

New Zealand.



ANALYSIS.

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1891, No. 36.

- Title.** AN ACT to make Better Provision for the Election of School Committees. [24th September, 1891.]
- Short Title.** BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—
1. The Short Title of this Act is "The School Committees Election Act, 1891."
- Interpretation.** 2. For the purposes of this Act, and "The Education Act, 1877" (herein referred to as "the said Act"),—
"Board" means the Education Board of the education district:
"District" means a school district:
"Dwelling-house" means a permanent structure, and shall not include a tent or other temporary shelter:
"Householder" means and includes—
(1.) Every adult male or female person who has for the period of three months next before the day of election resided in any dwelling-house within the school district as owner or tenant thereof; and,
(2.) If not qualified under the previous subsection, includes the father wherever resident, or, if he be dead or absent from the colony, the guardian or other person, wherever resident, who has the actual custody of any child attending any State school situated within such district; and
(3.) In school districts situated within a proclaimed mining district, means and includes every holder of a

miner's right having for the period of three months next before the day of election resided in the district, and not being an alien :

“ Resident householder ” means a householder resident in the district.

3. Every householder of a district is qualified to vote at any election of members of the School Committee for such district. Qualification of electors.

4. Every resident householder in a district, and no other person, is qualified to be elected a member of the School Committee for such district, excepting as follows :— Qualification of members.

No householder who is a paid servant of the Education Department or of any Education Board or School Committee shall be eligible to be elected as a member of any School Committee. Disqualification.

5. On or before the first Monday in April in each year the Board shall publicly notify that a meeting of householders in each district will be held on the fourth Monday in that month for the purpose of electing not less than five nor more than nine resident householders to form the Committee for such district : the hour and place for such meeting to be fixed by the Board. Where the average attendance of any school or schools under the Committee of a district has not for the last-preceding school year exceeded twenty-five children, the Board shall call on the electors to nominate and elect a Committee of five members ; where the average attendance has exceeded twenty-five and has not exceeded two hundred, the Board shall call for the nomination and election of a Committee of seven members ; and where the number of children in average attendance has exceeded two hundred, the Board shall call for the nomination and election of a Committee of nine members. Notwithstanding anything contained in the said Act the quorum of such Committees respectively shall be as follows—that is to say, three for a Committee of five, four for a Committee of seven, and five for a Committee of nine, and no business shall be transacted at any meeting unless there be a quorum present thereat. Annual election of School Committees.

6. In the notice appointing the time and place for holding the annual meeting of householders, the Board shall call upon the householders in each district to send in writing, by post or delivery so as to be delivered to the respective Chairmen of the several School Committees not later than eight o'clock in the evening of the third Monday in April, the names of persons, being resident householders, nominated by them for election to serve upon the Committee for the year next ensuing. Board to call for nominations.

Each nomination shall be signed by the proposer and by the candidate, and shall be in the form set forth in the Schedule hereto or to the effect thereof.

7. The Chairman of every Committee shall cause a list of all candidates so nominated to be displayed upon the outer door of every schoolhouse within the district under the control of such Committee, on the day next after the third Monday in April, or as soon thereafter as may be. List of nominations.

8. At each annual meeting a Chairman shall be chosen, and the Committee shall give a full report of its proceedings for the year ending on the thirty-first day of March preceding such annual meeting, and the householders present shall proceed to elect a new Proceedings at meeting.

Committee for the then current year, as hereinafter provided, and may re-elect any of the persons going out of office, if duly qualified and nominated, to be members of such new Committee: Provided that any candidate nominated may withdraw from any contest at any time previous to the ballot being taken, either verbally, or in writing signed by the candidate and witnessed by a householder, and delivered to such Chairman; in either of which cases he shall be deemed in future proceedings at such meeting not to have been nominated.

At every annual meeting the Chairman shall have a deliberative vote and a casting vote.

Proceedings at elections.

9. Notwithstanding anything contained in section six of this Act, any householder present at the annual meeting may at such meeting nominate for election to serve on the Committee any resident householder, and a resident householder nominated at the meeting, and, by word of mouth or by writing given to the Chairman, consenting to be so nominated, shall be a candidate for election. The Chairman of the meeting shall afford opportunity for nomination as allowed by this section of the Act, and shall then read or cause to be read a complete list of the persons nominated for election. The meeting shall then proceed to elect the required number of persons to serve on the Committee.

If the number of duly-nominated candidates is equal to the number of persons to be elected, the Chairman shall declare that such candidates have been duly elected.

If the number of duly-nominated candidates is in excess of the number of persons to be elected, a ballot shall be taken, and, up to the required number, those candidates shall be declared duly elected for whom a preference has been proved by the number of the votes respectively recorded in their favour.

If the number of candidates duly nominated is less than the number required to be elected, the candidates duly nominated shall be declared duly elected, and the Board shall appoint such resident householders as it deems fit to make up the number of members of the Committee to the number required, and any member or members appointed in accordance with this provision shall be deemed to have been duly elected.

Ballot-box to be provided by Committee.

10. In every school district in which there are more than one hundred children in the school under the care of the Committee, it shall be the duty of the Committee to provide a ballot-box, which shall be locked, and shall be placed in the schoolhouse or place of election in some accessible position on the day appointed for holding the election; and immediately before the taking of any ballot the Chairman of such meeting shall unlock the ballot-box and show that it is empty, and then shall lock it again, and shall not remove it from its place until the election is concluded.

Conduct of ballot.

11. If a ballot is required to be had, every householder present at the meeting who wishes to vote shall apply to the Chairman for a voting-paper, who, if satisfied that he or she is duly qualified to vote, shall give him or her a voting-paper, upon which he or she shall, without leaving the room or place of election, write the name or names of the candidate or candidates for whom he or she desires to vote, and,

folding the paper so that its contents cannot be seen, shall return the same to the Chairman, or in the presence of the Chairman put the same into the ballot-box, or, if the meeting so desire, the voting-papers used may contain the names of all duly nominated candidates, from which the elector shall, without leaving the room, strike out any names he pleases, but so as not to leave more names on the paper than the number of Committee-men to be elected.

So soon as all the householders present who desire to vote have recorded their votes the Chairman shall declare the ballot closed, and hand the ballot-papers to the scrutineers, if such be appointed by the meeting, or, if no scrutineers be appointed, shall himself open the ballot-papers, and, counting the votes given for each candidate, shall ascertain and declare the result of the election.

12. At every election for a School Committee—

Voting at elections.

(1.) No person shall be entitled to vote in respect of more qualifications than one, although he possess them ;

(2.) Not more than one person shall be entitled to vote in respect of the same qualification ;

(3.) Every elector may vote for any number of candidates at an election not exceeding the number of members of the Committee then to be elected, but no elector may give for any one candidate more than one vote ;

(4.) Where any two or more candidates have received the same number of votes, and as often as this may happen at any election, the Chairman shall give a casting-vote or votes, as the case may be.

Casting-vote.

13. If any dispute shall arise respecting the validity of the proceedings at the annual or other election of any member or members of any Committee, the matter in dispute shall be submitted to the judgment of the Board of the district, whose decision thereon shall be final and conclusive.

Disputes as to validity of elections to be settled by Board of district.

In any case when a representation has been made to the Board that the proceedings at any election meeting had not been strictly formal or legal, the Board need not call for another election if, in their opinion, the informality was not wilful, and did not really affect the result of the election.

14. If in any case the householders in any district shall, from any cause whatever, fail to elect a Committee upon the annual day of meeting as hereinbefore provided, the Board of the education district in which such school district is comprised, if it shall see fit, may fix another time for the nominations and election respectively of a Committee for such district, and the like notices of such meeting, with all necessary changes of dates for the several matters incident to the election, shall be given and the like proceedings taken thereat as are prescribed by the preceding sections of this Act for an annual election.

Provision in case of failure to elect on day of annual meeting.

15. If after such last-mentioned meeting the householders neglect or refuse to elect a Committee, the Board may appoint one or two Commissioners, who shall hold office until the next annual meeting, and shall have all the powers and shall perform all the duties by law assigned to a School Committee.

In case of failure to elect at second meeting, Board may appoint Committee.

16. Every Committee elected as aforesaid shall hold office until the appointment of a new Committee, or a Commissioner or Commis-

Duration of office of Committee.

sioners, and, if any vacancy shall occur by death or otherwise in any Committee, the remaining members of the Committee being not less than a quorum shall elect a qualified person or persons to fill such vacancy or vacancies.

Forfeiture of seat.

17. If a member of a School Committee be absent without leave of the Committee during three consecutive months from all meetings of the Committee, except from illness or other cause to be approved by the Committee, or if a member ceases to reside in the district, he or she shall cease to be a member of the Committee, and his or her office shall thereupon be vacant.

Special elections.

18. If by any means the number of members of a School Committee be reduced to less than the number required for a quorum, or if a majority of the members of any Committee send in their resignations to the Education Board, the Board may direct an election to be held to fill up the vacancies; and the proceedings in connection with any such election shall be the same as in the case of an annual election.

Yearly report to Board.

19. Section one hundred and three of the said Act is hereby amended by the substitution of the words "fourth Monday in April" for the words "last day of January," and the words "the previous year" shall be deemed to relate to the year ending on the thirty-first day of March next preceding.

Repeals.

20. So much of section four of "The Education Act, 1877," as defines the meaning of the word "householder," and sections sixty-three to sixty-eight of the said Act, also sections three, four, and five of "The Education Act 1877 Amendment Act, 1885," and also "The School Committees Election Act, 1890," are hereby repealed.

Schedule.**SCHEDULE.**

To the Chairman of the School Committee.
I, THE undersigned, hereby nominate [*Christian name and surname of candidate*]
for election as a member of the above School Committee for the ensuing year.

I hereby consent to the above nomination. (Signature of nominator.)

Dated April , 18 . (Signature of candidate.)