

*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 September, 1891.*

*Hon. Mr. Ballance.*

### ELECTORAL.

#### ANALYSIS

Title.

- 1. Short Title.
- 2. Commencement of Act.
- 3. Interpretation.
- 4. Appointment of officers. Offices may be held jointly.
- 5. Tenure of office. Salaries.

#### PART I.

##### QUALIFICATION OF ELECTORS.

- 6. Qualifications: (1) Residential. (2) No person to be registered in more than one district.
- 7. Maoris only qualified to vote under Part V. Exemption as to half-castes.
- 8. Aliens, public offenders, and defaulters disqualified.
- 9. Registered elector qualified as a member.
- 10. Member ceasing to be elector not disqualified from sitting.

#### PART II.

##### REGISTRATION OF ELECTORS.

- 11. Persons entitled to be registered. Form of claim and declaration. First Schedule.
- 12. Claims for transfer to another district on change of residence. Second Schedule.
- 13. Proceedings for cancelling previous registration on change of registration.
- 14. Absence only from district not to be deemed removal.
- 15. Claims, &c., to be signed with names in full, and particulars of claims. Marksmen.
- 16. Registrars to be furnished with lists of deaths annually.
- 17. Formation of first general roll of electors. Third Schedule.

- 18. New rolls on formation of new electoral districts.
- 19. Registrar to see that rolls are complete.
- 20. Registrar to inquire into claims.
- 21. If Registrar satisfied, name may be placed on roll. Claim may be withdrawn. If proof not given or claim not withdrawn, summons to issue. Fourth Schedule.
- 22. If Registrar absent, name to be placed on roll. If claimant absent, name not to be placed on roll. Onus of proof on claimant.
- 23. Name may be objected to. Fifth Schedule.
- 24. If person objected to does not cause his name to be erased from roll, summons to be issued. Sixth Schedule.
- 25. Person objected to prove his claim to have name retained.
- 26. Limit of objections.
- 27. Deposit for costs by objector.
- 28. Any Resident Magistrate may revise rolls and hear and decide objections.
- 29. No Revision Court to sit after issue of writ.
- 30. Special Court after writ issued for deciding new claims to vote.
- 31. Registrar to attend Court and produce books and documents.
- 32. Power to compel attendance.
- 33. Service of summons.
- 34. Proof of service.
- 35. Parties may appear by counsel or agent.
- 36. Costs at discretion of Court. Additional costs for frivolous objections.
- 37. Adjournments. Postponements.
- 38. Name of person objected to may be removed by consent without costs.
- 39. Magistrate to correct roll and expunge all inaccurate or informal names or qualifications.

0. Registrar to remove names in case of death, or on request, or for disqualification.
41. Registrar to remove names in case of removal from district.
42. Absentee names to be removed if absence exceeds one year.
43. Corrections to be initialled by Registrar.
44. Names to be removed by erasure in red ink.
45. Persons whose names removed may send in fresh claim for registration.
46. After issue of writ no names may be added or removed by Registrar or Court. Penalty.
47. Service of notices.
48. Electoral notices may be sent by registered letter. Return of registered letter to be evidence of person having left his residence.
75. Candidates to be nominated by separate nomination-paper. Objections to nominations. Nominations to be advertised.
76. Deposit by candidate.
77. Candidate may withdraw by notice to Returning Officer. Twelfth Schedule.
78. Where election not contested, names of persons elected to be indorsed on writ, and writ returned.
79. If election contested, a poll to be taken.
80. Returning Officer to have ballot-papers printed. Form of ballot-papers. Fourteenth Schedule.
81. In case of death before poll, or on polling-day, proceedings *de novo*.
82. Proceedings when poll postponed or interrupted by death.

*The Electoral Roll.*

49. Roll to be printed alphabetically and numbered consecutively. Fourth Schedule.
50. The legal rolls for the district.
51. Persons on legal roll only entitled to vote.
52. Corrupt practices list to be appended to roll.
53. Periodical reprints with additional names.
54. Custody of roll. Place of custody to be advertised.
55. Roll to be opened for inspection.
56. Copies of roll may be purchased.
57. Rolls to be supplied to Returning Officers.
58. Rolls and documents not to be invalidated.
59. Misnomer, &c., not to vitiate roll.

## PART III.

## VOTING BY SEAMEN.

60. Seamen voters to make declaration and claim for an elector's right. Seventh Schedule.
61. Issue of elector's right.
62. Seaman not to vote unless he produces elector's right.
63. Vote may be given in any part of the colony.
64. In case of loss, duplicate elector's right may be issued.
65. Penalty on master of vessel refusing permission to crew to vote.
66. On removal from roll of name of seaman elector's right cancelled.
67. Seaman may vote in district where registered whenever present in election time.

## PART IV.

## REGULATION OF ELECTIONS.

*General Elections.*

68. Appointment of Clerk of the Writs.
69. Governor's warrant for issue of writs for general election. Eighth Schedule.
70. Clerk of Writs to issue writs to Returning Officers of districts. Ninth Schedule.
71. Day of polling at general election to be a public holiday.
72. Clerk of Writs to notify issue of writ to all Registrars in districts.
73. Returning Officer to give notice of election-day. Tenth Schedule.
74. Nominations to be sent to Returning Officer. Candidate to be nominated by two electors. Eleventh Schedule.

*Polling at Elections.*

83. Governor may appoint polling-places. Not to be altered after writ issued.
84. Poll to be by ballot. Hours of polling.
85. Polling-booths.
86. Returning Officer to preside at principal polling-place.
87. Deputy Returning Officers to be appointed. Their duties and powers.
88. Deputies to make declaration. Fourteenth Schedule.
89. Scrutineers for each booth. To make declaration. Fifteenth Schedule.
90. Ballot-boxes to be emptied before polling, then locked and kept so till after close of poll.
91. No persons permitted to remain in polling-booth.
92. Voters not to be spoken to in booth.
93. Ballot-paper to be given to voter within booth.
94. Questions put to persons offering to vote.
95. Omission or refusal to answer questions an offence.
96. Penalty for making false answer.
97. Change of qualification in district not to vitiate right to vote.
98. Before given, ballot-paper to be marked.
99. Voter to be alone when making up ballot-paper.
100. Provision where voter is blind or disabled and cannot write.
101. Ballot-paper to be folded and put in the ballot-box by the voter.
102. Number of votes to be given by each voter.
103. Proceeding where second vote tendered in same name.
104. Irregular ballot-papers to be rejected.
105. Returning Officers to maintain order.
106. Poll to be adjourned in case of riot.
107. Election not to be invalid for defect in appointment of person taking the poll.
108. Election not to be void for want of appointment of Returning Officer.

*Result of Poll.*

109. Number of votes to be ascertained on close of poll.
110. Deputies to make up books and papers in parcels.
111. Deputies to make returns to Returning Officer.
112. Returning Officer to make up parcels.
113. Votes to be counted by Returning Officer.
114. Returning Officer to compare votes. May select ballot-papers, and disallow votes in certain cases.

115. After selection parcels to be sealed up.
116. Selected papers to be sealed up.
117. Public notice to be given of result of election.
118. *Ad interim* notice of state of the poll.
119. Casting-vote of Returning Officer.
120. Names of persons elected to be indorsed on writ, and writ returned.
121. Date of return of writ.
122. A member returned for two districts at a general election to elect.
123. Returning Officer to mark copy of roll of all persons who have voted at election, and send to Registrar for correction of rolls.
124. Parcels to be made up in packets, and sent to Clerk of House of Representatives.
125. Papers taken from parcels to be evidence in certain cases.
126. Of what a ballot-paper used at election shall be evidence.

*Vacancies.*

127. How vacancies may be created.
128. No member to be elected for another district.
129. No writ to issue pending decision on election petition.
130. During session, Speaker by warrant directs issue of writ.
131. During recess, vacancy to be gazetted. Ten days thereafter, Speaker directs writ to issue.
132. When no Speaker, Governor to act in lieu of Speaker.
133. Clerk of Writs to issue writ. Sixteenth Schedule.
134. Previous provisions of Act to apply to particular elections.

*Notices by Telegraph.*

135. Certain documents may be transmitted by telegraph under restrictions. Copies so transmitted to be as valid and effectual as originals.
136. Original documents of which copies transmitted to be open to inspection.
137. Penalty for wilful delivery of message to wrong person.
138. Penalty for signing another's name to message to be sent.
139. Penalty for false certificate of sending message under provisions of this Act.
140. Signing false certificate upon copy to be felony.

*Offences at Elections.*

141. Offences in respect of nomination-papers, ballot-papers, and ballot-boxes. Attempt to commit an offence. Property may be stated as being in Returning Officer.
142. Infringement of secrecy. Punishment therefor.
143. Returning Officer refusing to return any person duly elected may be sued.

## PART V.

## MAORI REPRESENTATION.

144. Four Maori members to be elected.
145. How chosen.
146. Qualification of Maori electors. Qualification of Maori members.
147. Members not to hold office of emolument under Government.
148. Maori electoral districts and number of members to be returned.
149. Existing districts to continue in force. Governor may alter the same.
150. Members for districts to remain although districts altered.
151. Regulations for conduct of elections. Seventeenth Schedule.

## PART VI.

## MISCELLANEOUS PROVISIONS.

152. Registrars exempt from Court fees, &c.
153. Penalty on misfeasance of Registrar. May receive costs if information frivolous.
154. Penalty for false statements or declarations.
155. Penalty for wilfully misleading Registrar.
156. Penalty for falsifying signatures or attestations.
157. Wagers, &c., on result of election prohibited.
158. Summary prosecutions.
159. Costs may be granted to the Crown.
160. Expense of administration to be paid out of Public Account.
161. Unavoidable impediments may be removed by Governor in Council. Nature of impediment to be gazetted.
162. Time may be extended in cases of a technical nature.
163. Election Petitions and Corrupt Practices Acts to apply.
164. Repeal. Saving. Eighteenth Schedule. Schedules.

## A BILL INTITULED

Title.

AN ACT to amend and consolidate the Law relating to the Qualification and Registration of Electors, and the Conduct of Elections of Members of the House of Representatives.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:— 5

Short Title.

1. The Short Title of this Act is "The Electoral Act, 1891."

Commencement of Act.

2. This Act shall come into force on the day the Governor assents to the same, which is herein referred to as the commencement of this Act. 10

If any election shall be required to be held, or a writ for any such election is issued, after the day of the commencement of this Act, and before the day when the first general roll prepared under this Act shall come into force, then and in any such case the said election shall be held as if this Act had not been passed, and in accordance with the law in force previous to the passing of this Act. 15

All electoral rolls in force at the time of the commencement of this Act, or immediately previous thereto, shall continue in force for the purpose of carrying on and completing such election. 20

Interpretation.

3. In this Act, unless the context otherwise requires,—

"Booth" includes any house or building used for the purpose of taking the poll at any election :

"Bye-election" means any election for any district other than a general election : 25

"Candidate" means any person who has been nominated for a candidate for a seat in the House of Representatives :

"Claim" or "claim to vote" means a claim by any person to have his name entered on a roll of electors for any district : 30

"Claimant" means a person making such claim :

"Clerk of the Writs" means the officer appointed to issue writs for the election of members of the House of Representatives, and includes the deputy of such officer :

"Collector" means the Collector of Customs at any port or place, and includes the principal officer of Customs at any port or place : 35

"Day of nomination" means the last day appointed for receiving nomination-papers :

"District" or "electoral district" means a district or division of the colony in respect of which members are returned to serve in the House of Representatives : 40

"Election" or "parliamentary election" means an election of a member or members of the House of Representatives :

"Elector" means any person whose name appears on any electoral roll who shall have a right to vote at any parliamentary election : 45

- 5 "Electric telegraph" means and includes any telegraph line established under "The Electric Lines Act, 1884," and any telegraph line the property of the Government and worked by electricity under their control within the colony :
- 10 "General election" means an election which shall take place after a dissolution of the General Assembly, or at the expiration of the term for which members of the House of Representatives are elected :
- 15 "Issue of writ" means the day on which the Registrar of any district receives a notification by letter or telegram that the Clerk of the Writs or person acting for him has signed a writ for an election for such district :
- 20 "List" means a general or supplementary list of electors prepared pending the formation of the general or supplementary electoral roll :
- 25 "Maori" means an aboriginal native inhabitant of New Zealand, and includes half-castes :
- 30 "Master" means and includes every person (except a pilot) having command or charge of any vessel :
- 35 "Non-residential qualification" means a freehold qualification under this Act of which residence forms no part :
- 40 "Person" does not include female :
- 45 "Public defaulter" means any person convicted of wrongfully expending, using, or taking any moneys the property of Her Majesty, or of any local authority, or of any corporation represented by a local authority :
- 50 "Public notice" or "public notification" means a notice published in some newspaper circulating in the electoral district intended to be affected by such notice :
- "Registered" means registered as an elector :
- "Registered elector" means an elector whose name is entered on an electoral roll :
- "Registrar" means any person appointed to that office under this Act :
- "Registration" or "time of registration" means the day on which the Registrar places the name of any person on any roll of electors :
- "Residential qualification" means a qualification under this Act of which residence forms a part :
- "Returning Officer" means a person appointed for any electoral district to conduct elections under this Act, and shall, in respect of any polling-booth for which a Deputy Returning Officer shall have been appointed, mean such Deputy Returning Officer :
- "Roll" or "electoral roll" means a general or supplementary roll of electors formed for an electoral district :
- "Seaman" means and includes every person who has been engaged at sea for not less than two years, and who for the most part of the six months immediately preceding the date of making his claim for an elector's right has been employed or engaged in any capacity on board any

vessel or vessels, of any tonnage, used in navigation, not propelled by oars, registered in or owned in New Zealand :

“ Speaker ” means Speaker of the House of Representatives :

“ Telegraph station ” means any station appointed for the receipt and transmission of telegraphic messages : 5

“ Telegraphic message ” means any message or other communication transmitted or intended for transmission or purporting to have been transmitted by electric telegraph :

“ Writ ” means a writ issued by the Clerk of the Writs directing a Returning Officer to proceed with the election of a member of the House of Representatives. 10

Words in this Act referring to an officer, office, roll, list, election, district, or place shall be construed distributively as referring to each officer, office, roll, list, election, district, or place to whom or to which the provision is applicable. 15

Appointment of officers.

4. The Governor from time to time may—

Appoint such Registrars, Returning Officers, clerks, and other officers as may be required to carry the provisions of this Act into execution ; and 20

Nominate so many fit persons as he may deem necessary to act as Deputy-Registrars in assistance of the Registrars ; and

Appoint a substitute to any Registrar or Returning Officer to act in the case of the sickness or absence of any such officer. Every substitute while so acting shall have all the duties, powers, and authorities of the officer for whom he is acting. 25

Every duty which a Deputy-Registrar may perform may be performed by the Registrar, as the case may be, in any part of his district. 30

Offices may be held jointly.

The several offices of Registrar and Returning Officer may be held and exercised by one and the same person at the same time, anything herein contained or implied to the contrary notwithstanding. 35

Tenure of office.

5. Every person appointed under this Act shall hold office during the Governor's pleasure.

All persons holding office under any Act hereby repealed at the time when this Act comes into force shall continue in the said office under this Act without any new or further appointment. 40

All persons continuing as aforesaid to hold any office in any existing electoral district shall continue in the said office without any new appointment for any new electoral district, constituted from time to time under “ The Representation Act, 1887, ” into which the first-mentioned district becomes converted, if such new district retains the same name, although it may become altered in its boundaries. 45

Salaries.

Such salaries shall be paid to the several persons appointed or holding office under this Act as shall be from time to time appropriated for that purpose by the General Assembly. 50

## PART I.

## QUALIFICATION OF ELECTORS.

6. The members of the House of Representatives shall be chosen in every electoral district appointed for that purpose by the votes of the inhabitants of New Zealand who shall possess within the district the qualification defined by this Act, that is to say,—

Qualifications.

(1.) Every person of the age of twenty-one years or upwards who has resided for one year in the colony and in the electoral district for which he claims to vote during the one month immediately preceding the registration of his vote, is entitled (subject to the provisions of this Act) to be registered as an elector and to vote at the election of members for such district for the House of Representatives; but no person shall be entitled to be registered on more than one electoral roll within the colony.

Residential.

No person to be registered in more than one district.

7. Maoris as herein defined, shall not be qualified to be registered as electors under Part II. of this Act, but shall be qualified to vote at elections of Maori members, as hereinafter provided in Part V. of this Act.

Maoris only qualified to vote under Part V.

But it shall be competent for any half-caste who is possessed of a qualification under section *six* of this Act to apply to be registered under Part II. of this Act, and he may be so registered; but, in such case, he shall not be qualified to vote at any election held under Part V. of this Act.

Exemption as to half-castes.

Every claim and declaration to be made by a half-caste to be registered under Part II. of this Act shall be made in manner specified in section eighteen.

8. No alien, nor any person attainted or convicted of any treason felony or infamous offence within any part of Her Majesty's dominions, or convicted within the colony as a public defaulter, or under "The Police Offences Act, 1884," as an idle and disorderly person or as a rogue and vagabond, unless such person shall have received a free pardon, or shall have undergone the sentence or punishment to which he shall have been adjudged for such offence, shall be entitled to be registered.

Aliens, public offenders, and defaulters disqualified.

The name of every person who may in future be convicted of any of the before-mentioned offences shall be erased from every electoral roll.

Nothing in this section, or in any other section of this Act contained, shall be construed in any way to limit, annul, or repeal any provisions of "The Disqualification Act, 1878," or of any other Act of a like tenor or to the same purpose.

9. Every man registered as an elector, and not coming within the meaning of the *last-preceding* section of this Act, but no other man, is qualified to be elected a member of the House of Representatives for any electoral district.

Registered elector qualified as a member.

Provided that any person duly qualified as an elector, and who has been registered on any electoral roll, but whose name has become removed from such roll through no fault of his own, shall not by reason only of not being registered as an elector, be disqualified from becoming a candidate and being elected for any electoral district. 5  
 But in every such case the said person shall send to the Returning Officer, at the time when he sends his consent to be nominated, a statutory declaration to the effect that he is not disqualified as an elector for the district in respect whereof he was previously registered under the provisions of this Act or any other Act, that he still retains 10  
 such qualification, and that his name has been removed from the roll of the aforesaid district through no fault of his own.

Member ceasing to be elector not disqualified from sitting.

10. Any member of the House of Representatives ceasing to be on the register as an elector shall not from that cause only be 15  
 disqualified from sitting as a member.

## PART II.

### REGISTRATION OF ELECTORS.

Persons entitled to be registered. Form of claim and declaration.

11. Every person who shall not be disqualified by some provision hereof, or of some other Act in force, and who under section *six* of this Act is qualified to be registered as an elector for any 20  
 district, and derives his qualification in the district to which his claim relates, shall (subject to the provisions of this Act) be entitled to have his name inserted and retained upon a roll to be made hereunder for such district; and shall for such purpose deliver or send by post to the Registrar of the said district, at any time 25  
 after the commencement of this Act, a claim and declaration in the form or to the effect set forth in the *First* Schedule.

First Schedule.

Claims for transfer to another district on change of residence.

12. Whenever any person whose name is on the roll of any district has removed therefrom and resided in another district for *one* 30  
 month, he may have his name transferred on to the electoral roll of the district to which he has removed if he shall deliver or send by post to the Registrar thereof a claim or declaration in the form or to the effect forth in the *Second* Schedule.

Second Schedule.

Proceedings for cancelling previous registration on change of registration.

13. Every Registrar who inserts the name of any person on the roll in respect of any claim made under section *twelve* shall indorse 35  
 on such claim the words "Registered in the Electoral District of \_\_\_\_\_," and shall sign and date the same, and forthwith transmit the same to the Registrar of the district where the claimant was previously registered, who shall forthwith erase the name of such person from the roll of such last-mentioned district, and append his 40  
 initials to the erasure, and, having indorsed the claim with a note of such erasure, shall return the claim to the Registrar from whom he received it, for filing in his office.



14. No person who is registered in any district shall be deemed to have left the district and forfeited his qualification therein by reason only of absence from the district, unless he is registered in any other district.

Absence only from district not to be deemed removal.

5 But no such person as aforesaid shall be entitled to vote at any election for the district in which he is registered, unless at some time within the six months immediately previous to the election he has been actually and *bonâ fide* resident therein for not less than six days either separately or continuously.

10 15. Every person making any claim, application, or declaration under this Act shall sign the same with his Christian name and surname in full, together with his place of abode, in the presence of the Registrar or Deputy-Registrar of the district or a Justice of the Peace, Postmaster, or an elector of the district, and transmit such

Claims, &c., to be signed with names in full, and particulars of claims Marksmen.

15 claim as aforesaid to the Registrar.

The locality of residence, in respect of which registration is claimed, must be specified in such manner as to enable it to be easily and clearly identified.

20 The claim, application, or declaration must be signed by the claimant, applicant, or declarant with his own hand, or, if he cannot write, his mark must be attested by a Justice of the Peace, Postmaster, or Registrar.

25 And the Registrar shall reject as informal every such document which is not complete in all particulars and duly signed as herein required.

16. Every Registrar of Births and Deaths shall, during the first twenty-one days of the month of January in every year, furnish to the Registrar of every electoral district any part whereof is comprised in the registry district for which he is such Registrar of Births and

Registrars to be furnished with list of deaths annually.

30 Deaths, a correct list of all deaths of adult males of twenty-one years and upwards which have been registered by him during the twelve months ended on the thirty-first day of December then last past, stating in such list the residence, occupation, and age at the time of death of each person returned on such list.

35 The Registrar of every such electoral district shall place the word "dead" against the name of every person on the roll who is named on any list of deaths above mentioned, and shall remove the name of every such person from the roll.

40 17. As soon as conveniently may be after the commencement of this Act, the Registrar of every electoral district shall make out, according to the form in the *Third* Schedule, a new roll for such district by placing thereon the names, arranged in alphabetical order of the surnames, of all persons whose names shall then be upon any general or supplementary roll in force for such district, and of all persons who have, since the said commencement,

Formation of first general roll of electors. Third Schedule.

45 preferred claims to be registered as electors for such district, and have not been objected to, and are not included in any such general or supplementary roll, and shall take care that the name of any person shall not appear twice or oftener on such list; and the

50 Registrar shall, in making out such list, state therein, from the said claims respectively, the several particulars regarding each person required in and by the said Schedule.

New rolls on  
formation of new  
electoral districts.

18. Forthwith after the proclamation of any report of the Commissioners constituting new electoral districts under "The Representation Act, 1887," and before the taking effect thereof, every Registrar shall prepare a new roll for the electoral district of which he is Registrar, in like manner as is prescribed for the formation of the first roll, and shall include therein the names of all persons whose names shall then be upon any general or supplementary electoral roll for the corresponding district then last previously existing; and when such last-mentioned district has been apportioned into two or more districts, then the Registrar shall include for each district for which he is Registrar only the names of those persons on any such electoral roll whose qualifications are within the area of each district respectively.

- (1.) The electoral rolls in force on the day when the aforesaid report is proclaimed shall be the rolls from which the new rolls shall be formed.
- (2.) Where the boundaries of any electoral district, on the constitution of new districts as aforesaid, are the same as existing immediately prior to such constitution taking effect, the electoral roll then in force for such district shall be deemed to have been formed under this section.
- (3.) Upon the above-mentioned new electoral rolls being formed, every such Registrar as aforesaid shall give notice thereof to the Colonial Secretary, who shall publish the fact in the *Gazette*, but not until the aforesaid report of the Commissioners has taken effect; and from and after the day of the gazetted notice the electoral roll so formed for each district shall be the electoral roll for such district for all purposes.
- (4.) Every electoral district constituted under any report of the Commissioners aforesaid shall, for the purposes of this Act, be deemed to have been constituted six months prior to the date when such report takes effect.
- (5.) All electoral districts existing, and all electoral rolls in force, at the time of any division of the colony into electoral districts under "The Representation Act, 1887," shall continue in existence and in force respectively until the dissolution or expiration of the Parliament in being at the time when such division is made.

Registrar to see  
that the rolls are  
complete.

19. It shall be the duty of every Registrar to make the rolls as complete as possible, and with that object from time to time to place thereon, or add thereto, the name of every person of whose qualification as an elector he is satisfied; and it shall further be his duty to assure himself of the right of every man to have his name retained upon the roll.

Registrar to inquire  
into claims.

20. It shall be the duty of the Registrar, during the fifteen days following the receipt of any claim for registration as an elector, to make inquiries as to the truth of the particulars therein stated.

If he shall satisfy himself that the particulars stated in the claim are true, he shall, at the expiration of the said fifteen days, add the name of the claimant to the roll.

If he shall satisfy himself that any of the particulars require

proof, he shall, within the said fifteen days, cause notice in writing to be given to the claimant, setting forth the particulars of which proof is required.

21. If the claimant satisfy the Registrar that his claim is valid  
5 the Registrar shall forthwith place the name of the claimant on the roll.

If Registrar satisfied, name may be placed on roll.

It shall be lawful for the claimant by writing to withdraw his claim.

Claim may be withdrawn.

10 If within twenty-one days after proof shall be required as aforesaid the claimant shall fail to satisfy the Registrar that his claim is valid, and shall fail to withdraw his claim, the Registrar shall, as soon as conveniently may be thereafter, apply to a Resident Magistrate or a Justice of the Peace for a summons, who shall forthwith issue a summons, in the form or to the effect set forth in the *Fourth* Schedule.

If proof not given or claim withdrawn summons to issue.

15 22. If at the time and place specified in the summons the Registrar shall fail to appear, the case shall be dismissed, and the Registrar shall forthwith place the name of the claimant on the roll.

Fourth Schedule.

If Registrar absent, name to be placed on roll.

20 If the claimant fail to appear, the Resident Magistrate shall make an order that the name of the claimant shall not be placed on the roll, and the Registrar shall act accordingly.

If claimant absent name not to be placed on roll.

If both Registrar and claimant appear, the claimant shall be required to prove the particulars of which proof had been required by the Registrar.

Onus of proof on claimant.

25 If he do so to the satisfaction of the Resident Magistrate, an order shall be made directing the Registrar to place the name of the claimant on the roll, and such name shall be placed on the roll accordingly.

If he fail to do so, an order shall be made directing the Registrar not to place the claimant's name on the roll.

30 23. The Registrar, or any person whose name is on the electoral roll of any district, may object to the name of any other person being retained thereon, by giving notice in writing to the person objected to, setting forth the objection and the grounds thereof, in the form or to the effect specified in the *Fifth* Schedule, and a copy of every  
35 objection not made by the Registrar shall be sent to the Registrar at the time the notice of objection is sent to the person objected to.

Name may be objected to.

Fifth Schedule.

40 If the objection be that the person objected to has been convicted of any of the offences mentioned in section *eight*, the objector shall specify in his notice of objection the Court and the approximate date at which the conviction was had, and, if not so specified, the objection shall not be entertained.

45 The Registrar, upon receiving a copy of any such last-mentioned objection, shall inquire into the truth of such conviction from the Registrar or Clerk of the Court where the person objected to is stated to have been convicted, who shall either contradict the statement or furnish to the such first-mentioned Registrar a certificate, under the seal of the Court, of such conviction, which shall be sufficient warrant to him to erase from the electoral roll the name of the person so certified to have been convicted.

50 24. If the person objected to shall not, within fifteen days after the service of such notice, cause his name to be removed from the roll, the objector may apply to a Resident Magistrate or a Justice of

Person objected to may cause his name to be erased from roll.

Summons to be issued.

Sixth Schedule.

Person objected to to prove his claim to have name retained.

the Peace for a summons, who shall forthwith issue a summons, in the form or to the effect set forth in the *Sixth* Schedule.

25. If at the time and place appointed for the hearing the Registrar fails to appear, the case shall be dismissed.

If the person objected to fails to appear, the Resident Magistrate shall make an order that such person's name shall be struck off the roll. 5

If both Registrar and person objected to appear, the person objected to shall be required to prove his claim to have his name retained on the roll, and the case shall be heard and determined by a Resident Magistrate, and the roll amended if necessary according to such determination. 10

No grounds of objection shall be entertained, except such as are specifically set forth in the summons.

Limit of objections.

26. No notice of objection to the name of any person on the roll of any district shall be entertained which is not served upon the person objected to in sufficient time to admit of the grounds of such objection being determined by a Resident Magistrate before the issue of a writ for any election in such district; and the name of the person so objected to shall not be removed from the roll, notwithstanding such objection. 15 20

Deposit for costs by objector.

27. If the objector be other than the Registrar, he shall deposit with the Clerk of the Resident Magistrate's Court the sum of *one pound* in respect of each objection made by him, as security for any costs that may be awarded by the Resident Magistrate against him; and such sum may be applied in payment or part payment of any such costs, and the balance shall be returned to the objector. No notice of objection shall be entertained if the aforesaid deposit is not made as herein required. 25

Any Resident Magistrate may revise rolls and hear and decide objections.

28. Any Resident Magistrate may sit at any Resident Magistrate's Court held in any part of the colony for hearing and determining claims and objections to names on the electoral roll of any district, notwithstanding that such Resident Magistrate may not be appointed as Resident Magistrate for such district. 30

No Revision Court to sit after issue of writ.

29. No sitting of a Resident Magistrate's Court shall be held for the revision of any roll for any district, or for hearing objections to any name thereon, after the issue of a writ for the election of a member for such district until the completion of the said election. 35

Special Court after writ issued for deciding new claims to vote.

30. In any case, however, where any election is to be held in any district it shall be lawful for any Resident Magistrate to hold a special sitting of such Court within any period not later than four days after the issue of a writ for such election, for the purpose only of hearing and inquiring into the validity of any new claims for registration which may have been received by the Registrar within the fifteen days immediately prior to the issue of the said writ, but for no other purpose. 40 45

If any such claims to vote shall be proved, the Magistrate shall order the Registrar to place the names of such claimants, in consecutive order as their claims are respectively decided, upon an extra supplementary roll for the district, and not upon the general roll of the district, and such extra roll shall be printed forthwith as a roll 50

separate from the general or ordinary supplementary roll, but nevertheless shall be deemed to form part of such general roll.

31. The Registrar, or, if he be unavoidably prevented, some person on his behalf, shall attend the Court and shall produce to the  
5 said Court all books, lists, papers, and documents connected with his office which shall be in the custody of the Registrar or under his control, and relating to any case to be heard before the Court.

Registrar to attend Court and produce books and documents.

32. The Resident Magistrate shall have the same power of summoning and compelling the attendance of witnesses and examining  
10 them on oath, and of compelling the production of documents, and of punishing persons summoned for non-attendance or for refusing to give evidence or to produce documents, and the same means of enforcing the observance of order and of punishing for contempt, as is possessed by a Resident Magistrate or by a Resident Magistrate's  
15 Court under "The Resident Magistrates Act, 1867."

Power to compel attendance.

33. Any summons issued under this Part of this Act may be served by the Bailiff of the Court or his assistant, or by any other person the Resident Magistrate or Justice of the Peace may direct.

Service of summons.

The summons may be served by delivering the same to the  
20 person to whom it is addressed, or by leaving the same at his place of residence as stated on the roll, or by sending the same by registered letter through the post, as hereinafter mentioned in section *forty-seven*.

If any person upon whom a summons is required to be served is  
25 unknown, or cannot after due inquiry be found, the summons may be sent to him by a registered "Electoral Notice-letter" through the post as hereinafter mentioned in section *forty-eight*.

34. The service of the summons may be proved by oath or affirmation at the hearing, or by affidavit or declaration made before  
30 a solicitor of the Supreme Court or the Clerk of the Resident Magistrate's Court or a Justice of the Peace, or by producing the post-office receipt for a registered letter addressed to the person upon whom the summons is to be served.

Proof of service.

35. In any such proceedings before any Resident Magistrate the Registrar, or any objector, or any person objected to may appear and act personally, or by an agent appointed in writing by the objector or person objected to, or by a barrister or solicitor of the Supreme Court holding a certificate to practise.

Parties may appear by counsel or agent.

36. The Resident Magistrate may, at his discretion, give or refuse  
40 costs to either party, including professional costs, as he may think fit; and when he shall think any objection to be frivolous or vexatious he may award additional costs, not exceeding *five* pounds in respect of each such objection, to be paid by the objector to the person resisting such objection.

Costs at discretion of Court.

Additional costs for frivolous objections.

45 If costs are given in favour of either party the Resident Magistrate shall fix the amount, and payment thereof may be enforced in like manner as a judgment of the Resident Magistrate's Court.

37. Every Resident Magistrate holding any Court under this Act  
50 in any electoral district shall have power to adjourn the same from time to time, by advertisement or otherwise in manner as he shall think sufficiently public.

Adjournments.

If from any cause the Resident Magistrate is not present at the

Postponements.

time and place appointed for holding any Court under this Act, nor within two hours after such time, the holding of such Court shall be deemed to be postponed to the same hour on the following day as the hour originally appointed, and so from day to day, not exceeding three days in any case.

5

But no such adjourned Court shall be held after the issue of a writ for an election in such district until the completion of such election.

Name of person objected to may be removed by consent without costs.

38. The Magistrate may at any time before the hearing of objections erase from the roll the name of any person thereon who, by writing under his hand attested before a Justice of the Peace, or Postmaster, or elector of the district, has given previous notice to the Registrar, or states to the Magistrate in Court, that he consents to his name being so removed; and no costs shall be made against such person in respect of any act or thing done in the matter of the objection after such notice given or statement made.

10

15

Magistrate to correct roll and expunge all inaccurate or informal names or qualifications.

39. The Resident Magistrate shall, upon the *ex parte* application by the Registrar or any other person, direct the Registrar to correct any mistake which shall be proved to the Court to have been made in any roll, and to insert in the electoral roll the name of any person who may have proved his claim to be enrolled thereon, or to expunge therefrom—

20

Every name which shall be proved to him to be fictitious; and also

The name of every person who is objected to, and who shall be proved, to the satisfaction of the Resident Magistrate, to be included in the electoral roll of any other district; and also

25

The name of every person who is objected to, and who has lost or parted with his qualification, or whose qualification as stated in such roll shall be insufficient to entitle such person to vote; and also any of several qualifications of any one person which, as stated in such roll, shall be insufficient as aforesaid; and also

30

The name of every person who is included in any such roll wherever his name or his place of abode, or the nature or description of his qualification shall, in the judgment of the Resident Magistrate, be insufficiently described for the purpose of being identified; and

35

The Resident Magistrate shall be at liberty to direct—

40

The description of any qualification as it appears in the roll to be changed in so far as may be necessary for the purpose of more clearly or accurately defining the same; or

The nature of any qualification to be changed when a person has lost or parted with his qualification, but retains another in the same district sufficient to entitle him to vote therein.

45

Notwithstanding anything herein contained, the Resident Magistrate may, if he thinks fit, postpone the dealing with any such *ex parte* application as aforesaid until notice of the said application has been given to the person to be affected thereby.

50

40. The Registrar shall at any time, except during the interval between the issue of a writ and the completion of an election in the district, expunge from any roll of the district—

Registrar to remove names in case of death, or on request, or for disqualification.

5 The name of every person who requests, in writing, that his name shall be removed therefrom; and

The name of every person appearing on the annual list of deaths supplied to the Registrar by any Registrar of Births and Deaths; and

10 The name of every person who is disqualified under "The Corrupt Practices Prevention Act, 1881," and whose name appears on the illegal and corrupt practices list (if any) made out as provided in the last-mentioned Act; and

15 The name of every person whose conviction of any offence mentioned in section *eight* of this Act shall be duly certified to him; and

The name of every person whose registration in any other district shall be notified to him by the Registrar thereof; and

20 The name of every person who, not being a candidate at an election occurring in the district at which a poll was taken, appears, from the certified electoral roll transmitted by the Returning Officer of the district as hereinafter mentioned, not to have voted at such election.

25 41. The Registrar shall at any time expunge from any roll of the district the name of every person who is enrolled thereon, and who shall be proved to the satisfaction of the Registrar to have left such district; and it shall not be necessary to summon to Court any person whose name is so expunged.

Registrar to remove names in case of removal from district.

30 But no name as last mentioned shall be so removed until the expiration of six months after the time or the approximate time when such person is proved to have left the district, or until after the return by the Post Office of a registered electoral notice-letter as mentioned in section *forty-eight*, addressed to such person in the district, unless the retention of the name of the said person on the

35 said roll is objected to and such objection is sustained, in which case the Registrar shall remove such name forthwith.

40 42. The name of any person on the roll who is absent from the colony for more than twelve months at any one time, although not objected to, shall nevertheless, by reason of such absence, be expunged from the roll.

Absentee names to be removed if absence exceeds one year.

43. The Registrar shall write his initials against the names expunged, and against any part of the roll in which any mistake is corrected, or any omission supplied, or any insertion made by him.

Corrections to be initialled by Registrar.

45 44. A name shall be deemed to be removed from the roll when a line in red ink is drawn through the same and a note made opposite thereto stating the ground of removal, initialled by the Registrar.

Names to be removed by erasure in red ink.

50 45. If, under the provisions hereinbefore contained, the name of any person is expunged from any roll, he may send in a new claim and declaration to be registered in any part of the colony wherein he possesses a qualification, subject, however, to all the provisions of this Act.

Persons whose names removed may send in fresh claim for registration.

After issue of writ no names may be added or removed by Registrar or Court.

46. Except as specially provided in section *thirty*, and notwithstanding anything in this Act contained, it shall not be lawful for any Registrar, either by virtue of any authority conferred upon him by this Act, or by direction of a Resident Magistrate, to insert on or to remove from the roll of any electoral district the name of any person, after the issue of a writ for the election of a member for the said district, until the completion of the said election. 5

Penalty.

Every Registrar who offends against the provisions of this section is liable to a penalty of *twenty* pounds for every name added to or removed from the roll in contravention of the said provisions. 10

Service of notices.

47. Any summons, notice, or document under this Act may be served by delivering the same to the person to whom they are addressed, or by leaving the same at his place of residence as stated on the roll, or by sending the same through the post by registered letter, the postage- and registration-fees thereon being first paid. 15

Electoral notices may be sent by registered letter.

48. Any notice or any summons required to be sent, delivered, or served upon any person may be sent through the post by registered letter, the postage- and registration-fees being first paid, marked on the outside "Electoral Notice-letter," addressed to the person to or upon whom such notice or summons is required to be sent, delivered, or served; and the sending of such notice or summons in manner aforesaid shall be sufficient service. 20

If any letter marked as aforesaid is not claimed, notice of the said letter being at the post-office for delivery shall be sent to the other post-offices in the same electoral district, and posted on a notice-board at the said post-offices. 25

Return of registered letter to be evidence of person having left his residence.

Where any notice or summons is sent, by registered letter marked as aforesaid, through the post addressed to any person at his place of residence as stated on the roll, with a special request that such letter may be returned to the sender at the expiration of thirty days if the person to whom the letter is addressed cannot be found, the return of such letter by the Post Office shall be deemed sufficient proof that the aforesaid person has quitted such place of residence. 30

The post-office receipt for an "electoral notice-letter" shall be evidence of the posting thereof, but not of its contents. 35

The names of electors struck off the roll shall be publicly exhibited on a board outside the Registrar's office, and maintained there for a period of at least one month from the time of their being struck off.

#### *The Electoral Roll.*

Roll to be printed alphabetically and numbered consecutively. Fourth Schedule.

49. The Registrar shall cause the names on the general roll of the district to be copied and printed according to the form in the *Third* Schedule, with the names placed thereon in alphabetical order of surnames, and numbered consecutively, commencing with the number one; and shall sign a sufficient number of such rolls for record and for the use of the Returning Officers within such district. 45

After the first formation of a general roll names shall be numbered on the supplementary roll or rolls consecutively, in alphabetical order, commencing with the number immediately following the number affixed to the last preceding name on the roll, whether a general or a supplementary roll. 50



50. Each printed roll so formed, added to, or altered from time to time as aforesaid, and signed by the Registrar, shall for the time being be the electoral roll for the district, and be called, according to the tenor thereof, the "general roll" or the "supplementary roll" for the district.
51. The several persons whose names are on the roll last aforesaid for any district, and no other person, shall be entitled to vote at any election of a member of the House of Representatives for such district.
52. The illegal and corrupt practices list (if any) made out as provided in "The Corrupt Practices Prevention Act, 1881," shall be appended by the Registrar to every general roll made out by him.
53. At any time after the first roll of any district is formed as hereinbefore provided, whenever not less than one hundred names are added to any roll, a new roll shall be formed by inserting therein the additional names in alphabetical order, and be reprinted; and thereafter the general roll may be reprinted every year with the additional names inserted therein as aforesaid; but it shall be lawful at any time, instead of reprinting the general roll, to print a supplementary roll thereto, according to the form aforesaid.
- A supplementary roll shall be printed immediately previous to a general election, or when a vacancy shall occur in the representation of any district; and an extra supplementary roll, formed under section *thirty*, shall be printed as soon as possible after the issue of the writ for the election.
54. The roll of every district shall be kept in duplicate at some convenient office or offices, to be from time to time fixed by the Colonial Secretary.
- Notice of the situation of such office or offices, and of every change thereof, shall be given by the Registrar by advertisement in such newspaper circulating in the district as he may deem best adapted to give full publicity to the same; and the name of the district and a notice that the roll of such district is kept there shall be painted or affixed outside the office or offices in a conspicuous place, in letters easily legible.
55. Any person desirous of inspecting the roll shall be entitled to do so without any payment, on at least two days in every week, between the hours of ten o'clock in the morning and two o'clock in the afternoon, of which days notice shall be painted or affixed as aforesaid;
- And shall be entitled to copies thereof or extracts therefrom on prepayment of sixpence for every copy or extract containing less than seventy-two words, and of sixpence for every seventy-two words and fraction of seventy-two words additional.
56. Any person shall be entitled to a copy of any printed general roll together with all its supplements as one roll at the following prices: For every printed copy of any electoral roll containing any number of persons' names
- Not exceeding one thousand... One shilling.  
Exceeding one thousand ... One shilling and sixpence.
57. Copies of every roll of a district, with all emendations thereof, certified by the Registrar, shall be supplied by him to the

The legal rolls for the district.

Persons on legal roll only entitled to vote.

Corrupt Practices list to be appended to roll.

Periodical reprints with additional names.

Custody of roll.

Place of custody to be advertised.

Roll to be opened for inspection.

Copies of roll may be purchased.

Rolls to be supplied to Returning Officers.

several Returning Officers in the district, as the same may be required from time to time for the purposes of conducting any election in the district.

Rolls and documents not to be invalidated.

58. No roll or other document shall be invalidated by reason only that it shall not have been printed, kept, or published in the place or manner or for the time herein required for such purposes respectively, nor by reason of any error in the copying or printing of the same. 5

Misnomer, &c., not to vitiate roll.

59. No misnomer or inaccurate description of any person, place, or thing named or described in any electoral roll permitted or required to be made under this Act, or in any notice required by this Act, shall in anywise prevent or abridge the operation of this Act with respect to such person, place, or thing: Provided that such person, place, or thing shall be so designated in such roll or notice as to be commonly understood. 10 15

### PART III.

#### VOTING BY SEAMEN.

Seamen voters to make declaration and claim for an elector's right.

60. Every duly-registered elector whose name appears on the electoral roll of any district, who is a seaman as herein defined, and not disqualified by any law for the time being in force, shall be entitled to receive an elector's right in virtue of his registration as aforesaid, and for such purpose shall appear personally before the Registrar for the electoral district for which he is enrolled, and in his presence shall make and sign a claim and declaration to the effect in the Form A of the *Seventh* Schedule. 20 25

Seventh Schedule. Issue of elector's right.

61. The Registrar, on being satisfied that the claimant is duly enrolled as an elector of the district,—

- (1.) Shall fill up a Form B in the *Seventh* Schedule, purporting to entitle such claimant to vote as a seaman at elections of members to serve in the House of Representatives for such district, in the manner provided by this Act, and, having placed a number thereon, shall deliver the same to the claimant; and 30
- (2.) Shall write opposite to the name of the claimant, on the roll of the district, the words "Seaman's electoral right issued," shall erase from the said roll any other qualification in respect whereof such claimant is registered, and shall initial such entry and erasure and insert the date of the issue of such right and the number of such right. 35

The said Registrar shall forthwith after the issue of a writ for an election transmit to the Returning Officer of the district a list of all electors' rights issued to seamen, together with the original applications, signed by such seamen, for the said rights, and the Returning Officer shall keep the said applications for the purpose of verification of signatures as hereinafter mentioned. 40 45

Seaman not to vote unless he produces elector's right.

62. No person to whom an elector's right is issued as a seaman shall be entitled to vote at any election for the district where the said right was issued unless he produces his elector's right and has the same indorsed as hereinafter provided.

63. Every seaman being the holder of an elector's right issued to him for any district shall be qualified by virtue of such right to vote in any part of the colony at an election of a member or members of the House of Representatives for the aforesaid district, and, for such purpose,—

Vote may be given in any part of the colony.

5 (1.) Shall apply in person, at any time after the issue of a writ for an election in such district, and before the hour of closing the poll on the polling-day, to the Collector of Customs at any port, and produce to him his elector's right, and sign an application in the Form C in the  
10 *Seventh* Schedule for a voting-paper in respect of the aforesaid district.

(2.) The Collector shall thereupon fill up a blank voting-paper (which need not be in the form of a ballot-paper as provided by this Act) with the names of the candidates of such district, and shall then write upon the bottom of the left-hand corner of the back of the voting-paper his initials and the number of the elector's right produced to him in respect of which the voting-paper is given, and, after securing the said corner by gum or otherwise, shall sign his name near such corner, together with the name of his office, shall give the same to the voter, who shall, without leaving the room, erase in pencil or in ink the names of the candidates for whom he does not wish to vote, and, having folded the paper so that the contents cannot be seen, shall return it to the Collector, who shall in the presence of the voter enclose the voting-paper in an envelope addressed to the Returning Officer of the district for which the vote is exercised, and, having closed the envelope, shall enclose the first envelope, together with the aforesaid application of the voter for a voting-paper, in a second envelope similarly addressed, and shall forthwith post it to its address.

The Collector shall then indorse the elector's right with a note of the exercise thereof, and shall sign and date the same, and then return it to the voter.

Every such letter shall go free by post.

(3.) In the event of any such seaman applying for a voting-paper for any district after the issue of a writ, but before the names of the candidates have been published, the Collector shall prepare a blank voting-paper as aforesaid, excepting the names of the candidates, and give such blank voting-paper to the applicant, who may write thereon the name of any person for whom he may wish to vote in case of his becoming a candidate, and, having folded the paper so that the contents cannot be seen, shall return it to the Collector, who shall deal with such voting-paper in the manner herein provided in all respects.

(4.) Every Collector shall telegraph to the Returning Officer of every district day by day from the day of the issue of the writ to the day of the closing of the poll at an election

the number of voting-papers applied for, exercised, and transmitted by him to such Returning Officer, together with the number of the respective electors' rights in respect whereof the said voting-papers were issued by him.

5

The Returning Officer, on receiving such telegram, shall place against the name of every person on the roll to whom a voting-paper has been issued as aforesaid a note indicating that such person has voted or has proposed to vote.

10

- (5.) Every Returning Officer, on receiving a voting-paper transmitted to him as in this section mentioned, shall compare the signature of the voter, in his application for a voting-paper transmitted to him by the Collector, with the signature on the original application for an elector's right made by such voter transmitted to him by the Registrar of the district, and, if he finds the signatures to be identical, shall allow the vote and have it duly recorded; but if he finds the signature dissimilar shall reject the voting-paper as informal.

15

20

And every voting-paper given in favour of any person who has not been duly nominated shall be rejected as informal by the Returning Officer.

In case of loss, duplicate elector's right may be issued.

64. Every person who loses his electoral right shall, on personal application to the Registrar of the district from whom he received it, and making the declaration in the Form D in the *Seventh* Schedule, and on payment to him of the sum of two shillings, be entitled to have a duplicate of such right granted to him.

25

Penalty on master of vessel refusing permission to crew to vote.

65. Every master of a ship which happens to be in any port of the colony at the time of any general or bye election, at the request of any of the crew being electors at such election, and on production of their respective elector's right in respect of the said election, shall allow such person or persons to go ashore at a proper time to admit of their voting for such election; and every master refusing as aforesaid to permit any of his crew to vote is liable to one month's imprisonment with hard labour.

30

35

On removal from roll of name of seaman elector's right cancelled.

66. The erasure, under the provisions of this Act, of the name of any seaman from the roll of the district wherein he was registered shall *ipso facto* annul and cancel the elector's right issued to such seaman by virtue of the aforesaid registration; but in the event of such seaman being again registered, either in the same or in any other district, by virtue of any qualification, he may obtain a new elector's right under the provisions of this Part of this Act.

40

Every voting-paper exercised in virtue of a seaman's elector's right which has been cancelled shall be rejected by the Returning Officer to whom it is transmitted.

45

Seaman may vote in district where registered whenever present in election time.

67. Notwithstanding anything contained in section *sixty-three*, every seaman as aforesaid who at the time of any election for the district where an elector's right has been issued to him shall be present within such district may vote therein by applying to and producing to any Returning Officer the elector's right issued to him; and the Returning Officer, on being satisfied that the applicant is

50

entitled to vote at such election, shall, after marking a ballot-paper, give such ballot-paper to the voter, as in ordinary cases, and, having indorsed the elector's right, as mentioned in the *last-mentioned* section, shall return it to such voter.

5

## PART IV.

## REGULATION OF ELECTIONS.

*General Elections.*

68. The Governor, by warrant under his hand, shall from time to time appoint some fit person to be Clerk of the Writs, by whom  
10 writs for the election of members of the House of Representatives shall in all cases be issued, and to whom such writs shall also be returnable.

Appointment of  
Clerk of the Writs.

There shall be a deputy of the said Clerk, to be appointed in like manner, who shall act when the said Clerk is unable to act.

15 69. For every general election the Governor shall, not later than fourteen days after the day of the dissolution or expiry of the then last-previous Parliament, as the case may have been, by warrant under his hand in the form or to the effect set forth in the *Eighth* Schedule to this Act, direct the Clerk of the Writs to proceed with  
20 the elections.

Governor's warrant  
for issue of writs for  
general election.

Eighth Schedule.

70. On the receipt of such warrant the Clerk of the Writs shall forthwith cause writs to be issued to the several Returning Officers, in the form or to the effect set forth in the *Ninth* Schedule to this  
25 Act.

Clerk of Writs to  
issue writs to  
Returning Officers  
of districts.  
Ninth Schedule.

The writs shall be made returnable within forty days.

In the writs to be issued a day shall be named for the polling (if a poll is required) to take place, and the same day shall be appointed in each writ for the polling.

30 71. The day appointed in the writ for the polling at every general election held under this Part of this Act shall be a public holiday throughout the colony, as if it had been proclaimed such by the Governor, and shall be so observed by all persons.

Day of polling at  
general election to  
be a public holiday.

35 72. The Clerk of the Writs shall forthwith, on the signing of a writ for an election to be held in any district, cause a notification of the issue of such writ to be sent by letter or telegram to the Registrar of the said district.

Clerk of Writs to  
notify issue of writ  
to all Registrars in  
districts.

40 73. Every Returning Officer, on the receipt of a writ, shall indorse thereon the date of its receipt, and shall forthwith give at least fifteen days' notice of the day of polling, in the form or to the effect set forth in the *Tenth* Schedule.

Returning Officer to  
give notice of  
election-day.

Tenth Schedule.

45 74. Any duly-registered elector, with his consent, may be nominated as a candidate for election for any district, by not less than two electors of the last-named district, by a nomination-paper, in the form or to the effect set forth in the *Eleventh* Schedule, given or transmitted to the Returning Officer so as to reach him not less than seven days before the day appointed for the poll.

Nominations to be  
sent to Returning  
Officer.  
Candidate to be  
nominated by  
two electors.  
Eleventh Schedule.

The consent of any person to be nominated may be signified to the Returning Officer by letter sent by post or affixed to the nomination-paper, or by an ordinary message by telegraph, which shall be deemed to be delivered in time if delivered at the telegraph office for transmission within the time hereinbefore limited. 5

Candidates to be nominated by separate nomination-paper.

75. Each candidate shall be nominated by a separate nomination-paper in such manner as in the opinion of the Returning Officer is calculated to sufficiently identify such candidate; but the same electors, or any of them, may subscribe as many nomination-papers as there are vacancies to be filled, but no more. 10

Objections to nominations.

No objection to a nomination-paper on the ground of the description of the candidate being insufficient or not being in compliance with this Act shall be allowed or deemed valid unless such objection is made in writing, and delivered to the Returning Officer not less than five days before the day appointed for the poll. 15

Nominations to be advertised.

On receipt of every such nomination the Returning Officer shall immediately advertise the names of the several candidates in such newspaper circulating within the district as he shall deem best calculated to give full publicity to the same.

Deposit by candidate.

76. Every candidate, or some person on his behalf, shall, at the time of sending to the Returning Officer his consent to be nominated, deposit with or remit to the said officer the sum of ten pounds, which sum shall be retained by such Returning Officer until after the official notification of the poll, and in case such candidate, not having been elected, has not polled as many votes as shall equal in number one-tenth of the number of votes polled by the successful candidate, or, if there be more than one, by the successful candidate who has been returned by the fewest number of votes at such election, the same shall be forfeited and paid into the Consolidated Fund, but shall otherwise be returned to the person who has paid the same. 20 25 30

Candidate may withdraw by notice to Returning Officer.

77. Any candidate may withdraw, but not later than five clear days before the day of polling, by giving or transmitting by letter to the Returning Officer a notice in the form or to the effect set forth in the *Twelfth* Schedule to this Act, signed by the candidate and attested by a Justice of the Peace. 35

Twelfth Schedule.

The Returning Officer shall forthwith publish such notice in such manner as he shall deem best calculated to give full publicity to the same; and shall omit the name of every candidate whose name is withdrawn from the ballot-papers to be printed as herein-after mentioned, or, if any such ballot-papers be already printed, shall erase therefrom the name of every candidate so withdrawn. 40

Any candidate giving such notice shall not be capable of being elected, and all votes given for him (if any) shall be void and of no effect.

Where election not contested, names of persons elected to be indorsed on writ and writ returned.

78. If no more candidates than the number to be elected are nominated, or if any candidate who has been nominated withdraws, in manner hereinbefore provided, so that there shall remain no more candidates than the number to be elected, the Returning Officer shall, by public notice, to be given on or before the day appointed for taking the poll, declare such candidates duly elected. 50

The names of the persons so elected shall be indorsed on the writ by the Returning Officer, and the writ shall be by him

returned to the Clerk of the Writs forthwith and within the time specified therein.

79. If more candidates than the number to be elected are nominated, and a sufficient number do not withdraw so as to leave only the required number to be elected, then for deciding between such candidates a poll shall take place on the day named in the writ for that purpose, and at the several polling-places of the district.

If election contested, a poll to be taken.

80. Forthwith after the day for receiving nominations is passed, the Returning Officer shall cause ballot-papers to be printed in the form or to the effect set forth in the *Thirteenth* Schedule, in sufficient number for use in the district.

Returning Officer to have ballot-papers printed.

The ballot-papers shall contain a list of all the persons nominated as candidates, each name being inserted once only, whether nominated in one or more nomination-papers, and of no other persons, arranged alphabetically in the order of their surnames, in large characters, the Christian names of such candidates being added in lesser characters; and if in any case the Christian names and surnames of any two or more candidates be the same, they shall be distinguished upon such ballot-papers by the addition of their residence and occupation, or such other addition as shall be sufficient to distinguish them.

Form of ballot-papers. Fourteenth Schedule.

81. If a duly-nominated candidate, who has not withdrawn, shall die after the last day on which nomination-papers can be sent in, and before the day appointed for the poll at an election, the Returning Officer shall, upon being satisfied of the fact of such death, countermand notice of the poll; or

In case of death before poll, or on polling-day, proceedings *de novo*.

If any such candidate shall die upon the polling-day before the hour of closing the poll, the Returning Officer, upon being satisfied of the fact of such death, shall immediately close the poll, and declare the same to be null and of no effect;

And all proceedings with reference to the election, in either of such cases, shall be commenced afresh in all respects as if the writ had been received by him on the day on which proof was given him of such death.

It shall not be necessary to nominate afresh any candidate in respect of whom the nomination required by this Act was given at the time of the countermand or closing of the poll.

82. Whenever the proceedings in any election are to be commenced afresh in consequence of the death of a candidate, the Returning Officer shall, previous to their commencement, indorse on the writ the fact of such death, the date of the proof thereof, and of the countermand or interruption of the poll in consequence, as may be the case.

Proceedings when poll postponed or interrupted by death.

Whenever any poll is interrupted in consequence of the death of a candidate as aforesaid, all ballot-papers placed in the several ballot-boxes shall be taken out by the several Deputy Returning Officers, and, being made up into sealed packages, shall be sent by them respectively unopened to the Returning Officer, who shall forthwith, in the presence of a Resident Magistrate or a Justice of the Peace, burn or otherwise destroy the sealed packages unopened.

*Polling at Elections.*

Governor may  
appoint polling-  
places.

83. The Governor may from time to time appoint, alter, and abolish polling-places for each electoral district within the limits thereof; and may appoint any one of such polling-places to be the principal polling-place of the district. 5

Not to be altered  
after writ issued.

After the issue of a writ for an election in any district, and until such election is over, no change shall be made in the polling-places appointed for such district, unless a polling-place becomes unavailable for the purpose for which it was appointed, or unless such election cannot be held without some such change being made : 10

Provided that such changes shall be duly notified in one or more newspapers circulating in the district wherein such change is made at least seven clear days prior to the day of polling.

No polling-place shall be appointed unless the Governor shall be first satisfied that the place to be appointed is more convenient than any other for at least twenty electors to record their votes thereat. 15

Poll to be by ballot.  
Hours of polling.

84. The poll shall be taken by ballot; it shall commence at nine o'clock in the forenoon of the day appointed, and shall, unless lawfully adjourned, finally close at *seven* o'clock in the afternoon of the same day. 20

Polling-booths.

85. The Returning Officer shall provide the following things for taking the poll :—

- (1.) One or more rooms or compartments for polling-booths at each polling-place; and in each booth one or more inner compartments separated from but opening into the booth. 25

If there shall be more than one booth at any polling-place, there shall be fixed over the entrance of each booth in succession so many letters of the alphabet in their alphabetical order as shall denote the booth at which each elector, according to the initial letter of his surname, is to vote; and no elector shall be permitted to vote in any booth save that which is so denoted by the initial letter of his surname. 30

No polling-booth shall be in any house licensed for the sale of spirituous or fermented liquors, or in any premises belonging to such house : 35

- (2.) In each booth one or more ballot-boxes, having a lock and key and a slit in the upper side by which the ballot-papers may be put into the box : 40
- (3.) A sufficient number of ballot-papers, in the form hereinbefore mentioned :

- (4.) In each inner compartment pencils for the use of the voters.

Returning Officer to  
preside at principal  
polling-place.

86. The Returning Officer shall conduct the election at the principal polling-place of the district, with such clerks appointed by him as he may require. 45

Deputy Returning  
Officers to be  
appointed.

87. The Returning Officer shall appoint, in writing, a Deputy to act for him and take the poll at each of the other polling-places of the district, and so many clerks as may be required to assist.

Their duties and  
powers.

Every such Deputy shall have and discharge all the powers, duties, and functions, at the polling-place for which he is appointed, as are given to or to be performed by the Returning Officer. 50



88. Every Deputy Returning Officer shall, before the poll, make and subscribe, before the Returning Officer or any Justice of the Peace, the declaration set forth in the *Fourteenth* Schedule.

Deputies to make declaration.  
Fourteenth Schedule.  
Scrutineers for each booth.

89. Each candidate, or, if he omit to do so, his nominators together, may, by writing under his or their hands, appoint one scrutineer for each ballot-box used in the booth; and every such scrutineer shall be entitled to be present in that part of the booth in which the ballot-papers are received, as hereinafter mentioned.

Every scrutineer and clerk shall, before he shall be admitted to act, make and subscribe before the Returning Officer the declaration set forth in the *Fifteenth* Schedule.

To make declaration.

Fifteenth Schedule.

90. The Returning Officer shall, immediately before the opening of the poll, and in sight of any of the scrutineers who may be present, see that the ballot-box is empty, and shall close and lock it, and retain the key in his possession.

Ballot-boxes to be emptied before polling, then locked and kept so till after close of poll.

The ballot-box shall not again be opened until after the close of the poll.

91. Not more than six voters, to be, if necessary, designated by the Returning Officer, shall be allowed in a polling-booth at one and the same time, and no person not actually engaged in voting shall be allowed to remain there except the Returning Officer and his clerks, any of the scrutineers, an interpreter, and as many constables as the Returning Officer thinks necessary to keep order.

No persons permitted to remain in polling-booth.

92. No scrutineer or other official or unofficial person shall speak to any voter in a polling-booth either before or after such voter has given his vote, except only the Returning Officer (with an interpreter, if necessary), who may ask the questions he is authorised to put, and give such general directions as may assist any voter to give his vote.

Voters not to be spoken to in booth.

Every person offending against this section shall be liable for each such offence to a penalty not exceeding *twenty* pounds, and may be at once removed from the booth by order of the Returning Officer.

93. Every person proposing to vote shall state to the Returning Officer his Christian names and surname, and shall demand a ballot-paper; and the Returning Officer having satisfied himself, by reference to the roll, that such person is entitled to vote and has not already voted, shall deliver to him a ballot-paper.

Ballot-paper to be given to voter within booth.

94. The Returning Officer may, and if so required by any scrutineer shall, before allowing any person to vote, put to him the following questions:—

Questions put to persons offering to vote.

(1.) Are you the person whose name appears as A.B. on the electoral roll now in force for the Electoral District of [name of district]?

(2.) Have you, within the last six months, on your own application, been registered on the electoral roll of any other electoral district in the colony?

(3.) Have you already voted at the present election in any electoral district in the colony?

95. If any person, having tendered his vote, to whom the prescribed questions shall be so put as aforesaid, shall refuse or omit distinctly to answer the same and each part thereof, or shall not answer

Omission or refusal to answer questions an offence.

absolutely in the affirmative the first of the prescribed questions, and absolutely in the negative the second and third of the prescribed questions, he shall be and be deemed prohibited from voting then or afterwards at such election, and shall be guilty of an offence, and on summary conviction shall be liable for the same to a penalty not exceeding *fifty* pounds. 5

Penalty for making false answer.

96. If any person shall wilfully and knowingly make a false answer to any of the questions which a Returning Officer or Deputy Returning Officer may put to him under this Act, he shall for every such offence be liable, on summary conviction, to a penalty not exceeding *fifty* pounds. 10

Change of qualification in district not to vitiate right to vote.

97. After the name of any person is inserted on the roll of any district, if he parts with the whole or any part of his qualifying property in respect whereof he was registered in such district, if he removes his residence from one part to another of the same district, he shall not be deemed, by reason only of such change of residence, to be dispossessed of the qualification which he had for the district in respect of which he was so registered. 15

Before given ballot-paper to be marked.

98. Before giving a ballot-paper to an elector the Returning Officer shall write upon the bottom of the left-hand corner of the back thereof his initials and the number appearing on the roll against the name of the elector to whom he gives such paper, and, after securing the said corner by gum or otherwise, shall stamp thereon an official mark, and shall place a mark against the name of such elector on the roll as evidence that he has tendered his vote. 20 25

Voter to be alone when making up ballot-paper.

99. The voter, having received a ballot-paper, shall retire into one of the inner compartments provided, and shall there, alone and secretly, strike out from the ballot-paper the names of the candidates for whom he does not wish to vote.

Provision where voter is blind or disabled and cannot write.

100. If any voter is blind or incapacitated from reading or writing, and so desires, the Returning Officer shall, together with not more than two scrutineers, retire with him into the inner compartment, and there make up the ballot-paper according to the instruction of the voter, and erase therefrom the names of the candidates for whom he does not wish to vote; and such Returning Officer shall sign his own name at the foot thereof, and, if so required by the voter, shall allow a scrutineer or scrutineers to inspect such ballot-paper before putting it into the ballot-box. 30 35

Ballot-paper to be folded and put in the ballot-box by the voter.

101. Every voter, before leaving the inner compartment, shall fold up his ballot-paper so that the contents cannot be seen, and, after showing the Returning Officer the official mark thereon, shall then deposit the ballot-paper, so folded, in the ballot-box. 40

Number of votes to be given by each voter.

102. Except as next hereinafter provided, every voter for the district may vote for any number of candidates at an election not exceeding the number of candidates then to be returned for the district, but may not give more than one vote to each such candidate. 45

Every ballot-paper recording more than the legal number of votes at any election shall be rejected at the close of the poll.

Proceeding where second vote tendered in same name.

103. If any person proposing to vote at any election tenders his name as of the same person to whom a ballot-paper 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 the ballot-paper of 50

such person shall not be deposited in the ballot-box or allowed by the Returning Officer, who shall set the ballot-paper aside for separate custody.

104. Every ballot-paper which has not on its back the official mark, or on which anything is written or marked by which the voter can be identified, except the writing in the corner sealed by the Returning Officer, shall be rejected at the close of the poll and not counted. Irregular ballot-papers to be rejected.

105. Every Returning Officer has power and authority to maintain order and keep the peace at any polling-place where he is conducting the poll, and, without any other warrant than this Act, to cause to be arrested and taken before a Justice of the Peace any person reasonably suspected of committing or attempting to commit at a polling-place any of the offences which are made misdemeanours by this Act: Returning Officers to maintain order.

Also to cause to be removed any person who obstructs the approaches to a polling-booth, or wilfully and unnecessarily obstructs or delays the proceeding at the polling, or conducts himself in a disorderly manner, or causes a disturbance, or wilfully acts in any manner in defiance of the lawful directions of the Returning Officer.

All constables shall aid and assist the Returning Officer in the performance of his duty.

106. When the proceedings for taking the poll at any election are interrupted or obstructed at any place by riot, open violence, or otherwise, the Returning Officer shall not for such cause finally close the poll, but shall adjourn the taking of the poll at the polling-place at which such interruption or obstruction happens to the following day; and, if necessary, from day to day, until the poll can be taken without such interruption or obstruction, when the Returning Officer shall again proceed with taking the poll: Provided that the poll shall not be kept open for more than ten hours on the whole. Poll to be adjourned in case of riot.

107. No election shall be liable to be questioned by reason only of any defect in the title or any want of title of the person by or before whom such election or any polling shall have been held, if such person has been actually appointed or has been acting in the office giving a right to preside at such election or polling. Election not to be invalid for defect in appointment of person taking the poll.

108. No election shall be void in consequence of there being no Returning Officer for any district at the time of the issue of the writ, or of any delay in the return of the writ. Election not to be void for want of appointment of Returning Officer.

40

Result of Poll.

109. The Returning Officer, and every Deputy, at the polling place at which each shall preside, shall, as soon as practicable after the close of the poll, in the presence of such of the scrutineers as choose to be present, and the poll-clerks (if any), but of no other persons, open the ballot-boxes, and, taking therefrom all the ballot-papers therein, proceed to ascertain the number of votes for each candidate, and shall, upon and after such opening, both abstain himself from inspecting the writing upon the back of the ballot-papers, Number of votes to be ascertained on close of poll.

and take care that the same is not seen by any person present before the papers are enclosed in a sealed parcel as hereinafter mentioned.

Deputies to make up books and paper in parcels.

110. The Deputy Returning Officer of each polling-place shall, immediately after ascertaining the total number of votes as last aforesaid, make up the ballot-papers into a separate parcel, 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,—

The unused and spoilt ballot-papers, placed together; and  
The ballot-papers which shall have been set aside for separate custody as hereinbefore provided; and

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-paper 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 with his name the said indorsement.

Deputies to make returns to Returning Officer.

111. Each Deputy shall, together with the parcels aforesaid, transmit to the Returning Officer—

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

A list of the total number of votes received by each candidate; and

An account in which such Deputy shall charge himself with the number of ballot-papers originally delivered to him specified therein, the number thereof delivered to and used by voters, and the number thereof not so delivered or left unused, and the number thereof set aside for separate custody (which account is hereinafter referred to as the ballot-paper account).

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 shall be present and shall consent to sign the same.

Returning Officer to make up parcels.

112. 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 shall have presided,—

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

Make up in separate parcels, in like manner as is herein required of Deputy Returning Officers, all ballot-papers used, unused, or set aside as aforesaid, and all books, rolls, and papers (except the certified copies of rolls on which the fact of any person having received a ballot-paper has been noted) kept or used by him at such polling-booth; and

Seal up, and also permit to be sealed up by the scrutineers, and shall indorse in like manner as aforesaid, the said

several parcels, and deal with the same as hereinafter provided.

113. The Returning Officer shall make arrangements for counting the votes as soon as practicable after the close of the poll, in the presence of scrutineers appointed by the candidates for that purpose, and shall give notice in writing to the candidates or their scrutineers of the time and place at which he will commence to count the same.

Votes to be counted by Returning Officer.

No person except one scrutineer appointed by each candidate, the Returning Officer and his assistants and clerks, and no other person, may be present at the counting of the votes.

114. The Returning Officer shall, in the presence and hearing of such scrutineers as shall be present, compare with one another all the certified copies of rolls on which the fact of any person having received a ballot-paper has been noted by himself or any Deputy, as by this Act provided.

Returning Officer to compare votes.

If on such comparison it shall appear that the same person has received a ballot-paper at two or more polling-places, and if satisfied beyond doubt of the identity of the person so voting, the Returning Officer shall, in the presence of such scrutineers as choose to be present, open the parcels of ballot-papers used at the several polling-places at which such person shall appear to have received any ballot-paper, and shall select therefrom the ballot-papers on which the number corresponding to the name of such person shall appear, and shall disallow every vote appearing to have been given by means of the ballot-papers so selected:

May select ballot-papers, and disallow votes in certain cases.

Provided that, upon and after the opening of such parcel, the Returning Officer shall both abstain himself from inspecting the faces of the ballot-papers in the several parcels other than the ballot-papers selected therefrom so opened, and shall take care that the faces of the same are not seen by any person present.

115. When the Returning Officer has selected from any parcel all the ballot-papers which he is required to select therefrom, he shall forthwith close and seal up the said parcel, and shall also permit the scrutineers to close and seal up the same, and shall indorse thereon a memorandum of the fact of ballot-papers having been selected from such parcel, specifying the same by the name of the person to whom the same shall appear to have been delivered, and shall sign the indorsement with his name.

After selection parcels to be sealed up.

116. The Returning Officer shall set aside all ballot-papers selected by him from any parcel, as herein provided, and shall seal up the same in a separate parcel, and shall also permit the scrutineers to seal up the same, and shall indorse the same with a description of the contents thereof, and shall sign the indorsement with his name.

Selected papers to be sealed up.

117. The Returning Officer shall make up, from the list made out by him as last aforesaid, and from the list so transmitted by the Deputy Returning Officers as aforesaid (corrected by disallowing votes if need be), the general state of the poll, and shall, as soon as conveniently may be on or after the day of the poll, give public notice of the number of votes received by each candidate, and declare the candidate or candidates, not exceeding the number to be elected, who have received in the aggregate at all the polling-places the

Public notice to be given of result of election.

greatest number of votes, to be duly elected as member or members for the district.

*Ad interim* notice of state of the poll.

118. Where the Returning Officer of any district is unable to complete the state of the poll on the evening of the closing thereof, by reason of his not having received the votes of seamen exercised for the district, he may, on the said evening or thereafter, in such manner as he thinks fit, make known unofficially the state of the poll so far as he can make it up to such time, and may state what number of seamen's votes are in transit and have not been received by him; but in no case shall the official declaration be delayed for longer than seven days after the day of polling, and any votes which shall not have been received within such seven days shall not be counted. 5 10 15

And in the case of any particular election whilst the House of Representatives is in session, if the Returning Officer shall find that the candidate having a majority of votes given in his favour would still have a majority of votes if all the seamen's votes to arrive were given against him, then and in such case the Returning Officer may declare such candidate to be elected, and he shall be qualified to take his seat. 15

Casting-vote of Returning Officer.

119. Wherever there is an equality of votes between candidates at an election, and the addition of a vote would entitle any of such candidates to be declared elected, the Returning Officer shall give such additional vote, whether or not he be an elector for the district; but shall not otherwise vote. 20

Names of persons elected to be indorsed on writ, and writ returned.

120. The names of the persons so elected shall be indorsed on the writ by the Returning Officer, and the writ shall be by him returned to the Clerk of the Writs forthwith, and within the time specified therein. 25

Date of return of writ.

121. The day on which the writ so indorsed comes into the possession of the Clerk of the Writs shall be indorsed by him on the writ, and his signature subscribed thereto; and such day shall be deemed to be the day of the return thereof. 30

A member returned for two districts at a general election to elect.

122. If at a general election any member shall be returned for two or more districts he shall make his election for which he will serve within seven days after it shall appear that there is no question upon his return for the district for which he elects to serve. 35

If a petition is presented against his return for either district he shall, if his return for both districts is valid, make his election within seven days after the petition has been disposed of.

Returning Officer to mark copy of roll of all persons who have voted at election, and send to Registrar for correction of rolls.

123. Every Returning Officer, after the day of polling at any election where a poll has been had, and before sealing up the certified copies of rolls received from the various Deputies, shall transfer from the said rolls on to a fair copy of the electoral roll of the district a distinguishing mark to indicate every voter who has voted at the said election, and shall write the word "candidate" opposite the names of such persons as were candidates at such election, and shall sign the said roll as accurate with his name and the title of his office, and the date of the polling-day; and shall transmit the complete roll so marked to the Registrar of the district, who thereupon shall erase from the roll of the district the names of all the voters, other than candidates, who are indicated by the roll received from the Returning Officer as not having voted at such election; and for so doing this Act shall be sufficient warrant. 40 45 50

The said Registrar shall keep and produce to the Resident Magistrate, on any revision of the roll, the marked copy of the roll received from the Returning Officer; and the said roll shall be sufficient evidence that any person marked thereon as not having  
5 voted at an election did not vote at such election.

124. 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 parcels so as aforesaid transmitted to him by the several Deputy Returning Officers  
10 as also those made up and sealed by himself: that is to say,—

Parcels to be made up in packets, and sent to Clerk of House of Representatives.

(1.) He shall enclose in one separate packet all the used ballot-papers, in another all parcels of unused ballot-papers, in another all parcels of ballot-papers set aside as aforesaid, and in another all parcels containing the ballot-paper accounts, copies of rolls, books, or other papers, as  
15 herein provided:

(2.) 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 with his name the said indorsement; and shall forthwith forward the said packets, and also the parcel of ballot-papers selected as aforesaid, to the Clerk of the House of Representatives:

(3.) And he shall also at the same time seal up and transmit to the said Clerk a parcel containing all ballot-papers which shall have been printed for the said election and not used by the Returning Officer or distributed for use to his  
25 deputies.

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

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

At the end of one year the packets and parcels shall be burnt un-  
35 opened, in the presence of the said Clerk and the Clerk of the Writs.

125. Any ballot-papers, and any copy of a roll, and any book purporting to be taken from any 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  
40 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 of justice or before any Committee of the House of Representatives that the same was so taken, and that the same, if a ballot-paper, was deposited, and, if a roll or book, was kept  
45 or used at the election and booth to which such indorsement and writing relate.

Papers taken from parcels to be evidence in certain cases.

126. Every such ballot-paper so certified shall be evidence of a vote given at such election, and of the correspondence of the number appearing on such ballot-paper with the number appearing on any  
50 roll so certified as of the same election and booth, and according to the tenor of the said ballot-paper.

Of what a ballot-paper used at election shall be evidence.

But in the case of the ballot-papers set aside or selected and 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 such roll.

*Vacancies.*

5

How vacancies may be created.

127. The seat of any member of the House of Representatives shall become vacant—

- (1.) If for one whole session of the General Assembly he fails, without permission of the House, to give his attendance in the House ; 10
- (2.) If he takes any oath or makes any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign Prince or Power ;
- (3.) If he does or concurs in or adopts any act whereby he may become a subject or citizen of any foreign State or Power, or is entitled to the rights, privileges, or immunities of a subject of any foreign State or Power ; 15
- (4.) If he is a bankrupt, or an insolvent debtor within the meaning of the laws relating to bankruptcy ;
- (5.) If he is a public defaulter, or is attainted of treason, or is convicted of felony, or is convicted of a corrupt practice in reference to any election ; 20
- (6.) If he resigns his seat by writing under his hand addressed to the Speaker of the House, or, if there be no Speaker or he be absent from the colony, or if the resigning member be the Speaker, to the Governor ; 25
- (7.) If on an election petition the Election Court declares his election void.

No member to be elected for another district.

128. Except at a general election no member for one district shall be capable of being elected to supply a vacancy in any other district; and, in the event of his being returned, with his consent, for one district whilst he is member for any other, the seats for both shall thereupon become vacant. 30

No writ to issue pending decision on election petition.

129. If a petition is presented against the return of a member whose seat has become vacant, no writ to supply the vacancy shall be issued until after the petition is disposed of, and then only in case the return of the said member is declared valid. 35

During session, Speaker by warrant directs issue of writ.

130. If a vacancy exists at the commencement of any session, and no writ has been issued to supply the same, or if a vacancy occurs during a session, the Speaker shall forthwith, upon being ordered to do so by the House, issue his warrant to the Clerk of the Writs directing him to issue a writ to supply the vacancy. 40

During recess, vacancy to be gazetted.

131. Whenever, during a recess of the House, whether by prorogation or adjournment, it appears to the Speaker that a vacancy exists, he shall cause a notification of the same and of the cause thereof to be inserted in the *Gazette*. 45

Ten days thereafter, Speaker directs writ to issue.

As soon as conveniently may be after the expiration of ten days after such notification shall have appeared in the *Gazette*, the Speaker, on its being established to his satisfaction that a vacancy



does exist, shall issue his warrant to the Clerk of the Writs, directing him to issue a writ to supply the vacancy.

132. Whenever a vacancy occurs at a time when there is no Speaker, or he be absent from the colony, the Governor shall cause a like notification to be inserted in the *Gazette* and the like proceedings taken as are provided for in the *two preceding* sections.

When no Speaker, Governor to act in lieu of Speaker.

133. On receipt of a warrant the Clerk of the Writs shall forthwith cause a writ to be issued to the Returning Officer of the district in which the vacancy has occurred, in the form or to the effect set forth in the *Sixteenth* Schedule to this Act.

Clerk of Writs to issue writ.

The writ shall be made returnable within forty days.

Sixteenth Schedule.

134. Sections *seventy-two* to *one hundred and twenty-six* of this Act shall apply to, and be acted on at all particular elections.

Previous provisions of Act to apply to particular elections.

*Notices by Telegraph.*

135. The Governor, the Speaker of the House of Representatives, the Clerk of the Writs and his Deputy, and any member desiring to resign his seat, any Returning Officer or substitute for a Returning Officer, may cause to be transmitted by electric telegraph the contents of any writ, warrant, return, notice, nomination-paper, authority, or other communication which, under the provisions of this Act, are required or authorised to be made or issued by the Governor, Speaker, or any or such other officer or person as aforesaid, whether requiring signature or seal or not, subject to the provisions following, that is to say,—

Certain documents may be transmitted by telegraph under restrictions.

(1.) The original document shall be delivered at a telegraph station, and, in the case of any officers and persons as aforesaid, other than the Governor or Speaker, such delivery shall be made in the presence and under the inspection of some Justice of the Peace.

(2.) The person to whom the contents of any such document shall be sent shall forthwith, in the presence and under the supervision of a Justice of the Peace, cause to be sent back by electric telegraph a copy of the message received by him ; and, in the event of any error appearing therein, the process shall be repeated, under the like supervision, until it shall appear that a true copy of such document has been received by the person to whom it shall have been sent.

(3.) When it shall appear that such true copy has been so received, the officer or person who delivered the original document to the Telegraph officer shall indorse upon the original document a certificate that a true copy thereof has been sent, under the provisions of this section, to the person to whom the same shall have been so sent, and shall forthwith, by electric telegraph, inform such person that such certificate has been so indorsed ; and, in the case of every officer or person, other than the Governor or Speaker, the certificate shall be indorsed in the presence of the Justice of the Peace who was present at the delivery of the original document.

(4.) The person so receiving such true copy shall, upon receiving information of such certificate, indorse upon the copy of the original document received by him a certificate that the same has been duly received under the provisions of this section, which certificate shall be signed by him and by the Justice so supervising the receipt of such copy as hereinbefore provided. 5

Copies so transmitted to be a valid and effectual as originals.

Every copy so indorsed and certified shall be as valid to all intents and purposes as the original whereof it purports to be a copy would have been, and shall be admissible in evidence in any case in which the original would have been so admissible; and any person by whom such copy shall have been so received, or who shall be thereby authorised, instructed, or commanded, or who shall or may be lawfully charged with any duty in respect thereof, shall have and become liable to the same rights and duties in respect thereof as if he had received such original document duly signed and sealed, or signed or sealed, as the case may be. 10 15

Original documents of which copies transmitted to be open to inspection.

136. Every original document a copy whereof has been transmitted under the *last-preceding* section shall be kept at the telegraph station at which it was delivered for the purposes of such transmission, and shall, after the expiration of two days from the date of the certificate under subsection *three* of the said section being indorsed upon it, be open within reasonable hours to the inspection of any person upon the payment of a fee of one shilling. 20

Penalty for wilful delivery of message to wrong person.

137. Any person who, being charged with the delivery of any such telegraphic message as aforesaid, shall wilfully deliver the same to any person other than the person to whom the same shall be addressed, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour. 25 30

Penalty for signing another's name to message to be sent.

138. Whosoever, without lawful authority or excuse (the proof whereof shall be on the person accused), shall sign the name of any other person to any such telegraphic message as aforesaid, with intent to procure such message to be sent as a message from such other person, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour. 35

Penalty for false certificate of sending message under provisions of this Act.

139. Any person who shall wilfully and falsely indorse upon any original document delivered at a telegraph station for the purpose of being transmitted under the provisions of this Act a certificate that a true copy thereof has been sent under section *one hundred and thirty-five*, or who shall by telegraph wilfully and falsely inform any person to whom such document shall have been so sent that a certificate under the provisions of this Act has been indorsed thereon, shall forfeit a sum not exceeding one hundred pounds, which may be sued for and recovered by the first person who shall, for his own benefit and without collusion, sue for the same. 40 45

Signing false certificate upon copy to be felony.

140. Any person by this Act required to sign any certificate upon any copy of a document that such copy has been duly received, under the provisions of section *one hundred and thirty-five*, who shall wilfully sign any such certificate knowing the same to be false, 50

shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or  
5 without hard labour and with or without solitary confinement.

*Offences at Elections.*

141. Every person who—

- 10 (1.) Forges, or counterfeits, or fraudulently defaces, or fraudulently destroys any ballot-paper or the official mark on any ballot-paper; or
- (2.) Without due authority supplies any ballot-paper to any person; or
- 15 (3.) Fraudulently puts into any ballot-box any paper other than the ballot-paper which he is authorised by law to put in; or
- (4.) Fraudulently takes out of the polling-booth any ballot-paper; or
- 20 (5.) Without due authority destroys, takes, opens, or otherwise interferes with any ballot-box, or box or packet or parcel of ballot-papers, 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,

shall be guilty of a misdemeanour, and be liable, if he is a Returning  
25 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 he is any other person, to imprisonment for any term not exceeding six months, with or without hard labour.

Any attempt to commit any offence specified in this section shall  
30 be punishable in the manner in which the offence is punishable.

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

35 142. 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 intimation as to the name or number on the roll  
40 of electors of any elector who has or has not applied for a ballot-paper at that booth, or as to the official mark.

No person whosoever, except as hereinbefore provided, shall interfere with or attempt to interfere with a voter when marking his  
45 vote, or otherwise attempt to obtain in the polling-booth information as to any 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 back of the ballot-paper given to any voter at such booth.

50 Every person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall

Offences in respect of nomination-papers, ballot-papers, and ballot-boxes.

Attempt to commit an offence.

Property may be stated as being in Returning Officer.

Infringement of secrecy.

not communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot-paper.

No person shall, directly or indirectly, induce any voter to display his ballot-paper after he shall have marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his vote. 5

Punishment therefor.

Every person who acts in contravention of the provisions of this section shall be liable, on summary conviction before two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. 10

Returning Officer refusing to return any person duly elected may be sued.

143. If any Returning Officer wilfully delays, neglects, or refuses to return any person who ought to be returned, such person may, in case it has been determined on the hearing of an election petition by a competent tribunal that such person was entitled to have been returned, sue in the Supreme Court the officer having so wilfully delayed, neglected, or refused duly to make such return, and recover double the damages he has sustained by reason thereof, together with full costs of suit, provided such action be commenced within one year after the commission or omission of the act on which the said action is grounded, or within six months after the conclusion of the trial relating to such election. 15 20

## PART V.

### MAORI REPRESENTATION.

Four Maori members to be elected.

144. In addition to the number of members of which by any law for the time being in force it may be provided that the House of Representatives shall consist, there shall be four members of the said House who shall be elected under the provisions of this Part of this Act to represent therein the inhabitants of the colony of the Maori race. 25 30

How chosen.

145. Such members shall be chosen respectively from amongst and by the votes of the Maoris inhabiting each of the several Maori electoral districts hereinafter mentioned, who shall not at any time theretofore have been attainted or convicted of any treason, felony, or infamous offence, and shall be otherwise qualified as hereinafter provided. 35

Qualification of Maori electors.

146. Every male Maori, as defined in section *three*, who is twenty-one years of age and upwards, and who is not disqualified under some provisions of this Act or any other Act, is entitled, subject to the provisions of this Act, to vote as an elector at any election of a member of the House of Representatives for the Maori electoral district which he inhabits; and 40

Qualification of Maori members.

Every elector under this Part of this Act is qualified to be a member of the House of Representatives for any Maori electoral district of the colony. 45

Members not to hold office of emolument under Government.

147. No member elected under the provisions of this Part of this Act to serve in the House of Representatives, and no Maori member who shall be summoned to the Legislative Council, shall be capable of being appointed to any office of emolument under the

General Government of the colony so long as he may be a member of the General Assembly. If any such member of either branch of the Legislature shall at the time of his being summoned or elected hold any such office of emolument as aforesaid, the salary or emolument  
5 of such office shall neither be increased nor diminished during such time as he may be a member of the General Assembly.

The provisions of this section shall not, however, apply to the holding a seat in the Executive Council, or holding an appointment as adviser or assessor of or in connection with the Executive Council,  
10 and receiving salary only in respect of such seat or such appointment, such seat or appointment being held on the ordinary tenure of responsible government.

148. For the purpose of the election of the aforesaid Maori members of the said House, the colony shall be divided into four  
15 Maori electoral districts.

Maori electoral districts and number of members to be returned.

The names of such electoral districts and the numbers of the members to be returned by each such district respectively shall be as follow:—

20 The Northern Maori Electoral District—One member.  
The Eastern Maori Electoral District—One member.  
The Western Maori Electoral District—One member.  
The Southern Maori Electoral District—One member.

149. The several Maori electoral districts constituted under “The Maori Representation Act, 1867,” as the same existed at the  
25 time of the commencement of this Act, shall be deemed to be constituted and shall be the Maori electoral districts under this Act; but but the Governor, by Proclamation published in the *New Zealand Gazette*, may at any time as occasion may require redefine and declare, and from time to time alter and vary, the boundaries of the  
30 said several Maori electoral districts; and such boundaries so from time to time redefined and declared shall be taken and deemed to be the boundaries of the said Maori electoral districts as fully as if the same had been set forth in this Part of this Act.

Existing districts to continue in force. Governor may alter the same.

150. The person who at the time of the making and publication  
35 of any Proclamation altering the boundaries of any Maori electoral district is the member of the House of Representatives for such district, shall (if in all other respects duly qualified) be and be deemed to be the member for such one of the Maori electoral districts affected by such alteration as the Governor shall in and by any  
40 such Proclamation appoint, as if such member had been originally elected for such electoral district so altered as aforesaid.

Members for districts to remain although districts altered.

151. The elections, whether general or particular, of all Maori members shall be conducted according to the following regulations:—

Regulations for conduct of elections.

45 (1.) There shall be one Returning Officer for each electoral district, to be appointed by the Governor, and the said Returning Officer shall have power to appoint, on the occasion of any election, such Deputy Returning Officers as he may deem necessary; and if, owing to illness or  
50 other misadventure, such officer shall be unable personally to attend on such occasion, he shall be empowered to appoint a substitute to act in his stead.

- (2.) Every Returning Officer and Deputy Returning Officer, and every substitute appointed hereunder, shall, before acting in his office, make and subscribe before a Justice of the Peace the declaration set forth in Form A in the *Seventeenth* Schedule, and such Justice of the Peace shall transmit a record of the same to the Colonial Secretary. 5
- (3.) Polling-places shall be appointed in each electoral district by the Governor, and notice of the places appointed shall be published in the *Kahiti* and *New Zealand Gazette* for at least eight days previous to the day of nomination. 10
- (4.) The Governor shall issue a writ in the Form B in the *Seventeenth* Schedule, specifying the day and place of nomination, and the day on which the poll, if necessary, shall take place.
- (5.) The above writ shall be forwarded to each Returning Officer, and a copy thereof shall be published in the *Kahiti* and *New Zealand Gazette*, and posted in such public places as shall be thought desirable by the Returning Officer. 15
- (6.) On the day of nomination, so to be fixed as aforesaid, the Returning Officer shall preside at a meeting to be held at noon at the appointed place, and shall declare the purpose for which the meeting is held. It shall be competent to the Returning Officer to declare the meeting adjourned from day to day till the election is completed. 20
- (7.) Every candidate shall be proposed by one and seconded by another elector, who shall each previously obtain from the Returning Officer a certificate that he is qualified to vote at the election; and, if no more than one candidate shall be so proposed and seconded, the Returning Officer shall declare such candidate duly elected, and will make his return accordingly. 25
- (8.) In the event of there being more candidates than one proposed and seconded, the Returning Officer shall call for a show of hands, separately, in favour of each candidate, and after such show shall declare the person in whose favour the show of hands shall appear to have been largest; and if thereupon a poll be not demanded by one of the candidates, or by some elector, duly certified as such, on his behalf, the Returning Officer shall declare such person to be duly elected. 35
- (9.) The name of the person so declared to be elected shall be indorsed on the writ by the Returning Officer as the person duly elected in pursuance thereof, and the writ shall be returned by him to the Governor forthwith, who shall transmit the same to the Clerk of the Writs, to be by him forwarded to the Speaker of the House of Representatives. The Returning Officer shall forthwith publish a notice of the result of the poll in the *Kahiti*. 40
- (10.) If a poll be demanded as aforesaid, the Returning Officer shall then declare the day on which the same shall be taken, being the day fixed by the writ as aforesaid, and on that day the poll shall be taken, at the places appointed as 45

aforesaid, and shall commence at *nine* o'clock in the forenoon of the day appointed and shall close at *four* o'clock in the afternoon of the same day, unless otherwise ordered by the Returning Officer.

- 5 (11.) If a poll be demanded, the Returning Officer shall immediately make arrangements for the issue at each polling-place of voting-papers to electors, which shall be in the Form C in the *Seventeenth* Schedule, and such papers may be issued at any time or times appointed by  
10 the Returning Officer until the close of the poll.

Before giving a voting-paper to any half-caste, the Returning Officer shall put the following question to him: "Are you registered as an elector in respect of a qualification for any electoral district other than a Maori electoral district?" and, if such question is not answered in the  
15 negative, he shall not give the applicant a voting-paper.

- (12.) On the day of the poll the electors shall enter one by one the polling-booth, and shall each present his voting-paper and, when requested to do so, shall state the name of the  
20 candidate for whom he intends to vote, and his own name. The Returning Officer or his Deputy shall thereupon write the name of such candidate on the voting-paper, and sign the same, and pass it to a Maori, to be appointed by him, to be associated with him for this  
25 purpose, who shall place his initials or name on such voting-paper as witness.

- (13.) Each candidate may, by writing under his hand, appoint  
30 one scrutineer, who, if he chooses, may, after the closing of the poll, be present at the counting of the votes given to each candidate.

- (14.) The Returning Officer shall, immediately after the closing  
35 of the poll, and in the presence of such scrutineers as choose to be present, ascertain the numbers polled for each candidate, and shall sign a notice and declaration stating the number of votes polled for each candidate, and declare the person found to have the greatest number of votes to be duly elected, and shall indorse, return, and forward the writ accordingly, and publish a notice of the result of the poll, as provided in subsection *nine*.

- 40 (15.) If two or more candidates have received an equal number of votes the Returning Officer shall give a casting-vote.

- (16.) The Returning Officer or his Deputy shall have power to  
45 appoint a sufficient number of officers to keep order, and to make and enforce such other regulations for insuring the orderly, effective, and impartial conduct of the election.

- (17.) The provisions of this Act relating to notices by telegraph,  
50 *mutatis mutandis*, shall be deemed to be implied herein as fully and effectually as if they were expressly set forth.

- (18.) Where by these regulations it is directed that any notice or copy of any instrument is to be published in the *Kahiti*,

such publication shall be in the Maori language; and where by these regulations it is directed that any notice or copy of any instrument is to be published in the *New Zealand Gazette*, such publication shall be in the English language.

- (19.) In any case not provided for in these regulations, the Returning Officer or his Deputy or substitute shall, as far as possible, be guided, *mutatis mutandis*, by the law and practice which obtains in relation to election of members for the House of Representatives for other electoral districts, and to the general law relating to Parliament. 5 10

## PART VI.

## MISCELLANEOUS PROVISIONS.

Registrars exempt from Court fees, &c.

152. Registrars shall be exempt from the payment of any Court fees in respect of any proceedings under this Act, and are authorised to send registered letters free of charge, in conformity with instructions to be issued by the Postmaster-General. 15

Penalty on misfeasance of Registrar.

153. Every Registrar who knowingly and wilfully does any matter or thing contrary to the provisions of this Act, or who knowingly and wilfully omits to do any matter or thing required by this Act to be done by him, is liable to a penalty not exceeding *fifty* pounds. 20

May receive costs if information frivolous.

If, at the hearing of any information under this section, it shall appear to the Court or Justices that such information is unfounded, frivolous, or vexatious, the Court or Justices, whether the information is dismissed or not, may order that the prosecutor shall pay to the defendant such costs, together with such further sum by way of compensation, as shall seem reasonable, and the same shall be recovered in like manner as any sum ordered to be paid by Justices. 25

Penalty for false statements or declarations.

154. Every person who knowingly and wilfully makes a false statement in any claim, application, certificate, or declaration mentioned in this Act is liable, on summary conviction, to a penalty not exceeding *twenty* pounds, or to imprisonment for any period not exceeding *three* months. 30

Penalty for wilfully misleading Registrar.

155. Every person who wilfully misleads any Registrar in the compilation of any electoral list or roll, or who wilfully inserts or causes to be inserted therein any false or fictitious name or qualification, or the name of any dead person knowing him to be dead, is liable for every such offence to a penalty not exceeding *fifty* pounds. 35

Penalty for falsifying signatures or attestations.

156. Every person who— 40

(1.) Signs the name of any other person, whether requested to do so or not, or any false or fictitious name, to any form of claim, application, or objection, for the purposes of this Act, either as claimant, applicant, or objector, or as witness; or 45

(2.) Signs his own name as witness to any signature upon any such form of claim, application, or objection without having seen such signature written, or without hearing the person signing declare the signature to be his own and signed of his own proper name; or 50

(3.) Erases, obliterates, or alters any official mark, stamp, or writing on the back of any ballot-paper, or on the face of any counterfoil, 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,

is liable for every such offence to a penalty not exceeding *fifty* pounds.  
 5 157. Every person who makes any wager, bet, or other risk of any nature whatsoever upon the result of any election under this Act, is liable for every such offence to a penalty not exceeding *twenty* pounds; and every such wager, bet, or other risk shall be and is hereby declared an illegal practice within the meaning of "The  
 10 Corrupt Practices Prevention Act, 1881."

Wagers, &c., on result of election prohibited.

158. All offences under this Act punishable on summary conviction may be prosecuted, and all penalties, fines, and forfeitures recovered, in manner provided by "The Justices of the Peace Act, 1882," before any two or more Justices of the Peace or a Resident  
 15 Magistrate.

Summary prosecutions.

159. In any proceedings before any Court or tribunal whatever, by a public officer or any other person on behalf of Her Majesty, for the recovery of any fine, forfeiture, or penalty under this Act, the said Court or other tribunal, in awarding the amount thereof, may  
 20 also in each case award to such public officer or other person the costs of recovering the same.

Costs may be granted to the Crown.

160. The Governor from time to time, by warrant under his hand, may authorise and direct that all such moneys as shall from  
 25 time to time be required for paying any expenses lawfully incurred or to be incurred under and in execution of this Act be paid out of the Public Account, and the same shall be so paid accordingly.

Expense of administration to be paid out of Public Account.

161. When any accidental or unavoidable impediment, misfeasance, or omission happens, the Governor in Council may take all such measures as may be necessary for removing or rectifying the  
 30 same, or may postpone the day on which any electoral roll may come into force, or may declare any such roll valid, or may declare any or all of the proceedings at or for any election valid, notwithstanding such impediment, misfeasance, or omission.

Unavoidable impediments may be removed by Governor in Council.

Every such Order in Council shall state specifically the nature of  
 35 the impediment, misfeasance, or omission, and shall be forthwith published in the *Gazette*.

Nature of impediment to be gazetted.

162. Within twenty-one days before or after the day appointed for doing any act, matter, or thing by this Act required to be done on or before a day certain, the Governor in Council may extend the time allowed for doing any such act, matter, or thing, and adopt or cause to be adopted such measures as may be necessary to remove any obstacle or difficulty of a technical or formal nature by which the carrying-out of the provisions of this Act may be impeded, and supply any deficiency which may be required to be supplied in order to enable the said provisions to be carried out.

Time may be extended in cases of a technical nature.

163. "The Election Petitions Act, 1880," and "The Corrupt Practices Prevention Act, 1881," shall respectively apply in respect to all elections held under this Act.

Election Petitions and Corrupt Practices Acts to apply.

164. The Acts and parts of Acts mentioned in the *Eighteenth* Schedule are hereby repealed.

Repeal. Saving. Eighteenth Schedule.

Schedules.

## SCHEDULES.

## FIRST SCHEDULE.

## FORM OF CLAIM FOR ENROLMENT.

To the Registrar of the Electoral District of

I HEREBY claim to have my name inserted on the electoral roll of

I do hereby declare as follows:—

My name, place of abode, and occupation [or addition] are correctly stated at the foot hereof, and the signature there appearing is my own proper signature.

My age is not under twenty-one years.

I am a British subject by birth [or by virtue of naturalisation in New Zealand; or, if a half-caste, I am a half-caste aboriginal Native of New Zealand].

I claim in respect of residence, as I have resided within the Colony of New Zealand for twelve months, and within the said district for one month immediately preceding the date hereof.

I am not, within my knowledge, registered for any other district in the colony, nor for the district for which I now claim to be registered.

Dated the            day of            , 18           

[Christian name and surname in full.]  
[Address.]  
[Occupation.]

Signed and declared by the claimant this

day of            , in the year 18            , be-  
fore me,            E.F.,  
Registrar  
[or Deputy-Registrar, or Justice of the Peace,  
or Postmaster, or an Elector of the District].

## SECOND SCHEDULE.

## FORM OF CLAIM FOR TRANSFER IN RESPECT OF RESIDENCE IN ANOTHER DISTRICT.

To the Registrar for the Electoral District of            [claimant's new resi-  
dence].

I [Christian name and surname in full] hereby claim to have my name inserted in the electoral roll of the Electoral District of

I do hereby declare as follows:—

I am the person whose name is inserted in the electoral roll of            , in respect of residence, and the signature appearing at the foot hereof is my own proper signature.

I have ceased to reside in the Electoral District of            , and I am now a *bonâ fide* resident in the Electoral District of            , and have resided therein for one month.

I am not registered in respect of any qualification in the district for which I now claim, nor, except as aforesaid, in any other district in the colony.

Signed and delivered, this            day of            , 18            ,  
before me,            [Signature and present address.]  
E.F., Registrar  
[or Deputy-Registrar, or Justice of the Peace,  
or Postmaster, or an Elector of the District].

## THIRD SCHEDULE.

## ELECTORAL DISTRICT OF

GENERAL [or, as the case may be, Supplementary] Roll of Persons entitled to vote for Members of the House of Representatives of New Zealand.

No. on Rolls.	Surname and Christian Name in full, Residence, Occupation, and Qualification.
6 868	Abrahamson, Joseph, Lambton Quay, Storekeeper; residential. Smith, James, Boulcott Street, Merchant.

E.F., Registrar.

## FOURTH SCHEDULE.

## SUMMONS TO PROVE CLAIM.

To  
You are hereby summoned to attend at the Resident Magistrate's Court to be held at \_\_\_\_\_ on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, to prove your claim to have your name retained on the electoral list or roll for the Electoral District of \_\_\_\_\_.

Herein fail not, or your claim will be disallowed.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

R.M. [or J.P.]

## FIFTH SCHEDULE.

## NOTICE OF OBJECTION.

Electoral District of \_\_\_\_\_

I HEREBY object to the name of A.B., described as \_\_\_\_\_ upon the general [or, as the case may be, supplementary] list or roll for the above district, being retained on such list or roll, and the grounds of my objection are the following [Here state grounds].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

G.H.

[State Christian name and surname in full, and residence.]

## SIXTH SCHEDULE.

## SUMMONS TO ANSWER OBJECTION.

To  
You are hereby summoned to attend at the Resident Magistrate's Court to be held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, to prove your right to have your name retained on the electoral roll of the District of \_\_\_\_\_. Herein fail not, or your name will be removed from the said roll.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

R.M. [or J.P.]

The grounds of objection to your name remaining on the roll are as follow:—  
[Here set out grounds of objection as stated in Notice of Objection.]

## SEVENTH SCHEDULE.

## VOTING BY SEAMEN.

## FORM A.

*Application for an Elector's Right.*

To the Registrar of the Electoral District of  
I [*name in full*], being a registered elector whose name is on the electoral roll for this district, claim to have an elector's right issued to me in respect of a seaman's qualification, and I declare that I have been engaged at sea for two years, and have sailed in a ship registered [*or owned*] in New Zealand, for the greater part of the six months immediately preceding the date hereof.

Dated the            day of            , 18 .

(Signature.)  
(Address.)

Signed and declared by the claimant  
this            day of            , 18 ,  
before me—

E.F.,  
Registrar for the Electoral District of

## FORM B.

*Electoral District of            .—Seaman's Elector's Right No.*

THIS is to certify that            is qualified as a seaman to vote at all elections of members of the House of Representatives for the Electoral District of

E.F.,

Registrar for the Electoral District of

Indorsed: Voted at            , this  
   day of            , 18 .

G.H., Collector of Customs.

## FORM C.

*Application for Voting-paper.*

To the Collector of Customs at the Port of  
I [*name in full*] hereby claim to have a voting-paper handed to me for the purpose of voting at the election now being held for            member of the House of Representatives for the Electoral District of            ; and I declare that I am the person named in the elector's right herewith, and am still entitled to vote at such election.

Witness—

(Signature.)  
(Address.)

## FORM D.

*Declaration of Loss of Elector's Right.*

I [*name in full*] do hereby declare that I am the [*name of declarant*] whose name is on the roll of electors for members of the House of Representatives for the Electoral District of            , and that I have not parted with my elector's right to any person whomsoever, for any purpose whatsoever, but that the same has been lost, or mislaid, or destroyed.

(Signature.)  
(Address.)

Declared by the said            , this  
   day of            , 18 , in the  
presence of—

E.F.,  
Registrar for the Electoral District of

## EIGHTH SCHEDULE.

## WARRANT FOR ISSUE OF WRITS.

To the Clerk of the Writs.  
You are hereby authorised and directed to proceed forthwith to issue writs for the election of members for the House of Representatives for all the electoral districts within the Colony of New Zealand.

Dated this            day of            , 18 .

Governor.

## NINTH SCHEDULE.

## FORM OF WRIT FOR GENERAL ELECTION.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to the Returning Officer for the Electoral District of \_\_\_\_\_, Greeting:

WE command you that you proceed according to law to the election of member to serve in the House of Representatives for the said district. And we do further command you that, in the event of the said election being contested, the poll shall be taken on the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_; and that this our writ, with the name of the person so elected indorsed hereon by you, shall be returned to the Clerk of the Writs on or before the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

Witness—A.B., Clerk of the Writs at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

## TENTH SCHEDULE.

## NOTICE OF POLLING-DAY.

In pursuance of "The Electoral Act, 1891," I, \_\_\_\_\_, Returning Officer for the Electoral District of \_\_\_\_\_, do hereby give notice that, by virtue of a writ bearing date the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_, under the hand of the Clerk of the Writs, an election will be held for the return of \_\_\_\_\_ qualified person to serve as member for the said district; and that the latest day for receiving nominations of candidates will be the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_; and that the poll, if necessary, will be taken at the several polling-places of the said district on the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

Every person desirous of becoming a candidate must be nominated by not less than two electors of the district, by a nomination-paper as prescribed by section *seventy-three* of the Act, delivered to the Returning Officer on or before the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

The following are the polling-places [*Insert list of polling-places*] for the Electoral District of \_\_\_\_\_ A.B.,  
Returning Officer.

## ELEVENTH SCHEDULE.

## NOMINATION-PAPER.

To the Returning Officer for the Electoral District of \_\_\_\_\_ WE, the undersigned electors for the Electoral District of \_\_\_\_\_, do hereby nominate A.B., of [*residence, occupation*], with his consent, as a candidate at the election of member of the House of Representatives for the aforesaid electoral district, the poll wherefor is appointed for the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

C.D.

E.F.

[*Full names, residence, and occupation of two or more electors nominating.*]

I, A.B., do hereby consent to the above nomination.

A.B., of [*residence and occupation*].

## TWELFTH SCHEDULE.

## NOTICE OF WITHDRAWAL FROM CANDIDATURE.

To the Returning Officer for the Electoral District of \_\_\_\_\_ I, THE undersigned, hereby give notice that I withdraw my name as a candidate at the election of \_\_\_\_\_ member of the House of Representatives for the Electoral District of \_\_\_\_\_

[*Signature.*][*Abode.*][*Qualification.*]

Signed in the presence of—

C.D., a Justice of the Peace.

THIRTEENTH SCHEDULE.  
FORM OF BALLOT-PAPER.

Electoral District of

BROWN, JAMES.

HUNTER, RICHARD CHARLES.

MORGAN, EDWARD.

} Names of Candidates  
} arranged in Alpha-  
} betical Order of Sur-  
} names.

DIRECTIONS.

The voter is to strike out the name of every candidate for whom he does not intend to vote, by drawing a line through the name with a pen or pencil.

He must take care not to leave uncanceled the names of more than [*Insert number of members to be returned*], or this paper will be invalid.

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 himself.

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

FOURTEENTH SCHEDULE.

DECLARATION BY DEPUTY RETURNING OFFICER.

I, A.B., do solemnly declare that I will well and truly serve our Sovereign Lady Queen Victoria in the office of Deputy Returning Officer for the Electoral District of ; and that I will not do anything forbidden by section *one hundred and forty-two\** of "The Electoral Act, 1891," which has been read to me.

A.B.

Declared before me , this day of , 18 .

C.D.,

Returning Officer [*or a J.P.*].

\* This section must be read to the declarant by the person taking the declaration.

FIFTEENTH SCHEDULE.

DECLARATION BY SCRUTINEER.

I, E.F. (Scrutineer for X.Y., a candidate at the present election for the Electoral District of ), do solemnly declare that I will not, at this election, do anything forbidden by section *one hundred and forty-two\** of "The Electoral Act, 1891," which has been read to me.

E.F.

Declared before me , this day of , 18 .

C.D.,

Returning [*or Deputy Returning*] Officer.

\* This section must be read to the declarant by the person taking the declaration.

SIXTEENTH SCHEDULE.

FORM OF WRIT FOR PARTICULAR ELECTION.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to the Returning Officer for the Electoral District of , Greeting:

WE command you that you proceed according to law to the election of member to serve in the House of Representatives for the said district: And we do

further command you that this our writ, with the name of the person so elected indorsed hereon by you, shall be returned to the Clerk of the Writs on or before the day of \_\_\_\_\_, 18 \_\_\_\_\_.

Witness—A.B., Clerk of the Writs at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

SEVENTEENTH SCHEDULE.

MAORI ELECTIONS.

FORM A.

*Declaration by Returning Officer.*

I, A.B., Returning Officer for the \_\_\_\_\_ Maori Electoral District [or one of the Deputy Returning Officers or substitute], do solemnly declare that I will faithfully perform the duties of Returning Officer [or Deputy Returning Officer or substitute] to the best of my ability.

A.B.

Declared before me \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.  
C.D., Justice of the Peace.

FORM B.

*Form of Writ.*

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the Islands of New Zealand, &c., Queen, to \_\_\_\_\_ Esquire, Returning Officer for the \_\_\_\_\_ Maori Electoral District, Greeting:

WHEREAS it is necessary that an election of a member of the House of Representatives of New Zealand shall take place: Now, therefore, we do hereby require and command you to cause to be elected by the voters duly qualified for that purpose, freely and indifferently, and in manner and form by law and regulations in this behalf prescribed, a legally-qualified person to serve as a member of the said House of Representatives for the \_\_\_\_\_ Maori Electoral District: And we do hereby further require and command that you cause the nomination of the said member to be at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, and the polling, in case it shall be required, to be at the several polling-places on the \_\_\_\_\_ day of \_\_\_\_\_; and that this our writ, with the name of the person so elected indorsed thereon by you, shall be returned to us here on or before the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

In witness whereof His Excellency \_\_\_\_\_, the Governor and Commander-in-Chief of New Zealand, has caused the Public Seal of the Colony of New Zealand to be hereunto affixed, at Wellington, the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

Governor.

FORM C.

*Pukapuka Pooti.*

Ko te tangata Maori kei raro nei tona ingoa e marama ana ia kia pooti a te whakatunga o te tangata mo te Takiwa Pooti Maori Whaka-te \_\_\_\_\_ hei reo mo ratou Whaka-Maori ki roto ki te Runanga Nui o Niu Tireni:—

*Voting-paper.*

THE under-mentioned person is entitled to vote at the election of a member of the House of Representatives for the \_\_\_\_\_ Maori Electoral District:—

Ko te Ingoa Iriiri, Maori hoki, o te Tangata Poot . Christian Name and Surname of Elector.	Iwi. Tribe.	Hapu. Hapu.	Kainga. Abode.

Tangata e pootitia ana :

Kai-titiro :

Candidate voted for :

Witness :

R.O., Returning Officer.

## EIGHTEENTH SCHEDULE.

## ACTS REPEALED.

- 1867, No. 47.—“The Maori Representation Act, 1867.”  
1872, No. 72.—“The Maori Representation Act Amendment and Continuance Act, 1872.”  
1876, No. 44.—“The Maori Representation Acts Continuance Act, 1876.”  
1879, No. 40.—“The Qualification of Electors Act, 1879.”  
1879, No. 41.—“The Registration of Electors Act, 1879.”  
1881, No. 12.—“The Regulation of Elections Act, 1881.”  
1886, No. 17.—“The Defence Act, 1886.” *In part—namely, section seventy-eight.*  
1887, No. 6.—“The Electoral Acts Amendment Act, 1887.”  
1887, No. 7.—“The Representation Act, 1887.” *In part—namely, sections eight to twelve.*  
1889, No. 6.—“The Representation Act Amendment Act, 1889.” *In part—namely, section four.*  
1890, No. 5.—“The Representation Act Amendment Act, 1890.”  
1890, No. 12.—“The Electoral Acts Amendment Act, 1890.”

---

By Authority: GEORGE DIDSBURY, Government Printer, Wellington.—1891.