

# Parliamentary Electorates and Elections Regulation 2001

[2001-613]



New South Wales

## Status Information

### Currency of version

Historical version for 10 August 2001 to 19 October 2006 (accessed 26 December 2024 at 15:53)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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File last modified 31 August 2006

# Parliamentary Electorates and Elections Regulation 2001



New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	5
1 Name of Regulation .....	5
2 Commencement .....	5
3 Definitions .....	5
4 Notes .....	5
<b>Part 2 Pre-poll matters</b> .....	6
<b>Division 1 Alteration of electoral districts</b> .....	6
5 Notice of proposed alteration of electoral district.....	6
<b>Division 2 Rolls</b> .....	6
6 Adoption of Commonwealth forms for purposes of joint rolls .....	6
7 Enrolment notice .....	6
<b>Division 3 Order of candidates on ballot-papers</b> .....	6
8 Council election: claim to be included in a group .....	6
9 Ballot to determine order of candidates on ballot-paper: Assembly election .....	7
10 Ballot to determine order of groups of candidates on ballot-paper: Council election .....	7
11 Ballot to determine order on ballot-paper of candidates not in a group: Council election .....	8
12 Form of ballot-paper for Council elections with more than 33 groups .....	9
<b>Division 4 Miscellaneous</b> .....	9
13 Declaration by person of Jewish persuasion .....	9

14 Pre-poll voting .....	9
15 Voting outside district: declaration .....	9
16 Notice of adjournment of poll .....	9
17 Registration of electoral matter.....	9
<b>Part 3 Polls</b> .....	<b>10</b>
<b>Division 1 General</b> .....	<b>10</b>
18 Official mark on ballot-papers .....	10
19 Declaration of residence: person whose residence is not shown on roll .....	10
20 Marking of roll.....	10
21 Person claiming to vote: declaration if name noted under section 114G .....	10
22 Declaration for section 106: disputed votes .....	10
23 Declaration to enter polling-booth.....	10
<b>Division 2 Postal voting</b> .....	<b>11</b>
24 Form of application for postal vote .....	11
25 Form of postal vote certificate.....	11
26 Application for postal vote by persons outside NSW .....	11
27 Postal vote certificate issued to persons outside NSW .....	11
28 General postal voters registration: absence from NSW .....	11
29 Application for registration as a general postal voter.....	11
30 Cancellation of registration of elector as general postal voter .....	12
31 Postal votes received by returning officer in respect of another district.....	13
32 Postal votes received by deputy returning officer .....	13
33 Persons before whom declaration by postal voting officer to be made .....	14
<b>Part 4 Registration of parties</b> .....	<b>14</b>
34 Party membership declaration forms.....	14
35 Registered party annual return.....	14
36 Procedure where same member relied on by 2 or more parties.....	14
<b>Part 5 Miscellaneous</b> .....	<b>14</b>
37 Prescribed officer: inspection of documents .....	14
38 Penalty notices .....	15
39 Savings.....	15

**Schedule 1 Forms** ..... 15

# Parliamentary Electorates and Elections Regulation 2001



New South Wales

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Parliamentary Electorates and Elections Act 1912*.

ANDREW REFSHAUGE, M.P., Acting Premier

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Parliamentary Electorates and Elections Regulation 2001*.

### 2 Commencement

This Regulation commences on 1 September 2001.

#### Note—

This Regulation replaces the *Parliamentary Electorates and Elections Regulation 1996* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(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.

### 4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

## **Part 2 Pre-poll matters**

### **Division 1 Alteration of electoral districts**

#### **5 Notice of proposed alteration of electoral district**

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 some newspaper published or circulating in the district—is a notice in Form 2.

### **Division 2 Rolls**

#### **6 Adoption of Commonwealth forms for purposes of joint rolls**

- (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) and (2) 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 relevant 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.

#### **7 Enrolment notice**

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**

#### **8 Council election: claim to be included in a group**

- (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 (including any request under section 81C (1A) for a group voting square for the group) 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.

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

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 the slips in separate identical containers, 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 to the Electoral Commissioner.

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

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 the slips in separate identical containers, 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.

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

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 the slips in separate identical containers, 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.

## **12 Form of ballot-paper for Council elections with more than 33 groups**

Pursuant to section 176 (3) of the Act, the form of the ballot-papers to be used for a periodic Council election for which there are more than 33 groups is declared to be altered so that they are in Form 5 instead of the relevant form prescribed by Schedule 4A or 15A to the Act.

## **Division 4 Miscellaneous**

### **13 Declaration by person of Jewish persuasion**

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 6.

### **14 Pre-poll voting**

- (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 7.
- (2) For the purposes of sections 114Q (1) and 114ZR (3) of the Act, the prescribed form of declaration is Form 8.

### **15 Voting outside district: declaration**

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 9.

### **16 Notice of adjournment of poll**

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 (whichever is closest).

### **17 Registration of electoral matter**

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.

## **Part 3 Polls**

### **Division 1 General**

#### **18 Official mark on ballot-papers**

For the purposes of section 122A (3) of the Act, a mark 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.

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

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 10.

#### **20 Marking of roll**

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.

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

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 11.

#### **22 Declaration for section 106: disputed votes**

- (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 11.
- (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 12.

#### **23 Declaration to enter polling-booth**

- (1) For the purposes of section 93 (1) of the Act, the prescribed declaration to be made by the registrar, deputy registrar and any police officer before entering a polling-booth is the declaration set out in Form 13.

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

## **Division 2 Postal voting**

### **24 Form of application for postal vote**

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 14, and
- (b) in the case of an elector referred to in section 114A (1) (f) of the Act—Form 15.

### **25 Form of postal vote certificate**

For the purposes of section 114D (1) (b) (ii) of the Act, the prescribed form of postal vote certificate is Form 16.

### **26 Application for postal vote by persons outside NSW**

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 17.

### **27 Postal vote certificate issued to persons outside NSW**

For the purposes of section 114ZB (1) (b) (ii) of the Act, the prescribed form of postal vote certificate is Form 18.

### **28 General postal voters registration: absence from NSW**

- (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.

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

- (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 Form 19.
- (2) The 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 in relation to the electors referred to in clause 28 (1) who are registered as general postal voters,
  - (b) the other part is to be kept 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 the relevant particulars of such electors referred to in clause 28 (1) as are registered in relation to the returning officer's district.

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

- (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 28 (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 28 (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 28 (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, as soon as practicable 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.

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

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, his or her 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).

### **32 Postal votes received by deputy returning officer**

- (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 officer 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 his or her 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 postal 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 31 (c).

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

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 Registration of parties**

### **34 Party membership declaration forms**

For the purposes of section 66D (2) (g1) of the Act, the prescribed form of declaration of membership of a party to be completed and signed by a member of the party on whom the party relies for the purposes of qualifying as an eligible party is Form 20.

### **35 Registered party annual return**

For the purposes of section 66HA (1) of the Act, the prescribed form of return as to continued eligibility for registration of a party is Form 21.

### **36 Procedure where same member relied on by 2 or more parties**

- (1) This clause applies, for the purposes of section 66A (2) of the Act, where a person is relied on by 2 or more parties as a member of the party for the purpose of qualifying or continuing to qualify as an eligible party.
- (2) In any such case, the Electoral Commissioner must:
  - (a) request the person in writing to nominate, within 30 days of receiving the request, the party entitled to rely on the member, and
  - (b) advise the parties in writing that the Electoral Commissioner has made that request.
- (3) If, as a result of a nomination made by the person or a failure by the person to make a nomination, a party ceases to qualify as an eligible party, the Electoral Commissioner must advise the party in writing of that fact and give the party at least 60 days in which to provide the requisite particulars and declarations of party membership of the necessary number of additional members of the party that it requires to qualify as an eligible party.

## **Part 5 Miscellaneous**

### **37 Prescribed officer: inspection of documents**

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 175I 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.

### 38 Penalty notices

- (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 22.
- (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.

### 39 Savings

Any act, matter or thing that had effect under the *Parliamentary Electorates and Elections Regulation 1996* immediately before the repeal of that Regulation by the *Subordinate Legislation Act 1989* is taken to have effect under this Regulation.

## Schedule 1 Forms

(Clause 3 (2))

### Form 1 Notice of proposed alterations of electoral districts

(Clause 5 (1))

(*Parliamentary Electorates and Elections Act 1912* (section 14))

THE Electoral Districts Commissioners give notice that it is proposed to alter the (or certain of the) electoral districts of New South Wales by constituting, instead of those electoral districts, new electoral districts, with the 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 Sydney office. All suggestions or objections must be in writing, and must be received at the office of the Commissioners within 30 days after the date of the publication in the Gazette of this notice.

**Appendix**

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

*(signed)*

Electoral Districts Commissioners

**Form 2 Notice of proposed alterations of electoral districts**

(Clause 5 (2))

[\(Parliamentary Electorates and Elections Act 1912 \(section 14\)\)](#)

THE Electoral Districts Commissioners give notice that it is proposed to alter the (or certain of the) 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 (date), and marked on maps that may be inspected at the offices of Clerks of Local Courts and at the office of the 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 Sydney office. All suggestions or objections must be in writing, and must be received at the office of the Commissioners within 30 days after the date of the Gazette notification.

*(signed)*

Electoral Districts Commissioners

**Form 3 Claim to be included in a group (including request for group voting square)**

(Clause 8 (1))

[\(Parliamentary Electorates and Elections Act 1912 \(section 81C\)\)](#)

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 (date), 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.

Pursuant to section 81C (1A) of that Act, we also request a group voting square for the group on the ballot-papers to be used in that election<sup>1</sup>.

Pursuant to section 81C (6) of that Act, we nominate the following group of candidates for the purposes of section 129EB of that Act:<sup>2</sup>

Surname	Given Names	Signature of Candidate <sup>3</sup>
---------	-------------	-------------------------------------

Date:

**Notes.**

**1** Strike out if inapplicable. A request for a group voting square may only be made if there are at least 15 candidates in the group.

**2** Strike out if inapplicable. The nomination is to be made for a group that has also requested a group voting square. A second preference vote is taken to be recorded for the nominated group on all ballot-papers on which only a first preference vote is recorded for the group to which this claim relates if that group ceases to have 15 candidates because of the operation of section 81C (5) of that Act. Alternatively, the nomination may be made to the Electoral Commissioner within 24 hours after the close of nominations by the candidates in the group (or, on their behalf, by the first candidate in the group or the registered officer of the registered party that has endorsed all or any of the candidates).

**3** 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, and to any request or nomination in this form.

[hrule]

*(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

Other group nominated under section 81C (6)

Signature of Electoral Commissioner

**Form 4 Withdrawal of claim to be included in a group**

(Clause 8 (2))

([Parliamentary Electorates and Elections Act 1912](#) (Section 81C))

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 *(date)*, 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<sup>1</sup>

**Note.**

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

Date:

*(For Office use only)*

Time and date of receipt of withdrawal of claim

Signature of Electoral Commissioner

**Form 5 Form of ballot-paper for Council elections with more than 33 groups**

**BALL OT PAPER**  
NEW SOUTH WALES HOUSE OF REPRESENTATIVES

You may vote in one of two ways:

**either**

Place the number "1" in the square by the group of candidates for whom you desire to vote. You may if you wish vote for additional groups of candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of the candidates in order of your preference for them.

Place the numbers "1", "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14" and "15" in the squares opposite the names of 15 candidates in order of your preference for them. You may if you wish vote for additional candidates by placing consecutive numbers beginning with the number "16" in the squares opposite the names of those additional candidates in the order of your preference for them.

GROUP A <input type="checkbox"/>	GROUP B <input type="checkbox"/>	GROUP C <input type="checkbox"/>	GROUP D <input type="checkbox"/>
FISHBURN DAN M. PER JOHN LINDENBACH FAY	MILLER JANE HAYSON D. ROBERTSON HARRISON MELANIE	BIRKENHEAD SHIRLEY SYDNEY J. ROBERTSON J. ROBERTSON	KEATING JOHN HARRISON JOHN M. PER JOHN LINDENBACH FAY
GROUP E <input type="checkbox"/>	GROUP F <input type="checkbox"/>	GROUP G <input type="checkbox"/>	GROUP H <input type="checkbox"/>
JONES HELEN JOHNSON JOHN WALSH HELEN	YOUNG DENISE TAYLOR GORDON ASSOCIATE ANTHONY	URETT JOHN NOBLE PAUL WHITE VICTORIA	KEATING JOHN HARRISON JOHN M. PER JOHN LINDENBACH FAY

1. on the lines of regional, rural or regional seats of the House of Representatives

2. on the lines of regional, rural or regional seats of the House of Representatives

3. on the lines of regional, rural or regional seats of the House of Representatives

4. on the lines of regional, rural or regional seats of the House of Representatives

**Form 6 Declaration of person of the Jewish persuasion claiming to vote on Saturday or day of a Jewish fast or festival**

(Parliamentary Electorates and Elections Act 1912 (Section 109))

I, (full name), am of the Jewish persuasion, and object on religious grounds to voting 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 7 Application for permission to vote before polling day**

(Parliamentary Electorates and Elections Act 1912 (Section 114P))

To the Returning Officer for the Electoral District of *(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 before 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).

(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 before polling day is:

**Note.**

The elector MUST indicate which of the following grounds apply to his or her particular circumstances.

- (a) that I will not, throughout the hours of polling on polling day, be within New South Wales,
- (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 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,
- (d) that, because of my membership of a religious order or my religious beliefs:
  - (i) I am precluded from attending at a polling-booth, or
  - (ii) I am precluded 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.

**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.

Maximum penalty: 10 penalty units or imprisonment for 6 months, or both.

Signed by the elector: *(Signature or mark of elector)*

Signed by the elector in my presence:

Signature of authorised witness:

Address:

Date:

**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 8 Pre-poll voter's form of declaration**

(Clause 14 (2))

[\(Parliamentary Electorates and Elections Act 1912 \(Sections 114Q and 114ZR\)\)](#)

I declare that I am the person enrolled as:

Surname:

Given name or names:

Residence as enrolled:

Current address:

Occupation:

on the State Electoral Roll for the Electoral District of *(place)* 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.

*(signed)*

(Signature of Elector)

Declared before me at: *(date)*

*(signed)*

Returning Officer

**Note.**

A person making any untrue statement in this declaration is liable to a maximum penalty of 10 penalty units or imprisonment for 6 months, or both.

**Form 9 Absent voter's form of declaration**

(Clause 15)

[\(Parliamentary Electorates and Elections Act 1912 \(Section 115\)\)](#)

I declare that I am the person enrolled as:

Surname:

Given name or names:

Residence as enrolled:

Current address:

Occupation:

on the electoral roll for the State Electoral District of (*place*) 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: (*date*)

at (*place*) polling-place in the Electoral District of (*place*)

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 maximum penalty of 10 penalty units or imprisonment for 6 months, or both.

### **Form 10 Declaration by an elector whose residence is not on the Roll**

(Clause 19)

([Parliamentary Electorates and Elections Act 1912](#) (Section 99A))

#### **Note.**

Elector to complete—please print

Surname or family name:

Given name or names:

Address for which you claim to be enrolled:

#### **Note.**

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 maximum penalty of 10 penalty units or imprisonment for 6 months, or both.

### **Form 11 Declaration where name marked off Roll**

(Clauses 21 and 22 (1))

([Parliamentary Electorates and Elections Act 1912](#) (Sections 106 and 114GA))

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:

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

I, (b) *(Address in full (as appearing on Roll))*

(c) *(Occupation (as appearing on Roll))*, declare that:

1 My name appears on the certified copy of the Roll used at the abovenamed polling-place, opposite the number (*number*) on the Roll.

2<sup>2</sup> 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<sup>2</sup> 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<sup>2</sup> 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.

Signature of voter:

Declared before me (*date*) at the abovenamed polling-place.

(signed)  
Deputy Returning Officer

**Notes.**

1 A person making any untrue statement in this declaration is liable to a maximum penalty of 10 penalty units or imprisonment for 6 months, or both.

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

**Form 12 Declaration where name omitted/struck from Roll**

(Clause 22 (3))

([Parliamentary Electorates and Elections Act 1912](#) (Section 106))

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.

(a) *(Name in full, print in BLOCK letters)*

I, (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 6 pm on the date that electoral rolls closed, ie 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. 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.

Signature of voter:

Declared before me: *(date)* at *(place)* polling-place.

*(signed)*

Deputy Returning Officer

**Note.**

A person making any untrue statement in this declaration is liable to a maximum penalty of 10 penalty units or imprisonment for 6 months, or both.

**Form 13 Declaration by registrar, deputy registrar or police officer**

(Clause 23)

[\(Parliamentary Electorates and Elections Act 1912 \(Section 93\)\)](#)

I, *(name)*, 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 14 Application for a postal vote certificate and postal ballot-paper**

(Clause 24)

[\(Parliamentary Electorates and Elections Act 1912 \(Section 114A\)\)](#)

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)*, *(Insert occupation as shown on Roll)* of *(Insert place of living as appearing 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 *(place)*
- 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:

**Note.**

The elector MUST indicate which of the following grounds apply to his or her particular circumstances.

- (a) that I will not, throughout the hours of polling on polling day, be within New South Wales,
  - (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 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,
  - (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, because of my membership of a religious order or my religious beliefs:
    - (i) I am precluded from attending at a polling-booth, or
    - (ii) I am precluded 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.

Maximum penalty: 10 penalty units or imprisonment for 6 months, or both.

Signed by the elector: (*Signature or mark of elector*)

Signed by the elector in my presence:

Signature of authorised witness:

Address:

Date:

**Form 15 Application for a postal vote certificate and postal ballot-paper**

(Clause 24)

([Parliamentary Electorates and Elections Act 1912](#) (Section 114A))

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 *(place)*
- 2 That the ground on which I apply to vote by post is that, by reason of my being kept in a correctional centre within the meaning of the [Crimes \(Administration of Sentences\) Act 1999](#), 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: *(Here insert name and address of correctional centre 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:

Date:

## **Form 16 Postal vote certificate**

(Clause 25)

[\(Parliamentary Electorates and Elections Act 1912 \(Section 114D\)\)](#)

Application No:

Electoral District of *(place)* Roll No:

Subject to the [Parliamentary Electorates and Elections Act 1912](#), *(name)* is entitled to vote by post at the election to be held on *(date)*

Date of issue: *(date)*

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: *(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 *(place)* on the *(date)*, 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 *(place)*, or *(if outside Australia)*

(3) under the following title:

Signature of authorised witness:

Name of authorised witness: *(Print in capital letters)*

Address of authorised witness:

**Note.**

The “Instructions for Postal Voters” should be carefully read by the witness before completing this declaration.

**Form 17 Application by a person outside New South Wales for a postal vote certificate and postal ballot-paper**

(Clause 26)

[\(Parliamentary Electorates and Elections Act 1912 \(Section 114ZA\)\)](#)

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 details***(To be completed if out of Australasia.)*

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.

I declare:

**1** That I am an elector enrolled on the electoral roll for the State Electoral District of *(place)*

**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, at any time 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 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: *(Signature or mark of elector)*

Signature of authorised witness:

Address:

Date:

### **Form 18 Postal vote certificate**

(Clause 27)

[\(Parliamentary Electorates and Elections Act 1912 \(Section 114ZB\)\)](#)

Application No:

Electoral District of:

Subject to the [Parliamentary Electorates and Elections Act 1912](#), *(name)* has been issued with a ballot paper to vote by post at the election to be held on *(date)*.

Date of issue:

Signature of issuing Postal Voting Officer:

Place of issue:

#### **Certificate of voter**

I certify that the "signature of voter" hereunder is my 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: *(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 *(place)* on the *(date)*, 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 *(place)*, or

(3) under the following title: *(if outside Australia)*

Signature of authorised witness:

Name of authorised witness:

Address of authorised witness:

#### **Note.**

The "Instructions for Postal Voters" should be carefully read by the witness before completing this declaration.

### **Form 19 Application for registration as general postal voter**

(Clause 29)

[\(Parliamentary Electorates and Elections Act 1912 \(Section 114AA\)\)](#)

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 registration as a general postal voter.

I seek registration because I am:

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

- (a) an elector whose real place of living is not within 20 kilometres, by the nearest practicable route, of a polling-place,
- (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 is being kept in a correctional centre (within the meaning of the [Crimes \(Administration of Sentences\) Act 1999](#))
- 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,
- (e) an elector who will be absent from the State for a period exceeding 3 months.  
I will be absent from the State from: (date of departure from the State) to (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:

Signature or mark of elector or person making application on behalf of elector:

Date:

## Form 20 Registration of party—declaration of party membership

(Clause 34)

([Parliamentary Electorates and Elections Act 1912](#) (Section 66D (2) (g1))

To the Electoral Commissioner:

I, (Print full name in BLOCK letters, as enrolled) of (Insert place of living as appearing on Electoral roll) born (Insert date of birth) declare that I am a member of the following political party: (Insert name of party as registered or to be registered) and I consent to that party relying on my membership for the purposes of the party qualifying for registration under the [Parliamentary Electorates and Elections Act 1912](#).

Signature of party member:

Date:

**Notes.**

1 Each declaration of membership must be completed by (or at the direction of) the party member concerned and then signed by the member. Particulars to be completed are to be written by hand at the same time the form is signed. Each declaration of membership is to be made on a separate sheet of paper.

2 The Electoral Commissioner may, in order to verify the requirements for registration of a party, request a person who signs a declaration of membership to confirm that the person is a member of the party and that the person completed and signed the form.

**Form 21 Registration of party—annual return**

(Clause 35)

(Parliamentary Electorates and Elections Act 1912 (Section 66HA (1)))

To the Electoral Commissioner:

Annual return for: (year) of (Insert name of party as appearing on Register of Parties)

All the members of the party on whom the party relies to continue to be eligible for registration under Part 4A of the [Parliamentary Electorates and Elections Act 1912](#) are still members of the party<sup>1</sup>.

The following are members of the party and are members on whom it relies to continue to be eligible for registration (in place of the following former members of the party). The remainder of the members on whom the party relies are still members of the party<sup>1</sup>.

Name and address (as enrolled) of new members on whom party relies	Name and address (as enrolled) of former members of party
--	---

**Note.**

A declaration of membership of the party (in Form 20) by each new member on whom the party relies is to be attached to this return.

The following changes have occurred in the names or addresses of members of the party on whom it relies to continue to be eligible for registration<sup>1</sup>.

Previous name and address (as enrolled) of member	New name and address (as enrolled) of member
---	--

(1 Strike out if inapplicable.)

I, (Print full name in BLOCK letters) the registered officer of the above party, do solemnly and sincerely declare that I have made all reasonable inquiries to verify the above information and that the information is, to the best of my knowledge and belief, correct, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the [Oaths Act 1900](#).

Date:

Signed: (Signature of registered officer of party)

Sworn by the deponent on (date) before me, (name) J.P.

[Ihrule]

(For Office use only)

Date of receipt of annual return

Signature of Electoral Commissioner

**Form 22 Penalty notice for failure to vote**

(Clause 38)

(Parliamentary Electorates and Elections Act 1912 (Section 120C))

Electoral District: (place) 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 0.5 penalty units.

**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.**

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 0.5 penalty units 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 0.5 penalty units.

**This form must be forwarded with your payment or explanation.**

Indicate if receipt is required.

Electoral Commissioner:

Date: