

inmentum Elections (Second Ballot's

# GEORGII V REGIS.

### Act No. 18, 1910.

An Act to amend the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906; and for other purposes. [Assented to, 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.

1. This Act may be cited as the "Parliamentary Elections short title. (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.

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Second

#### Parliamentary Elections (Second Ballot).

Second Ballot.

Elected candidate must receive an votes.

2. (1) Notwithstanding anything in the Principal Act, no must receive an absolute majority of 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.

**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 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.

(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. 6.

Second ballot.

Date of second ballot.

Notification of second ballot.

#### Parliamentary Elections (Second Ballot).

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

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

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

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

11. When in any election a second ballot is required to be Return of writ. 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.

12. Nothing in the above provisions shall affect the right of Electoral petition. 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.

13. A revision court consisting of any stipendiary or police Revision courtsmagistrate shall, before every general election, be held in each district before general 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.

14. The registrar and such deputy-registrars as there may be Exhibition of lists. 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.

15.

second ballot.

Parliamentary Elections (Second Ballot).

Objections.

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**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.

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

(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.

(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.

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

Hearing before court.

Powers of revision

court.

Documents to be forwarded to the court.

Amendment of Principal Act.

#### Parliamentary Elections (Second Ballot).

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."

- (b) Section fifty-one, omit "thirty-fifth" and substitute "fortyfifth"
- (c) Section fifty-six, omit "eighteenth" substitute "twentyeighth"

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

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

#### SCHEDULES.

#### SCHEDULE ONE.

Albury Allowrie Armidale Ashburnham Bathurst Bega Belubula Bingara Blayney Burrangong Camden Castlereagh, The Clarence, The

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Cobar Cootamundra Corowa Darling, The Deniliquin Durham Gloucester Gough Goulburn Gwydir, The Hartley Hastings and Macleay

Clyde, The

Hawkesbury, The Lachlan, The Liverpool Plains Macquarie, The Monaro Mudgee Murray, The Murrumbidgee, The Namoi, The Northumberland Orange Queanbeyan Raleigh Richmond, The Rous Sherbrooke Singleton ' Sturt Tamworth Tenterfield Upper Hunter, The Wollondilly Wollongong Wynyard Yass

SCHEDULE

#### Parliamentary Elections (Second Ballot).

#### SCHEDULE TWO.

Declaration of result of poll and notification of second ballot.

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.

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)

Votes polled.

Returning Officer.

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By Authority : WILLIAM APPLEGATE GULLICK, Government Printer, Sydney, 1910.

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Assembly Chamber, Sydney, 19 August, 1910. RICHD. A. ARNOLD, Clerk of the Legislative Assembly.



# GEORGII V REGIS.

### Act No. 18, 1910.

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

**B**<sup>E</sup> 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.

**1.** This Act may be cited as the "Parliamentary Elections short title. (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

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

JOHN J. COHEN, Chairman of Committees of the Legislative Assembly.

Second Bullot.

Elected candidate votes.

Second ballot.

2. (1) Notwithstanding anything in the Principal Act. no must receive an absolute majority of 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.

> **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 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.

> (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. 6.

Date of second ballot.

Notification of second ballot.

#### Parliamentary Elections (Second Ballot).

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

(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 Ballot-papers. 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.

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

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

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

**11.** When in any election a second ballot is required to be Return of write. 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.

12. Nothing in the above provisions shall affect the right of Electoral petition. 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.

13. A revision court consisting of any stipendiary or police Revision courts magistrate shall, before every general election, be held in each district before general election. 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.

14. The registrar and such deputy-registrars as there may be Exhibition of lists. 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. 3 15.

second ballot.

Parliamentary Elections (Second Ballot).

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.

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

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- (c) to be disgualified;
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**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

Hearing before court.

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Documents to be forwarded to the court.

Amendment of Principal Act.

#### Parliamentary Elections (Second Ballot).

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."

- (b) Section fifty-one, omit "thirty-fifth" and substitute "fortyfifth "
- (c) Section fifty-six, omit "eighteenth" substitute "twentyeighth "

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

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

#### SCHEDULES.

#### SCHEDULE ONE.

Albury Allowrie Armidale Ashburnham Bathurst Bega Belubula Bingara Blayney Burrangong Camden Castlereagh, The Clarence, The

Clyde, The

Deniliquin

Gloucester

Goulburn

Hartley

Durham

Gough

Cobar

Corowa

Hawkesbury, The Lachlan, The Cootamundra Liverpool Plains Macquarie, The Darling, The Monaro Mudgee Murray, The Murrumbidgee, The Namoi, The Northumberland Gwydir, The Orange Queanbeyan Hastings and Macleay Raleigh

Richmond, The Rous Sherbrooke Singleton Sturt Tamworth Tenterfield Upper Hunter, The Wollondilly Wollongong Wynyard Yass

#### SCHEDULE

#### Parliamentary Elections (Second Ballot).

#### 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.

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)

Votes polled.

Returning Officer.

In the name and on behalf of His Majesty I assent to this Act.

W. P. CULLEN, By deputation from His Excellency the Governor.

State Government House, Sydney, 31st August, 1910.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber, Sydney, 18 August, 1910. RICHD. A. ARNOLD, Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

Legislative Council Chamber, Sydney, 19th August, 1910. JOHN J. CALVERT, Clerk of the Parliaments.

# Pew South Wales.



PARLIAMENTARY ELECTIONS (SECOND BALLOT) BILL.

SCHEDULE of the Amendment referred to in Message of 19th August, 1910.

Page 4, clause 19. After line 41 insert "new paragraph (a)"

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**B**<sup>E</sup> 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.

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

This Act shall be construed with the Parliamentary Electorates 10 and Elections Act, 1902 (hereinafter referred to as the Principal Act), and the Parliamentary Elections Act, 1906.

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Second

Note.-The words to be inserted are printed in black letter.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber, Sydney, 18 August, 1910.

RICHD. A. ARNOLD, Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

Legislative Council Chamber, Sydney, 19th August, 1910. JOHN J. CALVERT, Clerk of the Parliaments.

## New South Wales.



# GEORGII V REGIS.

### Act No. , 1910.

An Act to amend the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906; and for other purposes.

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#### PART I.

#### Preliminary.

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This Act shall be construed with the Parliamentary Electorates 10 and Elections Act, 1902 (hereinafter referred to as the Principal Act), and the Parliamentary Elections Act, 1906.

76754 141—A

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Second

Note.-The words to be inserted are printed in black letter.

#### Parliamentary Elections (Second Ballot).

#### Second Ballot.

2. (1) Notwithstanding anything in the Principal Act, no Elected candidate candidate shall at any election be deemed to be elected for any must receive an absolute majority of electoral district as the result of the ballot taken at the poll under the votes. 5 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 10 returning officer when given in accordance with section ninety-eight

of the Principal Act.

**3.** (1) If as the result of the first ballot the returning officer second ballot. finds that no candidate has received an absolute majority of votes, a

second ballot shall be taken between the candidate who has received 15 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 20 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 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 25 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 Date of second One hereto, the second ballot shall be taken on the seventh day after ballot. the close of the poll on the first ballot.

- 30 (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.
- 35 (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 Notification of ballot that a second ballot is required in accordance with the foregoing second ballot.

40 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 45 candidates at that ballot. **6.** 

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

(2) If at the second ballot the candidates receive an equal number of votes, the returning officer shall give his casting vote in 5 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 Ballot-papers. shall cause ballot-papers to be printed in accordance with the provisions of section forty-five of the Parliamentary Elections Act,

10 1906, save that those papers shall contain the names of those persons only who are candidates at the second ballot.

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

9. It shall not be lawful for any candidate at the second Candidate may not withdraw from 15 ballot to withdraw from the election. second ballot.

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

11. When in any election a second ballot is required to be Return of writ. 20 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 ballet, anything to the contrary in the Principal Act or in the tenor of the 25 writ notwithstanding.

12. Nothing in the above provisions shall affect the right of Electoral retition. 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 30 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.

13. A revision court consisting of any stipendiary or police Revision courts 35 magistrate shall, before every general election, be held in each district before general election. 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.

14. The registrar and such deputy-registrars as there may be Exhibition of lists. 40 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.

15.

**15.** (1) Any person may, by writing in duplicate, object to Objections. 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.

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(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,
10 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, 15 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.

16. The revision court shall strike out or refuse to enrol the Powers of revision court.

20 (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;

25 and shall correct mistakes and supply omissions.

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

(2) If any objection is not established the court may
30 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
35 shall not apply.

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

40 supplemental rolls for the districts of which they have charge.

**19.** The Principal Act is amended as follows :--

(a) Subsection one of section twenty-one of the Principal Act is <sup>Principal Act</sup>. 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

e Amendment of

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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."

- (a b) Section fifty-one, omit "thirty-fifth" and substitute "fortyfifth"
- (b c) Section fifty-six, omit "eighteenth" substitute "twentyeighth"

20. The Parliamentary Elections Act, 1906, is amended in Amendment of s. 13 section thirteen by the omission of the words "proclaimed in that of 1906 Act. 10 behalf."

**21.** If the boundaries of any electoral district become altered Application of by virtue of any proclamation issued under the authority of the Seat boundaries of of Government Acceptance Act, 1909, the provisions of the Parlia-districts are altered under Seat of mentary Electorates and Elections Act, 1902, and the Parliamentary Government

15 Elections Act, 1906, and of this Act, shall apply as fully in respect of Acceptance Act. the reduced area as to the original electoral district before the alteration of such boundaries.

#### SCHEDULES.

Returning Officers.

-	20 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	
:	25 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	
	30 Camden	Gwydir, The	Orange	Wynyard	
	Castlereagh, The	Hartley	Queanbeyan	Yass	
	Clarence, The	Hastings and Macleay	Raleigh		

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SCHEDULE

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[64.]

Parliamentary Elections (Second Ballot).

#### SCHEDULE TWO.

Declaration of result of poll and notification of second ballot.

Candidates.

Votes polled.

Total number of votes polled .....

Absolute majority required .....

Number of votes rejected as informal ...

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

Sydney : William Applegate Gullick, Government Printer.-1910.

(Signed)

Returning Officer.

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[6d.]

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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber, Sydney, 18 August, 1910. RICHD. A. ARNOLD, Clerk of the Legislative Assembly.

## New South Wales.



# GEORGII V REGIS.

## Act No. , 1910.

An Act to amend the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906; and for other purposes.

**B**<sup>E</sup> 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.

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

This Act shall be construed with the Parliamentary Electorates 10 and Elections Act, 1902 (hereinafter referred to as the Principal Act), and the Parliamentary Elections Act, 1906.

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Second

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Arassed, is note and the Parliamentary Elections (Second Ballot).

## Second Ballot.

2. (1) Notwithstanding anything in the Principal Act, no Elected candidate candidate shall at any election be deemed to be elected for any must receive an absolute majority of electoral district as the result of the ballot taken at the poll under the votes. 5 Principal Act (hereinafter called the first ballot) unless he has received

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an absolute majority of votes.

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(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 10 returning officer when given in accordance with section ninety-eight

of the Principal Act.

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

15 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 20 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 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
- 25 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 Date of second One hereto, the second ballot shall be taken on the seventh day after ballot. the close of the poll on the first 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 35 are the electoral districts as notified by the Electoral Districts Commissioners.

5. When the returning officer finds as the result of the first Notification of ballot that a second ballot is required in accordance with the foregoing second ballot.

40 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 45 candidates at that ballot. 6.

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

(2) If at the second ballot the candidates receive an equal number of votes, the returning officer shall give his casting vote in 5 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 Ballot-papers! shall cause ballot-papers to be printed in accordance with the

provisions of section forty-five of the Parliamentary Elections Act, 10 1906, save that those papers shall contain the names of those persons only who are candidates at the second ballot.

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

9. It shall not be lawful for any candidate at the second Candidate may not withdraw from 15 ballot to withdraw from the election.

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

11. When in any election a second ballot is required to be Return of writ. 20 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 25 writ notwithstanding.

12. Nothing in the above provisions shall affect the right of Electoral petition. a person under Part VII of the Principal Act to present an electoral ITTS VALT petition in respect of any first ballot, or the powers of the Committee of Elections and Qualifications in respect of any such petition; and

30 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.

#### deputy or assistant registrar, or any old II TART A visit subsection

#### Revision courts before general election.

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13. A revision court consisting of any stipendiary or police Revision courts 35 magistrate shall, before every general election, be held in each district before general election, 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.

14. The registrar and such deputy-registrars as there may be Exhibition of lists. 40 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. memory refections Apr Trans, a manuel in that 15.

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#### Parliamentary Elections (Second Ballot).

15. (1) Any person may, by writing in duplicate, object to Objections. 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.
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(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, 10 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. 15 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.

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

(a) to be dead; 20

(b) not to be qualified to have his name placed on the roll:

(c) to be disgualified;

(d) not to reside or to have his principal place of abode in the district ;

25 and shall correct mistakes and supply omissions.

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

(2) If any objection is not established the court may 30 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 35 shall not apply.

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

40 supplemental rolls for the districts of which they have charge.

**19.** The Principal Act is amended as follows :—

- Amendment of
- (a) Section fifty-one omit "thirty-fifth" and substitute "fortyfifth "

(b) Section fifty-six omit "eighteenth" substitute "twentyeighth "

20. The Parliamentary Elections Act, 1906, is amended in Amendment of s. 13 section thirteen by the omission of the words "proclaimed in that of 1906 Act. behalf." 21.

, 1910. Act No.

#### Parliamentary Elections (Second Ballot).

21. If the boundaries of any electoral district become altered Application of Electoral Acts where by virtue of any proclamation issued under the authority of the Seat boundaries of of Government Acceptance Act, 1909, the provisions of the Parlia-under Seat of mentary Electorates and Elections Act, 1902, and the Parliamentary Government 5 Elections Act, 1906, and of this Act, shall apply as fully in respect of Acceptance Act. the reduced area as to the original electoral district before the alteration of such boundaries.

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#### SCHEDULES.

#### SCHEDULE ONE.

10	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
15	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
20	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.

2.5 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,

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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** 

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[6d.]

Sydney: William Applegate Gullick, Government Printer .- 1910.

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No. , 1910.

# A BILL

#### To amend the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906; and for other purposes.

[MR. WOOD;—15 August, 1910.]

**B**<sup>E</sup> 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.

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

This Act shall be construed with the Parliamentary Electorates 10 and Elections Act, 1902 (hereinafter referred to as the Principal Act), and the Parliamentary Elections Act, 1906.

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Second

#### Second Ballot.

Elected candidate votes.

Second ballot.

2. (1) Notwithstanding anything in the Principal Act, no must receive an absolute majority of 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 5 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 10 of the Principal Act.

> 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 15 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 20 votes, and it is necessary for the purposes of a second ballot to 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 25 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.

(2) In the electoral districts mentioned in the said Schedule 30 hereto, the second ballot shall be taken on the fourteenth day 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. 35

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 40 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.

6.

Date of second ballot.

Notification of second ballot.

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

(2) If at the second ballot the candidates receive an equal number of votes, the returning officer shall give his casting vote in 5 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 Ballot-papers. shall cause ballot-papers to be printed in accordance with the provisions of section forty-five of the Parliamentary Elections Act, 10 1906, save that those papers shall contain the names of those persons

only who are candidates at the second ballot.

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

9. It shall not be lawful for any candidate at the second Candidate may not withdraw from 15 ballot to withdraw from the election. second ballot.

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

20 **11.** When in any election a second ballot is required to be Return of writ. taken by virtue of this Act, the writ for that election shall be deemed to be returnable within ten days after the close of the poll on the second ballet, anything to the contrary in the Principal Act or in the tenor of the writ notwithstanding.

12. Nothing in the above provisions shall affect the right of Electoral petition. 25 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,

30 extend and apply to every second ballot as in the case of a first ballot.

#### PART II.

#### Revision courts before general election.

13. A revision court consisting of any stipendiary or police Revision courts magistrate shall, before every general election, be held in each district before general election. 35 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 twenty-one days after the issue of the writs.

14. The registrar and such deputy-registrars as there may be Exhibition of lists. within each district shall as soon as practicable after the day of the 40 issue of the writs exhibit at their respective offices the said supplemental rolls for the polling-places of which they have charge.

15.

Objections.

15. (1) Any person may, by writing in duplicate, object to (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 5 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 10 such registrar or deputy-registrar to the person whose name has been objected to.

(3) Such registrar and deputy-registrar shall, at least three days before the sitting of the revision court, exhibit at their respective offices a list of the names of all persons against whom objections have 15 been so lodged.

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

(a) to be dead;

(b) not to be qualified to have his name placed on the roll; 20

(c) to be disgualified;

(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 25 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.

(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 30 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 35 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.

19. The Principal Act is amended as follows :-

40

(a) Section fifty-one omit "thirty-fifth" and substitute "fortyfifth "

(b) Section fifty-six omit "eighteenth" substitute "twentyeighth "

20. The Parliamentary Elections Act, 1906, is amended in 45 section thirteen by the omission of the words "proclaimed in that 21. behalf."

Hearing before court.

Powers of revision

court.

Documents to be forwarded to the court.

Amendment of Principal Act.

Amendment of s. 13 of 1906 Act.

21. If the boundaries of any electoral district become altered Application of by virtue of any proclamation issued under the authority of the Seat Beetoral Acts where of Government Acceptance Act, 1909, the provisions of the Parliadistricts are altered under Seat of Government Electorates and Elections Act, 1902, and the Parliamentary Government Elections Act, 1906, and of this Act, shall apply as fully in respect of Acceptance Act.

5 Elections Act, 1906, and of this Act, shall apply as fully in respect of Acceptance Act. the reduced area as to the original electoral district before the alteration of such boundaries.

#### SCHEDULES.

#### SCHEDULE ONE.

10 Albury Allowrie Armidale Ashburnham Bathurst
15 Bega Belubula Bingara Blayney Burrangong
20 Camden Castlereagh, The Clarence, The Hawkesbury, The Lachlan, The Liverpool Plains Macquarie, The Monaro Mudgee Murray, The Murrumbidgee, The Namoi, The Northumberland Orange Queanbeyan

Richmond, The Rous Sherbrooke Singleton Sturt Tamworth Tenterfield Upper Hunter, The Wollondilly Wollongong Wynyard Yass

#### SCHEDULE TWO.

Declaration of result of poll and notification of second ballot.

Raleigh

25 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.

Clyde, The

Cootamundra

Darling, The

Deniliquin

Gloucester

Goulburn

Hartley

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Gwydir, The

Hastings and Macleay

Durham

Gough

Cobar

Corowa

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 on the day of , 19.



[6d.]

