

79.

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

*Legislative Council,
3rd August, 1900.*

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE, HOUSE OF REPRESENTATIVES, 24TH AUGUST, 1900.]

Hon. Mr. W. C. Walker.

EDUCATION BOARDS ELECTION.

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A BILL INTITULED

AN ACT to make Better Provision for the Election of Members of Education Boards. Title.

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

1. The Short Title of this Act is "The Education Boards Election Act, 1900"; and it shall form part of and be read together with "The Education Act, 1877" (hereinafter called "the principal Act"). Short Title.
2. The members of the Education Board of each education district constituted under the principal Act shall hereafter be elected in manner provided by this Act. Boards to be elected under this Act.
3. The electors shall in the case of each education district be the members of the respective School Committees in each school district in such education district. Electors.
4. For the purpose of every election the Secretary of the Board shall be the Returning Officer. Returning Officer.
5. In the case of every ordinary vacancy the election shall be held on the fourth Monday in ~~May~~, *July*, and the first ordinary election shall be held on the fourth Monday in ~~May~~, *July*, in the year one thousand nine hundred and one. Date of election for ordinary vacancy.
6. In the case of every extraordinary vacancy the election shall be held on a date to be fixed by the Board, being not sooner than the twenty-eighth nor later than the thirty-fifth day after the vacancy occurs. In case of extraordinary vacancy.

Procedure with respect to elections.

7. With respect to every election, the following provisions shall apply :—

- (1.) Not later than ~~twenty one~~ *thirty* days before the date of the election, the Returning Officer shall, by advertisement published in a newspaper circulating in the district, notify the number of vacancies, *the date on which nominations will close*, and the date on which the election will be held. 5
- (2.) No person shall be eligible as a candidate for election unless he is nominated in writing by at least two electors, and the nomination-paper, bearing the candidate's consent in writing, is received by the Returning Officer before the nominations are closed. 10
- (3.) Nominations shall close at five o'clock on the afternoon of the *fourteenth* day before the date of the election. 15

Duties of Returning Officer.

8. Not later than the ~~tenth~~ *twelfth* day before the date of the election, the Returning Officer shall notify in manner aforesaid,—

- (1.) The number of members to be elected ;
- (2.) The full name of every duly nominated candidate ; and
- (3.) The day on which the elections will be held, and hour at which the poll will be closed ; 20

and shall also forward to the Chairman of each School Committee in the district a sufficient supply of voting-papers for the use of such of the electors as are members of that Committee.

Mode of voting.

9. The elector shall indicate his vote by drawing a line through the names of all the candidates for whom he does not desire to vote, and shall then sign the voting-paper, and post or deliver the same to the Returning Officer in a closed envelope bearing on the outside thereof the words " Voting Paper." 25

When voting-paper to be returned.

10. The voting-paper, if delivered to the Returning Officer, shall be delivered at the office of the Board before the day of the election, or not later than five o'clock in the afternoon of the day of the election, and, if posted to him, shall be posted to him not later than on that day. 30

When poll to close.

11. The poll shall close at five o'clock in the afternoon of the day of the election ; but all voting-papers shall be included and counted which are received by him in ordinary course of post before the close of the ~~tenth~~ *fourteenth* day after the day of the election, and are enclosed in envelopes bearing the post-mark of a day not being later than the day of the election. 35

Informal voting-papers.

12. A voting-paper shall be informal in any of the following cases :— 40

- (1.) If it is not duly signed by the elector.
- (2.) If the candidates whose names are left uncanceled exceed the total number to be elected.
- (3.) If the elector votes more than once at the same election. 45
- (4.) If, being delivered to the Returning Officer, it is not delivered before the close of the poll.
- (5.) If, being posted to the Returning Officer, it does not reach him before the close of the ~~tenth~~ *fourteenth* day after the day of the election, or if the envelope containing it does not bear the post-mark of the day of the election or of a previous day. 50

New clause.

Scrutineers may be appointed.

12A. Each candidate may, by writing under his hand, appoint one scrutineer, who may be present at the examination of the voting-papers as hereinafter mentioned. 55

13. On the ~~eleventh~~ *fifteenth* day after the day of the election the Returning Officer, ~~in the presence of Scrutineers to be appointed in writing by the several candidates, or of as many Scrutineers as may be appointed,~~ shall open and examine all the voting-papers duly delivered to him or received by him through the post as aforesaid, and, after rejecting all informal voting-papers, shall ascertain the candidates (not exceeding the total number to be elected) who have received the greatest number of votes, and shall, by notice exhibited in the office of the Board, declare such candidates to be elected.
- 10 *New clause.*
- 13A. The Returning Officer shall, immediately after counting the votes, seal up all voting-papers and transmit the whole to the Clerk of the nearest Stipendiary Magistrate's Court, who shall keep the same for six months thereafter, and shall not open or permit to be opened such packet except on the order of some Court of competent jurisdiction, and shall at the end of six months effectually destroy the same, and if any person, save on the order of any such Court, opens any such packet, or destroys any of the contents thereof, he shall be liable to a penalty of *fifty* pounds for every such offence.
- 15
14. If by reason of an equality of votes given for two or more candidates the election is not complete, the Returning Officer shall complete the election by ~~lot in such manner as the Board directs~~ *giving a casting-vote or casting-votes, as the case may be.*
- 20
15. Forthwith after the completion of the election, the Returning Officer shall notify in the *Gazette*, and also by advertisement in a newspaper published in the district, the names of the persons elected, the number of valid votes recorded for each candidate, the total number of valid votes recorded, and the total number of votes rejected as informal.
- 25
16. If any dispute or question arises touching the regularity of any election, such dispute or question shall be determined by a Stipendiary Magistrate in manner provided by "The Regulation of Local Elections Act, 1876," all the provisions of which shall, *mutatis mutandis*, apply in so far as the same are applicable.
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17. Nomination-papers and voting-papers for the purposes of this Act shall be in the form in the Schedule hereto.
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18. The members elected at the ordinary annual election, as hereinbefore provided, shall take office on the second Monday in ~~June~~ *August* following the day of election.
- 40
19. The members who, under the provisions of the principal Act, would retire from office on the thirty-first day of March, one thousand nine hundred and one, shall continue in office until the second Monday in ~~June~~ *August*, one thousand nine hundred and one, on which date they shall retire from office.
- 45
20. At every meeting of an Education Board at which the Chairman is to be elected, the Secretary of the Board shall preside for the purposes of such election, but shall not vote, and, in the event of an equality of voting, he shall determine the election by lot. ~~in such manner as the Board directs.~~
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21. The Governor in Council may from time to time make such regulations as he thinks fit in order to give full effect to the purposes of this Act.
22. The principal Act is hereby modified in so far as it conflicts with this Act, but not further or otherwise.

Returning Officer to count votes and declare candidates elected.

How voting-papers to be dealt with.

Penalty.

Casting-vote.

Notification of result of election.

Magistrate to determine disputed election.

Form of nomination and voting-papers.

When members to take office.

Present members continued in office.

Election of Chairman.

Regulations.

Education Act modified.

Schedule.

SCHEDULE.

NOMINATION PAPER.

WE [A. B., C. D., &c.] being members of the School Committee of the School District, and electors of the Education Board of the Education District, hereby nominate

[Set out full christian and surname and address of each candidate the electors wish to nominate]

as [a] candidate[s] for election to the above-mentioned Education Board at the election to be held on

Dated at , this day of , 19

A. B.

C. D.

[And other signatures, if any.]

Consent of Candidate(s).

I [We] hereby consent to be nominated as above.

(Signatures of nominated candidates.)

VOTING-PAPER.

VOTING-PAPER for Use at Election to be held on the day of , 19 , of Member[s] of the Education Board of the Education District of

Candidates.

[Set out in alphabetical order of surnames the full name of every duly nominated candidate.]

Directions.

The number of candidates to be elected is [Specify the number].

The voter must draw a line through the name of every candidate for whom he does *not* intend to vote, and the number of candidates whose names are left uncanceled must not exceed the total number of candidates to be elected.

This voting-paper must be signed by the voter, and delivered to the Returning Officer in a closed envelope before 5 o'clock in the afternoon of the day of the election, or posted to him on that day in such envelope, and the envelope must bear on the outside thereof the words "Voting Paper."

The vote of [Name of voter] is hereby recorded as above, this day of , 19

(Signature of voter.)