

First print



New South Wales

Parliamentary Electorates and Elections Amendment (Method of Voting) Bill 1995

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to ensure that a voter records a valid first preference vote (in a Legislative Assembly election) if the voter places a tick or a cross in one voting square and has not marked any other voting square. A tick or a cross is considered sufficient by itself to indicate a first preference. A tick or a cross is at present a valid method of voting in Legislative Council elections.

The Bill also restores the principle that a ballot-paper is valid if a tick is placed in one voting square and crosses or lines are placed in or through the other voting squares.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides that the proposed Act will commence on the date of assent.

Clause 3 gives effect to the Schedule of amendments to the *Parliamentary Electorates and Elections Act 1912*.

Schedule 1 contains the amendments to give effect to the objects stated above.

First print

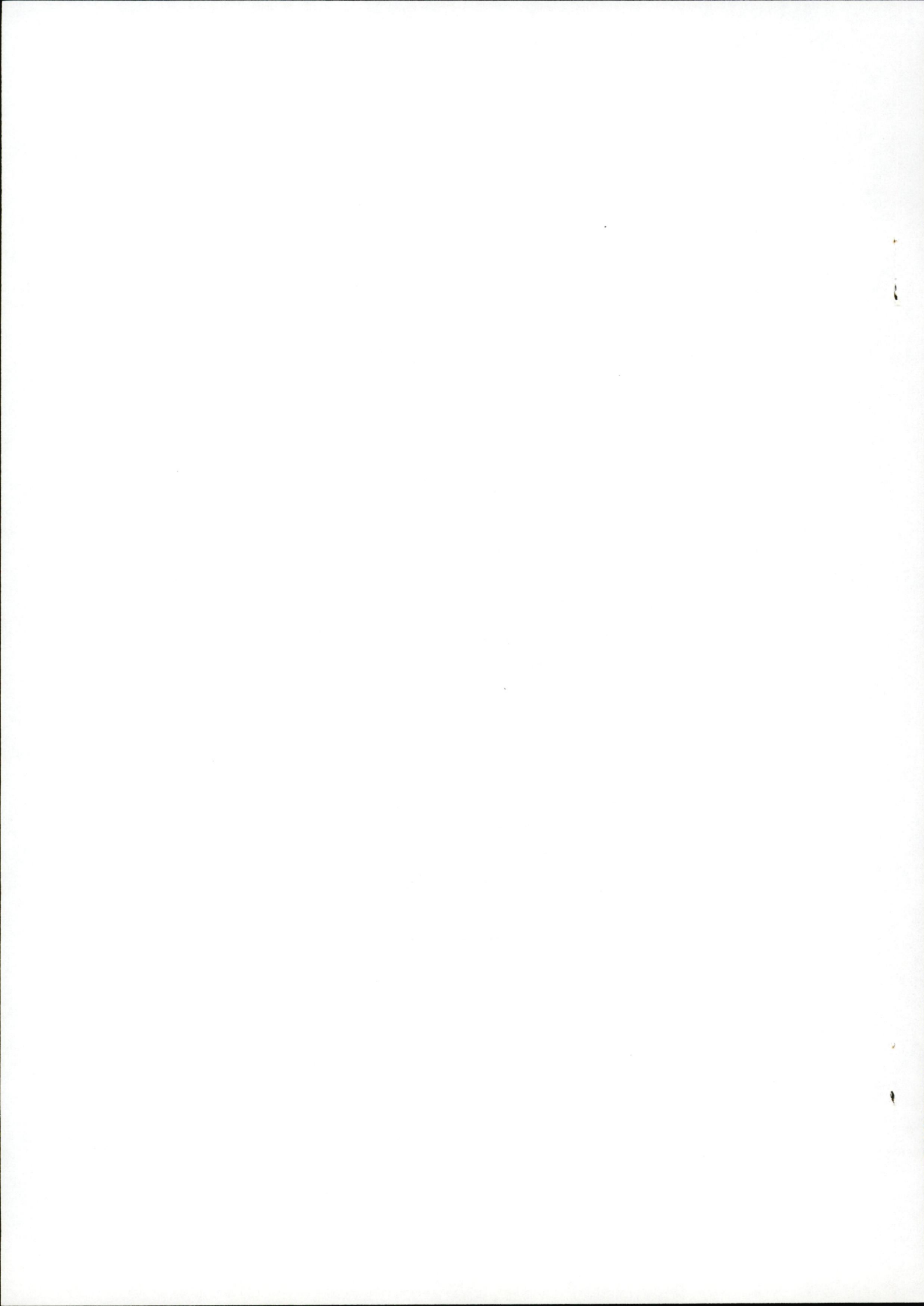


New South Wales

Parliamentary Electorates and Elections Amendment (Method of Voting) Bill 1995

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New South Wales

Parliamentary Electorates and Elections Amendment (Method of Voting) Bill 1995

No , 1995

A Bill for

An Act to amend the *Parliamentary Electorates and Elections Act 1912* with respect to the use of ticks and crosses on ballot-papers.

The Legislature of New South Wales enacts:

1 Name of Act

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

2 Commencement

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This Act commences on the date of assent.

3 Amendment of Parliamentary Electorates and Elections Act 1912 No 41

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

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Schedule 1 Amendments

(Section 3)

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

Omit section 122A (4). Insert instead:

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

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[2] Section 122A (5)

Insert "or a tick" after the words "placing the number '1'".

[3] Section 122A (5)

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Insert "and any such tick were the number '1' " after the words "appear on the ballot-paper".

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PARLIAMENTARY ELECTORATES AND ELECTIONS AMENDMENT
(METHOD OF VOTING) BILL

Schedule of the amendment referred to in the Legislative Council's
Message of 12 October 1995.

Page 3, Schedule 1. Insert after line 17:

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

Insert after section 122A (5):

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

Maximum penalty:

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

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

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New South Wales

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

Act No 54, 1995

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

The Legislature of New South Wales enacts:

1 Name of Act

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

2 Commencement

This Act commences on the date of assent.

3 Amendment of Parliamentary Electorates and Elections Act 1912 No 41

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

Schedule 1 Amendments

(Section 3)

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

Omit section 122A (4). Insert instead:

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

[2] Section 122A (5)

Insert "or a tick" after the words "placing the number '1' "

[3] Section 122A (5)

Insert "and any such tick were the number '1' " after the words "appear on the ballot-paper".

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

Insert after section 122A (5):

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

Maximum penalty:

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

Schedule 1 Amendments

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

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

BY AUTHORITY