

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,  
27th September, 1927.

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE.]  
Legislative Council, 7th October, 1927.

Hon. Mr. McLeod.

LEGISLATURE AMENDMENT.

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A BILL INTITULED

AN ACT to amend the Legislature Act, 1908.

Title.

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

- 5 1. (1) This Act may be cited as the Legislature Amendment Act, 1927, and shall be read together with and deemed part of the Legislature Act, 1908 (hereinafter referred to as the principal Act). Short Title and commencement.
- 10 (2) This Act shall come into force on the first day of January, nineteen hundred and *twenty-eight*.

*Postal Voting.*

2. (1) Notwithstanding anything to the contrary in the principal Act, any registered elector who— Postal voting.
- 15 (a) Will, on polling-day, be absent from New Zealand:
- (b) Will not, throughout the hours of polling on polling-day, be within five miles by the nearest practicable route of any polling-place:
- 20 (c) Will, throughout the hours of polling on polling-day, be travelling under conditions which will preclude him from attending at any polling-place to vote:

- (d) Is ill or infirm, and by reason of such illness or infirmity will be precluded from attending at any polling-place to vote, or, in the case of a woman, will, by approaching maternity, be precluded from attending at any polling-place to vote : 5
- (e) Is a lighthouse-keeper or member of a lighthouse-keeper's staff, or is the wife of a lighthouse-keeper or the wife of a member of a lighthouse-keeper's staff, and will be precluded from attending at any polling-place to vote—
- may, on obtaining a postal vote-certificate and postal ballot-paper, vote elsewhere than at a duly appointed polling-place, at such time, in such manner, and on such conditions as may be prescribed by regulations in that behalf. 10
- (2) The Governor-General may for the purposes of this section from time to time, by Order in Council, make regulations for all or 15 any of the following purposes :—
- (a) Prescribing forms of postal vote-certificates and postal ballot-papers and of applications therefor :
- (b) Prescribing the time within which applications for postal vote-certificates may be made by registered electors and received 20 by Returning Officers :
- (c) Specifying the persons who shall be authorized witnesses for any of the purposes of such regulations, and prescribing the duties of such authorized witnesses :
- (d) Regulating the issue of postal vote - certificates and postal 25 ballot-papers :
- (e) Prescribing the manner in and the conditions on which electors to whom postal ballot-papers are issued may vote by means of such ballot-papers :
- (f) Prescribing the manner in which postal ballot-papers shall be 30 dealt with by Returning Officers :
- (g) Generally for the purpose of effectually carrying out the objects of this section :
- (h) Prescribing penalties by way of fine or imprisonment for a breach of any regulation, not exceeding *one hundred pounds* 35 in the case of a fine or a term of *twelve months* in the case of imprisonment.
- (3) Nothing in this section shall apply with respect to seamen.
- (4) The foregoing provisions of this section shall apply with respect to any poll taken under the Licensing Act, 1908. 40

#### Miscellaneous.

3. Subsection one of section forty of the principal Act is hereby amended by inserting in paragraph (c), after the word "Registrar," the words "or Returning Officer."

4. (1) Every person making any application or declaration in 45 respect of registration as an elector under the principal Act shall sign the same with his own hand in the presence of a witness, who shall be—

- (a) A Registrar or Deputy Registrar ; or
- (b) An elector of the district in which the applicant or declarant 50 resides, or some person authorized in that behalf by the Registrar of that district ; or

Section 40 of principal Act amended.

Applications for registration, &c., to be signed and witnessed.

(c) The Chief Electoral Officer, or Deputy Chief Electoral Officer, or any other officer in the service of the Government authorized in that behalf by the Chief Electoral Officer ; or

(d) A Justice or Postmaster ;

5 or, if he cannot write, he shall affix his mark in the presence of such witness.

(2) The locality of residence in respect of which registration is claimed shall be specified in such manner as to enable it to be easily and clearly identified.

10 (3) This section is in substitution for section forty-one of the principal Act as amended by section eight of the Legislature Amendment Act, 1910, and those sections are hereby accordingly repealed. Repeals.

5. Subsection three of section seventy-one of the principal Act is hereby amended by omitting the word "Registrar," and substituting 15 the words "Chief Electoral Officer." Section 71 of principal Act amended.

6. Subsection two of section seventy-five of the principal Act is hereby repealed. Repeal.

*Struck out.*

20 7. The form numbered (8) in the Second Schedule to the principal Act is hereby amended by omitting the words "registered [or owned] in New Zealand," and substituting the words "trading exclusively within the territorial waters of New Zealand [or trading to New Zealand ports at intervals of not more than three months]."

*New.*

25 7A. (1) Section twelve of the principal Act is hereby amended by omitting from the definition of the term "seaman" the words "registered or owned in New Zealand." Section 12 of principal Act amended.

(2) The form numbered (8) in the Second Schedule to the principal Act is hereby amended by omitting the words "and I declare that I am 30 employed at sea in a ship registered [or owned] in New Zealand." Form (8) in Second Schedule to principal Act amended.

8. (1) Subsection five of section eighty-nine of the principal Act and section twenty-five of the Legislature Amendment Act, 1910, are hereby repealed. Repeals.

(2) Section ninety-one of the principal Act is hereby amended as 35 follows :— Section 91 of principal Act amended.

(a) By omitting from paragraph (c) all words after the words "for which the vote is exercised" ;

(b) By omitting paragraph (d), as amended by section fourteen of the Legislature Amendment Act, 1914, and substituting the following paragraph :—

40 " (d) The Collector shall then endorse the elector's right with a note of the exercise thereof, and sign and date such endorsement ; he shall then attach the right to the voter's application for a ballot-paper, and enclose them, together 45 with the envelope containing the ballot-paper in a second envelope addressed to the Returning Officer for the district for which the vote is exercised and forthwith post the same to its address. Every such letter shall go free by post." Repeal.

(c) By omitting from paragraph (h) as set out in subsection two of section twenty-six of the Legislature Amendment Act, 1910, 50 the words " the signature on the original application for an elector's right made by that voter," and substituting the

words "the signatures of that voter on the elector's right, issued to him."

(3) Section fourteen of the Legislature Amendment Act, 1914, is hereby consequentially amended by repealing paragraph (b) of subsection one thereof. 5

Day for nomination of candidates and for taking the poll to be named in writ.

9. (1) In every writ for the election of a member of Parliament there shall be appointed—

(a) The latest day for the nomination of candidates; and

(b) A day for the polling to take place if a poll is required.

(2) The day appointed as the latest day for the nomination of 10 candidates shall be not less than ten nor more than seventeen days before the day named for the polling.

(3) In the case of a general election the same day for the polling shall be appointed in each writ.

(4) Every writ shall be made returnable in forty days. 15

(5) The form numbered (13) in the Second Schedule to the principal Act is hereby consequentially amended by inserting before the reference to the day for the polling the following words: "The latest day for the nomination of candidates shall be the day of 20

19 ."

(6) Subsections three and four of section ninety-eight and subsection two of section one hundred and two of the principal Act and section twenty-seven of the Legislature Amendment Act, 1910, are hereby consequentially repealed.

Consequential repeals.

Clerk of Writs may notify Returning Officer by telegraph of issue of writ.

10. (1) The Clerk of the Writs may, on signing a writ for an 25 election to be held in any district, cause a notice to be sent by telegraph to the Returning Officer of the district informing him of the issue of the writ and of the days named respectively for the nomination of candidates and the polling.

(2) The receipt by the Returning Officer of such message shall be 30 deemed to be the receipt by him of the writ, and the date of such receipt shall be endorsed on the writ.

Repeals.

(3) Sections one hundred and sixty-five to one hundred and sixty-eight of the principal Act are hereby repealed.

Returning Officer to give public notice of days named for nomination of candidates and for polling.

11. (1) Every Returning Officer shall forthwith on the receipt of 35 a writ give public notice of the days named respectively for the nomination of candidates and for the polling in the form numbered (5) in the Schedule to the Legislature Amendment Act, 1910.

Consequential repeals.

(2) Section one hundred and four of the principal Act and subsection one of section twenty-eight of the Legislature Amendment Act, 40 1910, are hereby consequentially repealed.

(3) The form numbered (5) in the Schedule to the Legislature Amendment Act, 1910, is hereby amended by inserting in the heading thereto, after the words "Notice of," the words "Nomination-day and"; and by omitting the words "Every man," and substituting 45 the words "Every person."

*Struck out.*

Section 105 of principal Act amended.

12. (1) Section one hundred and five of the principal Act is hereby amended as follows:—

(a) By omitting from subsection one the words "Any man," and 50 substituting the words "Any person," and by omitting from the same subsection as amended by paragraph (a) of section

*Struck out.*

twenty-nine of the Legislature Amendment Act, 1910, all words after the words "not later than," and substituting the words "noon on the day appointed in the writ as the latest day for the nomination of candidates."

(b) By repealing subsection five.

(2) Section twenty-nine of the Legislature Amendment Act, 1910, is hereby amended by repealing paragraph (a) thereof.

*New.*

12A. (1) Section one hundred and five of the principal Act is hereby amended as follows:—

(a) By omitting the word "man" wherever it occurs, and in each case substituting the word "person";

(b) By omitting from subsection one, as amended by paragraph (a) of section twenty-nine of the Legislature Amendment Act, 1910, all words after the words "not later than," and substituting the words "noon on the day appointed in the writ as the latest day for the nomination of candidates."

(c) By repealing subsection five.

(2) Section twenty-nine of the Legislature Amendment Act, 1910, is hereby amended by repealing paragraph (a) thereof.

13. (1) Section one hundred and thirteen of the principal Act is hereby amended by adding the following subsection:—

Section 113 of principal Act amended.

"(5) Public notice of the appointment, alteration, or abolition of polling-places for any electoral district shall be given in the *Gazette* and in one or more newspapers circulating in the district."

(2) Section one hundred and fourteen of the principal Act and section thirty-three of the Legislature Amendment Act, 1910, are hereby repealed.

Repeals.

14. (1) Section one hundred and fifteen of the principal Act is hereby amended as follows:—

Section 115 of principal Act amended.

(a) By omitting from subsection one all words after the words "finally close," and substituting the words "at seven o'clock in the afternoon of the same day."

(b) By repealing subsection two.

(2) The Third Schedule to the principal Act and section twenty-three of the Legislature Amendment Act, 1914, are hereby consequentially repealed.

Repeals.

15. Section one hundred and twenty-three of the principal Act is hereby amended by repealing subsection four, and substituting the following subsections:

Section 123 of principal Act amended.

"(4) Every person who commits any offence against this section is liable to a fine of *five* pounds.

"(5) Nothing in this section shall operate to relieve any person from liability to prosecution in respect of any such offence under any other Act, but no person shall be punished twice for the same offence."

16. Section fifty-two of the Legislature Amendment Act, 1910, and section twelve of the Legislature Amendment Act, 1924, are hereby repealed.

Repeals

17. (1) Every person who at the commencement of this Act is qualified to be registered as an elector for any district and is not so registered, and every person who thereafter becomes so qualified, commits

Penalty for failure to register.

an offence if for one month after such commencement, or after the date on which he thereafter becomes so qualified, as the case may be, he fails to become so registered, unless he proves that he duly applied for registration, or that his failure to apply for registration was not due to wilful default. 5

(2) Every such offence shall be a continuing offence until application for registration has been duly made.

(3) Every person who commits an offence against this section shall be liable to a fine of *five* shillings on a first conviction, and to a fine of *twenty* shillings on any subsequent conviction. 10

(4) The burden of proof that a person against whom proceedings are taken for an offence against this section was not qualified to be registered as an elector at any time when he was alleged to have been so qualified shall lie on such person.

(5) Section three of the Legislature Amendment Act, 1924, is hereby repealed. 15

Repeal.

Section 155 of  
principal Act  
amended.

18. Section one hundred and fifty-five of the principal Act is hereby amended by omitting from the proviso thereto all words after the words "ten hours on the whole," and substituting the words "at any polling-place." 20

Repeal.

19. Section six of the Legislature Amendment Act, 1910, is hereby repealed.