

Hon. Sir W. J. Steward.

ELECTORAL ACT 1902 AMENDMENT (No. 2).

ANALYSIS.

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| <p>Title. Preamble. 1. Short Title. 2. Ballot-boxes and ballot-cards. 3. Ballot-card to be placed in envelope, and envelope closed and stamped. 4. Voter to be alone when depositing ballot-card. 5. Provision where voter is blind or unable to read. 6. Providing when second vote tendered in same name. 7. Irregular ballot-cards to be rejected. 8. Number of votes to be ascertained at close of poll.</p> | <p>9. Deputies to make up books and papers in parcels. 10. Deputies to make returns to Returning Officer. 11. Returning Officer to make up parcels. 12. Parcels to be made up in packets and sent to Clerk of House of Representatives. 13. Papers taken from parcels to be evidence in certain cases. 14. Erasing, &c., official mark on ballot-card. 15. Offences in respect of ballot-cards and ballot-boxes. 16. Infringement of secrecy. 17. Consequential amendments of principal Act. 18. Repeal.</p> |
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A BILL INTITULED

AN ACT to amend "The Electoral Act, 1902," by providing a Title.
Simpler Method of recording Votes.

5 WHEREAS under the existing system of voting many votes are Preamble.
set aside and rejected on account of informality, and it is desirable
to adopt a simpler method so that such informality shall not
occur :

10 BE IT THEREFORE 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 Electoral Act 1902 Short Title.
Amendment Act, 1903 (No. 2)," and it shall be read together with
and as part of "The Electoral Act, 1902" (hereinafter referred to as
"the principal Act").

15 2. In addition to the matters set out in subsections one and Ballot-boxes and
two of section one hundred and ten of the principal Act, the Return- ballot-cards.
ing Officer shall provide,—

20 (a.) In each inner compartment of every booth, as many ballot-
boxes as there are candidates—namely, one for each
candidate—having painted or otherwise displayed on the
front thereof Arabic numerals not less than two inches in
length, indicating the alphabetical order of the candidates'
names, and also in letters not less than an inch in length
the surname of the candidate indicated by each such
25 number, the Christian name or names of such candidate

being added in lesser characters; and if in any case the Christian names and surnames of any two or more candidates are the same or in any way similar they shall be distinguished by the addition of their residence and occupation, or such other addition as is sufficient to distinguish them, or by affixing the candidates' photographs on the boxes bearing their respective names and numbers; each such ballot-box shall have a lock and key, and a slit in the upper side by which the ballot-cards may be put into the box: 5

(b.) A sufficient number of plain white cards for use as ballot-cards and of gummed envelopes for the same: 10

(c.) For each booth a rubber stamp (hereinafter referred to as the "booth-stamp"), having thereon the name of such booth and the name of the Returning Officer or Deputy Returning Officer presiding at such booth, and as many other rubber stamps (hereinafter referred to as "number-stamps") as there are candidates, having thereon the name of the booth and the numbers of the candidates respectively. 15 20

Ballot-card to be placed in envelope, and envelope closed and stamped.

In lieu of section 123 of principal Act.

3. Before giving a ballot-card to an elector, the Returning Officer shall write thereon the number appearing on the roll against the name of the elector to whom he gives such ballot-card, and shall put the ballot-card into an envelope, which he shall close down and stamp with the booth-stamp on the under or closing side thereof. 25

And any Returning Officer who fails to properly perform any duty imposed upon him by this section, and by reason whereof any of the requirements of this section are not fulfilled, is liable to a penalty not exceeding *ten* pounds.

Voter to be alone when depositing ballot-card.

In lieu of section 124.

4. The voter, having received a ballot-card, shall retire into one of the inner compartments provided and deposit the ballot-card (enclosed in its envelope, and without opening the envelope) in the ballot-box bearing the number and name of the candidate for whom he desires to vote. 30

Provision where voter is blind or unable to read.

In lieu of section 125.

5. If any voter is blind, or unable to read, and so desires, the Returning Officer shall, together with not more than two scrutineers, retire with him into the inner compartment, and, according to the instruction of the voter, deposit his ballot-card in the ballot-box of the candidate for whom he desires to vote. 35

Providing where second vote tendered in same name.

In lieu of section 127.

6. If any person proposing to vote at any election tenders his name as of the same person to whom a ballot-card has already been given at the same election, he shall be dealt with in all respects in like manner as any voter tendering his vote; but before handing to such person a ballot-card the Returning Officer shall place his signature on the face of the envelope containing such ballot-card, and such signed envelopes, with their contents, are hereinafter described as "indorsed ballot-cards." 40 45

Irregular ballot-cards to be rejected.

In lieu of section 128.

7. Every ballot-card the envelope whereof does not bear the booth-stamp, or on which anything is written or marked whereby the vote can be identified, shall be rejected at the close of the poll and not counted. 50

Number of votes to be ascertained at close of poll.

In lieu of section 129.

8. The Returning Officer and every Deputy, at the polling-place at which each presides, shall, as soon as practicable after the close of

the poll, in the presence of such of the scrutineers as choose to be present, open the ballot-boxes seriatim, and, taking out the ballot-cards from each ballot-box in turn, shall stamp the face of each envelope with the number-stamp corresponding with the number of the box.

5 He shall also set aside for separate custody every indorsed and rejected ballot-card, and shall ascertain the number of votes for each candidate, not counting the ballot-cards so set aside.

9. The Deputy Returning Officer of each polling-place shall, immediately after ascertaining the total number of votes as mentioned in section one hundred and twenty-nine of the principal Act, make up the ballot-cards in parcels according to the respective numbers stamped thereon, and shall stamp each such parcel with the corresponding number-stamp, and shall enclose all such parcels together in an outer wrapper, sealed with his own seal and the seals of such scrutineers as desire to affix their seals, and shall transmit the same to the Returning Officer, together with, in separate sealed parcels,—

Deputies to make up books and papers in parcels.
In lieu of section 131.

(a.) The indorsed and rejected ballot-cards set aside for separate custody as hereinbefore provided; and

20 (b.) All books, rolls, and papers kept and used by him during the polling, except the certified copies of rolls supplied to the said Deputy on which the fact of any person having received a ballot-card has been noted;

and shall indorse such parcels severally with a description of the contents thereof, and with the name of the district, the name of the place of polling, and the date of the polling, and sign the said indorsement with his name.

10. (1.) Each Deputy shall, together with the parcels aforesaid, transmit to the Returning Officer—

Deputies to make returns to Returning Officer.
In lieu of section 132.

30 (a.) The certified copies of rolls supplied to the said Deputy on which the fact of any person having received a ballot-card has been noted; and

(b.) A list of the total number of votes received by each candidate; and

35 (c.) An account of the number of indorsed and rejected ballot-cards set aside as aforesaid, specifying those rejected by reason of disqualification (which account is hereinafter referred to as "the ballot-card account.")

(2.) Every such list and account shall be verified as well by the signatures of the said Deputy and the poll-clerk (if any) as also by the signatures of such of the scrutineers as are present and consent to sign the same.

11. The Returning Officer shall, in the same manner as herein required in the case of Deputy Returning Officers, in respect of any polling-booth at which he himself presided,—

Returning Officer to make up parcels.
In lieu of section 133.

(a.) Make out the like list and ballot-card account, which shall be verified by the signature of the Returning Officer, the poll-clerks (if any), and scrutineers in manner aforesaid;

50 (b.) Make up in separate parcels, in like manner as is herein required of Deputy Returning Officers, all indorsed and rejected ballot-cards set aside as aforesaid, and all books,

rolls, and papers kept or used by him at such polling-booth (except the certified copies of rolls on which the fact of any person having received a ballot-card has been noted); and

(c.) Seal up, and also permit to be sealed up by the scrutineers, and indorse in like manner as aforesaid, the said several parcels, and deal with the same as hereinafter provided. 5

Parcels to be made up in packets and sent to Clerk of House of Representatives. In lieu of section 143.

12. (1.) The Returning Officer shall, as soon as practicable after the day of polling at any election, enclose in separate packets in manner hereinafter mentioned as well all the packets so transmitted to him by the several Deputy Returning Officers as also those made up and sealed by himself, that is to say,— 10

(a.) He shall inclose in one separate packet all the parcels of ballot-cards other than those indorsed and set aside as aforesaid; in another the ballot-cards so indorsed and set aside; and in another all parcels containing the ballot-card accounts, copies of rolls, books, or other papers as herein provided, and shall inclose in the same parcel all telegrams, letters, and other papers received from the Collectors and Postmasters under section eighty-four of the principal Act: 15 20

(b.) He shall seal up the said several packets and indorse the same with a description of the contents thereof respectively, and the name of the district and the date of the polling, and sign the indorsement with his name; and shall forthwith forward the said packets, and also the parcel of ballot-cards (if any) selected as provided in section one hundred and thirty-five of the principal Act, to the Clerk of the House of Representatives. 25

(2.) The said Clerk shall forthwith give or send to the Returning Officer a receipt under his hand for the said packets and parcel. 30

(3.) The sealed packets and parcel shall be safely kept for one year, unopened, except by the command of a competent Court or of the House of Representatives.

(4.) At the end of one year the packets and parcels shall be burnt, unopened, in the presence of the said Clerk and the Clerk of the Writs. 35

Papers taken from parcels to be evidence in certain cases. In lieu of section 144.

13. (1.) Any ballot-card or ballot-paper, and any copy of a roll, and any book purporting to be taken from such parcel as aforesaid, and having written thereon respectively under the hand of the Clerk of the House of Representatives for the time being a certificate of the several particulars hereby required to be indorsed upon such parcel, and that the same was so taken from such parcel, shall be conclusive evidence in any Court or before any Committee of the House of Representatives that the same was so taken, and that the same, if a ballot-card or ballot-paper, was deposited, and, if a roll or book, was kept or used at the election and booth to which such indorsement and writing relate. 40 45

(2.) Every ballot-card and ballot-paper so certified shall be evidence of a vote given at such poll, and of the correspondence of the number appearing on such ballot-card or ballot-paper with the number appearing on any roll so certified as of the same election and 50

booth, and, if a ballot-paper, according to the tenor of the said ballot-paper.

(3.) But in the case of the ballot-cards and ballot-papers set aside by a Deputy Returning Officer or by the Returning Officer, such correspondence shall be evidence only of some person having voted in the name appearing on the roll.

14. Every person is liable to a fine not exceeding *fifty* pounds who erases, obliterates, or alters any official mark, stamp, or writing on any ballot-card or on the back of any ballot-paper, or places thereon any writing, print, or other matter calculated to lead persons to believe that the same was put thereon by any officer or person duly authorised in that behalf.

Erasing, &c., official mark on ballot-card. In lieu of section 149.

15. (1.) Every person who—

(a.) Forges, or counterfeits, or fraudulently defaces, or fraudulently destroys any ballot-card or ballot-paper, or the official mark on any ballot-card or ballot-paper; or

(b.) Without due authority supplies any ballot-paper to any person; or

(c.) Fraudulently puts into any ballot-box any paper other than the ballot-card which he is authorised by law to put therein; or

(d.) Fraudulently takes out of the polling-booth any ballot-card; or

(e.) Without due authority destroys, takes, opens, or otherwise interferes with any ballot-box, or box or packet or parcel of ballot-cards then in use for the purposes of the election, or in course of transmission by post or otherwise, or thereafter, wherever the same may be kept, as a record of such election,—

Offences in respect of ballot-cards and ballot-boxes.

In lieu of section 150

30 commits an offence, and is liable, if he is a Returning Officer or an officer or clerk in attendance at a polling-booth, to imprisonment for any term not exceeding two years, with or without hard labour; and, if any other person, to imprisonment for any term not exceeding six months, with or without hard labour.

(2.) An attempt to commit any offence specified in this section is punishable in the manner in which the offence is punishable.

(3.) In any indictment or other prosecution for an offence in relation to the ballot-boxes, ballot-cards, ballot-papers, or marking-instruments at an election, the property in such papers, boxes, and instruments may be stated to be in the Returning Officer at such election.

16. (1.) Every officer, clerk, scrutineer, interpreter, and constable in attendance at a polling-booth shall maintain and aid in maintaining the secrecy of the voting in such booth, and shall not communicate, except for some purpose authorised by law, before the poll is closed, to any person any information calculated to defeat the secrecy of the ballot.

Infringement of secrecy.

In lieu of section 151

(2.) No person, except as hereinbefore provided, shall interfere with or attempt to interfere with a voter when depositing or about to deposit his ballot-card in the ballot-box, or attempt to obtain in the polling-booth information as to the candidate for whom any voter in such booth is about to vote or has voted, or communicate at any

time to any person any information obtained in a polling-booth as to the candidate for whom any voter at such booth is about to vote or has voted, or as to the number on the ballot-card given to any voter at such booth.

(3.) Every person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate any information obtained at such counting as to the candidate for whom any vote is given by any particular ballot-card. 5

(4.) Every person who acts in contravention of the provisions of this section is liable, on summary conviction before two justices, to imprisonment, with or without hard labor, for any term not exceeding six months. 10

Consequential
amendments of
principal Act.

17. And the said principal Act is hereby further amended in manner following, namely :— 15

As to section eighty-four thereof, by omitting from subsection two of the said section the words in parenthesis—namely, the words “ which need not be in the form of a ballot-paper as provided by this Act.”

As to section one hundred and one, by omitting from subsection two of the said section all the words after the word “ thereto ” in the third line thereof. 20

As to section one hundred and fourteen, by substituting the words “ ballot-cards are issued ” for the words “ ballot-papers are received.” 25

As to section one hundred and sixteen, by substituting the following subsection in lieu of subsection three thereof, namely :—

(3.) If any person named in the list applies for a ballot-card, the Deputy Returning Officer shall warn him that he is not permitted to vote, and if he persists in demanding a ballot-card the Deputy Returning Officer, after numbering the ballot-card as herein required, shall, before handing the same to such person, indorse thereon and upon the face of the envelope thereof the words “ Disqualified by employment,” and any ballot-card so indorsed shall not be counted, but shall be set aside and dealt with by the Deputy Returning Officer as a rejected ballot-card, and specified in any report of rejected ballot-cards under a separate head as rejected for disqualification. 30
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As to section one hundred and twenty-one, by substituting the word “ ballot-card ” for the word “ ballot-paper ” wherever the latter occurs.

As to section one hundred and thirty-five, by substituting the words “ ballot-card ” or “ ballot-cards ” for the words “ ballot-paper ” or “ ballot-papers ” wherever the last-mentioned words respectively occur, and by adding next after the word “ appears,” in the eighth line of subsection two, the words “ shall stamp each such ballot-card with the booth-stamp and with the number-stamp corresponding with the number stamped on the envelope thereof”; 45
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and also by adding next after the word "name," in the sixth line of subsection four, the words "and number on the roll."

5 As to section one hundred and thirty-six, by substituting the words "ballot-card" or "ballot-cards" for the words "ballot-paper" or "ballot-papers" wherever the last-mentioned words respectively occur.

10 As to section one hundred and eighty-five, by adding at the end thereof the words following, that is to say: "A ballot-card or ballot-paper shall be deemed to be a voting-paper for the purposes of this section."

As to section one hundred and ninety-eight, by adding next after the word "applies," at the end of the fourth line of subsection two, the words "for a ballot-card or."

15 **18.** Section one hundred and four, subsections three, four, and five of section one hundred and ten, and sections one hundred and twenty-three, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-seven, one hundred and twenty-eight, one hundred and twenty-nine, one hundred
20 and thirty-one, one hundred and thirty-two, one hundred and thirty-three, one hundred and forty-seven, one hundred and fifty, and one hundred and fifty-one of the principal Act are hereby repealed. Repeal.