

New Parliament.]

Sir G. Grey.

ELECTION OF GOVERNOR.

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A BILL INTITULED

AN ACT to provide for the Election of the Governor of New Zealand. Title.

WHEREAS in the year 1852 the General Assembly of New Zealand was, by an Act of the Imperial Parliament (15 and 16 Vict., c. 72), empowered (except in certain cases mentioned in the said Act) to make laws for the peace, order, and good government of New Zealand, provided that such laws were not repugnant to the law of England: And whereas the General Assembly has not hitherto availed itself of these powers to the extent which the interests of the people of this country require: 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 Election of Governor Act, 1887." Short Title.

2. From and after the coming into operation of this Act the Governor of New Zealand shall be elected by the inhabitants thereof, in the manner hereinafter provided, and shall hold office for a term of years from the date of his coming into office. Governor to be elective.

Every male person, being a British subject, of not less than Qualification.

years of age, shall be eligible to the office of Governor under this Act.

Tenure of office.

- (1.) The first Governor elected under this Act shall come into office on the day when the Governor who holds office at the time of such election vacates the office, and shall hold office for years from that day. 5
- (2.) Every Governor elected after the first shall come into office on the expiration of the term of office of his predecessor.
- (3.) Every person elected Governor to supply an extraordinary vacancy in the office shall come into office forthwith on his election. 10

In case of vacancy Governor-elect to assume office, or else senior member of Executive Council to administer the Government.

3. In the event of any extraordinary vacancy in the office of the Governor, the Governor-elect shall at once assume office, or, if there be no Governor-elect, the senior member of the Executive Council for the time being shall become *ex officio* the officer administering the Government of the colony until the election of a new Governor, and shall have and may exercise all authorities and powers of the Governor of the colony, and shall forthwith do all things necessary in and towards procuring an election of a new Governor to be had under this Act. 15 20

Governor to be Commander-in-Chief; to have power of pardon and of remitting penalties.

4. The Governor elected under this Act, by virtue of his office,—
 - (1.) Shall be Commander-in-Chief of all the colonial forces, whether naval or military;
 - (2.) May grant a pardon, either free or subject to lawful conditions, or any remission of the sentence passed on any offender convicted in any Court or before any Judge or other Magistrate within the colony, or any respite of the execution of such sentence for such period as he thinks fit; and may grant a pardon to any accomplice in a crime committed within the colony who shall give such information as shall lead to the conviction of the principal offender, or of any one of such offenders, if more than one. 25 30

Every pardon, remission, or respite of sentence granted by the Governor under this Act shall, to all intents and purposes and for all objects, have the same force and be of the same effect as if such pardon, remission, or respite had been granted by Her Majesty the Queen in virtue of her Royal prerogative; 35

- (3.) May remit any fines, penalties, or forfeitures which may be imposed by any Court, Judge, or Magistrate within the colony on any offender, and whether the amount thereof be in whole or in part payable to Her Majesty, or to any individual, or company, or corporation, or local authority, and any term of imprisonment to which any person may be subjected by reason of the non-payment of any such fine, penalty, or forfeiture as aforesaid. 40 45

Governor to be subject in certain cases to Royal Instructions.

5. The Governor elected under this Act shall, in the exercise of all powers vested in Her Majesty the Queen by the Constitution Act, exercise the same in such manner as shall be prescribed by Her Majesty in any Instructions which it may please Her Majesty from time to time to issue under Her Majesty's sign-manual and signet. 50

6. The Governor, by Proclamation in the *Gazette*, to be published not later than _____ months after the day of the commencement of this Act, and thereafter not later than nine months previous to the expiration of his ordinary term of office, shall appoint the latest day at which nominations of candidates for the office of Governor will be received, and such day shall be not later than _____ months after the day of the gazetting of the aforesaid Proclamation.

Governor to proclaim time for sending in nominations of candidates.

7. Any duly-qualified person may be nominated as a candidate for election as Governor by a nomination-paper signed by not less than ten persons being duly qualified to elect members of the House of Representatives for any electoral district in the colony (hereinafter referred to as "electors").

Candidates to be nominated by ten qualified voters at elections for House of Representatives.

(1.) Each candidate shall be nominated by a separate nomination-paper, to be sent to the Colonial Secretary on or before the last day appointed for receiving nominations.

(2.) No special form of nomination-paper shall be required, provided that such paper is properly signed, and is sufficiently descriptive of the person intended to be nominated as, in the opinion of the Colonial Secretary, to be calculated to identify such person; but no elector shall subscribe more than one nomination-paper.

The Colonial Secretary shall reject every nomination-paper which is informal.

(3.) The Colonial Secretary shall cause to be published in every issue of the *Gazette* the names of all candidates as he shall receive them, until the expiration of the time for receiving nominations; and forthwith after such time he shall cause the names of all candidates to be published in the *Gazette* in alphabetical order, and shall also send lists of such names, duly attested by him, to the Returning Officers throughout the colony.

Names of candidates to be gazetted.

8. Forthwith after the gazetting of the alphabetical list of candidates the Governor shall, by warrant under his hand, in such form as he shall think fit, direct the Clerk of the Writs to proceed with the election of a Governor from among the persons nominated as aforesaid.

Governor to direct poll to be taken for election.

9. On the receipt of such warrant the Clerk of the Writs shall forthwith cause writs to be issued to the several Returning Officers, in such form as the Governor may prescribe, directing them to take a poll of the electors of the district on a day to be named in the writ, to determine which of the candidates nominated is to be elected Governor. The same day shall be appointed in each writ for the polling. The writs shall be made returnable within _____ days.

Writs to be issued for poll in the electoral districts of the colony.

10. Every election of Governor shall be conducted under "The Regulation of Elections Act, 1881," in the same manner, save as herein is otherwise provided, as elections are conducted of members of the House of Representatives.

Poll to be conducted the same as in elections for House.

(1.) "The Regulation of Elections Act, 1881," "The Corrupt Practices Prevention Act, 1881," and every Act passed in amendment or substitution thereof respectively, shall apply to all elections under this Act, saving as aforesaid, and shall be read and construed *mutatis mutandis* for the purpose of giving effect to the provisions of this section.

(2.) All persons holding any office under the Acts last aforesaid shall hold the like offices in respect of elections under this Act, and in relation thereto shall have the same powers and perform the same duties at any election for the office of Governor as they would have and might perform at an election of a member of the House of Representatives. 5

(3.) All electoral districts constituted under "The Representation Act, 1887," or any other Act for the time in force shall be electoral districts for the purposes of this Act; and all polling-places appointed within such districts under "The Regulation of Elections Act, 1881," shall be polling-places therein under this Act. 10

Duties of Returning Officers.

11. 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 manner best calculated to give general publicity thereto. 15

(1.) The election shall then proceed and all things be done at the polling in the same manner in every respect as if it were an election for a member of the House of Representatives. A voting-paper shall be printed, having the names of all the candidates thereon in the same order as on the lists furnished to the Returning Officer by the Colonial Secretary. 20

(2.) Every voter shall erase from the voting-paper every name excepting the name of the candidate for whom he wishes to vote. 25

(3.) The Returning Officer shall make up the result of the poll in the same manner as if it were an election for the House of Representatives, and shall indorse on the writ the name of the person who has received the greatest number of votes at the election, together with the number of votes received by him, and forthwith return the writ, so indorsed, to the Clerk of the Writs. 30

Returning Officers not to have either original or casting vote. When numbers equal, to indorse both names on writ.

12. No Returning Officer shall have a vote under this Act, nor shall he exercise any casting-vote; but, if in any district it is found that any two or more of the candidates having the highest number of votes are equal in number, the Returning Officer shall indorse both or all their names on the writ, and bracket them together as equal, together with the number of votes. 35

On return of writs Clerk of Writs to ascertain the person having majority of votes in the colony.

13. On receipt of the writs from the various electoral districts the Clerk of the Writs shall ascertain from the names indorsed thereon the name of the candidate who has received the greatest number of votes throughout the colony; and shall report the result to the Governor. Similarly, if any two or more candidates have received an equal number of votes throughout the colony he shall report the same to the Governor, who thereupon shall nominate as Governor one or other of the equal candidates, so as to determine the election. 40

Governor to notify result and proclaim the election.

14. The Governor shall forthwith, by proclamation in the *Gazette*, notify the result of the election; and the candidate so proclaimed to be elected shall be Governor-elect from that day. 45

Governor may make regulations for carrying Act into force.

15. The Governor from time to time, by Order in Council, may make, alter, or revoke regulations for any purpose connected with any

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election under this Act, for the purpose of having any such election duly carried out and completed.

16. 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 same, or may declare any or all of the proceedings at or for any election valid, notwithstanding such impediment, misfeasance, or omission.

Governor in Council may remedy defects, &c., in elections.

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