



New South Wales

Parliamentary Electorates and Elections Amendment (Method of Voting) Act 1995 No 54

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Parliamentary Electorates and Elections Amendment (Method of Voting) Act 1995 No 54

Act No 54, 1995

An Act to amend the *Parliamentary Electorates and Elections Act 1912* with respect to the use of ticks and crosses on ballot-papers. [Assented to 22 November 1995]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Parliamentary Electorates and Elections Amendment (Method of Voting) Act 1995*.

2 Commencement

This Act commences on the date of assent.

3 Amendment of Parliamentary Electorates and Elections Act 1912 No 41

The *Parliamentary Electorates and Elections Act 1912* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 122A (Ballot-papers not to be informal in certain circumstances)

Omit section 122A (4). Insert instead:

- (4) Notwithstanding anything to the contrary in this Act, a ballot-paper shall not be informal by reason only that the voter has recorded a vote by placing a cross or a tick in a square and not placing any mark or writing in any other square, but the ballot-paper shall be treated as if the cross or tick were the number “ 1 ” .

[2] Section 122A (5)

Insert “or a tick” after the words “placing the number ‘1’”

[3] Section 122A (5)

Insert “and any such tick were the number ‘1’” after the words “appear on the ballot-paper”.

[4] Section 122A (6) and (7)

Insert after section 122A (5):

- (6) Notwithstanding anything to the contrary in this Act, nothing in this section authorises any person to encourage a voter to place a cross or a tick in a square on a ballot-paper.

Maximum penalty:

- (a) if the person is a corporation—a penalty not exceeding 50 penalty units, or
- (b) in any other case—a penalty not exceeding 10 penalty units or to imprisonment for a period not exceeding 6 months, or both.

Schedule 1 Amendments

- (7) Any person who prints, publishes or distributes any “how to vote” card, electoral advertisement, notice, handbill, pamphlet or card which encourages any elector to place a cross or a tick in a square on a ballot-paper, will be liable:
- (a) if the person is a corporation—to a penalty not exceeding 50 penalty units, or
 - (b) in any other case—to a penalty not exceeding 10 penalty units or to imprisonment for a period not exceeding 6 months, or both.

[Minister’s second reading speech made in—
Legislative Assembly on 19 September 1995
Legislative Council on 12 October 1995]