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Hon. Sir J. G. Ward.

ELECTORAL ACT AMENDMENT (No. 3).

ANALYSIS.

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A BILL INTITULED

AN ACT to amend "The Electoral Act, 1902."

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, 1903"; and it shall form part of and be read together with "The Electoral Act, 1902" (hereinafter referred to as "the principal Act").
- 10 2. (1.) The Governor may from time to time appoint some fit person to be Chief Electoral Officer, who, under the direction of the Colonial Secretary, shall be charged with the duty of carrying Part II. of the principal Act and this Act into effect.
- (2.) The Governor may also from time to time appoint some fit
- 15 person to be Deputy Electoral Officer, who, under the control of the Chief Electoral Officer, shall perform such general official duties as he is called upon to perform, and who, in case of the illness, absence, or other temporary incapacity of the Chief Electoral Officer, shall act in his name and on his behalf, and while so acting shall have and
- 20 may exercise all the powers, duties, and functions of the Chief Electoral Officer.

Short Title.

Chief Electoral Officer.

Deputy Electoral Officer.

Salaries.

(3.) Such Chief Electoral Officer and Deputy Electoral Officer may hold such office in conjunction with any other office not inconsistent therewith, and shall be paid such salaries or additions to their salaries as are from time to time appropriated for that purpose by Parliament.

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Registrar to be Returning Officer.

3. There shall be a Registrar for every electoral district, who shall also be the Returning Officer for the same district.

Closing of the general roll.

4. The Colonial Secretary shall from time to time whenever necessary, by notice in the *Gazette*, fix a date for the closing of the general roll in every district, after which date no names shall be added to the general roll other than those of persons whose claims for enrolment have been sent in to the Registrar before the date so fixed.

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Claims for enrolment made before closing of general roll.

5. With respect to every claim for enrolment made before the date fixed for the closing of the general roll, the following provisions shall apply :—

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(a.) As soon as the Registrar is satisfied that the claim is valid, and that the claimant is entitled to be enrolled, he shall mark the claim as approved, and shall forthwith place the name of the claimant on the roll.

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(b.) On receipt of a claim by transfer from another district (herein referred to as "the original district") the Registrar, after inquiry as to the validity of the claim as in the case of an original claim, shall, if satisfied thereof, mark the claim as approved, and shall thereupon remove the claimant's name from the roll of the original district, and place it on the roll of the district to which the claimant is transferred.

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General roll.

6. (1.) As soon as practicable after the closing of the general roll the Chief Electoral Officer shall cause a general roll to be printed for every district, containing the names, numbered consecutively, in alphabetical order, of every person whose name is lawfully on the roll of the district, together with the names of those persons whose claims for enrolment have been approved by the Registrar of that district.

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(2.) Such general roll shall be in the form numbered (1) in the *First Schedule* hereto, and shall be signed by the Chief Electoral Officer.

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Claims for enrolment made after closing of general roll.

7. With respect to every claim for enrolment made after the closing of the general roll and before the issue of the writ at any election the following provisions shall apply :—

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(a.) As soon as the Registrar is satisfied that the claim is valid, and that the claimant is entitled to be enrolled, he shall mark the claim as approved, and shall forthwith enter the name of the claimant on a supplementary roll.

(b.) On receipt of a claim by transfer the Registrar, after inquiry as to the validity of the claim, shall, if satisfied thereof, mark the claim as approved, and shall forthwith place the name of the claimant on the supplementary roll.

45

(c.) The Registrar shall forward particulars of the claim to the Registrar of the original district, who shall thereupon remove the claimant's name from the roll of that district.

50

Supplementary roll.

8. (1.) The Registrar shall cause the supplementary roll to be printed, containing the name, address, and occupation of every person

whose claim for enrolment was received by him after the closing of the general roll, and of the validity of which the Registrar is satisfied.

(2.) Such supplementary roll shall be in the form numbered (1) in the *First Schedule* hereto, and shall be signed by the Registrar.

5 9. The Registrar shall from time to time when required by the Chief Electoral Officer forward to him a copy of the electoral roll of the district containing the name of every person then entitled to be on the roll, and shall certify the same to be correct in every particular.

Copy of roll to be sent to the Chief Electoral Officer.

10 10. With respect to every claim for enrolment made after the issue of the writ and before the day of any election the following provisions shall apply:—

Claims for enrolment made after issue of the writ.

(a.) Notwithstanding anything in the principal Act, and subject to the provisions of this section, every such claim shall be received by the Registrar.

15 (b.) The claim shall be accompanied by a declaration, in the form numbered (2) in the *First Schedule* hereto, by a Justice, or a Postmaster, or two electors of the district.

(c.) The Registrar shall place the name of the claimant on a special roll, and shall issue to him a voting permit in the form numbered (3) in the *First Schedule* hereto.

20 (d.) Such special roll shall be deemed to form part of the electoral roll.

(e.) Every person who knowingly makes a false statement of any material particular in any such claim or declaration is liable to a fine not exceeding *twenty* pounds and to be deprived of his rights as an elector for a period of one year, and if a Justice to be struck off the Commission of the Peace.

30 11. (1.) Every Registrar of Births and Deaths shall, during the first fourteen days of the month of July in every year, send to the Chief Electoral Officer at Wellington a correct list of the deaths of all adult persons registered by him during the twelve months ended on the thirtieth day of June then last past, stating in such list the residence, occupation, and age at the time of death of each person whose death was so registered.

Annual list of deaths.

(2.) He shall also, on or before the *fifth* day of every month, send to the Registrar of Electors of the district a like list of the deaths of all adult persons registered by him during the preceding month.

40 (3.) The Chief Electoral Officer or the Registrar (as the case may be) shall cause the name of every such person to be removed from the roll.

12. (1.) Every employer of labour shall afford to each of his employees a reasonable opportunity of enrolling his name on the electoral roll of his district and of recording his vote at any election:

Employees to have opportunity to enrol and vote.

45 Provided that it shall not be obligatory on any such employer to close his premises during the usual working-hours, or any part thereof, on the day of any election.

(2.) Every person who commits a breach of this section is liable in respect of every employee to a fine not exceeding *five* pounds.

50 13. The amount of the deposit required by section one hundred of the principal Act to be made by or on behalf of a candidate shall be twenty pounds in lieu of ten pounds, and the proportion of

Candidates' deposits, and forfeiture thereof.

votes required by the same section to be polled for any unsuccessful candidate to avoid forfeiture of such deposit shall be one-fourth (in lieu of one-tenth) of the number of votes polled by the successful candidate.

Voting of persons
on special roll.

14. (1.) Where any person whose name is entered on the special roll mentioned in section *ten* hereof desires to vote he shall produce to the Returning Officer his voting permit, and the Returning Officer shall thereupon, but subject to the provisions of section one hundred and twenty-two of the principal Act, deliver to him a ballot-paper. 5 10

(2.) The voter, having marked his ballot-paper, shall deposit it in a ballot-box provided for the purpose.

(3.) At the close of the poll all such ballot-papers shall be counted in the same manner as other ballot-papers, but shall be kept separate therefrom, and shall be made up into a separate parcel and sealed and indorsed as directed in section one hundred and thirty-one of the principal Act. 15

Elector not on the
roll.

15. (1.) Where any person whose name is not on the electoral roll of the district claims to vote at any election, and makes a declaration in the form numbered (4) in the *First* Schedule hereto, disclosing his qualification to be enrolled, the Returning Officer, if satisfied that he is entitled to be enrolled and to vote, shall place his name, address, and occupation or description on the special roll mentioned in section *ten* hereof, and shall deliver to him a ballot-paper. 20

(2.) Every person who obtains a ballot-paper under this section having made any statement in his declaration that he knew to be false is liable to *one* year's imprisonment with hard labour. 25

(3.) Section sixty-five of the principal Act shall be read subject to this section.

Voting outside
district.

16. (1.) Any elector may claim to vote outside his district at any polling-place appointed under section one hundred and seven of the principal Act. 30

(2.) On any such vote being claimed the Deputy Returning Officer shall deal with the ballot-paper delivered to the elector in the manner provided by section one hundred and twenty-three of the principal Act, and the elector shall deposit such ballot-paper in a ballot-box specially set apart for the purpose. 35

(3.) On the close of the poll the Deputy Returning Officer shall separate such ballot-papers according to the districts for which each such ballot-paper is applicable, and shall transmit by telegraph or other expeditious means to the Returning Officer of each such district a statement of the name, address, and occupation or description of every elector who has recorded a vote for that district, and shall forthwith forward to such last-mentioned Returning Officer by the most expeditious means, in a package, to be marked "Absent voters' ballot-papers," the ballot-papers and any documents of any kind received in connection therewith. 40 45

Marking the ballot-
paper.

17. Every voter shall indicate the candidate for whom he desires to vote by marking a cross on his ballot-paper in the square set opposite to that candidate's name: 50

Provided that no ballot-paper shall be rejected as informal that clearly indicates the candidate for whom the voter intended to vote,

whether such indication is made in the manner prescribed by this section or by striking out the names of the candidates for whom the voter does not intend to vote.

18. (1.) On completion of the scrutiny directed by section one
 5 hundred and thirty-five of the principal Act the Returning Officer shall, with such assistance as he deems necessary, and in the presence of some Justice (who shall attend at the request of the Returning Officer), take all the used ballot-papers from the several
 10 packets (except the packets of ballot-papers set aside under sections one hundred and twenty-seven and one hundred and thirty-six of the principal Act) and all the absent voters' ballot-papers received by him under the *last preceding* section, and, mixing them up together, shall place them in an open box.

Counting the
ballot-papers.

(2.) The ballot-papers shall then be drawn out of the box in
 15 succession without being unfolded, and each such paper as it is drawn shall be marked or stamped with a number in arithmetical series, beginning with the number one, and so that no two ballot-papers shall bear the same number.

(3.) The Justice attending as aforesaid shall sign a certificate
 20 stating the total number of the ballot-papers received at the election, and such certificate shall be carefully preserved by the Returning Officer for production when required.

19. The Returning Officer shall then deal with the ballot-papers
 as follows:—

Counting the votes.

25 (a.) He shall reject as informal all ballot-papers whereon anything is written or marked by which the voter can be identified, other than the writing in the corner sealed by the Deputy Returning Officer, and all ballot-papers that do not clearly indicate the candidate for whom the elector
 30 desired to vote.

(b.) He shall then arrange the ballot-papers by placing on
 separate files those given for the several candidates, and shall ascertain the total number of ballot-papers so placed on each file.

20. (1.) If the Returning Officer finds that any candidate has
 35 received an absolute majority of votes (meaning thereby a number of votes greater than one-half of the number of all the votes recorded at the election, exclusive of the votes rejected as informal, but inclusive of the casting-vote of the Returning Officer, when given) he
 40 shall publicly declare that candidate to be elected.

Candidate having
an absolute majority
of votes to be
declared elected.

(2.) If he finds that no candidate has received an absolute
 majority of votes a second poll shall be taken as hereinafter provided, and the Returning Officer shall give public notice thereof in the form numbered (5) in the *First Schedule* hereto.

21. (1.) Such second poll shall be taken on such day as the
 45 Returning Officer fixes, being not more than seven days from the date of such notice, between the candidate who but for the provisions of the *last preceding* section would have been entitled to be declared elected and the one who received the next highest number of votes.

Second poll

50 (2.) Such second poll shall be taken in the same manner in all respects as the previous poll, and the candidate who then receives the greater number of votes shall be declared to be elected.

- (3.) Where any such second poll is taken the time for the return of the writ shall be deemed to be extended for a period of seven days.
- Copy of special roll to be open to inspection. 22. A copy of the special roll mentioned in sections *ten* and *fifteen* hereof shall, not later than seven days after the election, be sent by the Registrar to every candidate at that election, and shall be open to inspection by the public free of charge at the office of the Registrar. 5
- Electors' rights under principal Act cancelled. 23. All electors' rights issued under the principal Act, other than those issued to seamen and shearers, shall be deemed to be cancelled, and shall have no effect. 10
- Regulations. 24. The Governor may from time to time, by Order in Council gazetted, make regulations---
 (a.) Imposing on the Chief Electoral Officer, in lieu of the Registrar, any duty by the principal Act imposed on a Registrar; 15
 (b.) Prescribing when and what returns shall be made to the Chief Electoral Officer by the Registrars, and the form of such returns; 15
 (c.) Prescribing forms for the purposes of this Act, or altering any forms in the principal Act or this Act, but so that any form so altered shall be to the same effect as the corresponding form in the principal Act or this Act; and 20
 (d.) Generally for the efficient carrying-out of this Act.
- Election of Maori members. 25. (1.) The members representing the Maori electoral districts shall be elected in the manner prescribed by Part II. of the principal Act; and, subject to the provisions of sections one hundred and sixty-eight to one hundred and seventy-two thereof, all provisions of that Act shall, *mutatis mutandis*, apply to such members and to the electors of and elections in such electoral districts. 25
 (2.) The Governor may make such appointments and regulations as may be necessary for carrying out the provisions of this section at the next general election and at every subsequent election in any such district. 30
- Disqualification of member on becoming a contractor or Civil servant. 26. (1.) In addition to the events on the happening of which the seat of any member becomes vacant under section twenty-one of the principal Act, it is hereby declared that such seat shall become vacant if any member becomes a contractor or a Civil servant as respectively defined by section fifteen of the same Act, and the provisions of section sixteen of that Act shall extend and apply to any member whose seat has become vacant under this section. 35
 (2.) Section twenty-one of the principal Act is hereby amended by adding thereto the following paragraph:—
 “(8A.) If he becomes a contractor or a Civil servant as respectively defined by section fifteen hereof.” 40
- Offences in respect of claims. 27. Every person is liable to a fine not exceeding *twenty* pounds who, having obtained possession of a claim for enrolment signed by any other person for the purpose of being delivered to the Registrar for enrolment, fails so to do, and thereby the claimant's name is not placed on the roll. 45
- Offences at elections. 28. Every person is liable to a fine not exceeding *twenty* pounds who at an election—
 (a.) In any way interferes with any elector, either in the polling-

booth or while on his way thereto, with the intention of influencing him or advising him as to his vote; or

(b.) Prints or distributes or delivers to any person on the day of the poll, or at any time during the three days immediately preceding the poll, anything being or purporting to be in imitation of any ballot-paper to be used at the poll or having thereon the names of the candidates, together with any direction or indication as to how any person should vote, or in any way containing any such direction or indication; or

(c.) During the hours in which the poll is being taken makes any public demonstration having reference to the poll by means of living figures, effigies, paintings, placards, or other like means; or

(d.) Obtains possession of any ballot-paper other than the one given him by the Returning Officer for the purpose of recording his vote, or retains any ballot-paper in his possession after leaving the polling-booth.

29. The principal Act is hereby consequentially amended,—

Consequential
amendments of
principal Act.

(a.) As to section two thereof: By repealing the words "places the name of any person on any roll of electors," in the definition of "registration," and substituting in lieu thereof the words "approves the claim of any person to be enrolled as an elector."

(b.) As to section thirty-six thereof: By repealing all words in subsection three after the words "If within the said five days" to "otherwise he shall within the said," and substituting in lieu thereof the words "he is not satisfied of the validity of the claim he shall immediately on the expiration of such."

(c.) As to section thirty-seven thereof:—

(i.) By repealing the words in subsection one, "place the name of the claimant on the roll," and substituting in lieu thereof the words "approve the claim"; and

(ii.) By repealing the words in subsection two, "the name of the claimant shall not be placed on the roll," and substituting in lieu thereof the words "the claim be not approved"; and

(iii.) By repealing all words in subsection four after the words "directing the Registrar," and substituting in lieu thereof the words "to approve the claim, and the Registrar shall act accordingly"; and

(iv.) By repealing the words in subsection five, "place the claimant's name on the roll," and substituting in lieu thereof the words "approve the claim."

(d.) As to section forty thereof: By repealing the words in subsection four, "a Registrar fails to enrol any person making application for enrolment, he," and substituting in lieu thereof the words "by reason of the neglect or default of the Registrar any person making application for enrolment is not enrolled, the Registrar."

(e.) As to section forty-three thereof: By repealing the words in

subsection three, "part of such general roll," and substituting in lieu thereof the words "part of the electoral roll."

- (f.) As to section sixty thereof: By adding at the end of the section the words "and to each such elector." 5
- (g.) As to section sixty-four thereof: By repealing the words "by the Registrar," and substituting in lieu thereof the words "as provided by this Act."
- (h.) As to section one hundred and thirty-eight thereof: By repealing the words "received at all or any of the polling-places of the district" in subsection one, and the words "received at the polling-places specified in the application" in subsection three. 10
- (i.) As to section one hundred and twenty-four thereof: By repealing all words in subsection one after the word "secretly," and substituting in lieu thereof the words "indicate the candidate for whom he desires to vote by marking on his ballot-paper a cross in the square set opposite to the name of that candidate." 15
- (j.) As to section one hundred and twenty-five thereof: By repealing the words "and erase therefrom the names of the candidates for whom he does not wish to vote," and substituting in lieu thereof the words "and mark thereon a cross in the square set opposite to the name of the candidate for whom he desires to vote." 20
- (k.) As to section one hundred and forty-three thereof:— 25
- (i.) By inserting after the words "Deputy Returning Officers" the words "other than the parcels of used ballot-papers";
- (ii.) By inserting before the words "set aside as aforesaid" the words "of ballot-papers"; and 30
- (iii.) By inserting after the words "section eighty-four hereof" the words "and from Returning Officers and Deputy Returning Officers outside the district relating to absent voters' ballot-papers." 35
- (l.) As to First Schedule thereto: By repealing the forms numbered (8) and (18), and substituting in lieu thereof the forms numbered (1) and (5) in the *First* Schedule hereto.

30. Sections *ten*, *thirteen* to *twenty-three*, and *twenty-five*, and 40 paragraphs (i), (j), (k), and (l) of section *twenty-nine* hereof shall not come into operation until the day on which the general election next after the passing of this Act is held.

31. (1.) The enactments and parts of enactments mentioned in Part I. of the *Second* Schedule hereto are hereby repealed as from the 45 passing of this Act.

(2.) The enactments and parts of enactments mentioned in Part II. of the said *Second* Schedule are hereby repealed as on the day on which the general election next after the passing of this Act is held.

Coming into
operation of part
of this Act

Repeals.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

(1.) GENERAL AND SUPPLEMENTARY ROLL.

Electoral District of [Wellington].

GENERAL [or Supplementary] Roll of Persons entitled to vote for Members of the House of Representatives.

Number on Roll.	—	Name in full, Residence, Occupation, and Property Qualification (if any).
6		Abbott, James, Lambton Quay, grocer.
7		Abel, Ellen, Boulcott Street, married.
8		Abercrombie, Jane, Hill Street, widow.
9		Ackerman, Eleanor, Cuba Street, spinster.

A.B., Chief Electoral Officer
[or C.D., Registrar].

(2.) DECLARATION IN SUPPORT OF CLAIM FOR ENROLMENT ON SPECIAL ROLL.

Electoral District of

I, A. B., of , a Justice of the Peace [or Postmaster], [or We, A. B., of , and C. D., of , two electors of the above-mentioned electoral district], do hereby declare that I [or we] am [or are] acquainted with E. F., of

2. To the best of my knowledge and belief the said E. F. is of the full age of twenty-one years, and is a British subject by birth [or naturalisation].

3. To the best of my knowledge and belief the said E. F. has resided in New Zealand for one year or upwards, and has resided in this electoral district for three months or upwards, and is not enrolled in any other district.

4. I [or we] am [or are] not aware of any lawful reason why the name of the said E. F. should not be entered on the electoral roll of this district.

Declared before me at , this
day of , 19 .

Signed. A. B.
C. D.

(3.) VOTING PERMIT.

Electoral District of

A. B., of , being enrolled on the special roll of this electoral district, is entitled to vote at any election held in that district not later than twenty-one days after the date hereof.

Dated the day of , 19 .

Registrar.

(4.) DECLARATION BY PERSON CLAIMING TO VOTE WHO IS NOT ON THE ROLL.

Electoral District of _____

Are you of the full age of twenty-one years? ...

Are you a British subject by birth or naturalisation? ...

Have you resided in New Zealand for one year or upwards? ...

Have you resided in this electoral district for three months or upwards? ...

Are you enrolled in any other district? ...

Are you aware of any lawful reason why your name should not be entered on the electoral roll of this district? ...

Have you already voted at this election in this or any other electoral district? ...

I, A. B., do hereby solemnly declare that the answers to the above written questions are true.

Declared by the said A. B., this _____ day) [Signature.]
of _____, 19____, in the presence of } [Address.]
C. D., Deputy Returning Officer. } [Occupation or description.]

(5.) DECLARATION OF RESULT OF POLL OR SECOND POLL.

I, A. B., Returning Officer for the Electoral District of _____, do hereby declare the result of the poll [or second poll] taken on the _____ day of _____, 19____, for the election of a member of the House of Representatives for the said district to be as follows:—

Candidates					Votes polled.
C. D.
E. F.
G. H.
I. J.
K. L.
Total number of valid votes polled
Absolute majority required
Number of votes rejected as informal

[Where no candidate has received an absolute majority.]

And I further declare that, as no candidate has received an absolute majority of votes, a second poll will be taken on _____, the _____ day of _____ next, between the said C. D. and E. F.

Dated at _____, this _____ day of _____, 19____.

_____, Returning Officer.

(6.) BALLOT-PAPER.

Electoral District of

ARMSTRONG, Thomas.	
BURTON, Gerald.	
HORNSBY, William.	
JACKSON, Ernest.	
MILLIGAN, John.	
SHAW, Thomas.	

Directions.

The voter is to mark a cross in the square set opposite to the name of the candidate for whom he desires to vote.

The ballot-paper is to be folded up so that the contents cannot be seen, and, having shown the official mark on the back to the Returning Officer, the ballot-paper is to be put into the ballot-box by the voter.

No ballot-paper is to be taken out of the polling-booth.

SECOND SCHEDULE.

PART I.

Repeats as from the passing of this Act.

1893, No. 34.—“The Alcoholic Liquors Sale Control Act, 1893”: Section 4.

1902, No. 21.—“The Electoral Act, 1902”: Section 33; subsection (1) of section 36; sections 38 and 39; subsection (1) of section 40; paragraph (f) of section 51; subsection (1) of section 54, the word “whether” and the words “or under section one hundred and forty-one hereof by reason of not having voted”; sections 62, 141, 142, and 147; and form (21) in the First Schedule.

PART II.

Repeals as from the next General Election.

1902, No. 21.—“The Electoral Act, 1902”: Sections 90, 126, and 128; subsection (1) of section 137; section 173; and sections 79 to 89, except so far as the same relate to seamen and shearers.