

1991—No. 428

**PARLIAMENTARY ELECTORATES AND ELECTIONS ACT  
1912—REGULATION**

(Parliamentary Electorates and Elections Regulation 1991)

NEW SOUTH WALES



*[Published in Gazette No. 116 of 16 August 1991]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Parliamentary Electorates and Elections Act 1912, has been pleased to make the Regulation set forth hereunder.

N. F. GREINER  
Premier.

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**PART 1—PRELIMINARY**

**Citation**

1. This Regulation may be cited as the Parliamentary Electorates and Elections Regulation 1991.

**Commencement**

2. This Regulation commences on 1st September, 1991.

**Definitions**

3. (1) In this Regulation:

“**the Act**” means the Parliamentary Electorates and Elections Act 1912;

“**the Commonwealth Act**” means the Commonwealth Electoral Act 1918.

(2) In this Regulation, a reference to a form is a reference to a form set out in Schedule 1.

**PART 2—PRE-POLL MATTERS****Division 1—Alteration of electoral districts****Notice of proposed alteration of electoral district**

**4.** For the purposes of section 14 (1) of the Act, the prescribed notice of a proposed alteration of an electoral district:

- (a) to be given in the Gazette—is a notice in Form 1; and
- (b) to be given in a newspaper published or circulating in the district—is a notice in Form 2.

**Division 2—Rolls****Adoption of Commonwealth forms for purposes of joint rolls**

**5. (1)** For the purposes of sections 32 (2) (a) and 34 (1) of the Act, the prescribed form of claim for enrolment, transfer of enrolment or provisional enrolment is the form approved for the purposes of section 98 of the Commonwealth Act.

**(2)** For the purposes of section 38A (1) of the Act, the prescribed form of request that a person's residence not be entered on or be deleted from the roll is the form approved for the purposes of section 104 of the Commonwealth Act.

**(3)** For the purposes of section 45 (2) of the Act, the prescribed form of notice of an objection to a name on the roll (to be given to the person objected to) is the form approved for the purposes of section 116 of the Commonwealth Act.

**(4)** For the purposes of section 47 (2) of the Act, the prescribed form of notice of determination of an objection is the form approved for the purposes of section 118 of the Commonwealth Act.

**Enrolment notice**

**6.** Every registrar must, as soon as practicable after the end of each period of 28 days, notify the Electoral Commissioner of particulars of claimants enrolled (otherwise than by way of transfer) during that period.

**Division 3—Order of candidates on ballot-papers****Council election: claim to be included in group**

7. (1) For the purposes of section 81C (1) of the Act, the prescribed form of claim for the grouping of candidates nominated for a periodic Council election is Form 3.

(2) For the purposes of section 81C (3) of the Act, the prescribed form for the withdrawal of a claim is Form 4.

(3) The Electoral Commissioner must, on receipt of a claim under section 81C (1) of the Act or a withdrawal of a claim under section 81C (3) of the Act, make a notation on the claim or withdrawal of the time and date of receipt.

(4) On receipt of a withdrawal of a claim under section 81C (3) of the Act, the Electoral Commissioner must make a notation on the claim that it has been withdrawn and of the time and date of receipt of the Withdrawal.

**Ballot to determine order of candidates on ballot-paper: Assembly election**

8. A ballot referred to in section 82A (1) of the Act is to be conducted in the following manner:

- (a) the returning officer must, at the place appointed for the receipt of nominations and before all persons present, make out in respect of each candidate a slip bearing the surname and given names of the candidate;
- (b) the returning officer must then enclose each slip in a separate container of exact similarity, securely seal each container and deposit all the containers in a locked ballot-box;
- (c) the returning officer must then shake and rotate the ballot-box and, on request, permit any other person present to do the same;
- (d) the returning officer must then unlock the ballot-box and take out and open each container one by one;
- (e) the returning officer must then record in duplicate the surname and given names of the candidate whose name appears on the slip enclosed in the container first taken from the ballot-box and, in consecutive order, the surname and given names of the candidate whose name appears on the slip enclosed in the container next taken from the ballot-box, and so on until the placing of all the names has been determined;

- (f) the record made of the names of the candidates as extracted in strict consecutive order must be signed by the returning officer and may also be signed by any of the persons present;
- (g) the original of the record made of the names of the candidates as extracted must be promptly delivered to the Electoral Commissioner by the returning officer or a person authorised by the returning officer or be forwarded (by registered post where practicable) to the Electoral Commissioner.

**Ballot to determine order of groups of candidates on ballot-paper:  
Council election**

9. A ballot referred to in section 83B (1) (a) of the Act is to be conducted in the following manner:

- (a) the Electoral Commissioner must, at the place appointed for the receipt of nominations and before all persons present, make out in respect of each group of candidates a slip bearing the surname of each candidate in the group and, if the Electoral Commissioner considers it necessary to do so, the given names or the initial letter or letters of the given names of each candidate in the group;
- (b) the Electoral Commissioner must then enclose each slip in a separate container of exact similarity, securely seal each container and deposit all the containers in a locked ballot-box;
- (c) the Electoral Commissioner must then shake and rotate the ballot-box and, on request, permit any other person present to do the same;
- (d) the Electoral Commissioner must then unlock the ballot-box and take out and open each container one by one;
- (e) the Electoral Commissioner must then write the word “Group” followed by the letter “A” on the slip enclosed in the container first taken from the ballot-box and write the word “Group” followed by the letter “B” on the slip enclosed in the container next taken from the ballot-box, and so on until the word “Group” and a successive letter of the alphabet (or, if there are more than 26 groups, a distinctive symbol determined by the Electoral Commissioner) have been written on each slip;
- (f) the Electoral Commissioner must then cause a record to be made of the names of the candidates in each group and include in that record, before the names of the candidates in each group, the word “Group” followed by the identifying letter or symbol determined in respect of that group in accordance with paragraph (e);
- (g) the record must be signed by the Electoral Commissioner and may also be signed by any of the persons present.

**Ballot to determine order on ballot-paper of candidates not in a group: Council election**

**10.** A ballot referred to in section 83B (1) (b) of the Act is to be conducted in the following manner:

- (a) the Electoral Commissioner must, at the place appointed for the receipt of nominations and before all persons present, make out in respect of each candidate a slip bearing the surname and the given names of the candidate;
- (b) the Electoral Commissioner must then enclose each slip in a separate container of exact similarity, securely seal each container and deposit all the containers in a locked ballot-box;
- (c) the Electoral Commissioner must then shake and rotate the ballot-box and, on request, permit any other person present to do the same;
- (d) the Electoral Commissioner must then unlock the ballot-box and take out and open each container one by one;
- (e) the Electoral Commissioner must then record the surname and given names of the candidate whose name appears on the slip enclosed in the container first taken from the ballot-box and, in consecutive order, the surname and given names of the candidate whose name appears on the slip enclosed in the container next taken from the ballot-box, and so on until a record has been made of the name of each candidate;
- (f) the record must be signed by the Electoral Commissioner and may also be signed by any of the persons present.

**Division 4—Miscellaneous****Registration of electoral matter**

**11.** An application under section 151G of the Act for registration of electoral material relating to a political party, a group of candidates or a candidate must be made in the appropriate form approved by the Electoral Commissioner.

**Pre-poll voting**

**12. (1)** For the purposes of section 114P (2) (a) of the Act, the prescribed form of application for permission to vote before polling day is Form 5.

**(2)** For the purposes of sections 114Q (1) and 114ZR (3) of the Act, the prescribed form of declaration is Form 6.

**Voting outside district: declaration**

13. For the purposes of section 115 (1) (c) of the Act, the prescribed form of declaration to be made to be allowed to vote as an absent voter is Form 7.

**Declaration by person of Jewish persuasion**

14. For the purposes of section 109 of the Act:

- (a) the prescribed time for making a declaration referred to in that section is immediately after a ballot-paper is given to the person; and
- (b) the prescribed form of such a declaration (which may be made orally or in writing) is Form 8.

**Notice of adjournment of poll**

15. If a poll at a polling-place is adjourned under section 130 (3) of the Act, notice of the adjournment must, if practicable, be affixed in a conspicuous position at the polling-place and at the post-office, police station or public school nearest to the polling-place.

**PART 3—POLLS****Division 1—General****Official mark on ballot-papers**

16. For the purposes of section 122A (3) of the Act, a mark printed in fugitive ink depicting the arms of the State enclosed within a fastened oval belt which bears the words “State Electoral Office” and across the lower half of which is superimposed a banner bearing the words “New South Wales” (whether or not the mark depicts any other decorative matter) is prescribed as an official mark.

**Declaration of residence: person whose residence is not shown on roll**

17. For the purposes of section 99A of the Act, the prescribed form of declaration to be made by an elector whose residence does not appear on the roll is Form 9.

**Marking of roll**

**18.** Immediately on delivering a ballot-paper to a voter, the deputy returning officer must, in the manner approved by the Electoral Commissioner, place a mark against the voter's name on the certified copy of the roll.

**Person claiming to vote: declaration if name noted under section 114G**

**19.** For the purposes of section 114GA (1) of the Act, the prescribed form of declaration for a person who claims not to have received, or to have lost, a postal vote certificate or postal ballot-paper is Form 10.

**Declaration for section 106: disputed votes**

**20. (1)** For the purposes of section 106 (1) and (1A) of the Act, the prescribed form of declaration to be made by a person claiming to vote pursuant to either of those subsections is Form 10.

**(2)** For the purposes of section 106 (1) and (1A) of the Act, the prescribed questions are those set out in section 100 (1) of the Act.

**(3)** For the purposes of section 106 (2) of the Act, the prescribed form of declaration to be made by a person claiming to vote pursuant to that subsection is Form 11.

**Declaration to enter polling-booth**

**21. (1)** For the purposes of section 93 (1) of the Act, the prescribed declaration to be made by the registrar, deputy registrar and any member of the police service before entering a polling-booth is the declaration set out in Form 12.

**(2)** Each such declaration is to be sent to the Electoral Commissioner.

**Division 2—Postal voting****Form of application for postal vote**

**22.** For the purposes of section 114A (2) (a) of the Act, the prescribed form of application for a postal vote certificate and postal ballot-paper is:

- (a) in the case of an elector referred to in section 114A (1) (a), (b), (c), (d), (d1), (e) or (g) of the Act—Form 13; and
- (b) in the case of an elector referred to in section 114A (1) (f) of the Act—Form 14.

**Form of postal vote certificate**

23. For the purposes of section 114D (1) (b) (ii) of the Act, the prescribed form of postal vote certificate is Form 15.

**Application for postal vote by persons outside N.S.W**

24. For the purposes of section 114ZA (2) (a) of the Act, the prescribed form of application to a postal voting officer for a postal vote certificate and a postal ballot-paper is Form 16.

**Postal vote certificate issued to persons outside N.S.W.**

25. For the purposes of section 114ZB (1) (b) (ii) of the Act, the prescribed form of postal vote certificate is Form 17.

**General postal voters registration: absence from N.S.W.**

26. (1) An elector who will not be within the State during any period that exceeds 3 months is a prescribed elector for the purposes of section 114AA of the Act.

(2) All the functions of a registrar under section 114AA of the Act in relation to the registration of an elector referred to in subclause (1) are to be exercised by the Electoral Commissioner instead of by the registrar.

(3) A reference in section 114AA to a registrar is to be read, in relation to the registration of an elector referred to in subclause (1), as a reference to the Electoral Commissioner.

**Application for registration as a general postal voter**

27. (1) For the purposes of section 114AA (5) of the Act, the prescribed form of application to be registered as a general postal voter is:

- (a) except as provided by paragraph (b)—Form 18; and
- (b) in relation to an elector referred to in clause 26 (1)—Form 19.

(2) Each register for a subdivision referred to in section 114AA (11) of the Act is to be kept in 2 parts as follows:

- (a) one part is to be kept by the Electoral Commissioner in relation to the electors referred to in clause 26 (1) who are registered as general postal voters;
- (b) the other part is to be kept by the registrar for the subdivision in relation to all other electors who are registered as general postal voters for that subdivision.



(3) The Electoral Commissioner is to provide the returning officer for each district with a copy of such part of the register (as altered from time to time) kept by the Electoral Commissioner as relates to the returning officer's district.

### **Cancellation of registration of elector as general postal voter**

**28. (1)** For the purposes of section 114AA (13) of the Act:

- (a) the prescribed circumstances in which a registrar may cancel the registration of an elector (other than an elector referred to in clause 26 (1)) as a general postal voter are circumstances in which the registrar is satisfied that the elector has ceased to be a prescribed elector within the meaning of section 114AA of the Act; and
- (b) the prescribed circumstances in which the Electoral Commissioner may cancel the registration of an elector referred to in clause 26 (1) as a general postal voter are circumstances in which the Electoral Commissioner is satisfied that the elector has returned to the State during the period of registration.

(2) If a registrar cancels the registration of an elector (other than an elector referred to in clause 26 (1)) as a general postal voter, the registrar must give, personally or by post, notice in writing to the elector of the cancellation.

(3) A notice of cancellation given to a person must include a statement setting out the person's right to request the Electoral Commissioner to refer the cancellation to the registrar for review.

(4) If a registrar receives a request referred to in subclause (3), the registrar must forthwith forward to the Electoral Commissioner a copy of the request and a statement in writing setting out the reasons for the cancellation of the registration of the person as a general postal voter.

(5) The Electoral Commissioner must, forthwith after receipt of a request referred to in subclause (3) or a copy of any such request under subclause (4), decide whether to direct the registrar to conduct a review of the register in relation to the cancellation.

(6) When the Electoral Commissioner makes a decision under subclause (5), the Electoral Commissioner must cause a copy of the decision to be given to:

- (a) the person who made the request; and
- (b) the registrar in relation to whose decision the request was made.

**Postal votes received by returning officer in respect of another district**

**29.** For the purposes of section 114H (2) of the Act, the prescribed manner in which a returning officer is to deal with an envelope posted or delivered to the returning officer in accordance with that subsection is as follows:

- (a) the returning officer must endorse on the envelope the words “Received by me” and add the date of receipt, a signature, the words “Returning Officer” and the name of the returning officer’s district;
- (b) the returning officer must then make a record of the name of the voter and the name of the district appearing in the postal vote certificate;
- (c) the returning officer must then enclose the envelope in an outer cover, fasten and seal the outer cover and address it to the returning officer for the district in respect of which the voter named in the postal vote certificate claims to be enrolled and transmit it to that returning officer in a manner authorised by the Electoral Commissioner;
- (d) the returning officer must retain the record made under paragraph (b).

**Postal votes received by deputy returning officer**

**30. (1)** For the purposes of section 114H (2) of the Act, the prescribed manner in which a deputy returning officer is to deal with an envelope delivered to the deputy returning office in accordance with that subsection is as follows:

- (a) the deputy returning officer must endorse on the envelope the words “Received by me at ..... polling-place” and add a signature, the words “Deputy Returning Officer” and the date;
- (b) the deputy returning officer must then make a record of the name of the voter and the name of the district appearing in the postal vote certificate;
- (c) the deputy returning officer must then deposit the envelope in the ballot-box used for the purpose of the polling at the polling-place;
- (d) at the close of the poll, the deputy returning officer must forward all the envelopes bearing postal vote certificates to the returning officer for whom the deputy returning officer is acting;

- (e) the deputy returning officer must forward to the returning officer for whom the deputy returning officer is acting the record made under paragraph (b).
- (2) A returning officer who receives envelopes under subclause (1) (d) is to deal with them in the manner prescribed by clause 29 (c).

**Persons before whom declaration by postal voting officer to be made**

**31.** For the purposes of section 78E of the Act, the following classes are prescribed:

- (a) justices of the peace for any State or Territory of the Commonwealth;
- (b) persons employed in the public service of New South Wales;
- (c) persons employed in the public service of the Commonwealth.

**PART 4—MISCELLANEOUS**

**Prescribed officer: inspection of documents etc.**

**32.** For the purposes of section 161 (1) (iii) of the Act, the prescribed officer is:

- (a) in respect of the inspection of any documents used at or in connection with an Assembly general election or by-election, the Clerk of the Legislative Assembly or an officer of the Legislative Assembly authorised in writing by the Clerk of the Legislative Assembly; or
- (b) in respect of the inspection of any documents (other than claims made under section 81C (1) of the Act) used at or in connection with a periodic Council election or an election referred to in section 1751 of the Act, the Clerk of the Legislative Council or an officer of the Legislative Council authorised in writing by the Clerk of the Legislative Council; or
- (c) in respect of the inspection of any claim made under section 81C (1) of the Act, the Electoral Commissioner or an officer in the public service authorised in writing by the Electoral Commissioner.

**Penalty notices**

**33. (1)** For the purposes of section 120C (2) of the Act, the prescribed form of penalty notice for the offence of failing to vote is Form 20.

(2) For the purposes of section 120C (2) of the Act, the prescribed time for giving the Electoral Commissioner a sufficient reason for a failure to vote or for paying a penalty specified in a penalty notice is the period of 28 days immediately following the date of service of the penalty notice.

**Repeal**

34. The Parliamentary Electorates and Elections (General) Regulations 1930 are repealed.

**SCHEDULE 1—FORMS**

**Form 1**

(Cl. 4)

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912

(Section 14)

**NOTICE OF PROPOSED ALTERATIONS OF ELECTORAL DISTRICTS**

THE Electoral Districts Commissioners give notice that it is proposed to alter the (or certain of the) existing electoral districts of New South Wales by constituting, instead of those existing electoral districts, new electoral districts, with the several names and boundaries described in the first column of the Appendix.

Suggestions or objections in relation to any of the proposed alterations will be received by the Commissioners at their office, ..... Sydney. All suggestions or objections must be in writing, and must be received at the office of the Commissioners within 30 days from the date of the publication in the Gazette of this notice.

Names and Boundaries of proposed new Electoral Districts	Electoral Districts the whole or parts of which the proposed new Electoral Districts comprise

.....  
Electoral Districts Commissioners

**Form 2**

(Cl. 4)

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912

(Section 14)

**NOTICE OF PROPOSED ALTERATIONS OF ELECTORAL DISTRICTS**

THE Electoral Districts Commissioners give notice that it is proposed to alter the or certain of the) existing electoral districts of New South Wales by constituting, among others, a certain new electoral district (or certain new electoral districts), with the names and boundaries described in the Gazette of ....., and marked on maps which may be inspected at the offices of Clerks of Local Courts and at the office of teh Electoral Commissioner for New South Wales.

Suggestions or objections in relation to any of the proposed alterations will be received by the Commissioners at their office, ....., Sydney All suggestions or objections must be in writing, and must be received at the office of the Commissioners within 30 days from the date of the Gazette notification.

.....  
Electoral Districts Commissioners

**Form 3**

(Cl. 7)

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912

(Section 81C)

**CLAIM TO BE INCLUDED IN A GROUP**

To the Electoral Commissioner:

Pursuant to section 81C (1) of the Parliamentary Electorates and Elections Act 1912, we, the undersigned candidates nominated for the periodic Legislative Council election to be held on ....., claim to have our names included in a group in the ballot-papers to be used in that election and to have our names included in that group in the order specified hereunder:

Surname	Given Names	* Signature of Candidate

*\* The signature of the candidate must appear opposite the candidate's name to signify consent to the inclusion of the name in the group and to the order in which the candidates' names are included in the group.*

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Dated this                      day of                      19                      .

FOR OFFICE USE ONLY

Time and date of receipt of claim	Signature of Electoral Commissioner

Time and date of withdrawal of claim	Signature of Electoral Commissioner

**Form 4**

(Cl. 7)

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912

(Section 81C)

**WITHDRAWAL OF CLAIM TO BE INCLUDED IN A GROUP**

To the Electoral Commissioner:

Pursuant to section 81C (3) of the Parliamentary Electorates and Elections Act 1912, we, the undersigned candidates nominated for the periodic Legislative Council election to be held on ..... , withdraw the claim made by us pursuant to section 81C (1) of that Act to have our names included in a group in the order specified hereunder.

Surname	Given Names	* Signature of Candidate

*\* The signature of the candidate must appear opposite the candidate's name to signify consent to the withdrawal of the claim.*

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Dated this day of 19 .

FOR OFFICE USE ONLY

Time and date of receipt of withdrawal of claim	Signature of Electoral Commissioner

Form 5

(Cl. 12)

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912

(Section 114P)

APPLICATION FOR PERMISSION TO VOTE BEFORE POLLING DAY

To the Returning Officer for the Electoral District of

(Here insert name of Electoral District in which the application is made)

I, (Print full name in BLOCK letters)

of (Insert place of living as appearing on Roll)

Occupation (Insert occupation as shown on Roll)

apply for permission to vote prior to polling day at the forthcoming Election/Referendum.

I declare:

1. That I am an elector enrolled on the Electoral Roll for the State Electoral District of
2. That my answers to the following questions are true in every particular:

Question

Applicant's Answer

(A) Is your real place of living within the Electorate in which you claim to vote?

NOTE: If answer to Question (A) is "Yes" the applicant is not required to answer Question (B).

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- (B) Was your real place of living within the 3 months immediately preceding the date fixed for the polling at the election, within the Electorate in respect of which you claim to vote? .....

*NOTE: The words "real place of living" in Questions (A) and (B) include the place of living to which a person, temporarily living elsewhere, has a fixed intention of returning for the purpose of continuing to live.*

3. That the ground on which I apply to vote prior to polling day is:

- (a) that I will not, throughout the hours of polling on polling day, be within the State;

*NOTE: The elector MUST indicate which of these grounds apply to his or her particular circumstances*

- (b) that I will not, throughout the hours of polling on polling day, be within 8 kilometres by the nearest practicable route of any polling-booth open in the State for the purposes of an election;
- (c) that I will throughout the hours of polling on polling day be travelling under conditions which will preclude me from voting at any polling booth in the State;
- (d) that I am, because of my membership of a religious order or my religious beliefs, precluded
- (i) from attending at a polling-booth; or
  - (ii) from voting throughout the hours of polling on polling day or throughout the greater part of those hours;
- (e) that I will be, at a place other than a hospital, caring for a person who is seriously ill or infirm or approaching maternity and because of caring for the person will be precluded from attending at any polling-booth to vote;
- (f) that I will, because of being engaged for fee, gain or reward in any work throughout the hours of polling on polling day, be precluded from attending at any polling-booth to vote.



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*NOTE: It is an offence for an elector to make, or for a person to persuade or induce an elector to make, any statement in an application for a pre-poll vote which is, to the knowledge of that person, false or misleading as to any material particular.*

*PENALTY: \$1,000 or imprisonment for 6 months, or both.*

Signed by the elector .....  
(Personal signature or mark of elector)

Signed by the elector in my presence:

Signature of Authorised Witness .....

Address .....

Dated at ..... the ..... day of ..... 19 .....

*NOTE: The application only needs to be witnessed if the elector signs by a mark or otherwise than in his or her own handwriting.*

**Form 6**

(Cl. 12)

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912

(Sections 114Q, 114ZR)

**PRE-POLL VOTER'S FORM OF DECLARATION**

I DECLARE that I am the person enrolled as:

.....  
(Surname)

.....  
(Given name or names)

.....  
(Residence as enrolled)

.....  
(Occupation)

on the State Electoral Roll for the Electoral District of ..... that I am entitled to vote in accordance with the Parliamentary Electorates and Elections Act 1912, and that if I am permitted to vote at this place I will not vote elsewhere at this election.

.....  
(Signature of Elector)

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Declared before me at ..... this ..... day of  
..... 19 .....

.....

Returning Officer

*NOTE: A person making any untrue statement in this declaration is liable to a penalty not exceeding \$1,000 or imprisonment for a period not exceeding 6 months, or both.*

Form 7

(Cl. 13)

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912

(Section 115)

ABSENT VOTER'S FORM OF DECLARATION

I DECLARE that I am the person enrolled as:

Surname .....

Given names or names .....

Residence as enrolled .....

Current address .....

Occupation .....

on the Electoral Roll for the State Electoral District of .....

.....

and that I am still qualified to vote for that district, that I have not voted at either this or any other polling-place, and that if I am permitted to vote at this polling-place I will not vote elsewhere at this election.

Signature of Elector .....

Declared before me this ..... day of ..... 19 .....

at ..... polling-place in the Electoral District of .....

.....

Signature of returning (or deputy returning) officer .....

*PENALTY: If a person makes a declaration knowing it is untrue in any material particular he or she is liable to a penalty not exceeding \$1,000 or to imprisonment for a period not exceeding 6 months, or both.*

**Form 8**

(Cl. 14)

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912

(Section 109)

**DECLARATION OF PERSONS OF THE JEWISH PERSUASION  
CLAIMING TO VOTE ON SATURDAY OR DAY OF A  
JEWISH FAST OR FESTIVAL**

I, ..... , am of the Jewish persuasion, and object on religious grounds to vote in the manner provided by the Parliamentary Electorates and Elections Act 1912.

*NOTE: This declaration may be made orally or in writing to the Returning Officer or Deputy.*

**Form 9**

(Cl. 17)

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912

(Section 99A)

**DECLARATION BY AN ELECTOR WHOSE RESIDENCE IS  
NOT ON THE ROLL**

*ELECTOR TO COMPLETE—PLEASE PRINT*

Surname or family name .....

Christian or given names .....

Address for which you claim to be enrolled .....

.....

*If you have changed your name since you enrolled for the above address,  
please print your previous name here:*

.....

I am entitled to vote. I have not already voted in this election.

I declare that the information shown above is true.

Signature of elector .....

Signature of returning (or deputy returning) officer .....

Polling place .....

Electoral District .....

*PENALTY: If a person makes a declaration knowing it is untrue in any material particular he or she is liable to a penalty not exceeding \$1,000 or to imprisonment for a period not exceeding 6 months, or both.*

Form 10

(CII. 19, 20)

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912

(Sections 106, 114GA)

DECLARATION WHERE NAME MARKED OFF ROLL

The Returning Officer

State Electoral District of

\_\_\_\_\_

FORM OF DECLARATION to be made by a person when:

- (a) a second vote is tendered for one name at the same polling-booth; or
- (b) a postal vote certificate or postal ballot-paper, or a pre-poll vote, has not been received or has been lost.

Polling place at which elector claims to vote .....

Electoral District of .....

I, (a) .....

*Name in full (as appearing on Roll) print in BLOCK letters*

(b) .....

*Address in full (as appearing on Roll)*

(c) ..... declare that:

*Occupation (as appearing on Roll)*

1. My name appears on the certified copy of the Roll used at the abovenamed polling-place, opposite the number ..... on the Roll.
- \*2. I claim to vote under the provisions of section 106 (1) of the Act. I have not voted in connection with the State election being held this day, even though a mark has been placed against my name on the Roll to indicate that a ballot-paper has been issued to me at the polling-place.  
or
- \*2. I claim to vote under the provisions of section 106 (1A) of the Act. I have not applied for a postal vote certificate and postal ballot-paper in connection with the State election being held this day, even though my name has been noted on the Roll as that of an elector to whom a postal vote certificate and postal ballot-paper have been issued, or I have not applied for and been issued with a pre-poll vote, even though my name has been noted on the Roll as that of an elector to whom a pre-poll vote has been issued.  
or
- \*2. I claim to vote under the provisions of section 114GA of the Act. I have not received, or have lost, a postal vote certificate or postal ballot-paper in connection with the State election being held this day, even though a mark has been placed against my name on the Roll to indicate that a postal vote certificate and postal ballot-paper have been issued to me.

Personal signature of voter .....  
Declared before me the ..... day of ..... 19 ..... at  
the abovenamed polling-place.

..... Deputy Returning Officer

*NOTE: A person making any untrue statement in this declaration is liable to a  
penalty not exceeding \$1,000 or to imprisonment for a period not exceeding 6  
months, or both.*

\* Two of these paragraphs as the case requires should be struck out.

**Form 11**

(Cl. 20)

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912

(Section 106)

**DECLARATION WHERE NAME OMITTED/STRUCK FROM ROLL**

The Returning Officer

State Electoral District of

FORM OF DECLARATION to be made by a person claiming to vote, who claims  
that his or her name has been omitted from or struck out of the certified copy of the  
Roll for the polling place at which he or she claims to be entitled to vote (owing to  
an error of an officer or a mistake of fact) or by a person whose name cannot be  
found.

I, (a) ..... of  
*(Name in full, print in BLOCK letters)*

(b) .....  
*(Address in full)*

(c) .....  
*(Occupation)*

declare that:

I am entitled to be enrolled on the Electoral Roll for the Electoral District of  
.....

After becoming qualified for enrolment for the district, I sent or delivered to the  
Registrar for the subdivision of the district in which I reside a fully completed  
claim for enrolment (or transfer of enrolment) and my claim was received by the  
Registrar before 6p.m. on the date that Electoral Rolls closed, i.e. on .....  
*(date of issue of writ)*

From the time of sending or delivering my claim to the Registrar and up to the  
issue of the writ, I continuously retained my right to be enrolled for the district and  
did not become qualified for enrolment for any other district.

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To the best of my knowledge and belief my name has been omitted from or struck out of the certified copy of the Roll for 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 because of a transfer or duplication of enrolment.

Personal signature of voter .....  
Declared before me the ..... day of ..... 19 .....  
at ..... polling-place.  
..... Deputy Returning Officer

*NOTE: A person making any untrue statement in this declaration is liable to a penalty not exceeding \$1,000 or to imprisonment for a period not exceeding 6 months, or both.*

**Form 12**

(Cl. 21)

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912

(Section 93)

**DECLARATION BY REGISTRAR, DEPUTY REGISTRAR OR  
MEMBER OF POLICE SERVICE**

I, ....., do solemnly promise and declare that I will not attempt to ascertain for what candidate any person may vote or has voted at the present election, and that if in the discharge of my duties at or concerning the election I learn, or have the means of learning, for what candidate any person may vote or has voted, I will not by word or act, or by any other means, directly or indirectly, divulge or disclose or aid in divulging or disclosing that fact, save in answer to some question which I am legally bound to answer.

*(To be transmitted to the Electoral Commissioner by the Returning Officer.)*

**Form 13**

(Cl. 22)

STATE OF NEW SOUTH WALES

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912

(Section 114A)

**APPLICATION FOR A POSTAL VOTE CERTIFICATE AND  
POSTAL BALLOT-PAPER**

To the Returning Officer for the Electoral District of

.....  
*(Insert name of Electoral District to which the application is to be sent)*

I, .....  
*(Print full name in BLOCK letters)*

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of .....  
(Insert place of living as appearing on Roll)

Occupation .....  
(Insert occupation as shown on Roll)

apply for a Postal Vote Certificate and a Postal Ballot-paper to enable me to vote by post at the forthcoming Election/Referendum.

I declare:

1. That I am an elector enrolled on the Electoral Roll for the State Electoral District of .....
2. That my answers to the following questions are true in every particular:

Question	Applicant's Answer
(A) Is your real place of living within the Electorate in which you claim to vote?	.....

*NOTE: If answer to Question (A) is "Yes" the applicant is not required to answer Question (B).*

(B) Was your real place of living within the 3 months immediately preceding the date fixed for the polling at the election, within the Electorate in respect of which you claim to vote?	.....
--	-------

*NOTE: The words "real place of living" in Questions (A) and (B) include the place of living to which a person, temporarily living elsewhere, has a fixed intention of returning for the purpose of continuing to live.*

3. That the ground on which I apply to vote by post is:

- (a) that I will not, throughout the hours of polling on polling day, be within the State;

*NOTE: The elector MUST indicate which of these grounds apply to his or her particular circumstances.*

- (b) that I will not, throughout the hours of polling on polling day, be within 8 kilometres by the nearest practicable route of any polling-booth open in the State for the purposes of an election;

- (c) that I will throughout the hours of polling on polling day be travelling under conditions which will preclude me from voting at any polling-booth in the State;
- (d) that I am seriously ill or infirm or approaching maternity and by reason of such illness or infirmity or approaching maternity will be precluded from attending at any polling-booth to vote;
- (e) that I will be, at a place other than a hospital, caring for a person who is seriously ill or infirm or approaching maternity and because of caring for the person will be precluded from attending at any polling-booth to vote;
- (f) that I am, because of my membership of a religious order or my religious beliefs, precluded:
  - (i) from attending at a polling-booth, or
  - (ii) from voting throughout the hours of polling on polling day or throughout the greater part of those hours;
- (g) that I will, because of being engaged for fee, gain or reward in any work throughout the hours of polling on polling day, be precluded from attending at any polling-booth to vote.

4. That my place of living at the time when the postal vote certificate and the postal ballot-paper would be delivered in the ordinary course of post will be as follows:

.....  
.....

*(Here insert full place of living address to which it is required postal voting papers be posted.)*

An elector must not make, and a person must not induce an elector to make, any false statement in an application for a postal vote certificate and a postal ballot-paper, or in the declaration contained in the application.

*PENALTY: \$1,000 or imprisonment for 6 months, or both.*



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Signed by the elector .....

(Personal signature or mark of elector)

Signed by the elector in my presence:

Signature of Authorised Witness .....

Address .....

Dated at ..... the ..... day of ..... 19 .....

Form 14

(Cl. 22)

STATE OF NEW SOUTH WALES

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912

(Section 114A)

APPLICATION FOR A POSTAL VOTE CERTIFICATE AND POSTAL BALLOT-PAPER

To the Returning Officer for the Electoral District of

Here insert name of Electoral District to which the application is to be sent

I, ..... (Print full name in, BLOCK letters)

of ..... (Insert place of living as appearing on Roll)

Occupation ..... (Insert occupation as shown on Roll)

apply for a Postal Vote Certificate and a Postal Ballot-paper to enable me to vote by post at the forthcoming Election/Referendum.

I declare:

- 1. That I am an elector enrolled on the Electoral Roll for the State Electoral District of .....
2. That the ground on which I apply to vote by post is that by reason of my being kept in a prison within the meaning of the Prisons Act 1952, I will be precluded from attending at any polling-booth to vote.
3. That my address at the time when the postal vote certificate and the postal ballot-paper would be delivered in the ordinary course of post will be as follows:

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.....  
.....  
(Here insert name and address of prison to which it is required postal voting papers be posted.)

An elector must not make, and a person must not induce an elector to make, any false statement in an application for a Postal Vote Certificate and a Postal Ballot-paper, or in the declaration contained in the application.

Signature of Applicant .....  
(Personal signature or mark of elector)

Signed by the elector in my presence:

Signature of Authorised Witness .....

Address .....

Dated at ..... the ..... day of ..... 19 .....

Form 15

(Cl. 23)

Postal Vote Envelope

STATE OF NEW SOUTH WALES  
PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912  
(Section 114D)

POSTAL VOTE CERTIFICATE

Application No.: ...../.....

Electoral District of ..... Roll No.: .....

Subject to the Parliamentary Electorates and Elections Act 1912  
..... is entitled to vote by post at the Election to be held on  
..... 19 .....

Date of Issue ..... 19 .....

Signature of Issuing Returning Officer .....

State Electoral District of .....

CERTIFICATE OF VOTER

I certify that the "signature of voter" hereunder is written by me with my own hand in the presence of the Authorised Witness. I declare I am entitled in accordance with the above Act to vote at this election as a Postal Voter.

Signature of Voter .....

(Personal signature or mark of elector)

**CERTIFICATE OF AUTHORISED WITNESS**

I certify that the "Certificate of Voter" was signed by the voter in my presence at ..... on the ..... day of .....

19....., and I act as an authorised witness:

- Strike out whichever clauses do not apply*
- (1) as an elector on the electoral roll for the State of New South Wales; or
  - (2) as an elector on the Commonwealth electoral roll for the State or Territory of ..... ; or  
*(if outside Australia)*
  - (3) the title under which I act as an authorised witness is .....

Signature of Authorised Witness .....

Name of Authorised Witness .....  
*(Print in capital letters)*

Address of Authorised Witness .....  
.....

**Form 16**

(Cl. 24)

STATE OF NEW SOUTH WALES

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912

(Section 114ZA)

**APPLICATION BY A PERSON OUTSIDE NEW SOUTH WALES FOR A POSTAL VOTE CERTIFICATE AND POSTAL BALLOT-PAPER**

To the Postal Voting Officer at .....

I, .....  
*(Print full name in BLOCK letters)*

of .....  
*(Insert place of living as appearing on Roll)*

Occupation .....  
*(Insert occupation as shown on Roll)*

Passport No. .... Place of issue of Passport .....  
Date of issue of Passport ..... apply for a Postal Vote Certificate and a Postal Ballot-paper to enable me to vote by post at the forthcoming election. *To be completed if out of Australasia.*

I declare:

- 1. That I am an elector enrolled on the Electoral Roll for the State Electoral District of .....

2. That my answers to the following questions are true in every particular:

Question	Applicant's Answer
(A) Is your real place of living within the Electorate in which you claim to vote? .....	.....
<i>NOTE: If answer to Question (A) is "Yes" the applicant is not required to answer Question (B).</i>	
(B) Was your real place of living, at any time within the 3 months immediately preceding the date fixed for the polling at applicant the election, within the Electorate in respect of which you claim to vote? .....	.....

*NOTE: The words "real place of living" in Questions (A) and (B) include the real place of living to which a person, temporarily living elsewhere, has a fixed intention of returning for the purpose of continuing to live.*

- 3. That I apply to vote by post on the ground that I will not throughout the hours of polling on polling day be within the State.
- 4. That my real place of living at the time when the postal vote certificate and the postal ballot-paper would be delivered in the ordinary course of post will be as follows:

.....  
.....

*(Here insert full address to which it is required postal voting papers be posted.)*

Signed by the elector in my presence:

Signature of Applicant .....  
*(Personal signature or mark of elector)*

Signature of Authorised Witness .....

Address .....

Dated at ..... the ..... day of ..... 19 .....

Form 17

(Cl. 25)

STATE OF NEW SOUTH WALES  
PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912  
(Section 114ZB)

POSTAL VOTE CERTIFICATE

Application No. /

Electoral District of .....  
Subject to the Parliamentary Electorates and Elections Act 1912 .....  
.....  
has been issued with a ballot paper to vote by post at the election to be held on  
..... 19 ..... Date of Issue ..... 19 .....  
Signature of Issuing Postal Voting officer  
.....  
Place of Issue .....

CERTIFICATE OF VOTER

I certify that the “signature of voter” hereunder is my personal signature or mark  
written by me with my own hand in the presence of the Authorised Witness. I  
declare I am entitled in accordance with the above Act to vote at this election in  
respect of my enrolment at, (residence as enrolled) .....  
.....  
Occupation .....  
Signature of Voter .....  
*(Personal signature or mark of elector)*

CERTIFICATE OF AUTHORISED WITNESS

I certify that the “Certificate of Voter” was signed by the voter in my presence at  
..... on the  
..... day of ..... 19 ....., and I  
act as an authorised witness:

- Strike out  
whichever  
clauses  
do not  
apply*
- (1) as an elector on the electoral roll for the State of New South  
Wales; or
  - (2) as an elector on the Commonwealth electoral roll for the  
State or Territory of .....  
..... ; or

(3) the title under which I act as an authorised witness is  
.....  
(if outside Australia)

Signature of Authorised Witness .....  
Name of Authorised Witness .....  
Address of Authorised Witness .....

**Form 18**

(Cl. 27)

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912

(Section 114AA)

**APPLICATION FOR REGISTRATION AS GENERAL POSTAL VOTER**

Would you please register me as a general postal voter for the electoral district of  
.....

(Please use **BLOCK** letters)

My name is:

Surname .....

All Christian or Given names .....

My place of living for which I am currently enrolled is:

Flat/House No. .... Street/Road .....

Suburb/Town ..... P ostcode .....

The ground on which I seek registration is:

(Please tick the box next to the ground which applies.)

I am:

- (a) an elector:
  - (i) who is enrolled for a subdivision that is a remote subdivision by virtue of an order under section 23 of the Act; and
  - (ii) my real place of living is not within 20 kilometres, by the nearest practicable route, of a polling-place;

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- [ ] (b) an elector who:
  - (i) is a patient in a hospital (not being a hospital that is a polling-place or a declared institution under section 114ZN of the Act); and
  - (ii) because of being seriously ill or infirm, is unable to travel from that hospital;
    - the name of that hospital is .....
    - .....
    - the address of that hospital is .....
    - .....
  
- [ ] (c) an elector who:
  - (i) is not a patient in a hospital; and
  - (ii) because of being seriously ill or infirm, is unable to travel from the place where I reside;
  
- [ ] (d) an elector who:
  - (i) is serving a sentence of imprisonment; or
  - (ii) is otherwise in lawful custody or detention;
    - the name and address of the place where I am detained is .....
    - .....
  
- [ ] (e) an elector who is enrolled pursuant to a claim made under section 32 (3) of the Act;
  
- [ ] (f) an elector whom a registered medical practitioner has certified, in writing, to be so physically incapacitated that I cannot sign my name.

Personal signature or mark of elector or person making application on behalf of elector .....

.....

Dated .....

Form 19

(Cl. 27)

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912

(Section 114AA)

APPLICATION FOR REGISTRATION AS GENERAL POSTAL VOTER (DURING ABSENCE FROM STATE)

Would you please register me as a general postal voter for the electoral district of .....

.....

---

My name is:  
Surname .....  
All Christian or Given names .....  
.....  
My place of living for which I am currently enrolled is:  
Flat/House No. .... Street/Road .....  
Suburb/Town ..... Postcode .....  
I seek registration during the following period of my absence from the State:  
..... to .....  
*(Date of departure from the State)* *(Date of return to the State)*  
The address(es) to which any postal voting papers are to be sent during my absence  
from the State is (are) as follows:  
.....  
.....  
Personal signature or mark of elector .....  
Dated .....

**Form 20**

(Cl. 33)

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912

(Section 120C)

**PENALTY NOTICE FOR FAILURE TO VOTE**

Electoral District ..... No. on Roll .....

IF PENALTY IS NOT PAID OR REASON IS NOT GIVEN WITHIN 28 DAYS,  
COURT PROCEEDINGS MAY BE TAKEN AGAINST YOU.

Name and address of elector .....  
.....  
.....

You are notified that electoral records show that you appear to have failed to vote at  
the election held on .....

Under section 120F of the Parliamentary Electorates and Elections Act 1912 the  
maximum penalty for failing to vote is \$50.

IF YOU CONSIDER YOU HAVE A SUFFICIENT REASON FOR YOUR  
FAILURE TO VOTE YOU SHOULD RETURN THIS NOTICE WITH ANY  
EXPLANATION YOU MAY WISH TO OFFER.



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Alternatively, you may dispose of the matter by:

1. Paying a penalty of \$25 to the Electoral Commissioner within 28 days of the date of this notice; or
2. Having the matter dealt with by a Court, where the maximum penalty is \$50 plus court costs.

**PROCEDURE FOR PAYMENT OF PENALTY OR OFFER OF EXPLANATION**

Deliver or post the penalty or the explanation to the Electoral Commissioner. Cheques and money orders should be crossed, marked "not negotiable" and made payable to the Electoral Commissioner for New South Wales. **DO NOT POST CASH.**

**PART PAYMENT OF THIS PENALTY CANNOT BE ACCEPTED PENALTY** for any person giving a false reason for failure to vote is \$50. **THIS FORM MUST BE FORWARDED WITH YOUR PAYMENT OR EXPLANATION. [ ] INDICATE IF RECEIPT IS REQUIRED.**

Electoral Commissioner .....

Date .....

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**NOTE**

**TABLE OF PROVISIONS**

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2. Commencement
3. Definitions

**PART 2—PRE-POLL MATTERS**

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**Division 3—Order of candidates on ballot-papers**

7. Council election: claim to be included in group
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## Division 4—Miscellaneous

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## PART 3—POLLS

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16. Official mark on ballot-papers
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## Division 2—Postal voting

22. Form of application for postal vote
23. Form of postal vote certificate
24. Application for postal vote by persons outside N.S.W.
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## PART 4—MISCELLANEOUS

32. Prescribed officer: inspection of documents etc.
33. Penalty notices
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SCHEDULE 1—FORMS

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**EXPLANATORY NOTE**

The object of this Regulation is to repeal and remake the provisions of the Parliamentary Electorates and Elections (General) Regulations 1930. The new Regulation deals with matters of a machinery nature relating to:

- (a) preparations for an election (Part 2); and
- (b) the taking of a poll in an election (Part 3); and
- (c) other matters of a minor, consequential or ancillary nature (Parts 1 and 4).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

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