (a) Every person who directly or indirectly makes overtures to any person for the acquiring by gift or purchase or who acquires by gift or purchase from any person any postal ballot-paper; and

- (b) Every elector who directly or indirectly makes overtures to any person for the giving away or parting with the possession of or selling any postal ballot-paper or who gives away any such paper or who sells or (except as in these Rules provided) parts with the possession of any postal ballot-paper.

89. If in any application for a postal ballot-paper any person makes any false statement or if any person applies for a postal ballot-paper to which some other person is entitled he shall be liable to a penalty of not more than Twenty pounds. Making false application an offence.

90. Every person who wilfully makes and subscribes any declaration for the purposes of this Division the same being untrue or false in any particular shall be liable to the penalties of perjury. False declaration perjury.

91. Every person who—

- (a) directly or indirectly requires induces or attempts to induce any person to show by producing his postal ballot-paper how he intends to vote at any poll; or Inducing disclosure of vote by post &c. an offence.
- (b) unless authorized by these Rules marks any postal ballot-paper not issued to such person; or
- (c) opens any envelope addressed to a returning officer not being duly authorized so to do by such returning officer—

shall be guilty of an offence and shall be liable to a penalty of not more than Twenty pounds.

92.—(1) Every person who requires induces or attempts to induce any person in his employment to obtain a postal ballot-paper with the intention of influencing such person by bribery or intimidation to record his vote for or against the resolution shall be guilty of an offence and shall be liable to a penalty of not more than Twenty pounds to be recovered in a summary way before a court of petty sessions by any person who sues for the same. Inducing persons to vote for or against the Resolution by bribery or intimidation.

(2) Bribery or intimidation shall for the purposes of this rule include any promise or threat either expressed implied or understood of any benefit or disadvantage to accrue directly or indirectly to such person from such first-mentioned person.

93. The following persons being resident in Victoria shall be authorized witnesses in and for Victoria within the meaning of this Division:— Authorized witnesses.

All returning officers and electoral registrars appointed under any Act relating to elections for the Legislative Council or the Legislative Assembly; all postmasters or postmistresses or persons in charge of post offices; all police magistrates; all justices; all commissioners for taking declarations and affidavits; all head teachers of state schools; all members of the police force; all clerks of petty sessions; all railway station-masters; all councillors of and the clerk or secretary of any city, town, borough, or shire; all barristers and solicitors; and all legally qualified medical practitioners.

DIVISION 12.—REGULATION OF POLL, BRIBERY, ETC.

94. For the purposes of this Division—

“At the poll” “at any poll” and “during any poll” respectively include the whole period from the thirtieth day before polling day until the day on which the chief electoral officer notifies the result of the voting in the *Government Gazette*, both days inclusive. “At or during any election.”

95.—(1) The following persons shall be guilty of bribery:—

- (a) Every person who directly or indirectly by himself or by any other person on his behalf gives or lends or agrees to give or lend, or offers, promises or procures or promises or endeavours to procure, any money or valuable consideration to or for any elector or any other person on behalf of any elector in order to induce any elector to vote or refrain from voting, or knowingly does any such act as aforesaid on account of such elector having voted or refrained from voting at any poll. Who guilty of or punishable for bribery.
- (b) Every person who directly or indirectly by himself or by any other person on his behalf gives or procures or agrees to give or procure offers promises or promises to procure or to endeavour to procure any office place or employment to or for any elector or any other person, or who retains or dismisses any elector or other person in or from any office place or employment in order to induce such elector to vote or refrain from voting or knowingly does any such act as aforesaid on account of any elector having voted or refrained from voting at any poll.

- (c) Every person who directly or indirectly by himself or by any other person on his behalf makes any such gift loan offer promise procurement or agreement as aforesaid to or for any person in order to induce such person to procure the vote of any elector at any poll.
- (d) Every person who upon or in consequence of any such gift loan offer promise procurement or agreement procures or engages promises or endeavours to procure the vote of any elector at any poll.
- (e) Every person who advances or pays or causes to be advanced or paid any money to or for the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any poll, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at a poll.

Bribery an
offence

(2) Every person so offending shall be liable to a penalty of not more than Twenty pounds and shall also be incapable of voting at such poll; and his vote if given shall be utterly void and of no effect.

(3) The aforesaid provisions shall not extend or be construed to extend to any money paid for or on account of any law expenses *bona fide* incurred at or concerning the poll.

Bribery on the
part of electors.

96.—(1) The following persons shall also be deemed guilty of bribery:—

- (a) Every elector who before or during any poll directly or indirectly by himself or by any other person on his behalf receives agrees or contracts for any money or valuable consideration office place or employment for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting or for inducing any other person to vote or to refrain from voting at any poll.
- (b) Every person who before during or after any poll directly or indirectly by himself or by any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or to refrain from voting at any poll.

(2) Every elector or person so offending shall be liable to a penalty of not more than Twenty pounds and shall also be incapable of voting at such poll; and his vote if given shall be utterly void and of no effect.

Penalty for
treating.

97. Every person who gives or causes to be given to any elector during any poll on account of such elector having voted or being about to vote any meat drink or entertainment by way of refreshment or any money or ticket to enable such elector to obtain refreshment shall be liable to a penalty of not more than Twenty pounds; and shall also be incapable of voting at such poll; and his vote if given shall be utterly void and of no effect.

Intimidation.

98. Every person who directly or indirectly by himself or by any other person on his behalf makes use of or threatens to make use of any force violence or restraint, or inflicts or threatens the infliction by himself or by or through any other person of any injury damage harm or loss, or in any other manner practises intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any poll, or who by abduction duress or any fraudulent device or contrivance impedes prevents or otherwise interferes with the free exercise of the franchise by any elector, or thereby compels or induces or prevails upon any elector either to give or refrain from giving his vote at any poll shall be liable to a penalty of not more than Twenty pounds.

Wagers &c. on
result of
poll
prohibited.

99.—(1) Every person who makes any wager bet or other risk of any nature whatsoever upon the result of any poll shall be liable to a penalty of not more than Twenty pounds.

(2) Every such wager bet or other risk shall be an illegal act.

Carrying
offensive
weapons at
the poll
punishable.

100.—(1) Every person not being duly authorized who wears carries or has on or about his person any gun pistol sword bludgeon or other offensive weapon at any poll, shall be liable to a penalty of not less than Two nor more than Twenty pounds.

(2) Every person so offending shall be liable to be apprehended by a member of the police force either upon the view of such member or by direction of any returning officer or deputy returning officer; and when so apprehended shall be conveyed to any place of confinement until he can be brought before a justice to be dealt with according to law.

DIVISION 13.—OFFENCES IN RESPECT OF THE POLL.

101. Every person who at any poll—

- (a) knowingly makes a false answer to any question put to him in accordance with the provisions of these Rules or to any part of such question; or
- (b) being required to sign his name as in these Rules provided wilfully writes as his own name the name of any other person or any name not being his own name; or
- (c) personates any elector for the purpose of voting; or
- (d) votes twice at any poll; or
- (e) knowingly deposits in the ballot-box at any polling place more ballot-papers than one

False answers to questions &c. or double voting an offence.

shall be liable to a penalty of Twenty pounds.

102. Save in compliance with the express provisions of these Rules every person who without the lawful command of some competent court wilfully breaks the seal of or opens any sealed parcel or sealed packet of ballot-papers, certified copies of rolls books rolls and papers which have been sealed in accordance with the provisions of these Rules, shall be liable to a penalty of Twenty pounds.

Penalty for breaking seal of or opening parcel or packet.

103.—(1) Any returning officer or the substitute of any returning officer or any deputy returning officer poll clerk or scrutineer who in the discharge of his duties under these Rules at or concerning any poll learns or has the means of learning how any person votes or has voted at such poll, shall not by word or act or any other means whatsoever directly or indirectly divulge or discover or aid in divulging or discovering the same, save in answer to some question which he is legally bound to answer or in compliance with the express provisions of these Rules.

Violation of secrecy by officers &c.

(2) Every such returning officer substitute deputy poll clerk or scrutineer who knowingly offends against the provisions of this rule shall be liable to a penalty of Twenty pounds.

DIVISION 14.—COMPULSORY VOTING.

104. The provisions of Division 20 of Part V. of *The Constitution Act Amendment Act 1928* and the regulations made thereunder relating to compulsory voting at elections for the Legislative Assembly shall with such adaptations as are necessary apply to any poll.

DIVISION 15.—MISCELLANEOUS.

105. A certificate purporting to be signed by the returning officer at the poll for any district that the poll mentioned in the certificate was duly held in such district shall be *prima facie* evidence of the facts therein stated.

Certificate of returning officer to be *prima facie* evidence.

106. Except as provided in this rule any person who is in effect required by or under these Rules to sign his name and who is unable to write may make his distinguishing mark which shall save as otherwise expressly provided be attested by some other person:

Provision for persons unable to write.

Provided that where any person is required to sign as a witness or as an official or where any person is required to sign in his own handwriting he shall not sign by means of a distinguishing mark.

107. Every person who knowingly makes a false statement in any claim application or declaration under these Rules shall save as otherwise expressly provided in these Rules be liable to a penalty of not more than Twenty pounds.

False statements or declarations.

108. Save where it is otherwise provided no person shall be liable to any penalty or forfeiture imposed by the provisions of these Rules unless the prosecution for the offence committed is commenced against such person within the space of three months next after such offence has been committed.

Limitation of time.

109.—(1) If at the hearing of any information under rules twenty-five, fifty-seven, fifty-eight, or sixty-seven, or under Divisions 7 or 8 of this Part it appears to the court that such information is unfounded frivolous or vexatious, the court whether the information is dismissed or not, may order that the prosecutor shall pay to the defendant such costs together with such further sum by way of compensation as seems reasonable; and the same may be recovered in any court of petty sessions as a civil debt recoverable summarily.

Costs and compensation awarded to defendant in certain cases.

(2) One-half of the amount of all fines and penalties recovered under any of the said Rules and Divisions shall go and be applied to the use and benefit of the informant.

Appropriation of penalties.

(3) No proceeding under any of the said Rules or Divisions shall be removed by *certiorari* into the Supreme Court.

No *certiorari* in certain cases.

110. All moneys received by any officer under the provisions of these Rules shall be deemed to be received on account of and be paid to the consolidated revenue of Victoria.

Appropriation of moneys.

111. Subject to any additional allowances authorized by the Chief Secretary, the rates of allowances for expenses of conducting licensing polls shall be as set forth in the second schedule hereto.

Payment of expenses.

FIRST SCHEDULE.

FORM A.

Rules 25, 32, and 45.

State of Victoria.

Licensing Poll Rules 1930, Rules 25, 32, and 45.

DECLARATION BY NATURALIZED PERSON FAILING TO PRODUCE
LETTERS OF NATURALIZATION.

I,, of, do solemnly and
sincerely declare that I am a naturalized subject of His Majesty, and that I am
unable to produce my Letters of Naturalization, and I make this solemn
declaration conscientiously believing the same to be true.

(Signed).....

Signed and declared at.....polling booth this.....
day of....., 19...., before me—

Returning Officer or Deputy Returning Officer.

Any person who knowingly makes a false statement in any declaration shall be
liable to a penalty of not more than Twenty pounds.

FORM B.

Rules 28
and 33.**UNENROLLED VOTER'S ENVELOPE.**

To be deposited in the ballot-box by the Returning Officer or Deputy when he has enclosed herein the Voter's ballot-paper. (See directions on back.)

O.H.M.S.

**The Returning Officer for the
Licensing District of**

I hereby certify that the person whose
declaration appears on the back hereof
{ is
or } a person to whom paragraph (a)
is not }
or (b) of Rule 28 (1) of the Licensing
Poll Rules 1930 applies.

Registrar.

Date / / .

FORM C.

Rule 29.

UNENROLLED ELECTOR'S VOTE.

BALLOT-PAPER.

Licensing District of

(Deputy Returning Officer's initials.) (It is the duty of the Returning Officer (or Deputy), before issuing this ballot-paper to an elector, to fill in the name of the district for which the elector declares that he is entitled to be enrolled.)

Resolution I.—Abolition, or Resolution II.—Restoration (as the case may be)
That licences shall be abolished or restored (as the case may be).

I vote Yes ☐I vote No ☐

Directions.

To vote "Yes," put a cross in the square opposite "Yes."

To vote "No," put a cross in the square opposite "No."

The ballot-paper marked and folded so as to conceal the vote must be returned to the Returning Officer (or Deputy) to be inserted by him in the envelope containing the voter's declaration.

The voter must not take the ballot-paper out of the polling booth.

(Back of Ballot-paper.)

Polling Place (Where vote is polled).

No.

FORM D.

Consecutive number of voter.

Rule 45.

Licensing Poll Rules 1930, Rule 45.

ABSENT VOTER'S DECLARATION TO BE MADE ON POLLING DAY BY AN
ELECTOR VOTING AT A POLLING PLACE OTHER THAN A POLLING
PLACE APPOINTED FOR THE SUBDIVISION FOR WHICH HE IS
ENROLLED.

I declare that I am the person enrolled as—

Surname.	Full Christian or other names.	Residence (as appearing on Roll).	Occupation.

on the Roll for the Subdivision of the Licensing District of
that I have not been and will not be to-day during the hours of polling within the sub-
division for which I am enrolled under conditions which would permit of my voting
at any polling place appointed for that subdivision, and that I have not voted at this
or any other polling place, or by post, in connexion with the licensing poll being held
this day; and I promise and declare that if I am permitted to vote at this polling place as
an absent voter I will not again vote in connexion with this poll.

I am aware that if I falsely personate or attempt to personate any other person for the purpose of securing a ballot-paper to which I am not entitled, or knowingly make any false declaration, I shall be guilty of an offence.

Personal signature of elector.

Signed before me the _____ day of _____ 19____, at
polling place appointed for the Licensing District of _____

Deputy Returning Officer.

Directions.

1. This form of declaration must, after being filled up, be signed by the voter with his personal signature in the presence of the Deputy Returning Officer, and then be completed and attested by the Deputy Returning Officer.

2. The Officer presiding at the polling booth shall then (subject to the provisions of the Licensing Poll Rules 1930), after filling in the particulars on the back of the ballot-paper, initial and hand to the voter the said ballot-paper.

3. The voter will then forthwith—

(i) retire alone to an unoccupied compartment of the polling booth, and there, in private, mark his vote on the ballot-paper handed to him, in the manner directed thereon;

(ii) fold the ballot-paper in such a manner as to conceal the vote marked thereon, and at once return the same so folded to the Deputy Returning Officer before whom he made his declaration.

4. The Deputy Returning Officer will see that he receives from the voter the ballot-paper duly folded, and, if necessary for purposes of identification, will request the voter again to state his name, and then, without unfolding the ballot-paper, will forthwith, in the presence of the voter and of such scrutineer or scrutineers (if any) as are present, enclose the ballot-paper received from the voter, in the envelope bearing the declaration of the voter and addressed to the Returning Officer for the district for which the voter declares that he is enrolled, securely fasten the envelope, and deposit it in the ballot-box.

FORM E.

Rule 46.

ABSENT VOTE.

BALLOT-PAPER.

Licensing District of

(Deputy Returning Officer's initials.) (It is the duty of the Returning Officer (or Deputy), before issuing this ballot-paper to an elector, to fill in the name of the District for which the elector declares that he is enrolled if not already printed thereon.)

Resolution I.—Abolition, or Resolution II.—Restoration (as the case may be).

That licences shall be abolished or restored (as the case may be).

I vote Yes ☐

I vote No ☐

Directions.

To vote "Yes," put a cross in the square opposite "Yes."

To vote "No," put a cross in the square opposite "No."

The ballot-paper marked and folded so as to conceal the vote must be returned to the Returning Officer (or Deputy) to be inserted by him in the envelope containing the voter's declaration.

The voter must not take the ballot-paper out of the polling booth.

(Back of Ballot-paper.)

No.

Licensing District
Polling Place

Where vote
is polled.

FORM F.

Rule 75.

LICENSING POLL.

APPLICATION FOR A POSTAL BALLOT-PAPER.

To the Returning Officer for the Licensing District of (a)
I, (b)

, of
hereby apply for a postal ballot-paper.

(1) *(A) I am an elector for the (c)
above-named District.

Subdivision of the

*(B) In the case of an elector who claims to vote in respect of a property qualification ;

I am an elector for the (c)
above-named District, and I am qualified to vote in the above-named
District by reason of a property qualification.

Subdivision of the

* NOTE.—The elector will fill in the blank either in paragraph (A) or (B) which is applicable to his case.

(2) The ground on which I apply for the postal ballot-paper is—

*(a) That I reside at least five miles from the nearest polling place at which I am entitled to vote.

*(b) That I have reason to believe that on the polling day during the hours of polling I will not be within five miles of the nearest polling place at which I am entitled to vote.

My reasons for this belief are :—

*(c) That on account of ill-health or infirmity I will be prevented from voting personally on polling day.

* NOTE.—The elector will strike out any two of the above grounds, which do not apply to his particular case, as only one ground is necessary for the application.

(3) I request that the postal ballot-paper may be forwarded to me at (d)
or (as the case may be) be delivered to me personally.

(d) Here state
address to
which postal
ballot-paper
is to be sent.

Signed by the elector in his own handwriting

in my presence—
Signature of
authorized witness
(in own handwriting).

Signature of
elector
(in own handwriting).

Title under which witness acts as an authorized
witness

Residence of authorized witness

Dated at this day of 19

Caution.—Any person making a false statement in an application is liable to a penalty of not more than Twenty pounds.

Authorized Witnesses.

The following persons being resident in Victoria are authorized witnesses in and for Victoria :—

All returning officers and electoral registrars appointed under any Act relating to elections for the Legislative Council or the Legislative Assembly ; all postmasters or postmistresses or persons in charge of post offices ; all police magistrates ; all justices ; all commissioners for taking declarations and affidavits ; all head teachers of State schools ; all members of the police force ; all clerks of petty sessions ; all railway stationmasters ; all councillors of and the clerk or secretary of any town, city, borough, or shire ; all barristers and solicitors ; and all legally qualified medical practitioners.

Instructions to Elector and Authorized Witness.

(a) When so much of the form of application as precedes the places for the signatures has been filled in and otherwise completed the elector shall exhibit his form of application to an authorized witness.

FORM F—continued.

(b) The elector shall then in the presence of the authorized witness sign his name in his own handwriting on the form of application in the place provided for the signature of the elector.

(c) The authorized witness shall then sign his name in his own handwriting in the place provided for the signature of the authorized witness and shall add the title under which he acts as an authorized witness, his residence and the date.

Offences and Penalties.

(a) An authorized witness shall not witness the signature of any elector on any application for a postal ballot-paper unless the authorized witness—

- (i) has satisfied himself as to the identity of the elector;
- (ii) has seen the elector sign the application in the elector's own handwriting; and
- (iii) knows that the statements contained in the application are true or has satisfied himself (whether by inquiry from the elector or otherwise) that the said statements are true.

(b) An authorized witness shall not persuade or induce or associate himself with any person in persuading or inducing any person to make application for a postal ballot-paper.

(c) An authorized witness shall not—

- (i) visit any elector for the purpose of witnessing the signature of such elector to his application for a postal ballot-paper; or
- (ii) witness the signature of any elector to any such application in any place other than the ordinary residence or place of business of the authorized witness:

Provided that if any elector desires to make application for a postal ballot-paper and is unable on account of ill-health or infirmity to present himself before an authorized witness any member of the police force or other authorized witness when so requested by any such elector in writing may visit such elector for the purpose of witnessing his signature to such application.

Any authorized witness guilty of any of these offences is liable to a penalty of not more than Twenty pounds.

FORM G.

Rule 76.

POSTAL BALLOT-PAPER.

Licensing District of
Subdivision

Resolution I.—Abolition, or Resolution II.—Restoration (as the case may be).
That licences shall be abolished or restored (as the case may be).

I vote Yes ☐

I vote No ☐

To vote "Yes," put a cross in the square opposite "Yes."

To vote "No," put a cross in the square opposite "No."

(a) Counterfoil.

(a) To be printed so that it shall be on the outside when the ballot-paper is folded and so that it may be read and torn off without the vote being seen.

Licensing District of
Subdivision

(b) No. of Application.

Roll No.

I declare that I have not already posted a ballot-paper in respect of the present licensing poll, and that I am a natural-born or naturalized subject of His Majesty.

Signature of voter

Witness

(b) To be filled in by the returning officer before posting.

[Authorized witness to sign here and insert the title under which he acts as an authorized witness, his residence, and the date.]

FORM I.

Rule 84.

Declaration of Elector to whom a Postal Ballot-paper has been issued claiming to Vote at Polling Booth.

I, _____, residing at _____, do hereby declare that my name is included in the Roll for the _____ Subdivision of the Licensing District of _____, and that I have not received a postal ballot-paper entitling me to vote by post at the present Licensing Poll in the said Licensing District, and that I desire to vote personally at such poll.

Signed and declared at
Polling Booth this _____ day
of _____ in the presence of _____

Returning Officer or Deputy Returning Officer.

Caution.—Any person who wilfully makes and subscribes a declaration which is untrue or false in any particular is deemed to be guilty of wilful and corrupt perjury, and is punishable accordingly.

SECOND SCHEDULE.

Rule III.

Licensing Poll Rules 1930, Rule III.

RATES OF ALLOWANCES FOR EXPENSES OF CONDUCTING
LICENSING POLLS.

The rates of allowances for expenses of conducting licensing polls shall be as set forth in the schedule hereunder, viz. :—

SCHEDULE.

LICENSING DISTRICTS.

Rates of Allowances for Expenses of Conducting Polls.

	Country Districts.	Metropolitan Districts.
	£	£
1. To a Substitute Returning Officer for a district—		
Where the number of polling booths does not exceed 20—		
A sum not exceeding	20	15
Where the number of polling booths exceeds 20, but does not exceed 35—		
A sum not exceeding	25	20
Where the number of polling booths exceeds 35, but does not exceed 50—		
A sum not exceeding	30	25
Where the number of polling booths exceeds 50, but does not exceed 65—		
A sum not exceeding	35	30
Where the number of polling booths exceeds 65, but does not exceed 80—		
A sum not exceeding	40	35
Where the number of polling booths exceeds 80, but does not exceed 100—		
A sum not exceeding	45	40
Where the number of polling booths exceeds 100, but does not exceed 135—		
A sum not exceeding	55	50
Where the number of polling booths exceeds 135, but does not exceed 180—		
A sum not exceeding	65	60
Where the number of polling booths exceeds 180, but does not exceed 230—		
A sum not exceeding	75	70
Where the number of polling booths exceeds 230—		
A sum not exceeding	85	80

SCHEDULE.—LICENSING DISTRICTS—*continued.*

Where a Substitute Returning Officer acts as a Deputy Returning Officer or a Relieving Deputy Returning Officer on polling day no payment will be allowed other than that made for acting as Substitute Returning Officer.

	£	s.	d.
2. To a Deputy Returning Officer—For the Polling Day	2	5	0
3. To a Poll Clerk—For the Polling Day	1	5	0
4. To officers assisting the Returning Officer in the performance of duties under Division 14 of the Licensing Poll Rules 1930—			
To a Substitute Returning Officer or a Deputy Returning Officer—For each day employed	2	0	0
To a Poll Clerk—For each day employed	1	0	0
5. Travelling expenses—			
To a Returning Officer, a Substitute Returning Officer, a Deputy Returning Officer, a Poll Clerk, and to Special Messengers (except Police)—Only where indispensably necessary the actual expense incurred.			
In all the above cases, when the travelling can be done by rail or coach—The actual fares only.			
Provided that the cost of travelling shall not in any case exceed Sixpence per mile each way, the mileage to be specified on each account.			
When the distance travelled exceeds 20 miles each way, for each day that he is necessarily absent from his residence, in addition—			
To a Returning Officer	0	15	0
To a Substitute Returning Officer	0	10	0
Under no circumstances whatever will any charge for refreshments be allowed.			
6. Hire or erection of booths—The actual cost as proved by vouchers.			
When a poll is taken in any school-house or building not used exclusively for religious services, and which is supported wholly or in part by any public funds or by any perpetual endowment, or which has been built or is supported wholly or in part by any grant from the public revenue, the actual cost of erection of the "compartments" and the cost of cleaning only will be allowed.			
7. Stationery—			
The stationery required by Deputy Returning Officers and Poll Clerks will be supplied by the Government Printer, made up in packets, each containing sufficient for one table and the voting compartments connected therewith.			
Returning Officers when submitting requisitions to the Government Printer should state the number of packets required.			
The stationery necessary for office use should also be included in the requisition.			
8. Advertisements—As certified by the Government Printer.			
9. Allowances for clerical assistance in connexion with Voting by Post—			
The following allowances for clerical assistance shall be paid to Returning Officers who take the poll in any Licensing District:—			
For the first one hundred (100) or portion of one hundred applications for postal ballot-papers received	3	10	0
For each additional application for a postal ballot-paper over and above the first hundred	0	0	6

And the Honorable Thomas Tunnecliffe, His Majesty's Chief Secretary for the State of Victoria, shall give the necessary directions herein accordingly.

F. W. MABBOTT,
Clerk of the Executive Council.

