

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
4th October, 1900.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Ward.

ELECTORAL ACT AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Registrar may not be Returning Officer.</p> <p>3. Subsection (2) of section 6 of principal Act amended.</p> <p>4. Further provision for making rolls complete.</p> <p>5. Penalty where Registrar refuses to enrol applicant.</p> <p>6. When residence in district not deemed interrupted by certain absences from colony.</p> <p>7. Such persons entitled to be registered on roll.</p> <p>8. Unlawful to canvass.</p> <p>9. Mock ballot-papers illegal.</p>	<p>10. Day of election to be half-holiday.</p> <p>11. Penalty on Returning Officer or Registrar if roll not properly corrected.</p> <p>12. Other liability of Registrar not affected.</p> <p>13. Penalty on Returning Officer for neglect of duty under section 100.</p> <p>14. Return of election expenses.</p> <p>15. Repeal. Declaration of enrolment.</p> <p>16. Polling-booth on sheep-station.</p> <p>17. Amendment of section 61 of principal Act.</p> <p>18. Definition of "seaman."</p> <p>19. Date from which payment to members commences.</p>
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A BILL INTITULED

AN ACT to further amend the Law relating to the Election of Members of the House of Representatives. 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 Electoral Act Amendment Act, 1900," and it shall be read with and be deemed to form part of "The Electoral Act, 1893" (hereinafter called "the principal Act"). Short Title.

2. (1.) The several offices of Registrar and Returning Officer shall not be held and exercised by one and the same person at the same time. Registrar may not be Returning Officer.

(2.) The last paragraph of section four of the principal Act is hereby repealed.

3. Subsection two of section six of the principal Act (defining the residential qualification) is hereby amended by omitting the words "the registration of his vote," and substituting in lieu thereof the words "his registration on the roll of the district." Subsection (2) of section 6 of principal Act amended.

4. (1.) For the purpose of enabling the Registrar the more effectually to perform the duty imposed on him by section twenty-two of the principal Act to make the roll as complete as possible, all members of the Police Force, Postmasters, Clerks of Courts, and Registrars of Old-age Pensions are hereby enjoined at the request of Further provision for making rolls complete.

the Registrar to assist him by informing him of the name of any person who they have reason to believe is qualified to be enrolled but is not enrolled, or is enrolled but is not qualified to be enrolled.

(2.) For the purpose aforesaid all members of the Police Force are also enjoined to assist the Registrar by making inquiries, collecting information, and otherwise as he requests. 5

Penalty where Registrar refuses to enrol applicant.

5. In every case where any Registrar refuses or neglects to enrol any person making application for enrolment he shall, unless there is some valid objection to such application, be liable to a penalty not exceeding *ten* pounds. 10

When residence in district not deemed interrupted by certain absences from colony.

6. Whenever a person's name is or heretofore has been expunged or erased from the roll of a district, whether, under section forty-four of the principal Act, by reason of absence from the colony, or, under section one hundred and twenty-six thereof, by reason of not having voted, then for the purpose of fulfilling the residential qualification his residence in a district shall not be deemed to be or to have been interrupted by absence therefrom in either of the cases following, that is to say:— 15

(1.) In the case of a person who is absent from the colony on public business; or 20

(2.) In the case of a person who is absent from the colony otherwise than on public business: Provided that, in this case, the total period of such absence does not exceed three years from the date on which his name was expunged or erased as aforesaid, and that during such period he has not permanently left the colony and permanently established his residence elsewhere than in the colony. 25

Such persons entitled to be registered on roll.

7. Any such person shall, whilst absent from the colony as aforesaid, or at any time within three months after his return to the colony from such absence, be entitled to be registered, in respect of the residential qualification, on the roll of the district within which he possessed the residential qualification at the time when his name was expunged or erased as aforesaid. 30

Unlawful to canvass.

8. It shall not be lawful for any person to canvass for votes for or on behalf of any candidate or candidates, ~~whether~~ for payment or otherwise; and any person committing a breach of the provisions of this section is guilty of an illegal practice within the meaning of "The Corrupt Practices Prevention Act, 1881." 35

Mock ballot-papers illegal.

9. It shall not be lawful for any person to distribute or deliver to any other person any paper being or purporting to be in imitation of any ballot-papers to be used at any election or poll. 40

Day of election to be half-holiday.

10. (1.) Every day on which any election takes place shall be and be deemed to be a public holiday after mid-day, and it shall not be lawful to sell intoxicating liquors in any licensed premises between the hours of twelve o'clock noon and seven in the evening. 45

(2.) In the case of every by-election the foregoing provisions of this section shall apply within the district in which such by-election is held.

Penalty on Returning Officer or Registrar if roll not properly corrected.

11. In every case where any Returning Officer, Deputy Returning Officer, or Registrar fails or neglects to faithfully perform any duty imposed on him by section one hundred and twenty-six of the 50

principal Act, and by reason thereof the name of any elector or voter is wrongfully retained on the roll, or is wrongfully erased from the roll, such Returning Officer or Deputy Returning Officer or Registrar is liable to a penalty not exceeding *ten* pounds.

- 5 12. Nothing in the *last preceding* section contained shall affect the liability of any Registrar under section one hundred and fifty-nine of the principal Act: Other liability of Registrar not affected.

Provided that in no case shall any Registrar be punished twice for the same offence.

- 10 13. In every case where any Returning Officer fails or neglects to faithfully perform any duty imposed on him by section one hundred of the principal Act, and by reason thereof any of the requirements of that section are not effectively fulfilled, the Returning Officer is liable to a penalty not exceeding *ten* pounds: Penalty on Returning Officer for neglect of duty under section 100.

- 15 Provided that in so far as relates to the duty of securing the corner of the ballot-paper by gum or otherwise it shall be a sufficient defence if he satisfies the Court that he took all reasonable precautions to secure the same.

- 20 14. (1.) It shall be the duty of the Returning Officer to see that the provisions of section eight of "The Corrupt Practices Prevention Amendment Act, 1895," relating to the return to be made by every candidate at an election are faithfully complied with, or, if not faithfully complied with, then that proceedings are taken for the recovery of the penalty imposed by section ten of that Act. Return of election expenses.

- 25 (2.) In the case of candidates at the last general election the aforesaid sections eight and ten shall operate and be construed as if the period prescribed by the aforesaid section eight for transmitting the return to the Returning Officer did not expire until the seventieth day after the passing of this Act.

- 30 15. Section thirteen of "The Electoral Act Amendment Act, 1896," providing that any claim, application, or declaration under the principal Act may be made in the presence of an elector of any district, is hereby repealed; and in lieu thereof it is hereby declared that such claim, application, or declaration may be made in the Repeal.
35 presence of an elector of the district in which the claimant or declarant resides. Declaration of enrolment.

16. A polling-booth shall not be established upon any sheep-station, unless the homestead of such station is more than *seven* miles distant from the nearest public schoolroom. Polling-booth on sheep-station.

- 40 17. Section sixty-one of the principal Act is hereby amended by inserting, after the words "for which he is enrolled," the words "or before any Stipendiary Magistrate or a Justice of the Peace." Amendment of section 61 of principal Act.

- 45 18. (1.) The definition of a "seaman" in section two of the principal Act is hereby repealed, and in lieu thereof it is hereby declared as follows: "Seaman" means and includes every person who is engaged at sea in any capacity on board any vessel or vessels owned or registered in New Zealand. Definition of "seaman."

(2.) With respect to every seaman the following provisions shall apply:—

- 50 (a.) For the purpose of acquiring a qualification as an elector he shall be deemed to have resided in the colony during the time he was so engaged as aforesaid.

- (b.) Every seaman who is qualified to be enrolled as an elector, and has no settled residence in any electoral district, may be enrolled in the district in which any port to which the vessel in which he is engaged usually calls is situate.
- (c.) Any seaman who is enrolled, or is entitled to be enrolled, as an elector in any district shall be entitled to obtain an elector's right as a seaman in the same manner and under the same conditions as are provided in the principal Act in the case of commercial travellers. 5
- (d.) The principal Act and "The Electoral Law Amendment Act, 1893," shall be read and construed subject to the provisions of this section. 10

Date from which payment to members commences.

19. (1.) For the purpose of establishing uniformity in respect to the time from which members of the House of Representatives are entitled to receive payment under "The Payment of Members Act, 1892," it is hereby declared that payment shall in every case be computed from the day named in the writ as that on which in the event of a contested election the poll should be taken.

(2.) Subsection one of section two of "The Payment of Members Act, 1893," shall be read and construed subject to the provisions of this section. 20