

the number of voters whose names appear on the poll book as having voted, and make an entry thereof on the line immediately below the name of the voter who voted last, thus: "The number of voters who voted at this election in this polling division is . . . (stating the number)" and he shall sign his name thereto; then, in the presence of and in full view of the poll clerk and the candidates or their agents—and if the candidates and their agents or any of them are absent, then in the presence of such, if any, of them as are present, and of at least three electors,—he shall open the ballot box and proceed to count the number of votes given for each candidate, giving full opportunity to those present to examine each ballot. Section 173 reads as follows:—

In counting the votes, the deputy returning officer shall reject all ballot papers,—

- (a) which have not been supplied by him; or,
- (b) by which votes have been given for more candidates than are to be elected; or,
- (c) upon which there is any writing or mark by which the voter could be identified, other than the numbering by the deputy returning officer in the cases hereinbefore provided for; Provided, however, that no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any deputy returning officer.

24. Only two agents for each candidate are entitled to be present. If possible, arrange to have all objected ballots laid aside before you argue for their rejection or validity, so that you may see how the ballots will affect the count. Examine carefully back and front each ballot marked for an opposition candidate. If it is not marked exactly as required by law, or if it has any improper mark, get the Deputy Returning Officer to reject it, and to mark it rejected. If he refuses to do so, object to it, and get him to make a note of your objection, and to mark the ballot as required by section 174 of the Election Act—(that is, he must number each objection, and put a corresponding number on the ballot objected to.) You should also make a note of your objections, and of the number which it bears, on the Deputy Returning Officer's list of objections. In like manner make a note of all objections made by opposition agents to any ballot for your candidate. You will, of course, do your utmost to prevent any ballot for your candidate being rejected. Object to any ballot for an opposition candidate which has not on it the Deputy Returning Officer's initials. (See section 174 of Act.)

25. The following modes of marking ballots are good and you need not object to any so marked:

(1) With a proper cross **WITH A BLACK LEAD PENCIL** on any part within the white space containing the name of the candidate. (See section 62 Dominion Election Act.)

(2) An irregular or awkward mark in the nature of a cross, so long as it does not lose the form of a cross. If the lines cross at any point it is good.

(3) With an ill-formed cross, or with small lines at the end of a cross, or with a line across the centre of one of the lines of the cross, or with a curved line like the blades of an anchor. (North Victoria Case, Hodgins, p. 671).

(4) An irregular mark in the figure of a cross, so long as it does not lose the form of a cross. (Monck Case, Hodgins, p. 725).

(5) A cross with a line before it. (Monck Case.)

(6) A cross rightly placed with two additional crosses, one across the other candidate's name, and the other to the left. (Monck Case.)

(7) A double cross or two crosses. (Monck Case.)

(8) Ballot paper inadvertently torn. (Monck Case.)

(9) Inadvertent marks in addition to the cross. (Monck Case.)