

NORTHERN TERRITORY OF AUSTRALIA

NORTHERN TERRITORY ELECTORAL REGULATIONS

As in force at 11 December 2001

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 11 December 2001

NORTHERN TERRITORY ELECTORAL REGULATIONS

Regulations under the *Northern Territory Electoral Act*

Part 1 Preliminary

1 Citation

These Regulations may be cited as the *Northern Territory Electoral Regulations*.

2 Definitions

- (1) In these Regulations, unless the contrary intention appears, ***candidate's representative*** means:
 - (a) for the purposes of regulation 19(1), a person appointed under section 61(1) of the Act;
 - (b) for the purposes of regulations 25 and 26, a person appointed under section 81(1) of the Act; and
 - (c) for the purposes of regulation 34, a person appointed under section 61(1) or 81(1) of the Act.
- (2) Unless the contrary intention appears, a reference, in these Regulations, to a claim to vote, a ballot-paper or voting includes, to the extent necessary for the application of section 53(4) of the Act, a reference to:
 - (a) a claim to vote for the purpose of casting a vote, under section 53 of the Act, at an election before 6.00 pm on the day before the polling;
 - (b) a ballot-paper used in connection with casting a vote under section 53; and
 - (c) voting under section 53 of the Act.

3 Forms

In these Regulations, a reference to a Form by number is a reference to a Form so numbered in Schedule 1.

Part 2 Forms

4 Claim for enrolment

For the purposes of Division 1 of Part 4 of the Act, a claim for enrolment on, or transfer of enrolment from, the roll of electors for a division shall be in accordance with the arrangement made between the Administrator and the Governor-General under section 27 of the Act.

5 Nomination for election

For the purposes of section 36(1)(a) of the Act, a nomination shall be in accordance with Form 1.

6 Withdrawal of nomination consent

For the purposes of section 38(1) of the Act, a notice of withdrawal of consent to be nominated and to act as a member of the Legislative Assembly if elected shall be in accordance with Form 2.

7 Application for registration on Registrar of Postal voters

For the purposes of section 43(3) of the Act, an application for registration on the Register of Postal voters shall be in accordance with Form 3.

8 Application for postal ballot-paper

For the purposes of section 44(2) of the Act, an application for a postal ballot-paper shall be in accordance with Form 4.

9 Postal vote certificate

A postal vote certificate shall be in accordance with Form 5.

10 Postal ballot-paper

Subject to section 60(b) and (c) of the Act, a postal ballot-paper shall be in accordance with Form 6.

11 Ballot-paper

Subject to section 60(b) and (c) of the Act, a ballot-paper (including a ballot-paper used for the purposes of voting under section 53 of the Act, but not a postal ballot-paper) shall be in accordance with Form 7.

12 Declarations under section 72 of the Act

A declaration under section 72(1), (2) or (3) of the Act shall be in accordance with Form 8.

Part 3 Rolls and enrolment**13 Transfer of enrolment**

For the purposes of Part 4 of the Act, where the name of an elector is transferred from one roll to another by reason of a distribution, the Chief Electoral Officer shall:

- (a) cause notice of the transfer to be published in the *Gazette* and in a newspaper circulating in the divisions concerned; or
- (b) if he or she considers that publication of a notice under paragraph (a) would not be reasonably effectual to give notice of the transfer to the elector, cause notice of the transfer to be sent by post to the elector.

14 Alterations to rolls

Where a Divisional Returning Officer makes an alteration to a roll, he or she shall keep a record of:

- (a) the reasons for the alteration; and
- (b) the date on which the alteration was made.

15 Fees

For the purposes of section 25(b) of the Act, the fees for the provision of a copy of a roll are:

- (a) for a roll – \$2.00; and
- (b) for a supplementary roll – \$0.50.

Part 4 Polling

16 Incorrect details in roll

- (1) A claim to vote at a polling place shall not be rejected by reason only of the omission from the roll or a certified list of voters of the given name of a person or the entry of a wrong given name, address, occupation or spelling of a surname if, in the opinion of the presiding officer, the voter is sufficiently identified.
- (2) No voter shall be disqualified from voting under the name appearing on the roll by reason only of the voter's surname having been changed by marriage.

17 Pre-poll voting

- (1) In this regulation:

location means a location where a voter casts his or her vote under section 53(1) of the Act.

region means an area comprised of one or more divisions.

voter means an elector entitled to vote at an election who, under section 53(1) of the Act, applies to an officer conducting voting at an election before 6.00 pm on the day before the polling day and who there and then votes at the election.

- (2) For the purposes of the conduct, under section 53 of the Act, of voting at an election before 6.00 pm on the day before the polling day, the Chief Electoral Officer shall divide the Territory into regions and, if he or she thinks fit, assign a name to each region.
- (3) Where a voter casts his or her vote at a location that is not within the region in which the division for which he or she is enrolled is situated, the voter, having complied with section 70(a), (b) and (c) of the Act, shall:
 - (a) place the ballot-paper on which he or she has marked his or her vote in an envelope bearing the name of the division for which he or she is enrolled;
 - (b) seal the envelope; and
 - (c) in complying with section 70(d) of the Act, deposit the envelope in a ballot-box at the location.

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- (4) As soon as practicable after 6.00 p.m. on the day before polling day, the officer conducting polling at a location shall send or deliver the ballot box in which ballot-papers were deposited at the location to an officer conducting a determination of the results of the poll.

18 Withholding of ballot-paper

The presiding officer of a polling place shall refuse to issue a ballot-paper to a person required to answer a question put to him under section 67(2) of the Act (other than the question under section 67(2)(b) of the Act) who refuses to answer the question or fails to answer it in the affirmative.

19 Record of refusal to issue ballot-paper under section 72

- (1) Where the presiding officer of a polling place refuses to issue a ballot-paper to a person referred to in section 72 of the Act who has made the relevant declaration under that section, the presiding officer shall make a written note of the person's request to be issued with a ballot-paper and the presiding officer's reasons for refusing to issue it and sign the note in the presence of such candidates representatives as are present at the polling place.
- (2) A note referred to in subregulation (1) shall be forwarded to the Divisional Returning Officer for the division in which the polling place is situated at the close of polling.

20 Spoilt or discarded ballot-papers

A presiding officer who receives a spoilt ballot-paper, or finds a discarded ballot-paper, referred to in section 74 of the Act shall there and then, on receiving or finding it, write either the word **spoilt** or the word **discarded** across the face thereof (as the case may require), place it in an endorsed envelope and, after the polling, forward it to the Divisional Returning Officer.

21 Ballot-boxes

Each ballot-box shall:

- (a) be constructed of a durable material;
- (b) be capable of being securely fastened or sealed; and
- (c) have a cleft through which ballot-papers are to be deposited into the ballot-box.

22 Postal ballot-box

The Divisional Returning Officer shall keep a locked or sealed ballot-box with the words "Postal Ballot-box" marked thereon, and shall place and keep therein, until determination of the results of the poll, all envelopes containing postal ballot-papers relating to his or her division received by him and not excluded under regulation 24.

Part 5 Examination of postal ballot-papers and ballot-papers issued under section 53 or 72 of the Act

23 Definitions

For the purposes of this Part:

ballot-paper means a ballot-paper issued under section 53 or 72 of the Act.

Divisional Returning Officer, in relation to voting on ballot-papers or postal ballot-papers, means the Divisional Returning Officer for the division in respect of which those votes are cast.

postal ballot-paper means a ballot-paper issued under Part 7 of the Act.

24 Valid postal votes

- (1) A postal ballot-paper shall not be included in the determination of the results of the poll unless:
 - (a) the vote marked on the postal ballot-paper is so marked before 6.00 p.m. on polling day; and
 - (b) the ballot-paper is either:
 - (i) delivered to a presiding officer before the close of polling on polling day; or
 - (ii) if not delivered to a presiding officer before the close of polling on polling day, received by a Divisional Returning Officer before 6.00 p.m. on the Friday next following polling day.
- (2) In the absence of evidence to the contrary, the time and date appearing in the postal vote certificate of an elector shall be taken as the time and date on which the elector's vote was marked on the postal ballot-paper.

25 Checking postal vote certificates

- (1) The Divisional Returning Officer shall, at such times as he or she considers practicable after the receipt of a postal vote, in the presence of another officer, or person approved by the Chief Electoral Officer:
- (a) compare the signature of the elector on his or her postal vote certificate with the signature of the same elector on his or her application under section 43 or 44 of the Act for a postal ballot-paper;
 - (b) if satisfied that:
 - (i) the elector's signature on his or her postal vote certificate is that of the elector who signed the application referred to in paragraph (a);
 - (ii) the signature purports to be witnessed by an authorised witness; and
 - (iii) the vote marked on the postal ballot-paper contained in the envelope purports to have been cast before 6.00 pm on polling day,the Divisional Returning Officer shall:
 - (iv) place a mark against the name of the elector on a certified list of voters to be used by him for the purposes of the determination of the results of the poll; and
 - (v) place the envelope unopened in the "Postal Ballot-box" referred to in regulation 22; and
 - (c) if not satisfied of the matters referred to in paragraph (b)(i), (ii) and (iii) mark the unopened envelope with the word **rejected** and place it in the **Postal Ballot-box** referred to in regulation 22.
- (2) The Divisional Returning Officer shall, at such times as he or she considers practicable after the close of polling, but not earlier than the time specified in paragraph (a), in the presence of such candidates' representatives as choose to attend and other persons approved by the Divisional Returning Officer:
- (a) produce unopened all envelopes containing postal ballot-papers received by him not later than 6.00 pm on the Friday next following polling day;

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- (b) allow candidates' representatives to inspect postal vote certificates marked with the word **rejected** and then:
 - (i) exclude the postal ballot-papers contained in those unopened postal vote certificates from the determination of the results of the poll; and
 - (ii) place such postal vote certificates, unopened, in a parcel;
 - (c) withdraw from the envelopes admitted to the determination of the results of the poll, the postal ballot-paper and, without inspecting or unfolding it or allowing any other person to do so, forthwith deposit the folded postal ballot-paper in a locked or sealed ballot-box;
 - (d) place the envelope from which the postal ballot-paper was withdrawn in a parcel together with all other envelopes from which postal ballot-papers were withdrawn in accordance with paragraph (c); and
 - (e) seal up the parcels referred to in paragraphs (b) and (d) and endorse on each parcel a statement of its contents.

26 Examination of section 72 declarations

- (1) The Divisional Returning Officer shall, after the close of the polling, in the presence of such candidates' representatives as choose to attend and other persons approved by the Divisional Returning Officer:
 - (a) produce unopened all envelopes containing ballot-papers (and which bear declarations made under section 72 of the Act);
 - (b) examine each envelope and if satisfied that:
 - (i) the declaration on the envelope is properly signed and attested; and
 - (ii) the person who made the declaration is, in his or her opinion, entitled to vote in respect of, and, in the case of a person who made a declaration under section 72(2) or (3) of the Act, enrolled for, the division in respect of which the Divisional Returning Officer is appointed,

the Divisional Returning Officer shall:

- (iii) place a mark against the name of the person, other than a person who made a declaration under section 72(1) of the Act, on a certified list of voters to be used by him for the purposes of the determination of the results of the poll;
 - (iv) withdraw from the envelope the ballot-paper and, without inspecting it or unfolding the ballot-paper or allowing any other person to do so, forthwith deposit the folded ballot-paper in a locked or sealed ballot-box; and
 - (v) place the envelope from which the ballot-paper has been withdrawn in a parcel together with all other envelopes from which ballot-papers have been withdrawn in accordance with subparagraph (iv);
- (c) if not satisfied of the matters referred to in paragraph (b)(i) and (ii), exclude the ballot-paper from the determination of the results of the poll, without opening the envelope in which it is contained;
 - (d) place in a parcel the unopened envelopes bearing declarations made under section 72 of the Act of those persons whose ballot-papers he or she has excluded from the determination of the results of the poll; and
 - (e) seal up the parcels referred to in paragraphs (b)(v) and (d) and endorse on each parcel a statement of its contents.
- (2) The Divisional Returning Officer shall not exclude a ballot-paper from the determination of the results of the poll by reason only of the fact that the presiding officer of the polling place where the vote was cast omitted to attest the declaration of the voter if the voter's name appears on the record made and signed by the presiding officer in accordance with section 72(4).

27 Part-counting of votes

It is not necessary for the Divisional Returning Officer, for the purposes of regulations 25 and 26 to await the receipt of all envelopes containing postal ballot-papers or ballot-papers before he or she proceeds to deal with such postal ballot-papers or ballot-papers, as the case may be, in accordance with section 83(1) of the Act, but sufficient uncounted postal ballot-papers or ballot-papers shall be kept in the ballot-box referred to in regulation 25(2)(c) or 26(b)(iv), as the case may be, to ensure that any postal ballot-

papers or ballot-papers for an election that are taken from a ballot-box for the purpose of being counted are taken from a number sufficient to prevent the identity of the voters from being disclosed.

28 Omissions and errors in ballot-papers

- (1) Without derogating from the Act or these Regulations:
 - (a) a postal ballot-paper shall not be counted if it is received by the Divisional Returning Officer otherwise than in the envelope bearing the postal vote certificate; and
 - (b) a ballot-paper shall not be counted if it is received by the Divisional Returning Officer otherwise than in the envelope bearing the declaration of the voter made under section 72 of the Act.
- (2) A postal ballot-paper or a ballot-paper shall not be rejected as being informal by reason only of:
 - (a) the name of a wrong division appearing on it;
 - (b) the omission of the name of the division from the postal ballot-paper or ballot-paper in a case where the name of the division for which the voter is enrolled appears on the postal vote certificate or the declaration signed by the elector, as the case may be;
 - (c) the surname only of a candidate being written on it in a case where no other candidate has the same surname; or
 - (d) a mistake in spelling of the name of a candidate in a case where, in the opinion of the Divisional Returning Officer, there is no doubt as to the identity of the candidate.

29 Counting, &c., of postal votes and votes cast under sections 53 and 72 of the Act

For the purposes of section 83(3) of the Act, except to the extent that a Divisional Returning Officer is required to comply with this Part, Part 9 of the Act applies to and in relation to ballot-papers and postal ballot-papers within the meaning of regulation 23 as if:

- (a) a reference in Part 9 of the Act to a ballot-paper is a reference to a ballot-paper or a postal ballot-paper within the meaning of regulation 23; and

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- (b) a reference in Part 9 of the Act to a ballot-box is a reference to a ballot-box in which is deposited envelopes:
- (i) bearing postal vote certificates;
 - (ii) containing ballot-papers issued under section 53 of the Act; or
 - (iii) bearing declarations made under section 72 of the Act.

Part 6 Failure to vote

30 Reason for failure to vote

- (1) As soon as practicable after an election, the Divisional Returning Officer shall prepare a list of electors for his or her division who failed to vote at the election.
- (2) Subject to the directions of the Chief Electoral Officer, the Divisional Returning Officer shall, within 3 months after the declaration of the poll, send a written notice by post to each elector whose name appears on the list referred to in subregulation (1) requiring the elector, within 21 days after receiving that notice, to give an explanation of his or her reasons for his or her failing to vote at the election.
- (3) Where a person to whom a notice under subregulation (2) has been sent does not, within the time specified, give an explanation for his or her not having voted or gives an explanation which, in the opinion of the Divisional Returning Officer, subject to subregulation (4), is not a satisfactory explanation for his or her not having done so, the Divisional Returning Officer shall, by notice in writing posted to the person, so advise the person and further advise him or her that legal proceedings may be commenced against him or her.
- (4) Where a person to whom a notice under subregulation (2) has been sent has not voted at the election to which the notice relates because of his or her religious beliefs, the person may, for the purposes of subregulation (3), give those religious beliefs as his or her explanation for not having voted at that election and, where such an explanation is given, that explanation shall be deemed, for the purposes of subregulation (3), to be a satisfactory explanation for not having voted at that election.
- (5) A Divisional Returning Officer shall, for the division for which he or she is the Divisional Returning Officer, keep a register of the name and address of each person who has under subregulation (4), given

his or her religious beliefs as an explanation for not having voted at an election.

- (6) In any legal proceedings commenced against an elector for failing to vote at an election the Divisional Returning Officer shall send to the court before which the charge is to be heard the explanation under this regulation, if any, of the elector.
- (7) In any legal proceedings referred to in this regulation the court shall, whether or not the defendant is present, consider the contents of the written explanation of an elector as if it were given in evidence before the court.
- (8) If the elector attends the court and sets up a defence different in substance from the explanation contained in the elector's written explanation under this regulation, the court shall, if it dismisses the complaint, do so without awarding the defendant the costs of his or her defence.

31 Court hearing

- (1) In any proceedings referred to in regulation 30, there shall be served on the defendant a notice that the defendant may attend the court and answer the charges in person or may, at any time not less than 7 days before the date fixed for the hearing, lodge with or send by post to the prosecuting officer a statutory declaration setting out any matter he or she desires to set out in answer to the charge.
- (2) A notice referred to in subregulation (1) may be written on the summons or may be a separate document served with the summons.
- (3) Where a statutory declaration is received by the prosecuting officer in pursuance of subregulation (1), he or she shall, as far as it is practicable for him or her so to do, inquire into the truth of its contents and shall, unless he or she withdraws the prosecution, bring the declaration to the notice of the court.
- (4) The court shall, at the hearing of the case, consider the statutory declaration, whether the defendant is present or not, as if its contents were given in evidence before it, but if the defendant attends the court, and sets up a defence different in substance from the statement contained in his or her declaration, the court shall, if it dismisses the prosecution, do so without awarding the defendant the costs of his or her defence.

- (5) The court may, in its discretion, on the application of the prosecuting officer, adjourn the hearing for any period it thinks fit, to enable that officer to answer the declaration.

Part 7 Miscellaneous

32 Nominee's photograph

- (1) Subject to subregulation (2), for the purposes of section 36(1)(f) of the Act, a photograph of a nominee shall:
- (a) be a black and white, full faced, vertical portrait photograph of the nominee's head and shoulders;
 - (b) be a minimum of 12.75 centimetres in length by 8.75 centimetres in width;
 - (c) have been taken within 6 months before the date of the lodging of his or her nomination; and
 - (d) have endorsed on its reverse side the full name of the nominee and a statement signed by him or her certifying that the photograph was taken within the period referred to in paragraph (c).
- (2) For the purposes of section 36(1)(f) of the Act, the Chief Electoral Officer may accept a photograph of a nominee which does not comply with the requirements of subregulation (1) but from which, in his or her view, the nominee is readily recognisable.

33 Prescribed particulars on Register of Postal Voters

For the purposes of section 43(4) of the Act, the Divisional Returning Officer shall register the following particulars of a postal voter on the Register of Postal Voters:

- (a) the postal voter's residential address as shown on the roll, if any, and, if not the same, the postal voter's postal address;
- (b) the division in which the postal voter is enrolled;
- (c) the reason for registering the postal voter;
- (d) the period for which the registration of the postal voter is made.

34 Deferred counting of ballot-papers

- (1) Where the number of ballot-papers, other than those referred to in section 83(1)(b) of the Act, in a ballot-box received by an officer conducting a determination of the results of a poll is less than 100, the officer conducting that determination shall place them in a locked or sealed ballot-box kept for that purpose at the place where the results of the poll are to be determined, and the counting of those ballot-papers shall be deferred.
- (2) Subject to subregulation (3), the ballot-papers placed in a ballot-box referred to in subregulation (1) shall be taken out of the box and counted when the relevant ballot-papers taken from 2 or more ballot-boxes and placed in that ballot-box exceeds 100.
- (3) Where no more ballot-boxes are to be received at the place where the results of a poll are to be determined, the ballot-box referred to in subregulation (1) shall be opened and the ballot papers taken out and counted, notwithstanding that there are less than 100 ballot-papers in the ballot-box.

35 Statutory declaration of officers and candidate's representatives

- (1) Each officer who conducts an election and each candidate's representative shall make and subscribe a declaration in accordance with Form 9.
- (2) An omission by an officer or a candidate's representative to make and subscribe a statutory declaration under this regulation shall not be grounds for setting aside an election.

36 Repeal

The Regulations specified in Schedule 2 are repealed.

Schedule 1

FORM 1

regulation 5

NORTHERN TERRITORY OF AUSTRALIA

Northern Territory Electoral Act

NOMINATION FOR ELECTION AS A MEMBER OF THE LEGISLATIVE
ASSEMBLY OF THE NORTHERN TERRITORY

To the Chief Electoral Officer:

We, the undersigned electors on the roll of electors for the division of and entitled to vote at the election of a member of the Legislative Assembly, do hereby nominate:

Given names (in full)	Surname (In BLOCK letters)	Place of Residence	Occupation
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as a candidate for election as a member of the Legislative Assembly for the abovementioned division.

Dated....., 19 .

To be completed by nominators

Name of Nominator (in BLOCK Letters)	Signature of Nominator	Place of residence for which enrolled in abovementioned division (in BLOCK Letters)
---	------------------------	---

NOTE: A nomination must be signed by not less than 6 persons entitled to vote at the election in the division for which the candidate is nominated.

To be completed by nominee (use BLOCK Letters)

I,.....
(given names) (surname)

of
(place of residence)

consent to be nominated and to act as a member of the Legislative Assembly if elected and declare that I am qualified in accordance with Division 2 of Part III of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth to be a candidate for election as a member of the Legislative Assembly.

.....
(signature of nominee)

NOTE: A nomination must be accompanied by:

- (a) a photograph of the nominee that is in accordance with regulation 32(1) of the *Northern Territory Electoral Regulations* or, in the alternative, accepted by the Chief Electoral Officer under regulation 32(2) of those Regulations; and
- (b) the amount of \$200 in cash or a banker's cheque of that amount as required under section 36(1)(g) of the Act.

In accordance with regulation 32(1) of the *Northern Territory Electoral Regulations*, a photograph of a nominee shall:

- (a) be a black and white, full faced, vertical, portrait photograph of the nominee's head and shoulders;
- (b) be a minimum of 12.75 centimetres in length by 8.75 centimetres in width;
- (c) have been taken within 6 months before the date of lodging of his or her nomination; and
- (d) have endorsed on its reverse side the full name of the nominee and a statement signed by him certifying that the photograph was taken within the period referred to in paragraph (c).

FORM 2

regulation 5

NORTHERN TERRITORY OF AUSTRALIA

Northern Territory Electoral Act

WITHDRAWAL BY NOMINEE OF CONSENT TO ACT AS A MEMBER OF
THE LEGISLATIVE ASSEMBLY

To the CHIEF ELECTORAL OFFICER:

I,
(given names) (surname)

of
(place of residence)

occupation, hereby withdraw my
consent to be nominated and to act as a member of the Legislative Assembly
for the division of

Dated, 19 .

.....
(signature of nominee)

Title under which witness acts as authorised witness if witness is a person other than a person who is enrolled, or entitled to be enrolled, as a Commonwealth, Territory or State elector

Signed before me at

Dated, 19 .

.....
(signature of authorised witness)

Where an elector makes his mark as his signature, under section 100(2) of the *Northern Territory Electoral Act* the mark must be made in the presence of, and witnessed by, another person, other than the authorised witness, who shall also sign the declaration.

Signed before me at

Dated, 19 .

.....
(signature of witness)

NOTE:

Authorised witness – the following persons are authorised witnesses for the purpose of making an application to be registered on the Register of Postal Voters:

A person who is enrolled, or is entitled to be enrolled, as a Commonwealth, Territory or State elector and also, where an application is made outside the Commonwealth, a person who is:

- (a) an officer of the naval, military or air forces of the Commonwealth, or a member of the Australian Embassy, or a Trade Commissioner or an Assistant Trade Commissioner within the meaning of the *Trade Representatives Act 1933* of the Commonwealth; or
- (b) a Justice of the Peace, Commissioner for Oaths, Commissioner for Affidavits, Commissioner for Declarations, or Notary Public, appointed under a law of the Commonwealth, a State, or another Territory of the Commonwealth.

FORM 4

regulation 8

NORTHERN TERRITORY OF AUSTRALIA

Northern Territory Electoral Act

APPLICATION FOR POSTAL BALLOT-PAPER

I,,
(surname) (given names)

of,
(place of residence as appearing on the roll)

date of birth,

telephone number,

hereby apply for a postal ballot-paper to enable me to vote by post at the forthcoming election.

I declare that I am enrolled in the division of and am entitled to apply for a postal ballot-paper.

The address to which the postal ballot-paper may be posted to me is

.....
(signature of elector)

Signed by the elector in the presence of

Name

Address

Title under which witness acts as authorised witness if witness is a person other than a person who is enrolled, or entitled to be enrolled, as a Commonwealth, Territory or State elector

Signed before me at

Dated, 19 .

.....
(signature of authorised witness)

Where an elector makes his mark as his signature, under section 100(2) of the *Northern Territory Electoral Act* the mark must be made in the presence of, and witnessed by, another person, other than the authorised witness, who shall also sign the declaration.

Signed before me at

Dated, 19 .

.....
(signature of witness)

NOTE: Authorised witness – the following persons are authorised witnesses for the purpose of postal voting by electors:

A person who is enrolled, or is entitled to be enrolled, as a Commonwealth, Territory or State elector and also, where an application is made outside the Commonwealth, a person who is:

- (a) an officer of the naval, military or air forces of the Commonwealth, or a member of the Australian Embassy, or a Trade Commissioner or an Assistant Trade Commissioner within the meaning of the *Trade Representatives Act 1933* of the Commonwealth; or
- (b) a Justice of the Peace, Commissioner for Oaths, Commissioner for Affidavits, Commissioner for Declarations, or Notary Public, appointed under a law of the Commonwealth, a State, or another Territory of the Commonwealth.

FORM 5

regulation 9

NORTHERN TERRITORY OF AUSTRALIA

Northern Territory Electoral Act

POSTAL VOTE CERTIFICATE

No.

I hereby certify that
of is
entitled (subject to the provisions of the *Electoral Act*) to vote by post in
respect of the division of at the
election to be held on

Divisional Returning Officer for the
division of

Date

I declare that I am the person referred to and am enrolled as -

Surname (In BLOCK letters)	Given names (In BLOCK letters)	Place of residence and Occupation (as appearing on roll)
-------------------------------	-----------------------------------	--

on the roll of electors for the division of

I, declare that I have not already voted in connection with the election to which
this certificate relates, and I promise and declare that if I am permitted to vote
I will not again vote in connection with the said election.

(signature of voter)

Signed by the voter in the presence of

Name

Address

Title under which witness acts as authorised witness if witness is a person other than a person who is enrolled, or entitled to be enrolled, as a Commonwealth, Territory, or State elector

Signed before me at

Dated, 19 .
at o'clock a.m./p.m.

.....
(signature of authorised witness)

Where an elector makes his mark as his signature, under section 100(2) of the *Northern Territory Electoral Act* the mark must be made in the presence of, and witnessed by, another person, other than the authorised witness, who shall also sign the declaration.

Signed before me at

Dated, 19 .

.....
(signature of witness)

FORM 6

regulation 10

NORTHERN TERRITORY OF AUSTRALIA

Northern Territory Electoral Act

POSTAL BALLOT-PAPER

(Your vote must not be marked hereon until you have first shown the ballot-paper, unmarked, to the authorised witness)

ELECTION OF ONE MEMBER OF THE LEGISLATIVE ASSEMBLY FOR THE DIVISION OF

Directions

Mark your vote on this ballot-paper by placing the numbers (here insert "1 and 2" where there are two candidates, "1, 2 and 3" where there are three candidates, "1, 2, 3 and 4" where there are four candidates, and so on as the case requires) in the squares respectively opposite the names and photographs of the candidates so as to indicate the order of your preference for them; fold the ballot-paper, place it in the envelope addressed to the Divisional Returning Officer and seal the envelope.

CANDIDATES

- (photograph of
candidate)
- (photograph of
candidate)
- (photograph of
candidate)
- (photograph of
candidate)
- (photograph of
candidate)

NOTE: Unless:

- (a) you have marked your vote on the ballot-paper before 6.00 p.m. on polling day; and
- (b) the postal ballot-paper is either delivered to a presiding officer before 6.00 p.m. on polling day or received by a Divisional Returning Officer not later than 6.00 p.m. on the Friday next following polling day,

it will be excluded from the determination of the results of the poll.

FORM 7

regulation 11

NORTHERN TERRITORY OF AUSTRALIA

Northern Territory Electoral Act

BALLOT-PAPER

ELECTION OF ONE MEMBER OF THE LEGISLATIVE ASSEMBLY FOR
THE DIVISION OF

Directions

Mark your vote on this ballot-paper by placing the numbers (here insert "1 and 2" where there are two candidates, "1, 2 and 3" where there are three candidates, "1, 2, 3 and 4" where there are four candidates, and so on as the case requires) in the squares respectively opposite the names and photographs of the candidates so as to indicate the order of your preference for them. Fold the ballot-paper and place it in the ballot-box.

CANDIDATES

- [] (photograph of
candidate)
- [] (photograph of
candidate)
- [] (photograph of
candidate)
- [] (photograph of
candidate)

FORM 8

regulation 12

NORTHERN TERRITORY OF AUSTRALIA

Northern Territory Electoral Act

DECLARATION BY A PERSON CLAIMING TO VOTE UNDER SECTION 72
OF THE *NORTHERN TERRITORY ELECTORAL ACT*

To the Divisional Returning Officer for the division of

Surname:

Given names:

Address for which claiming to be enrolled:

Date of birth:

If your name has changed since you last enrolled, your previous name:

*DECLARATION UNDER SECTION 72(1)

I declare that:

- (a) I have complied with Part VIII of the *Commonwealth Electoral Act 1918* of the Commonwealth before the issue of the writ for the election; and
- (b) to the best of my knowledge, no objection has been upheld in relation to the inclusion of my name of a roll; and
- (c) I am not qualified for enrolment in a division other than this division.

*DECLARATION UNDER SECTION 72(2)

I declare that I have not already voted.

(NOTE: If the person making this declaration is in possession of a postal ballot-paper, section 72(2) requires him or her to surrender it to the presiding officer)

***DECLARATION UNDER SECTION 72(3)**

I declare that I am enrolled in another division and that I have not already voted at this election.

.....
(signature of elector)

Signed before me at polling place

Dated, 19 .

.....
signature of presiding officer)

(*strike out whichever is inapplicable)

**GROUND FOR ISSUING A BALLOT-PAPER UNDER SECTION 72 OF THE
NORTHERN TERRITORY ELECTORAL ACT:**

SECTION 72(1)

The voter's name is not on the certified list of voters for the division for which the polling place has been appointed and wishes to make a declaration under section 72(1) of the *Northern Territory Electoral Act* so he or she may be issued with a ballot-paper.

SECTION 72(2)

The voter's name has been previously marked on a certified list of voters in accordance with section 69(2) of the *Northern Territory Electoral Act*, or the voter has been issued with a postal ballot-paper, and wishes to make a declaration under section 72(2) of that Act so he or she may be issued with a ballot-paper.

SECTION 72(3)

The voter's name is not on a certified list of voters for the division in respect of which the polling place is appointed (but is enrolled in another division and has not already voted) and wishes to make a declaration under section 72(3) of the *Northern Territory Electoral Act* so he or she may be issued with a ballot-paper.

FORM 9

regulation 35

NORTHERN TERRITORY OF AUSTRALIA

Northern Territory Electoral Act

DECLARATION TO BE MADE BY OFFICERS AND CANDIDATES
REPRESENTATIVES

I,

of

occupation

promise and declare that I will faithfully perform the duties of
*officer/candidate's representative to the best of my understanding and ability,
and that I will not directly or indirectly attempt to influence the vote of any
elector or, except by recording my vote as permitted by law, the result of any
election, and that I will not disclose any knowledge in respect of the vote of an
elector acquired by me by reason of the performance of my duties, except in
reply to a question which I am legally bound to answer.

.....
(signature of *officer/candidate's
representative)

.....
(signature of witness)

Dated, 19 .

(*strike out which inapplicable)

Schedule 2

regulation 35

REPEALED REGULATIONS

Electoral Regulations 1980, No. 15

Electoral Regulations 1982, No. 64

Electoral Regulations 1984, No. 2

ENDNOTES

1

KEY

Key to abbreviations

amd = amended

app = appendix

bl = by-law

ch = Chapter

cl = clause

div = Division

exp = expires/expired

f = forms

Gaz = Gazette

hdg = heading

ins = inserted

lt = long title

nc = not commenced

od = order

om = omitted

pt = Part

r = regulation/rule

rem = remainder

renum = renumbered

rep = repealed

s = section

sch = Schedule

sdiv = Subdivision

SL = Subordinate Legislation

sub = substituted

2

LIST OF LEGISLATION

Northern Territory Electoral Regulations (SL No. 37, 1996)

Notified 7 August 1996

Commenced 7 August 1996

Statute Law Revision Act (No. 2) 2001 (Act No. 62, 2001)

Assent date 11 December 2001

Commenced 11 December 2001 (s 2(4))

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LIST OF AMENDMENTS

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amd Act No. 62, 2001, s 17