

Victorian Parliamentary Elections Regulations 1999

S.R. No. 62/1999

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
PART 1—PRELIMINARY	1
1. Objective	1
2. Authorising provisions	1
3. Commencement	2
4. Revocation	2
5. Definition	2
6. Forms	2
PART 2—ENROLMENT OF ELECTORS	3
7. Application of Part	3
8. Claim for enrolment or transfer of enrolment	3
9. Request for address not to be shown on roll	3
10. Objection to name of elector on roll	3
11. Notice of objection to name	3
PART 3—NOMINATION OF CANDIDATES FOR ELECTION TO THE LEGISLATIVE ASSEMBLY OR LEGISLATIVE COUNCIL	4
12. Application of Part	4
13. Nomination form	4
PART 4—VOTING BY UNENROLLED VOTERS	5
14. Application of Part	5
15. Definitions	5
16. Statement of elector's rights	5
17. Declaration of elector	5
18. Ballot papers	5
19. How envelopes and ballot papers are to be dealt with	5
20. Effect of declaration not being witnessed	7
21. Further scrutiny	7
22. Rejection of ballot papers	8

<i>Regulation</i>	<i>Page</i>
PART 5—ABSENT VOTING	9
23. Application of Part	9
24. Definitions	9
25. Declaration of absent voter	9
26. Ballot-papers	9
27. How envelopes and ballot-papers are to be dealt with	9
28. Acceptance for further scrutiny	11
29. Effect of declaration not being witnessed	12
30. Further scrutiny	12
31. Rejection of ballot-papers	12
 PART 6—VOTING BY ELECTORS WHOSE NAMES HAVE BEEN MARKED AS HAVING ALREADY VOTED	 14
32. Application of Part	14
33. Definitions	14
34. Declaration of elector	14
35. Ballot-papers	14
36. How envelopes and ballot-papers are to be dealt with	14
37. Further scrutiny	16
38. Rejection of ballot-papers	16
 PART 7—POSTAL VOTING	 18
39. Application of Part	18
40. Application for declaration and postal ballot paper	18
41. Declaration of elector	18
42. Ballot-papers	18
43. Application for registration as a general postal voter	18
44. Cancellation of registration	18
 PART 8—REGISTRATION OF HOW-TO-VOTE CARDS	 20
45. Single and multiple electorate how-to-vote cards	20
46. Registration—declaration	20
47. Declaration—English translation	20
48. Endorsement	21
 PART 9—COMPULSORY VOTING	 22
49. Notice to elector who has failed to vote	22
50. Reply to notice by elector	22
51. Matter dealt with by the Electoral Commissioner	22
52. Form of authorisation	22

<i>Regulation</i>	<i>Page</i>
PART 10—MISCELLANEOUS	23
53. Official mark on ballot papers	23
PART 11—CONSEQUENTIAL AMENDMENTS	24
54. Liquor Control Reform Regulations 1999	24
55. Local Government (Elections) Regulations 1995	24
56. Shop Trading Reform (Polls) Regulations 1996	24
<hr/>	
SCHEDULE	25
Form A—Application for enrolment	25
Form B—Request by elector for address not to be shown on electoral roll	26
Form C—Objection to elector's name on roll	27
Form D—Notice of objection	28
Form E—Nomination of a candidate for the Legislative Council/Assembly	29
Form F—Statement to unenrolled electors	31
Form G—Unenrolled vote	32
Form H—Ballot paper	33
Form I—Absent or section vote	34
Form J—Application for a postal vote	35
Form K—Declaration of postal voter	36
Form L—Application for registration as a general postal voter	37
Form M—Application for registration as a general postal voter by a person who is unable to sign an application because of physical incapacity	39
Form N—How-to-vote card declaration	40
Form O—Multiple electorate how-to-vote card declaration form	41
Form P—Notice to an elector who appears to have failed to vote	42
Form Q—Order imposing a penalty for failure to vote	44
Form R—Authority of the Electoral Commissioner to commence proceedings	45
<hr/> <hr/>	
NOTES	46

STATUTORY RULES 1999

S.R. No. 62/1999

The Constitution Act Amendment Act 1958
Liquor Control Reform Act 1998
Local Government Act 1989
Shop Trading Reform Act 1996

Victorian Parliamentary Elections Regulations 1999

The Governor in Council, on the recommendation of the Electoral Commissioner, makes the following Regulations:

Dated: 1 June 1999

Responsible Minister:

JAN WADE
Attorney-General

SHANNON DELLAMARTA
Acting Clerk of the Executive Council

PART 1—PRELIMINARY

1. Objective

The objective of these Regulations is to facilitate the enrolment of electors and the conduct of parliamentary elections.

2. Authorising provisions

These Regulations are made under sections 86, 187(9), 267R, 276 and 311 of **The Constitution Act Amendment Act 1958**, section 180 of the **Liquor Control Reform Act 1998**, section 243 of the **Local Government Act 1989** and section 11 of the **Shop Trading Reform Act 1996**.

3. Commencement

These Regulations come into operation on 8 June 1999.

4. Revocation

The Electoral Rolls Regulations 1988¹ and the Victorian Parliamentary Elections Regulations 1992² are **revoked**.

5. Definition

In these Regulations—

"**Act**" means **The Constitution Act Amendment Act 1958**.

6. Forms

- (1) A reference to a Form is a reference to the appropriate Form in the Schedule.
 - (2) A Form in the Schedule is not invalid because in addition to matter relating to enrolment on the roll of electors for the Legislative Assembly and the Legislative Council, it contains matter relating to the enrolment of an elector for Commonwealth purposes.
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PART 2—ENROLMENT OF ELECTORS

7. *Application of Part*

This Part applies to the enrolment of electors and objections to the enrolment of electors under Part III of the Act.

8. *Claim for enrolment or transfer of enrolment*

- (1) A claim for enrolment or transfer of enrolment must be in accordance with Form A.
- (2) A person applying for any alteration of any particulars of the entry on the roll relating to his or her enrolment must apply in accordance with Form A.

9. *Request for address not to be shown on roll*

A request for the address of an elector not to be shown on the roll must be in accordance with Form B.

10. *Objection to name of elector on roll*

An objection to the name of an elector on the roll must be in accordance with Form C.

11. *Notice of objection to name*

Notice to an elector of an objection to the name of the elector on the roll must be in accordance with Form D.

**PART 3—NOMINATION OF CANDIDATES FOR ELECTION
TO THE LEGISLATIVE ASSEMBLY OR LEGISLATIVE
COUNCIL**

12. *Application of Part*

This Part applies to the nomination of candidates under section 159 of the Act.

13. *Nomination form*

The nomination of a candidate must be made in accordance with Form E.

PART 4—VOTING BY UNENROLLED VOTERS

14. *Application of Part*

This Part applies only to voting under section 186 of the Act.

15. *Definitions*

In this Part—

"elector" means a person claiming to vote or voting under section 186 of the Act;

"unenrolled voter" means a person who has voted under section 186 of the Act.

16. *Statement of elector's rights*

The written statement setting out the elector's rights under section 186 of the Act must be in accordance with Form F.

17. *Declaration of elector*

The declaration of an elector must be printed on an envelope in accordance with Form G.

18. *Ballot papers*

The ballot-paper to be used by an elector must be in accordance with Form H.

19. *How envelopes and ballot papers are to be dealt with*

- (1) Upon the receipt from the electoral registrar of the envelopes containing ballot-papers of unenrolled voters, the returning officer must—
 - (a) with the assistance of as many clerical assistants as are necessary; and
 - (b) in the presence of any scrutineers who choose to be present; and

- (c) in the presence of any person authorised by the Electoral Commissioner to be present—
deal with the envelopes and ballot-papers in accordance with this regulation.
- (2) The returning officer must—
- (a) produce all envelopes received from the electoral registrar; and
 - (b) place in one parcel the unopened envelopes bearing the declarations and containing the ballot-papers of persons who, according to the electoral registrar's report, are persons who were entitled to be on the roll for the district or the province for which the persons claimed to vote; and
 - (c) examine the declarations to ensure that they are properly completed; and
 - (d) accept for further scrutiny the ballot-papers contained in the envelopes in accordance with this regulation.
- (3) If the returning officer is satisfied that the elector is entitled to vote, the returning officer may accept for further scrutiny any ballot-paper for which the relevant declaration has been duly signed and certified.
- (4) The returning officer must—
- (a) place in another parcel all of the remaining unopened envelopes bearing the declarations of unenrolled voters, fasten and seal the parcel, endorse with the words "Unenrolled Voters' Ballot-Papers Disallowed at the Preliminary Scrutiny" and add the name of the district or province, his or her signature and the date; and
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- (b) place the envelopes containing the ballot-papers which he or she has decided to accept for further scrutiny before him or her on a table face downwards so the signatures and declarations of the voters are not visible; and
 - (c) without further examining the declaration of any voter or permitting any other person to do so, withdraw from each envelope the ballot-paper and without inspecting or unfolding the ballot-paper or allowing any other person to do so, deposit the folded ballot-paper in a securely fastened and sealed ballot-box for further scrutiny; and
 - (d) place the envelopes in a parcel endorsed with the words "Envelopes Bearing Unenrolled Voters' Declarations from which Ballot-Papers have been Withdrawn for Further Scrutiny", seal the parcel, add the name of the district or province, his or her signature and the date.

20. *Effect of declaration not being witnessed*

An unenrolled voter's ballot-paper must not be rejected at the preliminary scrutiny by reason only that the voter's declaration is not witnessed by the deputy returning officer if, before the declaration of the poll, the returning officer is satisfied that the name of the elector appears on a record of unenrolled voters made by a deputy returning officer.

21. *Further scrutiny*

At the further scrutiny, the returning officer must—

- (a) open the ballot-box referred to in regulation 19(4)(c); and
- (b) examine the ballot-papers; and

- (c) reject all informal ballot-papers; and
- (d) count the first preference votes given for each candidate on all unrejected ballot-papers.

22. *Rejection of ballot papers*

- (1) The provisions of the Act in regard to the rejection of informal ballot-papers apply to ballot-papers under this Part.
 - (2) A ballot-paper must not be rejected as informal merely because—
 - (a) the surname only of any candidate has been written on the ballot-paper if no other candidate has the same surname; or
 - (b) of the entry of a wrong name or registered political party name, or of any mistake in spelling, where there is no doubt as to the identity of the candidate.
 - (3) A ballot-paper must not be rejected as informal merely because of a formal defect through the name of the wrong district or province appearing on the ballot-paper or the omission of the name of the district or province.
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PART 5—ABSENT VOTING

23. Application of Part

This Part applies only to voting under section 187 of the Act.

24. Definitions

In this Part—

"**elector**" means a person claiming to vote or voting under section 187 of the Act;

"**absent voter**" means a person who has voted under section 187 of the Act.

25. Declaration of absent voter

The declaration of an absent voter under section 187(4)(a) of the Act must be—

- (a) printed on an envelope in accordance with Form I; and
- (b) addressed to the returning officer for the district or province for which the elector claims to be enrolled.

26. Ballot-papers

The ballot-paper of an absent voter must be in accordance with Form H.

27. How envelopes and ballot-papers are to be dealt with

- (1) Upon the receipt by the returning officer of envelopes containing absent voters' ballot-papers, the returning officer must—
 - (a) with the assistance of as many clerical assistants as are necessary; and
 - (b) in the presence of any scrutineers who choose to be present; and

- (c) in the presence of any person authorised by the Electoral Commissioner to be present—
deal with the envelopes and ballot-papers in accordance with this regulation.
- (2) The returning officer must—
- (a) produce the envelopes containing absent voters' ballot-papers; and
 - (b) examine the envelopes to ensure that the declarations are properly completed; and
 - (c) place in one parcel the unopened envelopes bearing the duly signed and certified declarations of those persons who the returning officer is satisfied are enrolled for and entitled to vote in respect of his or her district or province; and
 - (d) mark the name of each such person on the roll and accept the ballot papers for further scrutiny in accordance with this regulation.
- (3) If the returning officer is satisfied that the elector is entitled to vote, the returning officer may accept for further scrutiny any ballot paper for which the relevant declaration has been duly signed and certified.
- (4) The returning officer must—
- (a) place in another parcel all of the remaining unopened envelopes bearing the declarations of absent voters, seal the parcel, endorse with the words "Absent Voters' Ballot-Papers Disallowed at the Preliminary Scrutiny" and add the name of the district or province, his or her signature and the date; and
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- (b) place the envelopes containing the ballot-papers which he or she has decided to accept for further scrutiny before him or her on a table face downward so that the signatures and declarations of the voters are not visible; and
 - (c) without further examining the declaration of any voter or permitting any other person to do so, withdraw from each envelope the ballot-paper and without inspecting or unfolding the ballot-paper or allowing any other person to do so, deposit the folded ballot-paper in a sealed ballot-box for further scrutiny; and
 - (d) place the envelopes in a parcel endorsed with the words "Envelopes bearing Absent Voters' Declarations from which Ballot-Papers have been withdrawn for Further Scrutiny", seal the parcel, add the name of the district or province, his or her signature and the date.

28. *Acceptance for further scrutiny*

- (1) If a returning officer who is dealing with an envelope containing an absent voter's ballot-paper is satisfied that—
 - (a) the name of the elector who signed the declaration printed on the envelope, does not appear on the roll of electors for that district or province; and
 - (b) if the elector were entitled to be enrolled for the district or province, the ballot-paper contained in the envelope would be accepted under regulation 30 for further scrutiny; and
 - (c) after making any inquiry that is necessary, the elector was, at the time of voting, entitled to be enrolled on the roll for the district or

province, and the elector's name was not on that roll only by reason of an error or mistake by an officer—

the returning officer must accept the ballot-paper for further scrutiny.

- (2) For the purposes of sub-regulation (1)(c), if the elector's name is removed from the roll under section 73 of the Act, the name is deemed to have been correctly removed.

29. *Effect of declaration not being witnessed*

An absent voter's ballot-paper must not be rejected at the preliminary scrutiny by reason only that the voter's declaration is not witnessed by the deputy returning officer if, before the declaration of the poll, the returning officer for the district or province in which the declaration was made certifies that the name of the elector appears on a record of absent voters made by a deputy returning officer.

30. *Further scrutiny*

At the further scrutiny, the returning officer must—

- (a) open the ballot-box referred to in regulation 27(4)(c); and
- (b) examine the absent voters' ballot-papers; and
- (c) reject all informal ballot-papers; and
- (d) count the first preference votes given for each candidate on all unrejected ballot-papers.

31. *Rejection of ballot-papers*

- (1) The provisions of the Act in regard to the rejection of informal ballot-papers apply to ballot-papers under this Part.
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- (2) An absent voter's ballot-paper must not be rejected as informal merely because—
 - (a) the surname only of any candidate has been written on the ballot-paper if no other candidate has the same surname; or
 - (b) of the entry of a wrong name or registered political party name, or of any mistake in spelling, where there is no doubt as to the identity of the candidate.
 - (3) An absent voter's ballot-paper must not be rejected as informal merely because of a formal defect through the name of the wrong district or province appearing on the ballot-paper or the omission of the name of the district or province.
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**PART 6—VOTING BY ELECTORS WHOSE NAMES HAVE
BEEN MARKED AS HAVING ALREADY VOTED**

32. *Application of Part*

This Part applies only to voting under section 190 of the Act.

33. *Definitions*

In this Part—

"**elector**" means a person claiming to vote or voting under section 190 of the Act;

"**section 190 voter**" means a person who has voted under section 190 of the Act.

34. *Declaration of elector*

The declaration of an elector must be printed on an envelope in accordance with Form I.

35. *Ballot-papers*

The ballot-paper of a section 190 voter must be in accordance with Form H.

36. *How envelopes and ballot-papers are to be dealt with*

- (1) Upon receipt of the envelopes containing ballot-papers of section 190 voters, the returning officer must—
 - (a) with the assistance of as many clerical assistants as are necessary; and
 - (b) in the presence of any scrutineers who choose to be present; and
 - (c) in the presence of any person authorised by the Electoral Commissioner to be present—

deal with the envelopes and ballot-papers in accordance with this regulation.

- (2) The returning officer must—
- (a) produce the envelopes containing the ballot-papers of section 190 voters; and
 - (b) place in one box the unopened envelopes bearing the declarations and containing the ballot-papers of section 190 voters whose names, the returning officer is satisfied, have been marked in error to show that the electors have already voted; and
 - (c) examine the declarations to ensure that they are properly completed; and
 - (d) accept for further scrutiny the ballot-papers contained in the envelopes in accordance with this regulation.
- (3) If the returning officer is satisfied that the elector is entitled to vote, the returning officer may accept for further scrutiny any ballot-paper for which the relevant declaration has been duly signed and certified.
- (4) The returning officer must—
- (a) place in another parcel all of the remaining unopened envelopes bearing the declarations of section 190 voters, fasten and seal the parcel, endorse with the words "Section 190 Voters' Ballot-Papers Disallowed at the Preliminary Scrutiny" and add the name of the district or province, his or her signature and the date; and
 - (b) place the envelopes containing the ballot-papers which he or she has decided to accept for further scrutiny before him or her on a table face downward so that the signatures and declarations of the voters are not visible; and
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- (c) without further examining the declaration of any voter or permitting any other person to do so, withdraw from each envelope the ballot-paper and without inspecting or unfolding the ballot-paper or allowing any other person to do so, deposit the folded ballot-paper in a securely fastened and sealed ballot-box for further scrutiny; and
- (d) place the envelopes in a parcel endorsed with the words "Envelopes bearing Section 190 Voters' Declarations from which Ballot-Papers have been withdrawn for Further Scrutiny", seal the parcel, add the name of the district or province, his or her signature and the date.

37. Further scrutiny

At the further scrutiny the returning officer must—

- (a) open the ballot-box referred to in regulation 36(4)(c); and
- (b) examine the ballot-papers; and
- (c) reject all informal ballot-papers; and
- (d) count the first preference votes given for each candidate on all unrejected ballot-papers.

38. Rejection of ballot-papers

- (1) The provisions of the Act in regard to the rejection of informal ballot-papers apply to section 190 voters' ballot-papers.
 - (2) A ballot-paper must not be rejected as informal merely because the surname only of any candidate has been written on the ballot-paper if no other candidate has the same surname or because of the entry of a wrong name or registered political party
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name, or of any mistake in spelling, where there is no doubt as to the identity of the candidate.

- (3) A ballot-paper must not be rejected as informal merely because of a formal defect through the name of the wrong district or province appearing on the ballot-paper or the omission of the name of the district or province.
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PART 7—POSTAL VOTING

39. *Application of Part*

This Part applies to voting by post under Division 15 of Part V of the Act.

40. *Application for declaration and postal ballot paper*

The application form to be used by an elector applying for a declaration and postal ballot-paper under section 220 of the Act must be in accordance with Form J.

41. *Declaration of elector*

The declaration of the elector must be printed on an envelope in accordance with Form K.

42. *Ballot-papers*

- (1) The ballot-paper to be used by an elector must be in accordance with Form H.
- (2) The ballot-paper must be marked, folded, and returned in strict accordance with the directions printed on the ballot-paper.

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

- (1) The application form to be used by an elector applying to be registered as a general postal voter under section 221 (other than sub-section (1)(e) or (1)(f)) of the Act must be in accordance with Form L.
- (2) The application form to be used by an elector applying to be registered as a general postal voter referred to in section 221(1)(e) or 221(1)(f) of the Act must be in accordance with Form M.

44. *Cancellation of registration*

Victorian Parliamentary Elections Regulations 1999

S.R. No. 62/1999

- (1) The circumstances prescribed under section 221(13) of the Act are if the electoral registrar is satisfied that an elector registered as a general postal voter has ceased to be a prescribed elector.
 - (2) If the electoral registrar cancels the registration of an elector as a general postal voter under section 221(13) of the Act, the electoral registrar must advise the elector of the cancellation.
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PART 8—REGISTRATION OF HOW-TO-VOTE CARDS

45. *Single and multiple electorate how-to-vote cards*

A how-to-vote card submitted to the Electoral Commissioner under section 267K of the Act must be either—

- (a) a single how-to-vote card, that is, a how-to-vote card submitted with respect to one electoral district or province only; or
- (b) a multiple electorate how-to-vote card, that is, a how-to-vote card submitted with respect to no less than every electoral district or province in which that registered political party submitting the how-to-vote card is standing a candidate.

46. *Registration—declaration*

A person submitting a how-to-vote card to a returning officer or the Electoral Commissioner for registration must make a declaration in accordance with Form N or Form O, as the case requires.

47. *Declaration—English translation*

If a how-to-vote card submitted for registration contains a section in a language other than English, the person submitting the card for registration must submit with the card—

- (a) an accurate translation into English of the section in a language other than English; and
 - (b) a declaration that the translation is fair in accordance with Form N or Form O, as the case requires.
-

48. Endorsement

- (1) A how-to-vote card submitted for registration to a returning officer must be endorsed at the end of the card—

"Registered by the returning officer
for
(insert name of electorate)
District/Province".

- (2) A how-to-vote card submitted for registration to the Electoral Commissioner must be endorsed at the end of the card—

"Registered by the Electoral Commissioner".

PART 9—COMPULSORY VOTING

49. *Notice to elector who has failed to vote*

The notice which the Electoral Commissioner is required under the Act to send by post to each elector who has failed to record his or her vote must be in accordance with Form P.

50. *Reply to notice by elector*

The form of reply of any elector to the notice must be in accordance with Form P.

51. *Matter dealt with by the Electoral Commissioner*

If—

- (a) the reply of the elector states a reason for his or her failure to record his or her vote which, in the opinion of the Electoral Commissioner is not a valid and sufficient reason for that failure; and
- (b) the elector stated on Form P that he or she desires the matter to be dealt with by the Electoral Commissioner under section 274 of the Act—

the Electoral Commissioner may make an order in accordance with Form Q requiring the elector to pay a sum of not more than \$50.00.

52. *Form of authorisation*

An authorisation under section 274 of the Act must be in accordance with Form R.

PART 10—MISCELLANEOUS

53. *Official mark on ballot papers*

The official mark to be borne by ballot-papers is either—

- (a) a water mark in the paper consisting of a representation of a triangle having the letter "S" within the letter "V"; or
 - (b) an overprinting of the paper in a particular manner, and the use of words, a design, or logo, approved by the Electoral Commissioner.
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PART 11—CONSEQUENTIAL AMENDMENTS

54. *Liquor Control Reform Regulations 1999*

- (1) In regulation 16(a) of the Liquor Control Reform Regulations 1999³ for "Part IV" **substitute** "Divisions 2 and 3 of Part III".
- (2) In regulation 17 of the Liquor Control Reform Regulations 1999 for "1992" **substitute** "1999".

55. *Local Government (Elections) Regulations 1995*

In regulation 5 of the Local Government (Elections) Regulations 1995⁴ in the definition of "silent voter" for "121A" **substitute** "66".

56. *Shop Trading Reform (Polls) Regulations 1996*

- (1) In regulation 3 of the Shop Trading Reform (Polls) Regulations 1996⁵ in the definition of "silent voter" for "121A" **substitute** "66".
 - (2) In regulations 14(7) and 14(8) of the Shop Trading Reform (Polls) Regulations 1996 for "**Liquor Control Act 1987**" **substitute** "**Liquor Control Reform Act 1998**".
-

SCHEDULE

FORM A

Regulation 8

APPLICATION FOR ENROLMENT

Details of applicant:

Title:

Surname:

Given names:

Residential address:

Postal address:

Male/Female:

Date of birth:

I am an Australian citizen: YES/NO

Former surname:

Former given names:

Former residential address:

Signature or mark:

Date:

Details of witness:

Signature:

Surname:

Given names:

Address:

Date:

FORM B

Regulation 9

**REQUEST BY ELECTOR FOR ADDRESS NOT TO BE
SHOWN ON ELECTORAL ROLL**

Details of person making request:

Title:

Surname:

Given names:

Residential address:

Postal address:

Male/Female:

Date of birth:

Indicate which of the following applies:

- I request that the residential address for which I am claiming enrolment not be entered on the electoral roll. An Electoral Enrolment Form claiming enrolment for this address is attached.
- I request that the residential address for which I am currently enrolled be removed from the electoral roll.

Having my residential address shown on the electoral roll places the personal safety of myself or members of my family at risk as declared on the statutory declaration accompanying this form.

Signature of Elector:

Date:

FORM C

Regulation 10

OBJECTION TO ELECTOR'S NAME ON ROLL

Details of the elector who should not be on the electoral roll:

Surname:

Given names:

Residential address:

Reason why the elector should not be on the electoral roll:

Details of elector giving this advice:

Surname:

Given names:

Residential address:

Date of birth:

Signature:

Date:

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Victorian Parliamentary Elections Regulations 1999
S.R. No. 62/1999

FORM D

Regulation 11

NOTICE OF OBJECTION

Grounds of objection:

Details of elector who should not be on the electoral roll:

Surname:

Given names:

Residential address:

Your response must be received within 20 days. Your response will then be assessed. If no response is received your name will be removed from the electoral roll.

Electoral Registrar:

Date:

FORM E

Regulation 13

**NOMINATION OF A CANDIDATE FOR THE LEGISLATIVE
COUNCIL/ASSEMBLY**

**NOMINATION BY REGISTERED OFFICER OF PARTY
ENDORISING CANDIDATE**

To the Returning Officer for the Electoral Province/District of
or Electoral Commissioner (as appropriate)

I, _____, the _____ of the
(name of registered political party),
hereby nominate the person named below as a candidate for election to the
Legislative Council/Assembly for the above Province/District.

Signature of officer:

Date:

Date:

NOMINATION BY SIX ELECTORS

To the Returning Officer for the Electoral Province/District of

We, electors on the electoral roll for the above electorate and entitled to vote at the
election for a member of the Legislative Council/Assembly for that electorate, hereby
nominate the person named below as a candidate for election to the Legislative
Council/Assembly for the above electorate.

Nominators (not less than six persons entitled to vote at the election)

Surname:

Given names:

Residential address for which enrolled:

Date of birth:

Signature:

CANDIDATE

Sch.

Victorian Parliamentary Elections Regulations 1999

S.R. No. 62/1999

Name of Candidate:

Surname:

Given names:

Residential address:

Occupation:

Form in which given names appear on ballot-paper:

I, the candidate named above, consent to nomination for the office of the Legislative Council/Assembly for the above-named electorate at the election.

Signature of Candidate:

Date:

FORM F

Regulation 16

STATEMENT TO UNENROLLED ELECTORS

The Constitution Act Amendment Act 1958 enables all electors attending a polling place to vote for the Province or District for which they claim to be enrolled.

1. If your name is not on the roll of voters:
 - you may be entitled to an absent vote, if your residential address is in another District or Province; or
 - you may be entitled to vote as an unenrolled elector if your residential address is within this District or Province.
2. The Polling Official will ask you to:
 - complete the Declaration on the front of this envelope, which contains some personal details for identification; and
 - complete the Electoral Enrolment Form, which will help us correct your enrolment if necessary.
3. After the close of voting, this envelope will be sent to the Electoral Registrar who will examine the front of this envelope to determine if your name should have been on the roll of electors for the election.

If your name should have been on the roll, the Electoral Registrar will correct your enrolment. In this case, your vote will be counted.

Sch.

Victorian Parliamentary Elections Regulations 1999
S.R. No. 62/1999

FORM G

Regulation 17

UNENROLLED VOTE

Elector's District/Province

ELECTOR to complete:

Surname:

Given names:

Residential address for which elector is, or claims to be, enrolled:

Date of birth:

Former surname if changed since last enrolled:

I declare that:

1. I am an elector whose name cannot be found on the roll of electors (section 186).
2. The information shown above is true and correct and that I am entitled to vote.
3. I have not already voted at this election.

Elector to sign:

ISSUING OFFICER to complete

I hereby certify that the above-named elector signed/marked this declaration in my presence.

District/Province:

Polling Place:

Issuing Officer to sign:

Date:

FORM H

Regulations 18, 26, 35, 42(1)

BALLOT PAPER

Province [*or* District] of

Number the boxes from 1 to [2, 3, 4, 5 . . . as the case requires] in the order of your choice.

Number every box to make your vote count.

[Insert names of candidates and political parties as required by sections 165–165C]

Fold the ballot paper and put it in the ballot box or declaration envelope, as appropriate.

Sch.

Victorian Parliamentary Elections Regulations 1999

S.R. No. 62/1999

FORM I

Regulations 25(a), 34

ABSENT OR SECTION VOTE

Elector's District/Province

ELECTOR to complete

Surname:

Given names:

Residential address for which elector is, or claims to be, enrolled:

Date of birth:

Former surname if changed since last enrolled:

I declare that the information shown above is true and correct, I am entitled to vote, and I have not already voted in this election.

Elector to sign:

ISSUING OFFICER to complete

I hereby certify that the above-named elector signed/marked this declaration in my presence and I have checked the elector's District/Province in the List of Streets Victoria for the following vote:

Absent:

Absent (silent):

Special Hospital:

Section 190

Issuing Officer to sign:

Issued at

District/Province

Date:

Polling Place

FORM J

Regulation 40

APPLICATION FOR A POSTAL VOTE

Elector's District/Province

Date application received:

Issuing Office:

Issuing officer's initials:

ELECTOR TO COMPLETE

Surname:

Given names:

Residential address for which you claim to be enrolled:

Date of birth:

Contact phone No:

Address for voting material to be sent if different to above:

I declare that I am entitled to apply for a
declaration and postal ballot-paper.

Elector to sign and date:

WITNESS TO COMPLETE

Name (block letters):

Address and/or Title:

Witness to sign:

Date:

Sch.

Victorian Parliamentary Elections Regulations 1999
S.R. No. 62/1999

FORM K

Regulation 41

DECLARATION OF POSTAL VOTER

I declare that I am enrolled for the District/Province printed on this declaration and entitled to a postal vote.

Signature of voter:

Date:

Signature of Witness:

Address:

Date:

FORM L

Regulation 43(1)

**APPLICATION FOR REGISTRATION AS A GENERAL
POSTAL VOTER**

Details of applicant:

Title:

Surname name:

Given names:

Residential address:

Postal address:

Male/Female:

Date of birth:

I apply to be registered as a General Postal Voter because (*indicate which of the following applies*):

- I am an elector whose real place of living is not within 20 kilometres by the nearest route of a polling place.
- I am an elector who is a patient at a hospital or nursing home (that is not a polling place or special hospital) and because of serious illness or infirmity am unable to travel to a polling place. The name and address of the hospital or nursing home is
- I am an elector who because of serious illness or infirmity is unable to travel from my place of living to a polling place.
- I am an elector who is serving a sentence of imprisonment or is otherwise in lawful custody or detention.
- I am an elector who because of caring for a seriously ill or infirm person other than in a hospital, is unable to travel to a polling place.
- I am an elector whose name has been excluded from the roll under section 66 of the Act (Silent Voter).

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Victorian Parliamentary Elections Regulations 1999

S.R. No. 62/1999

- I am an elector who, because of my religious beliefs or membership of a religious order, is precluded from attending a polling place or is precluded from doing so for a greater part of the hours of polling.

Signature or mark of elector:

Date:

FORM M

Regulation 43(2)

**APPLICATION FOR REGISTRATION AS A GENERAL
POSTAL VOTER BY A PERSON WHO IS UNABLE TO SIGN
AN APPLICATION BECAUSE OF PHYSICAL INCAPACITY**

Details of Elector on whose behalf the application is being made:

Surname:

Given names:

Date of birth:

Male/Female:

Residential address:

Postal address:

Indicate which of the following applies:

- A registered medical practitioner has certified, in writing, that the elector is so physically incapacitated that he or she cannot sign his or her name. The certificate of the medical practitioner is attached.
- The elector is already enrolled as a physically incapacitated elector and a registered medical practitioner's certificate that the elector was so physically incapacitated that he or she could not sign his or her name accompanied the Electoral Enrolment Form.

Declaration by person signing application:

I declare that in making this application, I am acting at the request and on behalf of the elector.

Signature:

Details of person signing application:

Surname:

Given names:

Residential address:

Date:

FORM N

Regulations 46, 47

HOW-TO-VOTE CARD DECLARATION

Declaration to be made by a person submitting a how-to-vote card for registration.

I, _____ (full name of person submitting)
of _____ (contact address)
contact telephone _____

declare that I am authorised to submit how-to-vote card(s) for registration on behalf of (*specify name of political party, person, organisation or group*)

Capacity in which I make this declaration:

Specify title e.g. candidate, party secretary, campaign official, etc.

AND (if the how-to-vote card contains a section in a language other than English);

I submit with the how-to-vote card a translation into English of the section in a language other than English, and I declare that the translation is a fair translation.

I am aware that if I knowingly make a false statement in this declaration, I am liable to a penalty of not more than \$40.00 or to imprisonment for a term of not more than three months.

Signature:

Signed before me on the

day of

Signed

* Returning Officer for (electorate)

* Electoral Commissioner

(* Delete whichever is not applicable)

FORM O

Regulations 46, 47

**MULTIPLE ELECTORATE HOW-TO-VOTE CARD
DECLARATION FORM**

Declaration to be made by a person submitting a multiple electorate how-to-vote card for registration.

I,

of *(specify address and telephone number for contact purposes)*

declare that this multiple electorate how-to-vote card, which I am authorised to submit for registration on behalf of *(specify name of registered political party)* shall be distributed *in every electorate in the State of

Victoria

*in the following electorates—

AND (if the how-to-vote card contains a section in a language other than English), I submit with the how-to-vote card a translation into English of the section in a language other than English, and I declare that the translation is a fair translation.

I am aware that if I knowingly make a false statement in this declaration, I am liable to a penalty of not more than \$40.00 or to imprisonment for a term of not more than three months.

Signed:

Title: *(position held in registered political party)*

Declared before me on the _____ day of

Signed:

Electoral Commissioner

FORM P

Regulations 49, 50

Electorate

To:
(Name and address of Elector)

**NOTICE TO AN ELECTOR WHO APPEARS TO HAVE
FAILED TO VOTE**

From my records it appears that you failed to vote at the election held on Saturday (election date).

Please complete Section A or Section B

**SECTION A: TO BE COMPLETED BY AN ELECTOR WHO DID NOT
VOTE**

You are required by law to provide me with a true reason why you failed to vote. Please state your reason(s) below—

If the above reason(s) is considered by the Electoral Commissioner (or his delegate) to be a valid and sufficient excuse for not voting at the election, no further action will be taken in this matter.

If the reason(s) provided above is not considered to be a valid and sufficient excuse for not voting at the election, you have the choice of—

having a penalty (*insert penalty amount*) imposed by the Electoral Commissioner and avoiding court costs

OR

having the matter dealt with in the Magistrate's Court.

**SECTION B: TO BE COMPLETED BY AN ELECTOR WHO CLAIMS
TO HAVE VOTED AT THE ELECTION**

At the above mentioned election I voted as a

Postal Voter

OR

Ordinary voter at (name of polling place)
located at (address or location)

OR

Absent voter at a polling place outside my electorate.

Victorian Parliamentary Elections Regulations 1999
S.R. No. 62/1999

Sch.

Signature of elector

Date

Note: If the elector named in this notice is absent or is suffering from any physical incapacity or the elector is unable to complete, sign and post the form below within the time specified, another elector who has personal knowledge of the facts may complete, sign, and post the form, within that time.

This form must be completed and returned to the address on the front of this notice within 21 days of the date of this notice.

Electoral Commissioner

Date of Notice

Sch.

Victorian Parliamentary Elections Regulations 1999

S.R. No. 62/1999

FORM Q

Regulation 51

Electorate

ELECTION HELD ON

ORDER IMPOSING A PENALTY FOR FAILURE TO VOTE

I have considered your statement, received _____, setting out your reason for not voting at this election. In my view, your reasons are not a valid and sufficient excuse and, pursuant to the notice of consent lodged by you, I have dealt with the matter and hereby make an order requiring you to pay the sum of \$ _____.

You must pay this sum within 21 days after the date of this notice by a cheque or money order payable to the Victorian Electoral Commission at the following address—

(address of office)

Date of Notice

Electoral Commissioner

Note: If the penalty is not paid within 21 days after the date of this notice, it will be taken that you have cancelled the notice of consent given by you to have the matter dealt with by the Electoral Commissioner, and proceedings for the enforcement of this penalty may be commenced.

FORM R

Regulation 52

**AUTHORITY OF THE ELECTORAL COMMISSIONER TO
COMMENCE PROCEEDINGS**

I, _____, the Electoral Commissioner for
Victoria, hereby authorise _____ whose signature appears below
to commence proceeding for the enforcement of penalties for the
contravention of any of the provisions of Division 21 of Part V of **The
Constitution Act Amendment Act 1958**.

Dated this _____ day of _____

Electoral Commissioner

Signature of Person Authorised to Commence Proceedings

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NOTES

¹ Reg. 4: S.R. No. 262/1988.

² Reg. 4: S.R. No. 109/1992 as amended by S.R. No. 22/1996.

³ Reg. 54(1): S.R. No. 13/1999.

⁴ Reg. 55: S.R. No. 164/1995 as amended by S.R. Nos 123/1996 and 21/1999.

⁵ Reg. 56(1): S.R. No. 134/1996.