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1948, No. 71

Title.

AN ACT to Amend the Electoral Act, 1927.

[2nd December, 1948

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as the Electoral Amendment Act, 1948, and shall be read together with and deemed part of the Electoral Act, 1927 (hereinafter referred to as the principal Act).

See Reprint
of Statutes,
Vol. VI, p. 469

PART I

MAORI REPRESENTATION

2. This Part of this Act shall be read together with and deemed part of Part IV of the principal Act.

This Part to be read with Part IV of principal Act. See Reprint of Statutes, Vol. VI, p. 542

3. Subject to the provisions of Part IV of the principal Act, the provisions of the principal Act relating to the registration of electors shall extend and apply to the registration of electors under Part IV of the principal Act, with the necessary modifications and as if the Chief Electoral Officer were the Registrar of each Maori electoral district.

Registration of Maori electors

4. (1) A half-caste Maori who possesses the qualifications prescribed in that behalf by Parts II and IV of the principal Act shall be entitled at his option, subject to the provisions of the principal Act, to be registered either as an elector of a Maori electoral district or as an elector of a European electoral district.

Registration of half-castes on Maori or European rolls.

(2) A half-caste who has voted at an election of a member for a European electoral district (whether a general election or a by-election) shall not be entitled to be registered as an elector of a Maori electoral district for the purposes of any election before the general election next following the election at which he so voted.

(3) A half-caste who is registered as an elector of a European electoral district shall not be entitled to be registered as an elector of a Maori electoral district unless, upon an application in writing made by him in that behalf, his name is removed from the European roll.

(4) A half-caste who has voted at an election of a member for a Maori electoral district (whether a general election or a by-election) shall not be entitled to be registered as an elector of a European electoral district for the purposes of any election before the general election next following the election at which he so voted.

(5) A half-caste who is registered as an elector of a Maori electoral district shall not be entitled to be registered as an elector of a European electoral district unless, upon an application in writing made by him in that behalf, his name is removed from the Maori roll.

Repeal.

(6) Section thirty-one of the principal Act is hereby repealed.

(7) Section one hundred and eighty-one of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:—

“(1) A half-caste who is for the time being registered as an elector of a European electoral district shall not be entitled to vote at any election of a member for a Maori electoral district. A half-caste who has voted as an elector of a European electoral district at any election (whether a general election or a by-election) shall not be entitled to vote as an elector of a Maori electoral district at any election before the general election next following the election at which he so voted.”

Qualification of Maori electors.

5. (1) Every adult Maori who has resided in any Maori electoral district for not less than three months immediately preceding the date of his application for registration as an elector of that district is entitled, subject to the provisions of the principal Act, to be registered as an elector of that district.

(2) For the purposes of the principal Act a Maori shall be deemed to have resided within the district wherein he has his usual place of abode notwithstanding his occasional absence from that district, and notwithstanding his absence for any period while serving with any of His Majesty's Naval, Military, or Air Forces, and notwithstanding his absence for any period at the seat of Government in attendance as a member of either House of Parliament.

Qualification of Maori members.

6. Every adult Maori who is entitled to be registered as an elector of any Maori electoral district (whether or not he is so registered) is qualified to be a member of Parliament for that or any other Maori electoral district.

Preparation of rolls for Maori electoral districts.

7. (1) The Chief Electoral Officer shall prepare, according to the form in the First Schedule to this Act, a roll for each of the Maori electoral districts constituted under the principal Act.

(2) He shall enter on each roll the names, arranged in alphabetical order, of all qualified persons who apply in accordance with the principal Act to be registered on that roll and have not been objected to, and shall

take care that the name of any person does not appear more than once on any such roll or on more than one roll.

(3) The Chief Electoral Officer shall in making out each roll state therein, from the applications, the several particulars required in respect of each person.

(4) Upon the rolls being formed the Chief Electoral Officer shall give notice thereof to the Minister, who shall publish the fact in the *Gazette*; and from and after the gazetting of the notice the electoral roll so formed for each district shall for all purposes be the electoral roll of the district.

8. (1) Subject to the provisions of this section and of any regulations made for the purposes of this section, the members representing the Maori electoral districts shall be elected in the manner prescribed by Part III of the principal Act.

Election of
Maori members.

(2) Subject to the provisions of Part IV of the principal Act and of any other enactments relating to Maori electoral districts and of any regulations made for the purposes of this section, all the provisions of the principal Act and its amendments shall, with the necessary modifications, apply to the members representing the Maori electoral districts and to the electors of and elections in those districts.

(3) Subject as aforesaid, the provisions of sections one hundred and thirty-nine and one hundred and forty of the principal Act and of any regulations made for the purposes of those sections (which relate to absent voters and postal voting) shall apply to all electors of Maori electoral districts, whether or not they are registered as electors.

(4) Section one hundred and forty-one of the principal Act (which relates to persons entitled to vote on making a declaration) shall not apply to elections of the members representing the Maori electoral districts.

(5) Sections one hundred and fifty-five and one hundred and fifty-six of the principal Act (which relate to the disposal of books and papers) shall not apply or be deemed to have applied to the applications for voting-papers received by the Deputy Returning Officer under section three of the Electoral Amendment Act, 1937.

Consequential amendments.

9. The enactments specified in the Second Schedule to this Act are hereby consequentially amended in the manner indicated in that Schedule.

PART II

GENERAL

Voting on declaration by persons becoming qualified after issue of writ.

10. (1) Section one hundred and forty-one of the principal Act is hereby amended by adding to subsection one the following:—

“ or

“ (c) Any person who, having become qualified to be registered as an elector on or after the day of the issue of the writ or within one month before that day, has applied for registration as an elector after that day but before the day appointed in the writ for the taking of the poll; or

“ (d) Any person who, being qualified, voted at the last preceding election for the district in which he is resident.”

(2) This section shall not apply to any poll taken before the first general election held after the passing of this Act, unless it is a poll taken in any district for the purposes of or simultaneously with a by-election of a member of Parliament for that district.

Inspection of declarations by scrutineers.

11. Section one hundred and forty-one of the principal Act is hereby further amended by inserting, after subsection three, the following new subsection:—

“ (3A) The declarations, after they have been forwarded to the Returning Officer for verification, whether the votes are allowed or rejected by him, shall be available for inspection by the scrutineers appointed for the purpose of the scrutiny of the rolls or of any recount.”

Vote not to be disallowed if elector qualified on polling-day, notwithstanding any irregularity in registration.

12. Section two hundred and six of the principal Act is hereby amended by adding to paragraph (f) the following proviso:—

“ Provided that the vote of any person who on the polling-day was entitled to be registered as an elector of the district shall not be disallowed on the ground that his name has been illegally placed or retained on the roll.”

13. (1) Sections eighty-eight to ninety-two, ninety-six, ninety-eight, and ninety-nine of the principal Act, and the forms numbered (7), (8), (9), and (10) in the First Schedule to that Act, and section nine of the Statutes Amendment Act, 1938, are hereby repealed.

Abolition of voting by elector's right in case of seamen.
1938, No. 20

(2) Section eighty-six of the principal Act is hereby consequentially amended by omitting from paragraph (d) of subsection one the words "and, if required, shall issue to such seaman an elector's right".

(3) Section ninety-seven of the principal Act is hereby amended by omitting the words "and on production of their respective electors' rights".

14. Section one hundred and seventy-five of the principal Act is hereby amended by omitting from subsection one and also from subsection two the words "two hundred pounds", and substituting in each case the words "five hundred pounds".

Increasing limit of election expenses.

15. (1) Subsection one of section one hundred and twenty-eight of the principal Act, as enacted by section twenty-six of the Statutes Amendment Act, 1946, shall apply and be deemed to have applied at all times since its enactment to all workers employed on any constructional work as if the place where they are employed were a factory.

Applying provisions as to half-holiday on polling-day to building trade.
1946, No. 40

(2) For the purposes of this section the term "constructional work" means the construction, extension, repair, or alteration of any building or other erection or the preparation of the site thereof, and includes—

(a) Any other work whatsoever (including maintenance or replacement work) requiring the use of materials or goods which are capable of being used in or for the purposes of the construction of any building or other erection; and

(b) The fabrication of materials for the purposes of any kind of constructional work hereinbefore mentioned, whether carried on at the site or elsewhere.

(3) For the purposes of section one hundred and forty-six of the Industrial Conciliation and Arbitration Act, 1925, and any other enactment limiting the time for commencing proceedings, where at any time between

See Reprint of Statutes, Vol. III, p. 1006

the enactment of the said subsection one and the passing of this Act any deduction has been made in contravention of subsection one of section one hundred and twenty-eight of the principal Act from any remuneration of a worker employed on a constructional work, that remuneration shall be deemed to have become due and payable on the date of the passing of this Act.

Repeal of special wartime legislation.
 1940, No. 21
 1941, No. 26
 1945, No. 45
 1946, No. 40

16. The following enactments are hereby repealed:—
 (a) The Electoral Amendment Act, 1940:
 (b) Sections seventeen and eighteen of the Statutes Amendment Act, 1941:
 (c) Section forty-nine of the Finance Act (No. 2), 1945:
 (d) Sections twenty-three to twenty-five of the Statutes Amendment Act, 1946, and the First Schedule to that Act.

Schedules.

SCHEDULES

Section 7

FIRST SCHEDULE

FORM OF MAORI ELECTORAL ROLL

[Northern] Maori Electoral District

GENERAL [*or, as the case may be*, SUPPLEMENTARY] Roll of Persons entitled to vote for Members of Parliament

Number on Roll.	Name in Full, Residence, Tribe, Sub-tribe, and Sex.

A. B., Chief Electoral Officer.

SECOND SCHEDULE

Section 9

AMENDMENTS CONSEQUENTIAL ON REGISTRATION OF MAORI
ELECTORS

Title of Act.	Number of Section Affected.	Nature of Amendment.
1927, No. 44— The Electoral Act, 1927 .. (Reprint of Statutes, Vol. VI, p. 543) (Ibid.)	Section 181 (2) ..	By adding to subsection (2) the words "or to be registered as an elector of a Maori electoral district".
(Ibid.)	Section 181 (3) ..	By omitting the words "Returning Officer of the district in which the offender was residing", and substituting the words "Chief Electoral Officer".
(Ibid., pp. 543, 551, 552) ..	Section 181 (4) .. Sections 182, 183, 195, 196, and 197	By omitting all words after the words "shall be", and substituting the words "erased from every electoral roll". By repealing these sections.
1937, No. 18— The Electoral Amendment Act, 1937	Section 3 (1) ..	By inserting, after the word "shall", the words "if he is not registered as an elector of a Maori electoral district".
	Section 3 (2) ..	By inserting in paragraph (d), after the word "European", the words "or Maori"
	Section 5 ..	By repealing this section.
1941, No. 26— The Statutes Amendment Act, 1941	Section 16 ..	By repealing this section.