



VICTORIA GOVERNMENT GAZETTE.

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THURSDAY, FEBRUARY 21.

[1952

The Constitution Act Amendment Acts.

*At the Executive Council Chamber, Melbourne, the
twentieth day of February, 1952.*

PRESENT:

His Excellency the Lieutenant-Governor of Victoria,	
Sir Albert Lind	Mr. Byrnes.
Mr. White	

VICTORIAN PARLIAMENTARY ELECTIONS REGULATIONS

IN pursuance of the powers conferred by the The Constitution Act Amendment Acts and all other powers enabling him in that behalf, His Excellency the Lieutenant-Governor of the State of Victoria, by and with the advice of the Executive Council thereof, doth hereby make the Regulations following (that is to say):—

1. These Regulations may be cited as the *Victorian Parliamentary Elections Regulations*.

2. The *Legislative Council Elections Regulations* and the *Legislative Assembly Elections Regulations* are hereby revoked.

3. These Regulations are divided into Parts and Divisions as follow:—

Part I.—Voting by Unenrolled Voters.

Part II.—Absent Voting.

Part III.—Compulsory Voting.

Part IV.—Miscellaneous.

Division 1.—Declaration of voters unable to produce naturalization certificates.

Division 2.—Ballot-papers set aside for separate custody.

Division 3.—Rates of allowances for expenses of conducting elections.

4. In these Regulations—

“Chief Electoral Officer” means the Chief Electoral Officer for the State of Victoria;

“District” means Electoral District;

“Part” means Part of these Regulations;

“Province” means Electoral Province;

“Subdivision” means subdivision of a Province (or District) and also includes any unsubdivided District;

“the Act” means *The Constitution Act Amendment Act 1928* as amended by any Act;

any reference to a form shall be a reference to the form in the first schedule hereto or to any form to the like effect; and any duty prescribed for a Deputy Returning Officer for any Province (or District) may be performed by the Returning Officer for that Province (or District).

PART I.—VOTING BY UNENROLLED VOTERS.

5. (1) This Part shall apply only to voting pursuant to section 241 of the Act.

(2) In this Part—

“Elector” means a person claiming to vote or voting pursuant to section 241 of the Act;

“Registrar” means Electoral Registrar appointed pursuant to the Act; and

“Unenrolled voter” means a person who has voted pursuant to section 241 of the Act.

6. The declaration of an elector shall be printed on an envelope, and shall be in accordance with Form 94.

7. The ballot-paper to be used by an elector shall be in accordance with Form 96, and shall be marked, folded, and returned in strict accordance with the Directions printed thereon. The names of the candidates and the name of the province (or district) may be either printed or written on such ballot-paper.

8. Before an elector makes a declaration the Deputy Returning Officer shall put to him the following questions:—

(i) Have you already voted in any electoral province (or 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 any election for the Legislative Council or the Legislative Assembly (as the case may be) to-day?

And the said Deputy 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) Do you now reside in the electoral province (or district) of (the province (or 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 electoral province (or district) of (the aforesaid province (or district)) at any time within the last three months?; and

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

9. 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 election.

10. Before issuing a ballot-paper to any elector the Deputy Returning Officer shall 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 province (or district) for which the elector declares he is entitled to vote and the surnames and Christian (or other) names of all the candidates for the said province (or district), and if the surnames and Christian (or other) names of two or more candidates are the same, shall distinguish them by the addition of their residences and occupations.

11. Every Deputy Returning Officer shall make a record of the full name of every elector who votes at his polling place, together with the name of the province (or 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 at the close of the poll shall sign and forward the record to the Returning Officer.

12. The Deputy Returning Officer, who is authorized under the provisions of the Act to open the ballot-box, shall forthwith—

- (i) without opening any envelopes containing ballot-papers of unenrolled voters, transmit such envelopes to the Registrars for the respective subdivisions for which the voters claim that they are entitled to vote; and
- (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.

13. The Returning Officer for every province (or district) shall, before polling day, notify every Deputy of the name and address of the Registrar to whom declaration envelopes containing ballot-papers of unenrolled voters shall be transmitted pursuant to Regulation 12 (i).

14. The Registrar, on receipt of any envelope containing a ballot-paper of any unenrolled voter, 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, in the place provided for the purpose on the envelope, whether in the Registrar's opinion the voter is or is not a person to whom paragraph (a) or (b) of sub-section (1) of section 241 of the Act applies.

15. 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.

16. Upon the receipt from Registrars of envelopes containing ballot-papers of unenrolled voters 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 sub-section (1) of section 241 of the Act applies, and accept for further scrutiny the ballot-papers contained therein;
- (c) place in another parcel all of the remaining unopened envelopes bearing or purporting to bear the declarations of unenrolled voters, namely—
 - (i) those envelopes in respect of which the Registrars have reported that the persons concerned are not persons to whom paragraph (a) or (b) of sub-section (1) of section 241 of the Act applies; and
 - (ii) any other envelopes in respect of which the declarations thereon have not been duly signed and attested,

fasten and seal the parcel, endorse thereon the words "Unenrolled voters' ballot-papers rejected at the preliminary scrutiny", and add the name of his province or 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 declaration of the poll, 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 law to be contained in such declaration, 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 each envelope the 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 province (or district), his signature, and the date.

17. At the further scrutiny the Returning Officer shall open the ballot-box referred to in Regulation 16 (e), examine the ballot-papers contained therein, reject all informal ballot-papers, and count the first preference votes given for each candidate on all unrejected ballot-papers.

18. (1) The provisions of the Act in regard to the rejection of invalid ballot-papers shall apply to ballot-papers under this Part.

(2) A ballot-paper shall not be rejected as informal merely because the surname only of any candidate has been written thereon if no other candidate has the same surname or because of the entry of a wrong Christian name, or address, or occupation, or of any mistake in spelling where there is no doubt as to the identity of the candidate.

(3) A ballot-paper shall not be rejected as informal merely because of a formal defect therein through the name of the wrong province (or district) appearing thereon, or the omission of the name of the province (or district).

19. As soon as practicable after polling day, the Returning Officer shall enclose all ballot-papers, envelopes, and records in a sealed packet and comply with section 267 of the Act.

PART II.—ABSENT VOTING.

20. 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.

21. The declaration of an absent voter pursuant to section 242 (4) (a) of the Act shall be in accordance with Form 100, and shall be printed on an envelope addressed to the Returning Officer for the province (or district) for which the elector declares that he is enrolled.

22. Before any person makes any declaration for absent voting, the Deputy Returning Officer 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 a misdemeanour.

23. The ballot-paper of an absent voter shall be in accordance with Form 101, provided that the names of the candidates and the name of the province (or district) may be either printed or written thereon, and shall be marked, folded, and returned in strict accordance with the directions printed thereon.

24. Before issuing an absent voter's ballot-paper the Deputy Returning Officer shall 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 province (or district) for which the elector declares he is enrolled, and the surnames and Christian (or other) names of all the candidates for that province (or district), and, if the surnames and Christian (or other) names of two or more candidates are the same, shall distinguish them by the addition of their residences and occupations.

25. The Deputy Returning Officer 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 province (or 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, and at the close of the poll shall sign and forward the record to the Returning Officer for the province (*or* district) in respect of which the Deputy Returning Officer is appointed.

26. (1) The Deputy Returning Officer who is authorized under the provisions of the Act to open the ballot-box shall forthwith without opening any envelopes containing absent voters' ballot-papers 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 the Act, to the Returning Officer for the province (*or* district) in respect of which the Deputy Returning Officer is appointed.

(2) The Returning Officer shall advise the Returning Officers for other provinces (*or* districts) by telegraph of the number of absent votes polled for those provinces (*or* districts) within the province (*or* 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.

27. 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 provinces (*or* 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.

28. Upon the receipt by a Returning Officer of envelopes containing absent voters' ballot-papers, 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:—

- (a) open the ballot-box and produce the envelopes therein;
- (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 province (*or* 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 province (*or* 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 province (*or* 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 declaration of the poll 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 law to be contained in such declaration 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 each envelope the 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 absent voters' declarations from which ballot-papers have been withdrawn for further scrutiny", fasten the parcel, add the name of the province (*or* district), his signature, and the date.

29. At the further scrutiny the Returning Officer shall open the ballot-box referred to in Regulation 28 (e), examine the absent voters' ballot-papers contained therein, reject all informal ballot-papers, and count the first-preference votes given for each candidate on all unrejected ballot-papers.

30. (1) The provisions of the Act in regard to the rejection of invalid ballot-papers shall apply to absent voters' ballot-papers.

(2) An absent voter's ballot-paper shall not be rejected as invalid merely because the surname only of any candidate has been written thereon if no other candidate has the same surname, or of the entry of a wrong Christian name or address, or occupation, or of any mistake in spelling, where there is no doubt as to the identity of the candidate.

(3) 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 province (*or* district) appearing thereon, or the omission of the name of the province (*or* district).

31. As soon as practicable after polling day the Returning Officer shall enclose all ballot-papers, rolls, envelopes, and records relating to absent voting in a sealed packet and comply with section 267 of the Act.

PART III.—COMPULSORY VOTING.

32. (1) The marked roll on which the Returning Officer (or Substitute Returning Officer) is required to indicate by a distinguishing mark, pursuant to section 332 of the Act, the names of the electors who have not recorded their votes at the election, shall be a fair copy of the roll for each subdivision of the province (*or* district) for which the Returning Officer (or substitute) has been appointed.

(2) The marked roll for each province (*or* district) shall be certified by statutory declaration in accordance with Form 110.

(3) For the purpose of this Part all the subdivision rolls for a province (*or* district) shall together form the roll for that province (*or* district).

33. The notice which the Chief Electoral Officer is required, pursuant to section 333 of the Act, to send by post to each elector who has failed to record his vote shall be in accordance with Form 111.

34. The form of reply of any elector, pursuant to section 334 of the Act, shall be witnessed by an elector, or a person qualified to be an elector in the State of Victoria, and shall be in accordance with Form 112.

35. (1) Where the reply of the elector states a reason for his failure to record his vote which, in the opinion of the Chief Electoral Officer is not a valid and sufficient reason for that failure, the Chief Electoral Officer shall, after endorsing on the marked roll his opinion in accordance with section 334 of the Act, notify the elector, in accordance with Form 113, of his opinion, and inform him that he has the option of having the matter dealt with by the Chief Electoral Officer or by a Court of Petty Sessions.

(2) Before sending the notice referred to in Regulation 33 or that provided for by Regulation 35 (1), the Chief Electoral Officer shall insert therein a date (not being less than twenty-one days after the date of the posting of the notice) before, or on which the form at the foot of the notice, duly filled up and signed by the elector and witnessed, is to be in the hands of the Chief Electoral Officer.

(3) Any elector to whom a notification has been sent pursuant to Regulation 35 (1), who desires the matter to be dealt with by the Chief Electoral Officer, and who is prepared to abide by the decision of that officer, may notify the Chief Electoral Officer in accordance with Form 114.

36. Pursuant to section 336 of the Act—

- (a) The Chief Electoral Officer may make an order in accordance with Form 115 requiring the elector to pay a sum of not more than Ten shillings.
- (b) If the sum as stated in the order of the Chief Electoral Officer is not paid within fourteen days after the date of the order, the Chief Electoral Officer may forward to a Clerk of a Court of Petty Sessions a certificate under his hand in accordance with Form 116.

37. The Chief Electoral Officer may, pursuant to section 336 of the Act—

- (a) Authorize in writing, in respect of any province (or district) some person to institute proceedings for the enforcement of penalties under the said section.
- (b) Such authorization shall be in accordance with Form 117.

38. In any proceedings in a Court of Petty Sessions against an elector for a contravention of section 334 of the Act, there shall be served on the defendant a notice, in accordance with Form 118, that the defendant may attend the Court and answer the charge in person, or may, at any time, not less than seven days before the date fixed for the hearing, lodge with or send by post to the Chief Electoral Officer, a statutory declaration setting out any matter which he desires to set out in answer to the charge, and unless the said Chief Electoral Officer after inquiring into the truth of the statements therein set out, so far as it is practicable for him to do so, is satisfied with the explanation given, and authorizes an application to the Court for the withdrawal of the charge, the matter shall be proceeded with. The notice may be printed or written on the summons.

PART IV.—MISCELLANEOUS.

Division 1.—Declaration of Voters Unable to Produce Naturalization Certificates.

39. Any person tendering his vote at any election who answers to a question put to such elector, pursuant to section 236 (2) (v) of the Act, that he is a naturalized subject of Her 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 election unless, he makes and signs before the Returning Officer or Deputy a declaration as required by section 238 of the Act. Such declaration shall be in accordance with Form 68.

Division 2.—Ballot-papers set aside for separate custody.

40. Every envelope in which, pursuant to section 245 (2) of the Act, is placed a ballot-paper set aside for separate custody shall be endorsed by the returning officer or deputy with the particulars in accordance with Form 78 (a).

Division 3.—Rates of Allowances for Expenses of Conducting Elections.

41. The rates of allowances for expenses of conducting elections shall be as set forth in the Second Schedule hereto.

FIRST SCHEDULE

FORM 68.

Regulation 39.

State of Victoria.

The Constitution Act Amendment Act 1928 (Section 238).

DECLARATION BY NATURALIZED PERSON FAILING TO PRODUCE LETTERS OF NATURALIZATION.

I,, of, do solemnly and sincerely declare that—

- (1) I am a naturalized subject of Her Majesty.
(2) I was naturalized at in the year.....
(3) I am unable to produce my Letters of Naturalization for the following reason:—

.....
.....
.....
.....

(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 or to imprisonment with or without hard labour for a term of not more than three months.

FORM 78 (a).

Regulation 40

.....Province (or District).
.....Subdivision.
.....Polling Booth.

This envelope contains the ballot-paper of a person who tendered his vote as No. (Number on Roll), (Full name)..... on the roll for the above-mentioned Subdivision used at the election held on the..... day of, 19....., for the above-mentioned Province (or District), such person being the second person who tendered a vote in that name.

Returning Officer or Deputy Returning Officer.

Regulation 6.

Form 94.

" 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 other side.)

O.H.M.S.

The Returning Officer for the

Electoral Province of _____
District _____

I hereby certify that the person whose declaration appears on the other side hereof
{ is, } a person to whom paragraph (a) or
{ or }
{ is not, } (b) of sub-section (1) of Section 241 of *The Constitution Act Amendment Act 1928* applies.

Electoral Registrar
Date / /

(Back of Form 94.)

STATE OF VICTORIA.

The Constitution Act Amendment Act 1928, Section 241.

Form of Declaration to be used at the Polling by a person claiming to Vote under the Provisions of Section 241 of The Constitution Act Amendment Act 1928 who declares that his Name has been omitted from, or struck out of, the certified roll being used at the polling place at which he claims to be entitled to vote, owing to an error of an officer (*), or a mistake of fact.

1. (a) Name in full, of (b) Address in full, (c) Occupation. That I am entitled to be enrolled on the Electoral Roll for the Subdivision of the Electoral Province (or District) of That after becoming qualified for enrolment for such Subdivision I sent or delivered to the Registrar for the Subdivision a duly completed claim for enrolment (or transfer of enrolment), and that my claim was received by the Registrar not later than six o'clock in the afternoon on the that is, the day of the issue of the writ for the election being held this day. That from the time of sending or delivering my claim to the Registrar and until six o'clock in the afternoon on the day of the issue of the writ as aforesaid, I continuously retained my right to be enrolled for the Subdivision and did not become qualified for enrolment for any other Subdivision. That to the best of my knowledge and belief my name has been struck out of, or omitted from, the certified roll being used at this polling place owing to an error of an officer (*) or a mistake of fact, and not as a result of an objection on the ground of non-residence or other disqualification, or in consequence of the transfer or duplication of my enrolment. Personal Signature of Voter. Signed before me the day of 19 at polling place.

(*) An officer includes a person performing the duties of an officer under Division 7 of Part III, or Division 7 of Part IV, of The Constitution Act Amendment Act 1928. NOTE.—A person making any false declaration is liable to a penalty of Twenty pounds, or imprisonment for a term of not more than three months.

DIRECTIONS.

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. The Deputy Returning Officer shall then initial and hand to the Voter one ballot-paper (headed "Unenrolled Voter's Vote") for the Election held on the day upon which this declaration is made. The voter will then forthwith retire alone to an unoccupied compartment of the polling booth and there, in private, mark his vote on the ballot-paper, and then, after marking the vote, return the ballot-paper so filled to the Deputy Returning Officer before whom he made his declaration. 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 Scrutineers as are present, enclose the ballot-paper in the envelope provided for the purpose, and address the envelope to the Deputy Returning Officer for the Province (or District) for which the Voter claims to be entitled to vote, securely fasten the envelope, and deposit it in the ballot-box.

FORM 96.

Regulation 7.

UNENROLLED VOTER'S VOTE.

BALLOT-PAPER.

Electoral Province of 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 province (or district) for which the elector declares that he is entitled to be enrolled and the names of all the candidates for that province (or district) if not already printed thereon.)

Candidates' Names.

- Three empty square boxes for candidates' names.

Directions.

The voter must not stike out the name of any candidate. The voter must place the figure 1 opposite the name of the candidate whom the voter wishes to be elected. The voter must then place opposite the name of each of the remaining candidates the figures 2, 3, 4 (and so on as the case requires) to indicate the order of the voter's preference for each such candidate. 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.

FORM 100.

Regulation 21.

The Constitution Act Amendment Act 1928 (Section 242).

ABSENT VOTER. 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 Electoral Roll for the Subdivision of the Electoral Province (or District) of _____, that I have not been and will not be to-day during the hours of polling within the subdivision 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 election 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 election.

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 a misdemeanour.

Personal signature of elector.

Signed before me the _____ day of _____ 19____, at _____ polling place appointed for the Electoral Province (or District) of _____

Deputy Returning Officer.

Directions.

- 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.
- The Deputy Returning Officer shall then initial and hand to the voter a ballot-paper.
- The voter will then forthwith—
 - 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;
 - 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.
- 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 Province (or District) for which the voter declares that he is enrolled, securely fasten the envelope, and deposit it in the ballot-box.

FORM 101.

Regulation 23.

ABSENT VOTE.

BALLOT-PAPER.

Electoral Province of _____
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 province (or district) for which the elector declares that he is enrolled and the names of all the candidates for that province (or district) if not already printed thereon.)

Candidates' Names.

-
-
-

Directions.

- The voter must not strike out the name of any candidate
- The voter must place the figure 1 opposite the name of the candidate whom the voter wishes to be elected.
- The voter must then place opposite the name of each of the remaining candidates the figures 2, 3, 4 (and so on as the case requires) to indicate the order of the voter's preference for each such candidate. 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.

Form 110.

Regulation 32.

STATE OF VICTORIA.

The Constitution Act Amendment Act 1928 (Section 332).

Electoral Province of
District of

I, _____, of _____ in the State of Victoria,
*Returning Officer _____ for the Electoral Province of _____
*Substitute Returning Officer _____ for the Electoral District of _____
do solemnly and sincerely declare that the within fair copy of the roll for the
above-mentioned Electoral Province (or district), with distinguishing marks indicating
the names of electors who have not recorded their votes at the election held on
Saturday, the _____ was prepared by me† pursuant to
section 332 of *The Constitution Act Amendment Act 1928*.

And I make this solemn declaration conscientiously believing the same to be
true and by virtue of the provisions of an Act of the Parliament of Victoria
rendering persons making a false declaration punishable for wilful and corrupt
perjury.

*Returning Officer
*Substitute Returning Officer for the
Electoral Province of
District of

Declared before me at _____, in the State aforesaid, the _____ day
of _____, 19____, _____
Justice of the Peace

* Strike out the words which do not apply.
† Note.—Sec. 337 of *The Constitution Act Amendment Act 1928* provides that the Returning Officer
(or substitute) may employ the assistance of Deputy Returning Officers and Poll Clerks to examine
rolls for the purpose of indicating on the marked roll the names of the electors who have not voted at the
election.

Form 111.

Regulation 33.

STATE OF VICTORIA.

The Constitution Act Amendment Act 1928 (Section 333).

Electoral Province of
District of

Subdivision of _____ No. on roll _____
To the Elector whose name and address appear on the back hereof.

You are notified that an inspection of the rolls used at the election held
on Saturday, the _____ day of _____, 19____, shows that
you have failed to record your vote at that election, and you are hereby required
to give the true reason why you failed so to vote.

You are therefore requested to—

- (a) fill in the particulars at the foot of this notice—
 - (i) by stating the true reason why you failed so to vote, or
 - (ii) by inserting a true statement concerning your alleged
failure to vote;
- (b) complete, and personally sign the form, and have it witnessed by an
elector or a person qualified to be an elector in the State of
Victoria; and
- (c) fold the form so that the address "Chief Electoral Officer for the
State of Victoria" shall be visible, and post or deliver it so as to
reach me on or before the:

Chief Electoral Officer for the State of Victoria
Address _____
Date _____ 19____

NOTE.—If the elector to whom this notice is addressed is unable to complete
and return the form at the foot hereof within the time specified in the form, any
other elector who has personal knowledge of the facts may complete and return
it for him.

‡ Not being less than twenty-one days after the posting of this notice.

Form 112.

Regulation 34

STATEMENT TO BE COMPLETED AND RETURNED TO THE CHIEF
ELECTORAL OFFICER.

I, _____, do hereby state—
That the following is the true reason why I,* _____, failed to vote
at the election on Saturday, the _____ day of _____, 19____:—

Or
That in regard to my alleged failure to vote on Saturday, the
day of _____, 19____, the following is a true statement:—

†
Personal Signature of Elector

I, the undersigned, being an elector or a person qualified to be an elector
of the State of Victoria, certify that I have seen the above-named elector sign
the above statement.

Signature of Witness
(in own handwriting)

Occupation _____
Address _____ Date _____ 19____

[Not to be detached.]

* Where this form is filled up on behalf of an absent or physically incapacitated elector, the word
"I" must be struck out, and the name of such elector inserted.

† Here set out briefly the true reason for having failed to vote, or a true statement concerning the
alleged failure to vote.

(Back of Forms 111 and 112.)

O.H.M.S.

The Chief Electoral Officer for the State of Victoria,
 Chief Secretary's Office,
 Spring-street,
 Melbourne. C.I.

O.H.M.S.

M
 If not claimed within seven days
 please return to
 Chief Secretary's Office,
 Spring-street,
 Melbourne. C.I.

Every elector who—

- (a) fails to record his vote at an election without a valid and sufficient excuse for such failure; or
- (b) on receipt of a notice in accordance with section 333 of *The Constitution Act Amendment Act 1928* fails, neglects, or refuses to fill up, sign, and post or deliver to the Chief Electoral Officer so as to reach him within the time specified in the notice, the form (duly witnessed) attached thereto; or
- (c) states in such form a false reason for not having recorded his vote, or in the case of an elector filling up or purporting to fill up a form on behalf of any other elector, states in such form a false reason why that other elector did not vote,
- is guilty of an offence and liable to a penalty not exceeding Two pounds.

Form 113.

Regulation 35

STATE OF VICTORIA.

The Constitution Act Amendment Act 1928 (Section 336).

Subdivision of

Electoral Province of
District

No. on Roll

NOTIFICATION TO ELECTOR WHOSE REASON FOR FAILING TO VOTE IS
HELD NOT TO BE A VALID AND SUFFICIENT EXCUSE.

To the Elector whose name and address appear on the back hereof.

You are hereby notified—

- (1) that the reason given by you in your statement dated the
 19 , is not, in my opinion, a valid and sufficient excuse for your
 failure to record your vote at the election held on Saturday, the
 day of 19 ; and
- (2) that you have the option of having the matter dealt with by me
 (thus avoiding costs of Court) or by a Court of Petty Sessions.

If you desire to have the matter dealt with by me you must fill in and sign,
 in the presence of a witness, the form of consent at the foot hereof, and send
 or deliver it to me so as to reach me not later than the *.

In the event of the form not reaching me on or before the date set out in the
 preceding paragraph, it will be taken that you desire to have the matter dealt
 with by a Court of Petty Sessions.

Chief Electoral Officer

Address

Date / /19

* Not being less than twenty-one days after the posting of this notice.

Form 114.

Regulation 35

FORM OF CONSENT TO BE USED BY AN ELECTOR WHO DESIRES
TO HAVE HIS CASE DEALT WITH BY THE CHIEF ELECTORAL
OFFICER.

I, _____ of
 enrolled as an elector on the roll for the above-named Subdivision and
 Province (or District), having failed to record my vote at the election held on Saturday,
 the _____ day of _____, 19 _____, and having been
 notified by you that the reason given by me for such failure to record my
 vote is not, in your opinion, a valid and sufficient excuse for such failure,
 do hereby notify you that I consent to have the matter dealt with by you,
 and to abide by your decision.

Personal Signature of Elector

I, the undersigned, being an elector or a person qualified to be an
 elector of the State of Victoria, certify that I have seen the above-named
 elector sign the above form.

Signature of Witness
(in own handwriting)Occupation
Address

Date / /19

[Not to be detached.]

(Back of Forms 113 and 114.)
O.H.M.S.

M
If not claimed within seven days
please return to
Chief Secretary's Office,
Spring-street,
Melbourne. C.1.

O.H.M.S.
The Chief Electoral Officer for the State of Victoria,
Chief Secretary's Office,
Spring-street,
Melbourne. C.1.

Form 115.

Regulation 36.

STATE OF VICTORIA.

The Constitution Act Amendment Act 1928 (Section 336).

Electoral Province of
District

Subdivision of

No. on roll

ORDER REQUIRING AN ELECTOR TO PAY A SUM FOR FAILURE TO
VOTE.

To the Elector whose name appears on the back hereof.

You are notified that, pursuant to your notification of consent dated the
day of I have dealt with the matter of
your failure to record your vote for the above-mentioned Electoral Province (or district).

I make this order requiring you to pay to me at the address hereunder the
sum of shillings.*

Chief Electoral Officer for the State of Victoria.
Address—Chief Secretary's Office,
Spring-street,
Melbourne. C.1.

Date

* If the said sum is not paid within fourteen days after the date of this order the matter will be referred to a Clerk of a Court of Petty Sessions for the enforcement of this order.

(Back of Form 115.)

M
If not claimed within seven days
please return to
Chief Secretary's Office,
Spring-street,
Melbourne. C.1.

Form 116.

STATE OF VICTORIA.

Regulation 36.

The Constitution Act Amendment Act 1928 (Section 336).

Chief Secretary's Office,
Melbourne. C.1.

Memorandum

To the Clerk of Petty Sessions at

In accordance with section 336 of *The Constitution Act Amendment Act 1928*, I hereby certify that the schedule hereto contains a list of the names and enrolment particulars of persons against whom I have made an Order, pursuant to the said section, for the payment of the sums respectively specified.

As the said sums have not been paid within fourteen days after the date of the Order in each case, I have to request that steps be taken to enforce payment.

I shall be pleased if you will state on the schedule whether or not the payment has been enforced and return it to me.

Given under my hand this day of 19
Chief Electoral Officer.

[Schedule to Form 116.]

SCHEDULE.

Electoral Province of
District
Subdivision of

Year of Print of Roll

No. on Roll.	Surname.	Christian or other name or names.	Residence.	Sum which elector has been ordered to pay.	Date of Order.

Chief Electoral Officer.
Date

Form 117.

Regulation 37

STATE OF VICTORIA.

The Constitution Act Amendment Act 1928 (Section 336).

AUTHORIZATION OF THE CHIEF ELECTORAL OFFICER FOR A
PERSON TO INSTITUTE PROCEEDINGS.

I, _____, the Chief Electoral Officer for the State of
Victoria, hereby authorize _____ whose signature
appears hereunder to institute proceedings for the enforcement of penalties for
the contravention of any of the provisions of The Constitution Act Amendment
Acts.

Chief Electoral Officer.

Dated this _____ day of _____ 19 .

Signature of person authorized to institute proceedings—

Form 118.

Regulation 38.

NOTICE TO THE WITHIN-NAMED DEFENDANT.

You may attend the Court and answer the charge in person, or may, at any
time, not less than seven (7) days before the date fixed for the hearing, lodge
with or send by post to the Chief Electoral Officer a statutory declaration
setting out any matter which you desire to set out in answer to the charge, and,
unless the said Chief Electoral Officer, after inquiring into the truth of the state-
ments therein set out, so far as it is practicable for him to do so, is satisfied
with the explanation given and authorizes an application to the Court for the
withdrawal of the charge, the matter shall be proceeded with and the said
statutory declaration may thereupon be put to such use at the hearing as may
be necessary and permissible for the proper determination of the offence.

SECOND SCHEDULE.

Regulation 41.

RATES OF ALLOWANCES FOR EXPENSES OF CONDUCTING ELECTIONS.

1. Substitute Returning Officers—

	Contested Election.	Uncontested Election.
	£	£
Metropolitan Districts—		
All Districts	70	25
Urban Districts—		
All Districts	60	20
Country Districts—		
Where the number of polling booths does not exceed 65 ..	65	20
Where the number of polling booths exceeds 65, but does not exceed 80	70	25
Where the number of polling booths exceeds 80, but does not exceed 100	80	25
Where the number of polling booths exceeds 100	90	30
Metropolitan Provinces—		
All Provinces	180	50
Country Provinces—		
Where the number of polling booths does not exceed 230 ..	240	80
Where the number of polling booths exceeds 230, but does not exceed 280	270	80
Where the number of polling booths exceeds 280	300	80

If a Substitute Returning Officer acts for a contested election for a District as well as a contested election for a Province, he shall be allowed only half the fee fixed for the District in addition to the fee for the Province.

Where any person or persons are required to be employed to assist a Substitute Returning Officer in his performance of the normal duties associated with the organizing and conduct of the election, such assistance shall be paid for out of the fee fixed for such Substitute Returning Officer.

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.

2. Deputy Returning Officers—	£ s. d.
To a Deputy Returning Officer (or Relieving Deputy)—For the Polling Day	3 5 0
To a Relieving Deputy Returning Officer required by a Returning Officer to take charge of the arrangements at a polling place containing more than one polling booth—	
Where the number of polling booths exceeds 1, but does not exceed 3 ..	3 15 0
Where the number of polling booths exceeds 3, but does not exceed 8 ..	4 5 0
Where the number of polling booths exceeds 8	4 15 0

3. Poll Clerks—	
To a Poll Clerk—For the Polling Day	2 10 0

4. To officers assisting the Returning Officer in the following duties, namely :—
 (a) counting and distributing preference votes ;
 (b) conducting a recount of ballot papers ; and
 (c) preparing " marked rolls " of electors who have not recorded their votes.
 Substitute Returning Officers 8s. per hour.
 Deputy Returning Officers (or Relieving Deputies) 6s. per hour.
 Poll Clerks 4s. 6d. per hour.

5. Travelling Expenses—
 To a Returning Officer, a Substitute Returning Officer, a Deputy Returning Officer (or Relieving Deputy), a Poll Clerk, and to a Special Messenger—only where indispensably necessary the actual expense incurred.
 In all the above cases, when the travelling can be done by railway or by road service—the actual fares only.
 Provided that the cost of travelling shall not in any case exceed Eightpence 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—

	£ s. d.
To a Returning Officer	1 10 0
To a Substitute Returning Officer	1 5 0

Under no circumstances whatever will any charge for refreshments be allowed.

6. Hire or erection of booths and the transport of materials—
 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.

In Metropolitan and Urban Provinces or Districts a quotation should be obtained before engaging a contractor to transport voting screens and ballot boxes or to erect voting screens. Further quotations from other contractors should be obtained if the original quotation is considered excessive in price or otherwise unsatisfactory.

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 should state the number of packets required.

All printing should, if time permits, be carried out by the Government Printer.

8. Advertisements—

As certified by the Government Printer.

9. Allowances for Clerical Assistance—

In the case of a contested election the following allowances for clerical assistance shall be paid to Returning Officers—

For the first one hundred (100) or portion of one hundred applications for postal ballot-papers received	£ s. d.
	5 0 0

For each additional application for a postal ballot-paper over and above the first hundred	0 0 10
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For scrutinizing and counting (where necessary) absent votes and votes of unenrolled voters polled for the Province or District—for every one hundred of the sum of such votes and for the remaining fraction of one hundred	1 5 0
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For bringing booth rolls into conformity with certified rolls—an allowance for each Province or District as fixed from time to time by the Minister.	
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And the Honorable Keith Dodgshun, Her Majesty's Chief Secretary for the State of Victoria, shall give the necessary directions herein accordingly.

A. MAHLSTEDT,
Clerk of the Executive Council.

The first part of the paper deals with the history of the subject. It is followed by a discussion of the present state of the subject and the author's own views on the subject. The paper concludes with a list of references.