

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,

2nd November, 1945.

Right Hon. Mr. Fraser

ELECTORAL AMENDMENT

ANALYSIS

<p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;"><i>Representation Commission</i></p> <p>2. Representation Commission.</p> <p>3. Division of New Zealand into electorates after each census.</p> <p>4. Allowance for adjustment of quota.</p> <p>5. Notice of proposed boundaries.</p> <p>6. Report of Commission to be proclaimed by Governor-General. New electoral districts. Maps.</p> <p>7. Proceedings of Commission.</p> <p>8. Commissioner not eligible as member of General Assembly.</p> <p>9. Consequential repeals.</p>	<p style="text-align: center;"><i>No-license Districts</i></p> <p>10. Boundaries of no-license districts not to be altered for purposes of Licensing Act, 1908.</p> <p style="text-align: center;"><i>Amendment of Electoral Rolls</i></p> <p>11. Abolishing notice of removal from roll where notice is given of entry on new roll.</p> <p>12. Enlarging time for purging rolls.</p> <p style="text-align: center;"><i>Postal Voting</i></p> <p>13. Postal voting.</p> <p style="text-align: center;"><i>Offences at Elections</i></p> <p>14. Section 161 of principal Act amended.</p>
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A BILL INTITULED

AN ACT to amend the Electoral Act, 1927.

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

1. This Act may be cited as the Electoral Amendment Act, 1945, and shall be read together with and deemed part of the Electoral Act, 1927 (hereinafter referred to as the principal Act).

Title.

Short Title.

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

Representation Commission

Representation
Commission.

2. (1) In order to provide for the periodical readjustment of the representation of the people of New Zealand in the House of Representatives there shall be a Commission to be known as the Representation Commission. 5

(2) The Commission shall consist of seven members of whom—

(a) The Surveyor-General and the Commissioners of Crown Lands for the Auckland and the Canterbury Land Districts respectively shall be the official members and the Surveyor-General shall be the Chairman of the Commission: 10

(b) The remaining four members shall be such persons, not being members of the Public Service or members of the General Assembly, as the House of Representatives from time to time nominates as unofficial members of the Commission. 15 20

(3) Every unofficial member of the Commission, unless he sooner ceases to be a member as provided in subsection *three* of section *seven* of this Act, shall cease to be a member on the date on which the first periodical census is taken after the date of his appointment. 25

(4) The remuneration and travelling-allowances of the unofficial members of the Commission shall be fixed from time to time by the Governor-General in Council, and shall be paid out of moneys appropriated by Parliament for the purpose. 30

(5) The persons who on the passing of this Act are in office as unofficial members of the North Island Representation Commission or of the South Island Representation Commission constituted under the principal Act shall be deemed to have been appointed on the passing of this Act to be unofficial members of the Commission constituted under this section. 35

Division of
New Zealand
into electorates
after each
census.

3. (1) For the purposes of this Act the term "adult population" means total population with the following exceptions:— 40

(a) Maoris:

(b) Persons under the age of twenty-one years:

- (c) Persons detained as patients or boarders in any public institution under the Mental Defectives Act, 1911: See Reprint of Statutes, Vol. V, p. 743
- 5 (d) Persons confined in any prison under the Prisons Act, 1908: Ibid., Vol. VI, p. 966
- (e) Persons detained as defaulters in any detention camp under the National Service Emergency Regulations 1940. Serial number 1944/50 (Reprint)
- 10 (2) Within six months after the results of any periodical census have been ascertained and reported to the Commission, which report the Government Statistician is hereby required to make as early as possible, it shall be the duty of the Commission to divide New Zealand into electoral districts for the apportionment
- 15 of the representation of the people of New Zealand in the House of Representatives, according to the following basis, that is to say:—
- (a) New Zealand shall be divided into as many electoral districts as there are members (not including the Maori members) to be returned, so that the number of districts in the North Island bears, as nearly as may be, the same proportion to the number of districts in the South Island as the adult population of the North Island bears to the adult population of the South Island:
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- (b) The adult population of each Island shall be divided by the number of districts in that Island, and in each case the quotient thus obtained shall be the quota for that Island:
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- (c) The extent of the districts in each Island shall respectively be such that at the time of making the division the adult population thereof shall, subject to the provisions as to the allowance hereinafter contained, be equal to the quota for that Island:
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- (d) In forming the several districts due consideration shall be given to the existing boundaries of electoral districts, to community of interest, to facilities of communication, and to topographical features:
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Provided that in making the first division after the passing of this Act the Commission shall not be bound to give any consideration to the present boundaries of electoral districts.

(3) The report of the Government Statistician of the results of the census last taken before the making of any such division shall be sufficient evidence as to the adult population of New Zealand or of the North Island or of the South Island or of any district. 5

Allowance for adjustment of quota.

4. Where in the opinion of the Commission districts cannot be formed consistently with the considerations hereinbefore provided for so as to contain exactly the quota, the Commission may for any district make an allowance by way of addition or subtraction of adult population to an extent not exceeding five hundred. 10 15

Notice of proposed boundaries.

5. When the Commission proposes to make any such division due notice of the boundaries or approximate boundaries of the proposed districts shall be given in the *Gazette*, and objections in writing to the proposed boundaries may be lodged with the Commission within one month thereafter, and the Commission shall duly consider any objections so lodged before coming to a final determination. 20

Report of Commission to be proclaimed by Governor-General.

6. (1) The Commission shall in every case report the names and boundaries of the electoral districts fixed by it to the Governor-General, who shall proclaim them in the *Gazette*; and the report shall have the force of law from the date of the Proclamation, but shall not come into effect until the expiry of the then existing Parliament. 25 30

(2) A copy of every such report, together with properly authenticated maps of the electoral districts fixed by the report, shall, within ten days after the receipt thereof, be presented by the Governor-General to the House of Representatives if sitting, and if not, then within ten days after the commencement of the next ensuing session. 35

New electoral districts.

(3) Upon the taking-effect of any report as aforesaid the electoral districts fixed thereby shall be the electoral districts of New Zealand for the purpose of the election of members of Parliament after the dissolution or expiration of the then existing Parliament, 40

and shall so continue until the succeeding report of the Commission takes effect, or Parliament otherwise enacts.

5 (4) The Minister shall forthwith after every report of the Commission is proclaimed cause to be deposited in the office of the Clerk of the House of Representatives properly authenticated maps of the electoral districts fixed by the report. Maps.

10 7. (1) Any four members of the Commission of whom at least one shall be an official member shall constitute a quorum, and may exercise all functions vested in the Commission. Proceedings
of Commission.

(2) The Commission may make such rules for the conduct of its business, not inconsistent with the provisions of this Act, as it thinks fit.

15 (3) Any unofficial member of the Commission may resign his appointment by writing addressed to the Governor-General, in which case, or in case of any such member becoming bankrupt, or being convicted of any indictable offence, or of his refusing to act, or of his death or mental or physical incapacity, or of his absence from New Zealand when his services are required, the Governor-General may, by Order in Council, if the House of Representatives is not in session at the time, appoint another person in his stead; and every appointment so made shall be notified to the House of Representatives as soon as possible after the making thereof.

25 8. No member of the Commission shall, within two years after he ceases to be a member, be capable of being appointed or elected to be a member of either House of the General Assembly. Commissioner
not eligible as
member of
General
Assembly.

30 9. (1) The foregoing provisions of this Act are in substitution for sections six to thirteen of the principal Act, and those sections and section twenty-four of the Statutes Amendment Act, 1936, are hereby accordingly repealed. Consequential
repeals.
1936, No. 58

35 (2) Section eighty-one of the principal Act is hereby consequentially amended by omitting from subsections one, seven, and eight the word "Commissions", and substituting in each case the word "Commission".

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No-license Districts

Boundaries of
no-license
districts not
to be altered
for purposes
of Licensing
Act, 1908.
See Reprint
of Statutes,
Vol. IV, p. 234

10. (1) Notwithstanding any future changes in electoral districts, every no-license district now constituted under the Licensing Act, 1908, shall, so long as it continues to be a no-license district, continue for the purposes of that Act to be a licensing district with the same name and boundaries as on the passing of this Act. 5

(2) The boundaries of any licensing district adjoining any such no-license district shall be adjusted so far as may be necessary to give effect to the *last preceding* subsection. 10

(3) Whenever the Representation Commission divides New Zealand into electoral districts it shall in its report declare the names and boundaries of the no-license districts and of the other licensing districts of which the boundaries are adjusted as aforesaid, and the districts so declared shall upon the taking-effect of the report be deemed to be constituted licensing districts under the Licensing Act, 1908, instead of the electoral districts of which they are comprised. 15 20

(4) Polls under the Licensing Act, 1908, of the electors of any licensing district constituted under this section shall be taken, and the names of the persons entitled to vote at any such poll shall be enrolled on special rolls or indicated on the ordinary rolls, in such manner as may be prescribed by regulations made in that behalf by the Governor-General under the principal Act. 25 30

(5) There may from time to time be appointed a Returning Officer for each licensing district constituted under this section. All references in the Licensing Act, 1908, to the Returning Officer shall, in relation to any such licensing district, be deemed to be made to the Returning Officer appointed under this subsection, and not to the Returning Officer appointed for the electoral district. 35

Amendment of Electoral Rolls

11. Section sixty-six of the principal Act is hereby amended by omitting the words "send notice to each elector so removed from or entered on the roll", and substituting the words "in the case of each entry, send notice to the elector so entered on the roll".

Abolishing notice of removal from roll where notice is given of entry on new roll.

12. Section seventy-eight of the principal Act is hereby amended by omitting from subsection one the words "in any year in which a general election is to be held", and substituting the words "from time to time".

Enlarging time for purging rolls.

Postal Voting

13. Section one hundred and forty of the principal Act is hereby amended as follows:—

Postal voting.

(a) By omitting from subsection one the words "postal-vote certificate and":

(b) By omitting from paragraph (a) of subsection two the words "postal vote-certificates and postal ballot-papers and of applications therefor", and substituting the words "postal ballot-papers and other documents":

(c) By omitting from paragraph (b) of subsection two the word "vote-certificates", and substituting the word "ballot-papers":

(d) By omitting from paragraph (d) of subsection two the words "vote-certificates and postal ballot-papers", and substituting the words "ballot-papers and other documents":

(e) By inserting in subsection two, after paragraph (f), the following paragraph:—

"(ff) Authorizing and empowering Returning Officers and any persons authorized by them in that behalf to enter any hospital or other institution for the purpose of distributing and collecting postal ballot-papers and other documents:".

Offences at Elections

Section 161
of principal
Act amended.

14. (1) Section one hundred and sixty-one of the principal Act is hereby amended by adding the following:—

“ or

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“(d) At any time on polling-day before the close of the poll makes any statement having reference to the poll by means of any loud-speaker or public-address apparatus”.

(2) It shall not be an offence against the said section one hundred and sixty-one for any person at any election—

(a) To wear or display any party emblem:

(b) To print or distribute or deliver to any person any card or ticket (not being an imitation ballot-paper) having thereon the names of the candidates or of any of them, with or without the name of the party to which each candidate belongs or a statement that he is an independent.

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