

Act No. 18, 1910.

PARLIAMENTARY
ELECTIONS
(SECOND BALLOT).

An Act to amend the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906; and for other purposes. [31st August, 1910.]

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

PART I.

Preliminary.

Short title.

1. This Act may be cited as the "Parliamentary Elections (Second Ballot) Act, 1910."

This Act shall be construed with the Parliamentary Electorates and Elections Act, 1902 (hereinafter referred to as the Principal Act), and the Parliamentary Elections Act, 1906.

Second Ballot.

Elected candidate
must receive an
absolute majority of
votes.

2. (1) Notwithstanding anything in the Principal Act, no candidate shall at any election be deemed to be elected for any electoral district as the result of the ballot taken at the poll under the Principal Act (hereinafter called the first ballot) unless he has received an absolute majority of votes.

(2) The expression "absolute majority of votes" means a number of valid votes greater than one-half of the number of all the valid votes recorded at the election, including the casting-vote of the returning officer when given in accordance with section ninety-eight of the Principal Act.

Second ballot.

3. (1) If as the result of the first ballot the returning officer finds that no candidate has received an absolute majority of votes, a second ballot shall be taken between the candidate who has received the highest number of votes and the candidate who has received the next highest number of votes.

(2) The second ballot shall in all cases, and notwithstanding any equality of votes, be taken between two candidates only.

(3) If no candidate has received an absolute majority of votes, but two or more candidates have received the same number of votes, and it is necessary for the purposes of a second ballot to determine

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determine the order of precedence of those candidates, the returning officer shall determine the order of their precedence by giving such casting vote or votes as may be necessary for this purpose to such of those candidates as he thinks fit, and the candidates at the second ballot shall be determined accordingly.

4. (1) Except in the electoral districts mentioned in Schedule One hereto, the second ballot shall be taken on the seventh day after the close of the poll on the first ballot. Date of second ballot.

(2) In the electoral districts mentioned in the said Schedule hereto, the second ballot shall be taken on a day to be fixed by proclamation of the Governor in the Gazette, not being less than fourteen nor more than twenty-one days after the close of the poll on the first ballot.

(3) The electoral districts referred to in the said Schedule are the electoral districts as notified by the Electoral Districts Commissioners.

5. When the returning officer finds as the result of the first ballot that a second ballot is required in accordance with the foregoing provisions, he shall thereupon make a public declaration to that effect in the form contained in Schedule Two hereto, and shall as soon as practicable thereafter give public notice in such newspaper or newspapers circulating in the electoral district, as he thinks fit, of the day on which the second ballot is to be taken, and of the names of candidates at that ballot. Notification of second ballot.

6. (1) The candidate who at the second ballot receives the higher number of votes shall be declared to be elected. Election of candidate at second ballot.

(2) If at the second ballot the candidates receive an equal number of votes, the returning officer shall give his casting vote in favor of one of the candidates, and that candidate shall be declared to be elected accordingly.

7. For the purpose of the second ballot, the returning officer shall cause ballot-papers to be printed in accordance with the provisions of section forty-five of the Parliamentary Elections Act, 1906, save that those papers shall contain the names of those persons only who are candidates at the second ballot. Ballot-papers.

8. At the second ballot the polling-places appointed for the first ballot shall be used. Polling-places.

9. It shall not be lawful for any candidate at the second ballot to withdraw from the election. Candidate may not withdraw from second ballot.

10. Subject to this Act, all the provisions of the Principal Act and the Parliamentary Elections Act, 1906, with respect to a ballot or poll under those Acts shall apply, with the necessary modifications, to a ballot or poll under this Act. Application of Principal and the 1906 Acts.

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Return of writ.

11. When in any election a second ballot is required to be taken by virtue of this Act, the time for the return of the writ may, by proclamation of the Governor in the Gazette, be extended to any day within ten days after the close of the poll on the second ballot, anything to the contrary in the Principal Act or in the tenor of the writ notwithstanding.

Electoral petition

12. Nothing in the above provisions shall affect the right of a person under Part VII of the Principal Act to present an electoral petition in respect of any first ballot, or the powers of the Committee of Elections and Qualifications in respect of any such petition; and the provisions of the said Part shall, with the necessary modifications, extend and apply to every second ballot as in the case of a first ballot.

PART II.

*Revision courts before general election.*Revision courts
before general
election.

13. A revision court consisting of any stipendiary or police magistrate shall, before every general election, be held in each district to revise the supplemental rolls for such district on a day and at a place to be proclaimed not sooner than twelve days nor later than eighteen days after the issue of the writs.

Exhibition of lists.

14. The registrar and such deputy-registrars as there may be within each district shall as soon as practicable after the day of the issue of the writs exhibit at their respective offices, and at such other places within the district as the chief electoral officer directs, the said supplemental rolls for the polling-places of which they have charge.

Objections.

15. (1) Any person may, by writing in duplicate, object to any name on the supplemental roll on any of the following grounds:—

(a) That the person named is not qualified to have his name on the roll.

(b) That the person named does not reside or have his principal place of abode in the district.

(2) Every such objection must be lodged with the registrar or deputy-registrar, on whose roll the name objected to appears, within seven days before the holding of the revision court, and the duplicate copy of such objection shall forthwith be sent by such registrar or deputy-registrar to the person whose name has been objected to.

(3) Such registrar and deputy-registrar shall as early as possible, and at least three days before the sitting of the revision court, exhibit at their respective offices, and at such other places within the district as the chief electoral officer directs, a list of the names of all persons against whom objections have been so lodged.

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16. The revision court shall strike out or refuse to enrol the names of any person shown— Powers of revision court.

- (a) to be dead ;
- (b) not to be qualified to have his name placed on the roll ;
- (c) to be disqualified ;
- (d) not to reside or to have his principal place of abode in the district ;

and shall correct mistakes and supply omissions.

17. (1) The objector and the person whose name is objected to may appear before the revision court and be heard. If the objector or his agent does not appear the objection shall be deemed to be invalid. Hearing before court.

(2) If any objection is not established the court may award to the person whose name is objected to a reasonable sum not exceeding five pounds for costs, and such person may recover the sum so awarded in any court of competent jurisdiction as a debt due to him by the objector : Provided that, where the objector is the registrar, deputy or assistant registrar, or any officer of police, this subsection shall not apply.

18. The registrar and deputy registrar shall forward to the revision court, prior to the day proclaimed for the holding of such court, all documents in their possession relating to the objections lodged as aforesaid against persons whose names appear on the supplemental rolls for the districts of which they have charge. Documents to be forwarded to the court.

19. The Principal Act is amended as follows :—

- (a) Subsection one of section twenty-one of the Principal Act is amended by inserting after “continuous period of one year” the following words:—“or who has resided or had his principal place of abode within the Commonwealth of Australia for a continuous period of one year, and has, during six months at least of such period, resided or had his principal place of abode in New South Wales.” Amendment of Principal Act.
- (b) Section fifty-one, omit “thirty-fifth” and substitute “forty-fifth”
- (c) Section fifty-six, omit “eighteenth” substitute “twenty-eighth”

20. The Parliamentary Elections Act, 1906, is amended in section thirteen by the omission of the words “proclaimed in that behalf.” Amendment of s. 13 of 1906 Act.

21. If the boundaries of any electoral district become altered by virtue of any proclamation issued under the authority of the Seat of Government Acceptance Act, 1909, the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906, and of this Act, shall apply as fully in respect of the reduced area as to the original electoral district before the alteration of such boundaries. Application of Electoral Acts where boundaries of districts are altered under Seat of Government Acceptance Act.

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SCHEDULES.

SCHEDULE ONE.

Albury	Clyde, The	Hawkesbury, The	Richmond, The
Allowrie	Cobar	Lachlan, The	Rous
Armidale	Cootamundra	Liverpool Plains	Sherbrooke
Ashburnham	Corowa	Macquarie, The	Singleton
Bathurst	Darling, The	Monaro	Sturt
Bega	Deniliquin	Mudgee	Tamworth
Belubula	Durham	Murray, The	Tenterfield
Bingara	Gloucester	Murrumbidgee, The	Upper Hunter, The
Blayney	Gough	Namoi, The	Wollondilly
Burrangong	Goulburn	Northumberland	Wollongong
Camden	Gwydir, The	Orange	Wynyard
Castlereagh, The	Hartley	Queanbeyan	Yass
Clarence, The	Hastings and Macleay	Raleigh	

SCHEDULE TWO.

Declaration of result of poll and notification of second ballot.

I, A.B., returning officer of the Electoral district of _____, do hereby declare the result of the poll taken on the _____ day of _____, 19____, for the election of a member of the Legislative Assembly for the said district to be as follows:—

Candidates.

Votes polled.

Total number of votes polled..... _____
 Absolute majority required _____
 Number of votes rejected as informal ... _____

And I further declare that, as no candidate has received an absolute majority of votes, a second ballot will be taken.

*(Signed)*_____
Returning Officer.