

116

Mr. Ell.

### ELECTIVE LEGISLATIVE COUNCIL.

#### ANALYSIS.

Title.	10. Manner of poll, &c.
Preamble.	11. Certain sections of "The Electoral Act, 1902," to apply.
1. Short Title.	12. Vacancy.
2. When present members shall cease to hold office. Successors to be elected.	13. Election of Speaker. When office of Speaker vacant.
3. Number of Councillors.	
4. Election of Councillors.	MAORI REPRESENTATION.
5. Mode of election.	14. Maori members.
6. Electoral district: one member for each. Proviso: two members for certain cities.	15. Certain sections of "The Electoral Act, 1902," to apply.
7. Electoral districts to be gazetted. Copy of report to be presented to Legislative Council. Boundaries of electoral districts. Electoral maps.	16. Electoral districts for Maoris.
8. Qualification for Councillors and electors.	17. Names of Maori electoral districts.
9. Clerk of Writs.	REPEAL.
	18. Repeal. Schedule.

#### A BILL INTITULED

AN ACT to provide for the Election of the Members of the Legislative Council in New Zealand. Title.

WHEREAS it is desirable that members of the Legislative Council shall be elected: Preamble.

BE IT THEREFORE 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 Elective Legislative Council Act, 1903." Short Title.

2. On and after the date fixed for the next ensuing general election of members of the House of Representatives, the members of the Legislative Council then in office shall cease to hold their seats, and the members of such Council shall thereafter be elected as provided by this Act. When present members shall cease to hold office.  
Successors to be elected.

3. From and after the date aforesaid the Legislative Council shall consist of thirty-eight members, exclusive of Maori members. Number of Councillors.

4. A general election of members of the Legislative Council shall be held on the date fixed for the general election next after the passing of this Act, and thereafter at every alternate general election. Election of Councillors.

5. Every such election shall be held in the manner prescribed by "The Electoral Act, 1902," for the election of members of the House of Representatives, and simultaneously therewith. Mode of election.

6. In order to provide for the representation of the people of New Zealand in the Legislative Council, it shall be the duty of the Representation Commissions set up under "The Electoral Act, 1902," to divide Electoral district: one member for each.

- the colony into electoral districts, so that two electoral districts as defined by the Representation Commissions for the election of members of the House of Representatives shall be counted as one, and one member shall be assigned to each such district :
- Provided that to each of the four city electoral districts called 5  
 respectively Auckland, Wellington, Christchurch; and Dunedin there shall be added one electoral district, being an adjoining electoral district, and to each such electoral district so constituted there shall be assigned two members.
7. (1.) The Commissions shall in every case report the names 10  
 and boundaries of the electoral districts fixed by them to the Governor, who shall proclaim the same in the *Gazette*, and such report shall have the force of law from the date of such Proclamation, but shall not come into effect until the expiry of the then existing Parliament.
- (2.) A copy of every such report, together with properly authen- 15  
 ticated maps of the electoral districts fixed by such report, shall within ten days of the receipt thereof be presented by the Governor to the Legislative Council, if in session, and, if not, within ten days after the commencement of its next meeting.
- (3.) Upon the taking - effect of any report as aforesaid the 20  
 electoral districts therein set forth and the boundaries thereof respectively shall be the electoral districts of the colony for the purpose of the election of the members of the Legislative Council after the dissolution or expiration of the then existing Parliament, and shall so continue until the succeeding report of the Commissions takes effect 25  
 or Parliament otherwise enacts.
- (4.) The Colonial Secretary shall forthwith, after every report of the Commissions is proclaimed, cause to be deposited in the office of the Clerk of the said Council properly authenticated maps of the electoral districts fixed by such report. 30
8. Every person qualified to be a candidate, and to be elected a member of the House of Representatives is qualified to be a candidate and to be elected a member of the Legislative Council, and every person entitled to vote under "The Electoral Act, 1902," is entitled to vote under this Act. 35
9. The Governor shall from time to time, by Warrant under his hand, appoint some fit person to be Clerk of the Writs, by whom writs for the election of members of the Legislative Council shall in all cases be issued, and to whom such writs shall also be returnable.
10. The poll shall be taken as follows:— 40
- (a.) The Returning Officer of the electoral district shall, upon the day appointed, proceed to take the poll for the election of members to the said Legislative Council in the manner provided by "The Electoral Act, 1902," for taking the electoral poll, and shall provide voting-papers 45  
 and all things necessary for taking the poll.
- (b.) He shall also provide separate ballot-boxes for the poll for the election of members of the Legislative Council and the House of Representatives, and each class of ballot-box shall be painted of a different colour, or otherwise have 50  
 sufficiently distinguishing marks to prevent mistakes.
- Proviso: two members for certain cities.
- Electoral districts to be gazetted.
- Copy of report to be presented to Legislative Council.
- Boundaries of electoral districts.
- Electoral maps.
- Qualification for Councillors and electors.
- Clerk of Writs.
- Manner of poll, &c.

- (c.) All mistakes made by depositing ballot-papers in the wrong boxes shall be corrected by the Returning Officer when counting the papers, and all the papers shall be duly included in the counting.
- 5 (d.) He shall also appoint a sufficient number of Deputy Returning Officers and poll-clerks for the sole purpose of attending to the business of taking the poll.
- (e.) The ballot-papers for the poll for the election of members of the Legislative Council shall be different in colour to the ballot-papers for the poll for the election of members of the House of Representatives.
- 10 (f.) The polling-booths in each district shall be the same as those used at the taking of the electoral poll for the election of members of the House of Representatives.
- 15 (g.) Every elector shall fold up the voting-paper in the same manner as the ballot-paper at a poll for the election of members to the House of Representatives, but separate therefrom, and place it in the ballot-box specially set apart for receiving the said ballot-papers.
- 20 11. Sections twenty-one to twenty-five of "The Electoral Act, 1902" (relating to vacancies), shall extend and apply to members of the Legislative Council. Certain sections of "The Electoral Act, 1902," to apply.
12. When and so often as a vacancy occurs in any seat in the Legislative Council, writs shall be issued for supplying such vacancy Vacancy.
- 25 in the manner provided by "The Electoral Act, 1902," for supplying vacancies in the House of Representatives.
13. (1.) The Legislative Council shall immediately on its first meeting proceed to the choice of one of its members as its Speaker during the continuance of the said Council, which choice, on being Election of Speaker.
- 30 confirmed by the Governor, shall be valid and effectual.
- (2.) In case of vacancy of the office of Speaker by death, resignation, or otherwise, then and so often as the same happens the choice shall be repeated and confirmed as aforesaid. When office of Speaker vacant.

MAORI REPRESENTATION.

- 35 14. In addition to the number of members of which it is provided that the Legislative Council shall consist, there shall be two members of the said Council to represent therein the inhabitants of the colony of the Maori race. Maori members.
- 40 15. The following provisions of "The Electoral Act, 1902," shall extend and apply to such Maori members: namely, subsection two of section one hundred and sixty-eight, sections one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, subsection three of section one hundred and seventy-two, and section one hundred and seventy-three. Certain sections of "The Electoral Act, 1902," to apply.
- 45 16. For the purpose of Maori representation the colony shall be divided into two electoral districts. Electoral districts for Maoris.
17. The names of such electoral districts, and the number of members to be returned by each such district respectively, shall be as follows: The Northern Maori Electoral District, one member; the Names of Maori electoral districts.
- 50 Southern Maori Electoral District, one member.

## REPEAL.

Repeal.

18. The enactments mentioned in the Schedule hereto are hereby repealed: Provided that such repeal shall not take effect until the first election under this Act.

Schedule.

## SCHEDULE.

1878, No. 30.—“The Disqualification Act, 1878.”

1891, No. 25.—“The Legislative Council Act, 1891”: Sections 2 to 4.

1893, No. 18.—“The Electoral Act, 1893.”

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By Authority: JOHN MACKAY, Government Printer, Wellington.—1903.